



**CITY OF ALBANY  
COMMUNITY POLICE REVIEW BOARD  
PUBLIC MONTHLY MEETING  
MEETING MINUTES**

*October 10, 2024, at 6:00 p.m.  
Albany Law School, Room W212*

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**I. CALL TO ORDER AND ROLL CALL (V. Harden)**

CPRB Vice Chair Veneilya Harden called the meeting to order at 6:12 PM.

CPRB Members present: Vice Chair Veneilya Harden, Secretary Collins-Hackett (via videoconference), Reverend Dr. Victor Collier, John Levendosky, Victor Person, Antoinette Santos, and Milton Arroyo.

**II. APPROVAL OF OCTOBER 10, 2024, AGENDA (V. Harden)**

Vice Chair Harden moved to approve the meeting agenda. The motion was seconded. Six members (Collier, Collins-Hackett, Harden, Levendosky, Person, and Santos) voted affirmatively.

**III. REPORT FROM THE OFFICE OF PROFESSIONAL STANDARDS (Det./Lt. Rittie)**

None.

**IV. PUBLIC COMMENT**

None.

**V. CASE REVIEW**

**CC2022-009 (P. Collins-Hackett & Monitor J. Schwartz)**

The incident occurred on March 30, 2022. The complainant alleged that an off-duty police officer in a non-duty vehicle threatened her mother in a road rage incident. Additionally, the complainant claimed that the officer abused his power and was unable to control his own emotions. Furthermore, the officer reportedly took down the complainant's mother's license plate. The complainant expressed concerns with the officer's treatment of the complainant's mother.

CPRB Monitor Julie Schwartz reviewed the OPS investigation conducted by Detective William Pierce. The CPRB Monitor noted that Detective Pierce made numerous attempts to reach the complainant. Detective Pierce was ultimately unable to make contact with the complainant to obtain further information. In a final report dated May 20, 2024, OPS Detective Pierce recommended that the investigation be closed with a finding of “No Finding” concerning the allegation of improper call handling.

The CPRB Monitor concurred with the OPS finding of “No Finding” on the basis that OPS made multiple attempts to speak with the complainant through various means, and the complainant failed to provide enough information to be able to investigate the complaint. Further, OPS could not determine whether the complaint fell within their jurisdiction because the complaint did not include information as to the identity of the involved officer or the location of the alleged incident.

The CPRB Monitor noted that OPS closed the investigation on April 8, 2022. However, the investigation finding was reported to the CPRB over two years later on May 20, 2024. The CPRB Monitor noted that, if the finding had been reported to the CPRB and complainant in a timely manner, the complainant may have responded and provided the additional information necessary to continue the investigation if warranted. The CPRB Monitor concluded that, by reporting findings over two years later, APD makes that unlikely to occur.

Board Member Collins-Hackett concurred with the CPRB Monitor’s conclusion.

Board Member Santos questioned why the CPRB received the complaint from OPS over two years after the OPS investigation was closed. The CPRB Monitor did not see a definitive reason but observed there was a significant delay among most cases under review.

Vice Chair Harden asked if the detective is still a member of the APD. The CPRB Monitor indicated that the detective is still an active member of the APD but did not see reason to take further action.

The CPRB’s findings are as follows:

- With regards to **1 count** of allegation of improper **Conduct Standards**, the CPRB reached a finding of **No Finding**.

Board Member Levendosky made a motion on the findings. Vice Chair Harden asked for a seconding of Board Member Levendosky’s motion. Motion seconded and passed. The voting results are as follows: Six members (Collier, Collins-Hackett, Harden, Levendosky, Person, and Santos) voted affirmatively.

**CC2019-015**

**(J. Levendosky & Monitor J. Schwartz)**

The incident occurred on April 26, 2019. The complainant alleged that he was attacked and assaulted by APD officers in his driveway while on his hands and knees. The complainant stated that he complied with officers’ demands. The complainant was arrested during the incident and was brought to the hospital for treatment.

CPRB Monitor Julie Schwartz reviewed the OPS investigation initiated by Detective Anthony Fasciglione and completed by Detective Keith Johnson, who was assigned the complaint on April 2, 2021. In a final report dated March 16, 2023, OPS Detective Johnson concluded that the officers used appropriate force during the encounter based on the circumstances and had sufficient probable cause to place the complainant under arrest. Detective Johnson recommended the investigation be closed with a finding of “Exonerated” concerning the allegation of improper use of force and a finding of “Exonerated” concerning the allegation of improper call handling.

The CPRB Monitor reviewed video footage from body-worn cameras of several APD officers, interviews with APD officers, intra-departmental correspondence, use-of-force reports completed by involved officers, and other records provided by OPS. The CPRB Monitor concurred with the OPS finding of “Exonerated” concerning the allegation of improper call handling, agreeing that Police Officer #1 and Police Officer #2 had probable cause to place the complainant under arrest.

The CPRB Monitor found that the allegation of improper use of force as to Police Officer #1 and Police Officer #2 should be “Sustained.” The CPRB Monitor noted that the body-worn camera video footage demonstrated that the complainant cooperated with Police Officer #1 for over two minutes by kneeling in his driveway with his hands in the air before any other officers arrived. The CPRB Monitor stated that Police Officer #2 escalated the situation by jumping on the complainant, pushing him to the ground, and immediately punching the complainant, then Police Officer #1 used his taser on the complainant. The CPRB Monitor noted that the video footage contradicts Police Officer #1’s statement that the complainant was fighting back and resisting arrest. Instead, the body-worn camera footage shows the complainant on the ground, screaming in pain, and protecting his face with his hands. The CPRB Monitor concluded that the force used was neither reasonable nor necessary because the complainant had been cooperative until Police Officers #1 and #2 escalated the situation.

Police Officer #1 is no longer with APD. Therefore, while the CPRB Monitor made findings concerning allegations involving Police Officer #1, the Monitor recommends a finding of “No Finding.” With regards to Police Officer #2, the CPRB Monitor recommends a finding of “Exonerated” concerning the allegation of improper call handling and “Sustained” concerning the allegation of improper use of force. The CPRB Monitor noted that Police Officer #3 was not involved in the physical arrest of the complainant and, while Police Officer #4 assisted in placing handcuffs on the complainant, there is no evidence to corroborate the allegation that he engaged in excessive force, so they were not subjects of the complaint.

The CPRB Monitor recommended re-training for remaining APD officers on tactical strategies for safely placing individuals under arrest.

The CPRB’s findings are as follows:

- With regards to **1 count** of allegation of improper **Call Handling by Police Officer #1**, the CPRB reached a finding of **No Finding**.
- With regards to **1 count** of allegation of improper **Use of Force by Police Officer #1**, the CPRB reached a finding of **No Finding**.

- With regards to **1 count** of allegation of improper **Call Handling by Police Officer #2**, the CPRB reached a finding of **Not Sustained**.
- With regards to **1 count** of allegation of improper **Use of Force by Police Officer #2**, the CPRB reached a finding of **Sustained**

Board Member Levendosky made a motion on the findings. Vice Chair Harden asked for a seconding of Board Member Levendosky's motion. Motion seconded and passed. Six members (Collier, Collins-Hackett, Harden, Levendosky, Person, and Santos) voted affirmatively.

**CC2022-001**

**(P. Collins-Hackett & Monitor J. Schwartz)**

The incident occurred on December 11, 2021. The complainant alleged that he called 911 to report two individuals stealing items from vehicles. The complainant alleged that the officers who arrived at the scene failed to take action despite the complainant providing them with information about the incident he witnessed. The complainant also alleges that the first officers he interacted with (APD Officers Matthew Hopper and Justin Swan) stated that they could contact the potential suspect and that they were dismissive. Officer Moran responded to the location for a separate call two days later, on December 13, 2021.

CPRB Monitor Julie Schwartz reviewed the OPS investigation conducted by Detective Keith Johnson. The OPS investigation involved interviews with involved Officers Scott Moran, Justin Swan, and Matthew Hopper, and reviewing report records. Video footage from body-worn cameras or other sources are unavailable. While Officer Matthew Hopper activated his body-worn camera, the footage was deleted on December 18, 2022. Officer Swan did not activate his body-worn camera. The officers involved could not recall the incident or their interactions with the complainant. In a final report dated February 2024, OPS Detective Johnson concluded that the evidence available could not prove or disprove the complainant's allegations concerning statements made about contacting the alleged suspect, whether they would complete an incident report, or whether the officers were dismissive. On those allegations, Detective Johnson recommended a finding of "Not Sustained." Detective Johnson determined that Officer Justin Swan violated APD General Order 3.2.15-III(A-1), which requires personnel to activate their body-worn cameras without intentional delay upon being dispatched on a call.

The CPRB Monitor noted that there were significant delays and confusion in the OPS investigation. OPS assigned the case on January 25, 2022, but Officer Moran was not interviewed until September 20, 2023. OPS made an attempt to speak with the complainant on February 1, 2022. The next attempt to contact the complainant was on September 21, 2023. Initially, OPS attempted to investigate Officer Moran's interactions with the complainant on December 13, however the complaint is concerning the incident on December 11. OPS did not discover that they were investigating the wrong date until October 18, 2023. The CPRB Monitor noted that, after initially leaving a message for the complainant, OPS took no actions on this investigation for seventeen (17) months. At that point, the only known BWC was deleted and none of the officers had any independent recollection of the incident. The CPRB Monitor described the OPS investigation as untimely. Because the OPS investigation was completed over two years after the initial complaint, Officer Swan, who violated APD policy concerning body-worn cameras, could not face discipline due to APD's collective bargaining agreement that provides "[n]o employee

shall be brought up on disciplinary charges for acts which occurred more than one (1) year prior to the serving of disciplinary charges upon him.”

The CPRB Monitor could not ascertain why Officers Hopper and Swan did not prepare a report. APD directives seem to require the preparation of a report when an individual attempted to report a crime in progress. The CPRB Monitor noted that, had Officers Hopper and Swan prepared an incident report, they may have been able to provide more information regarding the investigation. The CPRB Monitor also noted that the OPS findings failed to address whether Officer Moran should have activated his body-worn camera or made a report after speaking with the complainant.

The CPRB Monitor recommended the following findings concerning Officer Scott Moran. With regards to the allegation of improper call handling, the CPRB Monitor recommends a finding of “Not Sustained.” With regards to the allegation of failure to activate body-worn camera, the CPRB Monitor recommends a finding of “Sustained.”

The CPRB Monitor recommended the following findings concerning Officer Justin Swan. With regards to the allegation of improper call handling, the CPRB Monitor recommends a finding of “Sustained.” With regards to the allegation of failure to activate body-worn camera, the CPRB Monitor recommends a finding of “Sustained.”

The CPRB Monitor recommended the following findings concerning Officer Matthew Hopper. With regards to the allegation of improper call handling, the CPRB Monitor recommends a finding of “Sustained.”

The CPRB Monitor stated that, while discipline would typically be recommended, the untimeliness of the OPS report does not make discipline possible. Additionally, the CPRB Monitor recommended that Officers Swan and Hopper be re-trained on call handling procedures and that Officers Swan and Moran be re-trained on APD’s policy for body-worn cameras. The CPRB Monitor also recommended that APD consider implementing an order requiring the use of memo books by officers.

The complainant was present at the time of the meeting. The complainant described himself as a business owner and military veteran, originally from Haiti. The complainant stated that he believed he was treated unreasonably and unjustly. The complainant stated that he expected assistance and protection and believes he did not receive such. The complainant reported that his neighbor offered video evidence of the perpetrator cutting the catalytic converter of the vehicle in question to the police officers who responded to the call. He stated that the officers did not attempt to accept this evidence. The complainant reported that he went to the police department to submit a copy of the video recording as evidence. The complainant stated that he felt intimidated and judged when he went to the police station. Moreover, the complainant described how his neighbor had the same issue and continuously received support by APS and their detective. The complainant expressed concerns that his skin color may have played a role in his negative treatment, as opposed to his neighbor. The complainant expressed that he was ultimately upset that his catalytic converter was stolen and that a police report was not filed. As a result, the complainant explained, he could not seek assistance from his insurance, could not afford a new catalytic converter for his food truck, and subsequently went out of business. The complainant expressed further concerns about the

failure of the police to perform their jobs adequately. He expressed disappointment that evidence was not preserved. The complainant expressed his belief that an apt investigation did not take place and encourages the police department to thoroughly investigate complaints.

Vice Chair Harden acknowledged the complainant's remarks and thanked the complainant for providing comments. Vice Chair Harden asked the CPRB Monitor spoke with the complainant. The CPRB Monitor had not spoken with the complainant during her review of the OPS investigation, but reported that the complainant's statements were accurate and consistent with her knowledge of the incident.

Board Member Santos inquired about whether the CPRB Monitor spoke with the neighbor who offered a video recording or if there had been information about the neighbor in the OPS investigation. The CPRB Monitor reported that she had not previously heard about the neighbor, nor was she made aware that anyone should speak with them. There was no information in the OPS file about a neighbor. Based on what is preserved in the OPS investigation file, OPS reached out to the complainant, who clarified that there were two times officers responded to him: first, when he witnessed someone stealing parts from his vehicle, and second, when he called to ask how the investigation was going. The CPRB Monitor noted that more information could have been gleaned, had the responding officers filed reports.

Vice Chair Harden further inquired about the neighbor. The CPRB Monitor attested that there was nothing in the OPS case file about the neighbor being aware of who stole the converter, or any evidence thereof. There was also no follow-up, as OPS was not investigating the case.

Board Member Person inquired about whether the complainant asked to speak with a supervisor. The complainant reported that he had not asked to speak with a supervisor, but specifically asked the responding officer for a case number. The complainant reported that the officer replied that he would complete an incident report and "we'll reach out to him and tell him not to do that again."

The complainant further expressed disappointment, which Vice Chair Harden acknowledged. Vice Chair Harden and Board Member Collins-Hackett proposed that the case be tabled with no decision until more information is obtained. The complainant provided contact information.

## **VI. CASE UPDATES**

**CC2023-001**

**(A. Santos)**

Allegation(s): Conduct Standards (1ct), General Call Handling and Procedures (1ct)

The incident occurred on October 21, 2022. The complainant alleged there had been a lack of urgency, care and professionalism exhibited by APD dispatch staff in response to several calls made that night after the complainant observed an unknown man situated within her parked vehicle. Dispatch informed her that all available officers were engaged in another incident, but she elected to await their arrival. The complainant asserted that despite her efforts to attract the attention of a sheriff's vehicle and an APD car, she was disregarded. Subsequently, she managed to signal an APD SUV squad, who confirmed the registration of her call but were unable to respond due to an ongoing call. The complainant maintained that law enforcement displayed dismissiveness, lacked promptness in addressing her situation, and treated her as a peripheral

concern. The complainant expressed the belief that a more empathetic and professional approach could have been adopted. The complainant expressed appreciation towards Officer Day and his partner for addressing her concerns with compassion upon their arrival.

At the July 11, 2024, Public Monthly Meeting, the complainant stated that her two major complaints were that (1) officers ignored her plea for help when she attempted to wave them down pending assistance; and (2) she contacted both the Mayor and Chief of Police and no one returned her phone calls until nearly 5 months later. During the discussion, Board Members expressed concerns about lack of clarity about how report calls and crimes-in-progress are prioritized. Board Member Santos questioned why the transfer of the complaint from APD Chief Hawkins to OPS and the CPRB took so long. Board Members voted to table the motion on the CPRB's findings until information concerning APD policies relevant to the complaint were received by the Board.

At the September 12, 2024, Public Monthly Meeting, Board Member Santos reported that she requested information about how crimes-in-progress are prioritized. She received clarification from OPS Detective Burns that most calls could be considered a crime-in-progress, but there are different priority levels (Priority Level 1, 2, 3). Board Member Santos had also asked whether APD has a policy concerning when an APD officer is flagged down by a civilian and if there are situations in which they would not stop. OPS Detective Burns explained to her that there is no existing APD policy with regards to an officer being flagged down by a civilian.

During the present meeting, Board Member Santos suggested raising the issue of policy to City of Albany Community Police Advisory Committee.

Board Member Santos did not concur with the OPS findings concerning conduct standards. Instead, Board Member Santos recommended the allegation of improper conduct standards should be exonerated. Santos reported that, based on the OPS files and complainant's statements, staff and otherwise were polite and personable with the complainant. Board Member Santos did concur with the OPS finding concerning call handling procedures, which should be exonerated.

The CPRB's findings are as follows:

- With regards to **1 count** of allegation of improper **Conduct Standards**, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Call Handling Procedures**, the CPRB reached a finding of **Exonerated**.

Board Member Santos made a motion on the findings. Vice Chair Harden asked for a seconding of Board Member Santos' motion. Motion seconded and passed. Six members (Collier, Collins-Hackett, Harden, Levendosky, Person, and Santos) voted affirmatively.

**CC2022-027**

**P. Collins-Hackett & Monitor A. Lawrence**

Allegations: Call Handling (1ct)

The complainant stated that she felt unsafe while officers were trying to help her retrieve items from the property. According to the complaint, the officers yelled at her and accused her of being

difficult during the process. The complainant believed that the officers' behavior was inappropriate and did not adhere to proper police etiquette.

Vice Chair Harden proposed that discussion of case updates be tabled for the next Board meeting.

**CC2022-022**

**(J. Levendosky, A. Santos & Monitor A. Lawrence)**

Allegations: Call Handling (1ct)

The complainant alleges that on July 25, 2022, her son was home alone and was woken by a loud banging on the front door of their residence. She stated that when he went to answer the door, he saw Officer Bink and Officer Bryan standing inside the house. She mentioned that her son told the officers several times to leave, as they could not come into their house without a warrant, but they did not leave when asked.

Board Member Levendosky inquired about whether OPS has a way of documenting when officers receive training that is recommended as part of an investigation or disciplinary process. Det./Lt. Rittie could not address the outcome regarding these specific officers. However, Det./Lt. Rittie reported that OPS is developing a tracker linked to case notes to ensure that, if training is recommended, it is properly documented. He intends to include a tracker in future education and training, alongside Commander Morey.

## **VII. CONSIDERATION OF COMPLAINT CLOSURE**

**(V. Harden)**

Vice Chair Harden reported that the Board received two complaints that were determined to be outside of the Board's jurisdiction. On September 22, 2024, staff in the Mayor's Office informed the Board that they received two complaints regarding a police encounter that was witnessed on September 5, 2024. The complaints were forwarded to the Board and the Albany Police Department. It was determined that the officers involved were employees of the Albany County Sheriff's Department.

Chair Harden made a motion to close these complaints. Motion seconded and passed. The voting results are as follows: Six members (Collier, Collins-Hackett, Harden, Levendosky, Person, and Santos) voted affirmatively.

## **VIII. COMMITTEE REPORTS**

### **COMMUNITY OUTREACH**

**(P. Collins-Hackett)**

The Community Outreach Committee report has been tabled for the next Board meeting.

### **BYLAWS AND RULES**

**(A. Santos)**

Board Member Santos reported that there were no significant updates. Board Member Santos, GLC Staff, and Consultants continue to work on revisions to the Bylaws and Rules in light of Local Law D and the Board's transition to the City.

### **INVESTIGATION**

**(J. Levendosky)**



Board Member Levendosky reported that two lawsuits are ongoing, both of which affect cases under investigation by the Board.

**POLICE DEPARTMENT LIAISON (V. Harden)**

None.

**MEDIATION (V. Collier & V. Harden)**

The Mediation Committee report has been tabled for the next Board meeting.

**PUBLIC OFFICIAL LIASON (N. Vives & J. Levendosky)**

None.

**IX. REPORT FROM THE CHAIR (N. Vives/V. Harden)**

Vice Chair Harden reported that the City is actively seeking to hire a Program Director to support the Board's day-to-day operations.

**X. REPORT FROM THE GOVERNMENT LAW CENTER (C. Miller)**

Government Law Center Program Director Chel Miller reported that discussions among law school staff, Board members, and City staff concerning the Board's integration in the City have been productive. Mx. Miller reported that the Program Director job listing is posted on the City of Albany Civil Service Employment Portal ([jobs.albanyny.gov](http://jobs.albanyny.gov)). They encouraged all to share the job posting with qualified individuals. Mx. Miller also reported that they were working with Common Council staff to reschedule the Board's budget presentation to the Common Council Standing Committee on Finance, Taxation, and Assessment, which was originally scheduled to occur during this evening's public meeting. The Board's budget presentation is now scheduled for October 29, 2024, at 5:30 P.M.

**XI. APPROVAL OF MEETING MINUTES (V. Harden)**

Vice Chair Harden moved to approve the meeting minutes from the regular meeting on September 12, 2024. Motion seconded and passed. The voting results are as follows: Six members (Collier, Collins-Hackett, Harden, Levendosky, Person, and Santos) voted affirmatively.

**XII. NEW BUSINESS (V. Harden)**

None.

**XIII. ADJOURNMENT (V. Harden)**

There being no further business, the meeting was adjourned at 7:15 pm.