



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

November 14, 2024, at 6:00 p.m.

Albany Community Police Review Board Minutes

Thursday, November 14, 2024

I. CALL TO ORDER & ROLL CALL (V. Harden)

CPRB Vice Chair Dr. Veneilya Harden called the meeting to order at 6:01 PM.

CPRB Members present: Vice Chair Dr. Veneilya Harden, Reverend Dr. Victor Collier, John Levendosky, Victor Person, Antoinette Santos, and Milton Arroyo. Chair Nairobi Vives joined later in the meeting (8:04 PM).

II. APPROVAL OF NOVEMBER 14, 2024 AGENDA (V. Harden)

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

III. REPORT FROM THE OFFICE OF PROFESSIONAL STANDARDS

None.

IV. PUBLIC COMMENT (Three (3) minutes Per Person) (V. Harden)

None.

V. CASE REVIEW

CC2021-005

V. Person & Monitor A. Lawrence

The incident occurred on September 1, 2019. The complainant alleged that she was parked on the side of the road, texting, when an Albany Police Department vehicle pulled up behind her. The complainant reported that the officers indicated that they smelled cannabis and forcibly removed her from her vehicle. The complainant also alleged that an APD officer handcuffed her and twisted her arm to the point where she lost feeling in her hand through her driver's side window, while she was still in the car. Additionally, the complainant alleged that a second officer sprayed her with pepper spray. The complainant stated that, when she tried to remain inside her car, one of the officers punched her arm to make her let go of the steering wheel. The complainant alleged that several male officers

dragged her out of her car. The complainant reported feeling strikes to her back and her face smashed into the ground, with one officer kneeling on her face. Moreover, the complainant states that when she was brought to the station, she asked for medical attention because her eyes were burning and she did not feel well, but she was told she was faking.

The complainant alleged that she was illegally stopped by police and directed to exit her car, that excessive force was used to arrest her, that she was denied prompt medical attention, and that she was improperly denied the right to a telephone call at the police station.

CPRB Monitor Al Lawrence reviewed the OPS investigation conducted by Detective Keith Johnson. In a final report dated August 15, 2024, Detective Johnson recommended that the investigation be closed with the following findings: “Exonerated” concerning the allegation of improper Arrest Authority; “Exonerated” concerning the allegation of improper Use of Force, and “Not Sustained” concerning the allegation of failure to provide Medical Treatment to a Person in Custody.

The Monitor raised the critical discussion point that it is unknown whether the officer could smell cannabis on the complainant or not. The officer claimed to have smelled cannabis. A trace amount of cannabis was discovered, but did not lead to any criminal charges. The CPRB Monitor recommended findings of not sustained on both allegations since the issues raised by the complainant could neither be proven nor disproven by the available evidence. The Monitor concluded that use of force — four APD officers picking up the complainant from the ground — was considered reasonable under APD policy because the complainant refused to cooperate.

Board Member Person agreed with the Monitor’s conclusions. Mr. Person asked if there were any mental health professionals on the scene at the time. The Monitor responded that there were none present, to his knowledge. The Monitor noted that APD officers found prescription medications in the car that were legally obtained by the complainant.

Board Member Levendosky asked about whether body-worn camera footage existed and how much time took place between the booking and the end of the arrest. This information is unknown because body camera footage is not available. APD Officers were not required to use body-worn cameras at the time of the incident.

Board Member Person asked about what vehicle the complainant was transported in; it was an APD SUV.

Board Member Santos sought clarification that the complainant was not charged for possession of cannabis. The Monitor confirmed that the complainant was not charged for possession. The Monitor reported that one of the officers asked to get the discovered trace of cannabis tested but the Sergeant on duty declined.

The CPRB’s findings are as follows:

- With regards to **1 count** of allegation of improper **Arrest & Authority Procedure**, the CPRB reached a finding of **Not Sustained**.
- With regards to **1 count** of allegation of improper **Use of Force**, the CPRB reached a finding of **Not Sustained**.

- With regards to **1 count** of allegation of improper **Treatment of Persons in Custody**, the CPRB reached a finding of **Not Sustained**.
- With regards to **1 count** of allegation of improper **Treatment of Persons in Custody**, the CPRB reached a finding of **Exonerated**.

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

CC2021-015

A. Santos & Monitor A. Lawrence

The incident on or around May 5, 2021. The complainant alleged that an APD officer antagonized her during an encounter with Albany County Sheriff's Deputies, who the complainant alleged were breaking into her car. The complainant has filed a complaint with the Albany County Sheriff's Department concerning her encounter with the Deputies. The complainant alleged that, while she was counting how many Sheriff's Deputies were around her vehicle, the APD officer antagonized her by counting "1-2-3." The complainant alleged that the officer's actions caused her emotional distress. On May 8, 2021, the complainant appeared at APD Office of Professional Standards, where she spoke with Detective William Pierce. Detective Pierce filed a Citizen Grievance Notification Report on June 1, 2021. No formal complaint form was filed through APD or the CPRB.

CPRB Monitor Al Lawrence reviewed the OPS investigation initiated by Detective Pierce and completed by Detective Timothy J. Adalian. The CPRB Monitor reviewed the Citizen Grievance Notification Report, an account of Detective Pierce's interview with the complainant, and Detective Adalian's final report. In a final report dated September 11, 2024, Detective Adalian recommended the investigation be closed with a finding of "No Finding," where there was insufficient information to further the investigation concerning the allegation of improper Call Handling. Detective Adalian's report states that attempts were made to contact the complainant via phone and email, with no correspondence.

The CPRB was also unsuccessful in reaching the complainant to obtain further information. The CPRB Monitor agreed with the OPS finding. Board Member Santos also concurred with this finding.

The CPRB's findings are as follows:

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

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 (Arroyo, Collier, Harden, Levendosky, Person, and Santos) voted affirmatively.

CC2022-021

J. Levendosky, A. Santos, & Monitor A. Lawrence

The complaint was filed on July 22, 2022. The complainant alleged that an individual named "Terrell" who claimed to be a police officer has sexually harassed and abused her for multiple years. The complainant reported that in December 2020, she had met a man who identified himself as an "Officer Terrell," to whom she provided her phone number.

The complainant alleged that, for the following two years, “Officer Terrell” would harass her, through several methods including issuing her tickets, destruction of property, breaking into her apartment, putting substances in her food, and sexually abusing her.

The complaint was initially assigned to then-CPRB Monitor Gina Torres. It was later reassigned to CPRB Monitor Al Lawrence, who reviewed the OPS investigation conducted by Detective Keith Johnson, which included APD department records, Standard Incident Reports submitted by APD and the Colonie Police Department, and body-worn camera footage.

In a final report dated August 5, 2024, Detective Johnson noted that a review of the APD roster indicated that there were no employees with the first or last name of Terrell and could not locate an individual matching the description provided by the complainant. Detective Johnson cited reports from the Colonie Police Department indicating that these allegations have been a pattern with the complainant. Detective Johnson forwarded the complainant’s information to the APD Crisis Intervention Team liaison for them to conduct outreach with the complainant. Detective Johnson recommended the investigation into allegation of improper Conduct Standards be closed with “No Finding,” in which there was insufficient information to further investigate the allegation.

The CPRB Monitor agreed with the OPS finding. Board Member Levendosky also concurred with this finding. Board Member noted that Detective Johnson demonstrated due diligence and made numerous efforts to identify the individual in the complaint despite little information.

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 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 (Arroyo, Collier, Harden, Levendosky, Person, and Santos) voted affirmatively.

CC2022-026

J. Levendosky & Monitor A. Lawrence

The incident occurred on August 18, 2022, at Jennings Landing. The complainant alleged that an APD officer endangered the lives of multiple people by driving recklessly and fast, without warning, through a park near pedestrians. The complainant stated that an officer, speaking through a loudspeaker, threatened to ticket and tow vehicles that were parked. The complainant alleged that the police vehicle’s headlights were on maximum brightness and that the officer engaged the vehicle’s emergency lights and quickly fled the park to avoid being identified.

CPRB Monitor Al Lawrence reviewed the OPS investigation conducted by Detective Keith Johnson. In a final report dated November 3, 2023, Detective Johnson noted that he was able to identify the officer in question by obtaining call tickets for the time of the incident. Detective Johnson interviewed the officer. The officer stated that he received a “priority one” call while at Jennings Landing, which required him to activate his emergency lights and sirens, and that he proceeded below 20 mph with sirens on, not seeing any pedestrians. Detective Johnson reviewed video provided by the complainant and body-worn camera

footage from the time of the incident. There was a child in the footage, but not in the path of the car.

Detective Johnson recommended that the investigation be closed with the following findings:

1. “Unfounded” concerning the allegation of improper Vehicle Operation, where the review shows that the act(s) did not occur or were misconstrued
2. “Exonerated” concerning the allegation of improper Conduct Standards, where the acts which prove the basis for the complaint occurred but the review shows that such acts were proper according to APD policy and applicable laws.

The CPRB Monitor agreed with the OPS findings. Board Member Levendosky also concurred.

The CPRB’s findings are as follows:

- With regards to **1 count** of allegation of improper **Vehicle Operations**, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Vehicle Operations**, the CPRB reached a finding of **Unfounded**.
- With regards to **1 count** of allegation of improper **Conduct Standard**, the CPRB reached a finding of **Unfounded**.

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 (Arroyo, Collier, Harden, Levendosky, Person, and Santos) voted affirmatively.

CC2024-024

A. Santos & Monitor A. Lawrence

The incident occurred on February 3, 2022. The complainant alleged that an APD officer exercised abuse of authority and discriminated against the complainant based on gender, race, and sexual orientation. The complainant alleged that the officer used a homophobic slur, accused the complainant of selling drugs, and did not inform the complainant of their Miranda rights when arresting the complainant. The complainant alleged that they were placed in a holding cell for ten hours. The complainant expressed feeling shocked, traumatized, and in fear for their life. The complainant stated that, as a result of this incident, they have been in psychotherapy support for almost two years.

CPRB Monitor Al Lawrence reviewed the OPS investigation conducted by Detective Keith Johnson. Detective Williams obtained the tape of a 911 call to police and related call ticket for the night of the incident at the complainant’s home, an Incident Report completed by one of the responding officers, and an Arrest Report and Booking and Arrest Report completed by the officer who is the subject of the complaint. Detective Johnson also interviewed the complainant and reviewed camera footage from the officers’ body-worn cameras and Central Booking security cameras.

In a final report dated August 30, 2024, Detective Johnson identified five allegations that the complainant made in their written complaint and interview with the detective:

1. The complainant alleged that the arresting officer made a homophobic statement by claiming, "That's nasty," when the complainant referred to condoms that he was carrying. Detective Johnson recommended a finding of "Unfounded" concerning this allegation because the other officer on scene denied hearing such a remark and none is heard on body cameras of the incident.
2. The complainant alleged that the arresting officer accused the complainant of being a drug dealer. The other officer on scene denied hearing such a comment, and video footage depicts no mention of drugs during the hours that the complainant had contact with the officers. Detective Johnson recommended a finding of "Unfounded" concerning this allegation.
3. The complainant alleged that they were not read their Miranda rights. Detective Johnson recommended a finding of "Exonerated" concerning this allegation, stating that the complainant was not interrogated once placed in custody and that Miranda warnings were not required.
4. The complainant alleged that the arresting officer abused his authority by assuming the complainant was a drug dealer. Detective Jonson recommended a finding of "Unfounded" because the other officer on scene denies hearing mention of drugs and the camera footage reveals no mention of drugs during the complainant's interactions with the officers.
5. The complainant alleged that the arresting officer showed bias on the basis of gender, race, and sexual orientation. Detective Johnson recommended a finding of "Unfounded" concerning this allegation as there is no video evidence to support a claim of differential treatment.

The CPRB Monitor suggested parsing the allegations differently but ultimately shared the same conclusions as the OPS Detective:

1. The complainant alleged that the arresting officer discriminated against the complainant based on race, gender, and sexual orientation, and used a "homophobic" statement by referring to his use of condoms as "nasty." The CPRB Monitor recommended a finding of "Unfounded" because the available evidence disputes the allegation.
2. The complainant alleged that the arresting officer abused his authority by questioning the complainant concerning selling drugs and accused him of being a drug dealer. The CPRB Monitor recommended a finding of "Unfounded" because the available evidence disputes the allegation.
3. The complainant alleged that they were not read their Miranda rights. The CPRB Monitor recommended a finding of "Exonerated" because the available evidence shows that the officers' actions were proper according to APD policy and applicable laws.

Board Member Santos agreed with the CPRB Monitor's conclusions.

The CPRB's findings are as follows:

- With regards to **1 count** of allegation of improper **Conduct Standards**, the CPRB reached a finding of **Unfounded**.
- With regards to **1 count** of allegation of improper **Arrest Authority & Procedures**, the CPRB reached a finding of **Unfounded**.
- With regards to **1 count** of allegation of improper **Arrest Authority & 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 (Arroyo, Collier, Harden, Levendosky, Person, and Santos) voted affirmatively.

CC2022-052

A. Santos & Monitor A. Lawrence

The incident occurred on December 19, 2022. The complainant alleged that APD officers used excessive and unnecessary force while placing her boyfriend into custody while he was resisting his arrest for a domestic incident. The complainant alleged that arresting officers placed a knee on the boyfriend's back, twisted his arm, and pushed his face into the ground. The complainant stated that one of the two officers laid across her boyfriend's body while trying to handcuff him. The complainant alleged that a third officer kicked the boyfriend in the foot or leg as the officers took him to a patrol car because he was resisting arrest. The complainant stated that, throughout the incident, she was screaming for the officers to stop and for the boyfriend to stop resisting arrest. After a struggle, he was arrested (revealing a bruise on his right cheek and scratches on his hands and left knee, ultimately leading him to the hospital).

CPRB Monitor Al Lawrence reviewed the OPS investigation initiated by Detective Alyssa Eaton and completed by Detective Hillary Burns. Evidence reviewed included the complaint, video recording provided by the complainant, records of the incident (Subject Resistance/Use of Force reports completed by the subject officers), body-worn camera footage from officers involved with the incident, and a statement from one of the responding officers. In a final report dated August 7, 2023, Detective Burns concluded that the subject officers should be "Exonerated" on the allegation of excessive use of force as the available evidence demonstrates that the degree of force used to subdue the complainant's boyfriend was reasonable and necessary under the circumstances. Detective Burns concluded that the subject officers had reason to believe a crime had been committed and that the complainant's boyfriend was responsible.

The CPRB Monitor agreed with Detective Burns' conclusions. Board Member Santos also concurred with the OPS findings.

The CPRB's findings are as follows:

- With regards to **1 count** of allegation of improper **Use of Force**, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Use of Force**, the CPRB reached a finding of **Exonerated**.

- With regards to **1 count** of allegation of improper **Use of Force**, 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 (Arroyo, Collier, Harden, Levendosky, Person, and Santos) voted affirmatively.

CC2020-018

J. Levendosky & Monitor J. Schwartz

The incident occurred on July 20, 2020. The complainant alleged that he was falsely arrested for robbery in the first degree, criminal possession of a weapon in the second degree, and possession of a controlled substance in the fourth degree. The complainant further alleged that an acquaintance's mother conspired with an APD detective to have the complainant arrested.

CPRB Monitor Julie Schwartz reviewed the OPS investigation conducted by Detective William Pierce. OPS received the case on November 30, 2020. The case was initially assigned to Detective Keith Johnson and was reassigned to Detective Pierce on March 8, 2021. Detective Pierce obtained APD reports and video footage which provided context for the complainant's arrest. Detective Pierce found that, on May 21, 2020, a victim went to South Station to report a robbery that had taken place the day prior. The victim alleged that the complainant, with whom she was acquainted, forcibly stole money from her. The victim reported that the complainant had punched her twice in the face and held a knife to her throat. On July 20, 2020, an APD detective who was aware that the complainant was wanted for the May 2020 robbery arrested the complainant and brought him to South Station. The complainant was arrested for robbery in the first degree and criminal possession of a weapon in the fourth degree; the complainant was not arrested or prosecuted for any drug-related offenses.

In a final report dated March 27, 2023, Detective Pierce recommended the investigation be closed with a finding of "Exonerated," where the acts which prove the basis for the complaint occurred, but the review shows that such acts were proper according to APD policy and applicable law.

The CPRB Monitor agreed with Detective Pierce's conclusions. Board Member Levendosky also concurred with the OPS findings.

The CPRB's findings are as follows:

- With regards to **1 count** of allegation of improper **Arrest Authority & Procedure**, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Arrest Authority & Procedure**, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Arrest Authority & Procedure**, the CPRB reached a finding of **Unfounded**.

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

The incidents occurred on September 7, 2022, September 20, 2022, and November 4, 2022. The complainant alleged that APD Detectives came to her home on multiple occasions to harass and threaten her partner into agreeing to allegations of a crime that he did not commit. The complainant reported that the detectives told the complainant and her partner that they had video footage of the partner throwing a rock at a vehicle and damaging it. The complainant reported that the detectives told them that the other driver wanted the complainant's partner to pay for the damages and that the partner should cooperate with them, or he would be charged as a result. The complainant reported that one of the detectives told the partner to rethink what happened that day and to reach out to them so that they could coordinate with the victim concerning the monetary value of the alleged damage. The complainant alleged that she was threatened by a detective during a second visit to convey a message to her partner, or she ran the risk of having him arrested. The complainant reported asking the detective why the other driver was not communicating through a lawyer and instead has the police serving as a "middleman." The complainant described the detectives' behavior during the third visit as rude, disrespectful, unprofessional, bullying, vague, and unorthodox. The complainant alleged that the detectives arrived with a warrant for her partner's arrest, but ultimately left without arresting him.

CPRB Monitor Julie Schwartz reviewed the OPS investigation conducted by Detective Raven Dixon. Evidence reviewed included the complaint, APD documentation and reports, body-worn camera footage from one of the detectives, interviews with the detectives, and security video footage. Detective Dixon found that the subject detectives were following up on a criminal mischief incident that had occurred on July 26, 2022, at a gas station parking lot. Detective Dixon found that a victim had reported an individual caused damage to his vehicle and that the detectives believed that the complainant's partner was involved in the incident. When speaking to the detectives during the first visit on September 7, 2022, the complainant's partner placed himself at the scene and stated that he had a disagreement with an individual in the gas station parking lot but denied causing damage to the individual's vehicle. Detective Dixon found that the detectives had visited the complainant's residence as the complainant had described but concluded that the detectives' actions were proper.

In a final report date September 10, 2024, Detective Dixon recommended the investigation be closed with the following findings: "Exonerated" concerning the allegation of improper Conduct Standards, where the acts which prove the basis for the complaint occurred but the review shows that such acts were proper; and "Not Sustained" concerning the allegation of improper Arrest Authority and Procedure, where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

The CPRB Monitor came to a different conclusion. The CPRB Monitor found that it was unclear whether there was probable cause to arrest the partner and noted that the detectives' actions were unusual. The CPRB Monitor questioned why the detectives would go through the effort to obtain an arrest warrant and repeatedly follow up on the incident without actually arresting the complainant's partner. The CPRB Monitor concluded that the detectives acted inappropriately and that negotiating a "settlement" for monetary damages is outside of the scope of their duties. The CPRB Monitor noted that the case is beyond the statute of limitations to impose discipline. The CPRB Monitor recommended a finding of

“Sustained” for the allegations in the complaint and recommended that detectives be re-trained on conduct standards, proper arrest procedures, and body-worn camera policy. The CPRB Monitor further recommended the warrant be removed from the system so that the complainant’s partner does not face the possibility of being arrested on an active warrant.

Board Member Levendosky concurred with the CPRB Monitor’s findings and expressed that obtaining the warrant but not executing it was inappropriate. Board Member Levendosky echoed the CPRB Monitor’s recommendation that the warrant be removed. Board Member Santos moved to vote on the findings.

The complainant was present at the meeting and provided comment. The complainant reported that she is a former employee of the City of Albany. The complainant expressed feeling disappointed by the acts of the detectives in this case. That it took two years for this case to be handled, and that nobody talked to her, was dissatisfying. The complainant stated that her partner had a difficult past but has been on a path of turning his life around. The complainant reported that the detectives’ harassment was disruptive in their lives and had a significant effect on her partner’s mental health. The complainant stated that she was upset about how much time it took to investigate her complaint and, during that time, her family had moved outside of the City.

The complainant expressed appreciation for the CPRB Monitor’s review of the investigation and findings. The complainant expressed that she was pleased with the outcome of this review, but believed that there is a lot of work here to be done. The complainant stated that there should be a finding of bullying, which she believes to be revealed in the body cameras, as detectives did not respect and use her partner’s preferred name as requested. The complainant provided further recommendations that APD employees be trained on trauma-informed practice and New York State’s preferred name policy.

The CPRB’s findings are as follows:

- With regards to **2 counts** of allegation of improper **Conduct Standards** involving Detective Jason Wilson, the CPRB reached a finding of **Sustained**.
- With regards to **1 count** of allegation of improper **Arrest Authority & Procedure** involving Detective Jason Wilson, the CPRB reached a finding of **Sustained**.
- With regards to **1 count** of allegation of improper **Department Policy** involving Detective Jason Wilson, the CPRB reached a finding of **Sustained**.
- With regards to **1 count** of allegation of improper **Conduct Standards** involving Detective Roger Zapata, the CPRB reached a finding of **Sustained**.
- With regards to **1 count** of allegation of improper **Arrest Authority & Procedure** involving Detective Roger Zapata, the CPRB reached a finding of **Sustained**.
- With regards to **2 counts** of allegation of improper **Violation of Department Policy** involving Detective Roger Zapata, the CPRB reached a finding of **Sustained**.

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 (Arroyo, Collier, Harden, Levendosky, Person, and Santos) voted affirmatively.

Detective/Lieutenant John Rittie interjected later in the meeting to discuss the outcome of this complaint. Det./Lt. Rittie expressed concern about OPS and the Board's divergent findings and that he would like to have a conversation in regard to their disagreement. Board Member Levendosky defended the position and findings of the Board, but this issue will be further addressed at upcoming meetings of the Standing Committee on Investigations and Standing Committee on Police Department Liaison. Board Chair Vives noted that the problem raised by Det./Lt. Rittie may be best addressed by completion of the APD Discipline Matrix.

CC2022-010

J. Levendosky & Monitor J. Schwartz

The complainant alleged that an APD Detective exhibited unprofessional, racist, and sexist behavior towards the complainant when she attempted to obtain a copy of her statement reporting a robbery. On March 10, 2022, APD officers responded to the complainant's home, where the complainant alleged that her upstairs neighbor stole her cell phone. The complainant stated that she was quickly and rudely dismissed during the encounter. The complainant claimed that she was belittled and not acknowledged.

CPRB Monitor Julie Schwartz reviewed the OPS investigation initiated by Detective William Pierce and completed by Detective Hillary Burns. Evidence reviewed included the complaint, APD documentation and reports filed by the responding officers, and body-worn camera footage from one of the responding officers on March 10, 2022. In a final report completed on September 6, 2024, Detective Burns recommended the investigation be closed with the following findings: "Not Sustained" concerning the allegation of improper Conduct Standards, on the basis that the review failed to disclose sufficient facts to prove or disprove the allegation(s); and "Exonerated" concerning the allegation of improper Call Handling, where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper according to APD policy and applicable laws. Detective Burns concluded that the responding officers properly investigated the allegations on scene by interviewing all parties present, aiding the complainant in an attempt to locate her cell phone, and completing an incident report for her allegation of robbery. Detective Burns further concluded that Detective Ryan Johnson properly investigated the robbery complaint and ultimately closed the case as "No criminal act committed."

The CPRB Monitor agreed with Detective Burns' conclusions. Board Member Levendosky also concurred with the OPS findings.

The CPRB's findings are as follows:

- With regards to **1 count** of allegation of improper **Call Handling** involving Officer Silvestre Acevedo, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Call Handling** involving Officer Steven Alberts, the CPRB reached a finding of **Exonerated**.

- With regards to **1 count** of allegation of improper **Conduct Standards** involving Detective Ryan Johnson, the CPRB reached a finding of **Not Sustained**.

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

CC2021-025

A. Santos & Monitor A. Lawrence

The complainant alleged that on March 6, 2019, APD officers conducted a “no-knock” raid and kicked in the door to his residence. The complainant alleged that APD officers handcuffed him in his living room and brought five unknown men, who were also handcuffed, into the residence. The complainant alleged that the APD officers proceeded to perform strip searches and cavity searches on the unknown men and the complainant before bringing all of the men to the precinct for processing. The complainant alleged that the officers' entry caused cooking oil to spill on his clothing and that the officers seized \$800, which has not since been returned. The complainant reported that he was charged with possession of a firearm and various drug charges, most of which were later dismissed. The complainant reported that he lost his apartment and property, was incarcerated, and became homeless as a result of this incident.

CPRB Monitor Al Lawrence reviewed the OPS investigation initiated by Detective William Pierce and completed by Detective Timothy Adalian. Evidence reviewed included the complaint, APD documentation and reports completed by the reporting officers, statements and interviews with three of the reporting officers, and body-worn camera footage from one reporting officer. One officer and three of the detectives identified by Detective Adalian as present on the scene have since retired from APD.

In a final report dated September 19, 2024, Detective Adalian recommended the investigation be closed with the following findings: “Not Sustained” concerning the allegation of improper Conduct Standards involving the spilled cooking oil, where the review fails to disclose sufficient facts to prove or disprove the allegation(s); “Not Sustained concerning the allegation of improper Strip Search; and “Exonerated” concerning the allegation of improper Evidence & Property Handling, where the acts which provide the basis for the complaint occurred but the review shows that such acts were proper according to APD policy and applicable laws.

Detective Adalian found that the responding officers were dispatched to the complainant's residence with information that a person of interest in an apparent crime was present and that the search of the complainant's residence was court-authorized. The incident took place seven months before APD officers were required to utilize body-worn cameras, so there is limited video footage. Detective Adalian concluded that the complainant's allegations concerning property damage and improper strip search could not be sustained because there was no video footage inside the residence and the officers who were inside denied seeing any destruction of property or body searches. Detective Adalian reported attempts to contact the complainant but was unsuccessful in his efforts.

Detective Adalian found that property reports substantiate that \$723 was taken from the complainant's residence and secured as “proceeds of illegal activity.” Detective Adalian's report indicates that the complainant's property was released on January 26, 2023, by the Albany County District Attorney's Office, and that the complainant's attorney was notified

that the property was to be returned by APD. Detective Adalian's report states that a check has been made out to the complainant in the amount of \$723 to properly document that the funds are still in the possession of APD and have not been claimed by the complainant.

Board Member Santos sought clarification about whether the money has since been returned to the complainant. Detective Adalian stated that the money has not been returned, and that he has not successfully made contact with the complainant.

Board Member Santos recommended findings of "Not Sustained" for the first two allegations (improper Conduct Standards and improper Strip Search) and "Exonerated" for the allegation of improper Evidence and Property Handling, because the complainant's property is available for the complainant to retrieve.

The complainant was present at the meeting and provided comments. The complainant noted the amount of time that had elapsed and referred to the case as "egregious." The complainant claimed that neither he nor his attorney have been contacted by anyone from APD or the CPRB until he received the CPRB's notification about the case review. The complainant stated that he went to South Station to retrieve his property and was given a hard time. The complainant alleged that the officers on duty claimed they couldn't find the appropriate individual to release the property.

Board Member Santos sought clarification from OPS about the procedure to obtain released property from APD. OPS Commander Melissa Morey stated that there is a strict protocol and that there is only one detective with the authority to release the property. Commander Morey provided instructions and contact information for the complainant.

The complainant stressed the failures of his case. The complainant stated that this incident had similarities to the police killing of Breonna Taylor, and that he was lucky to be alive. The complainant stated that he was incarcerated in the county jail for eight months as a result of this incident. The complainant reported that, at his preliminary hearing, one of the reporting officers told the judge under oath that he did not recognize the complainant and that the officers were looking for the complainant's former roommate. Further, the complainant stated that his residence was left in a mess and that the site was not secured—as a result, much of his property was stolen. The complainant stated that he faced numerous felony and misdemeanor charges, and that the felony charges were gradually dropped.

Board Vice-Chair Dr. Harden acknowledged the complainant's comments and thanked him for sharing his experience with the Board. The complainant stated that photographs exist of the state in which the officers left his residence. Det. Adalian claimed that he did not receive any photographs. The CPRB Monitor stated that he also did not receive photographs. The complainant reported that the photographs were taken by a friend and submitted as evidence for his preliminary hearing. The complainant stated that this information could be obtained from his lawyer.

Board Member Santos sought clarification about which APD unit conducts no-knock warrants. OPS staff clarified that it is the community response unit. Board Vice-Chair Dr. Harden and Board Member Santos stated that they would work with the complainant to help him obtain his property from APD.

This complaint has been **TABLED** for further review. The Board did not vote on findings concerning this complaint.

The incident occurred on June 2, 2022. The complainant alleged that, while he was recording video in Albany City Hall as an independent journalist, APD officers violated his First Amendment right (freedom of the press) and Fourth Amendment right (search and seizure). The complainant alleged that, after an APD officer observed the complainant recording the officer and an unidentified man, the officer told the complainant to stop recording. The complainant alleged that the officer then demanded that the complainant leave City Hall. The complainant alleged that the officer did not deescalate the situation. The complainant further alleged that, when he attempted to pass by the officer and a second officer, they physically impeded his movements and forced him to use the elevator, where he was physically harassed. The complainant further alleged that the officers used excessive force and unlawfully arrested him for filming papers that were on someone's desk. In an accompanying grievance report, a companion of the complainant reported that the complainant was wrongfully arrested and that the companion was pushed by the APD officers.

CPRB Monitor Al Lawrence reviewed the OPS investigation conducted by Detective Keith Johnson. Evidence reviewed included the complaint, APD documentation and reports, a City Court Record, interviews with the involved officers, video footage from the patrol car, and a YouTube video recorded by the complainant. In a final report dated September 30, 2024, Detective Johnson reached the following conclusions:

1. The complainant alleged that an officer gave the complainant a hard time about recording video in City Hall. Detective Johnson recommended a finding of "Unfounded," where the review shows that the act(s) complained of did not occur or were misconstrued. In an interview at OPS, the officer stated that he was having a personal conversation and that the complainant began recording the conversation. The officer stated that he asked the complainant to stop recording and that the complainant refused.
2. The complainant alleged that the same officer was malicious and disorderly. Detective Johnson recommended a finding of "Unfounded." Detective Johnson reported that the officer's body-worn camera footage disputes the allegation.
3. The complainant alleged that the same officer verbally and physically harassed him prior to his unlawful arrest. Detective Johnson recommended a finding of "Unfounded." The officer's body-worn camera footage, YouTube video recorded by the complainant, and officer's interview with OPS dispute this allegation. Further, Detective Johnson concluded that the complainant was lawfully arrested for trespassing after being asked to leave by an employee in City Hall and more than one employee objected to being recorded. The Albany City Court Record indicates that the complainant was tried and convicted for the charge of Trespass.
4. The complainant alleged that the same officer refused to de-escalate the situation. Detective Johnson recommended a finding of "Exonerated," where the act(s) which prove the basis for the complaint occurred, but the review shows that such acts were proper according to APD policy and applicable law. Detective Johnson reported that the video footage does not depict the officer yelling or being argumentative.

5. The complainant alleged that, when he attempted to pass officers to walk up the stairs, they physically impeded his movements and forced him to use an elevator. Detective Johnson recommended a finding of “Exonerated.” Detective Johnson reported that the video footage shows the officer telling the complainant that he needed to leave City Hall, stepping in front of the complainant as he attempted to walk up the stairs, and then stepping in front of the complainant to prevent him from entering other spaces in City Hall.
6. The complainant alleged that the officers used excessive force to arrest him. Detective Johnson recommended a finding of “Exonerated.” Detective Johnson reported that video footage and officers’ interviews at OPS dispute this allegation.
7. The complainant alleged that his First Amendment and Fourth Amendment rights were violated. Detective Johnson recommended a finding of “Unfounded.” Detective Johnson reported that video footage and officers’ interviews at OPS dispute this allegation.
8. The complainant’s companion alleged that officers pushed her. Detective Johnson recommended a finding of “Unfounded.” Detective Johnson reported that video footage and officer’ interviews at OPS dispute this allegation, showing instead that incidental contact had occurred.

The CPRB Monitor parsed the allegations differently and reached slightly different conclusions. The CPRB Monitor recommended the following findings:

1. The complainant alleged that he was impeded from exercising his First Amendment right to film and record in the lobby and hallways of City Hall. The CPRB Monitor recommended a finding of “Sustained,” where the act(s) which prove the basis of the complaint did occur and were improper.
2. The complainant alleged that the officer was malicious, disorderly, and refused to de-escalate the situation. The CPRB Monitor recommended a finding of “Unfounded.”
3. The complainant alleged that he was unlawfully arrested. The CPRB Monitor recommended a finding of “Exonerated.”
4. The complainant alleged that officers used excessive force when arresting the complainant. The CPRB Monitor recommended a finding of “Exonerated.”
5. The complainant alleged that he was improperly searched. The CPRB Monitor recommended a finding of “Exonerated.”
6. The complainant’s companion alleged that she was assaulted by an officer. The CPRB Monitor recommended a finding of “Unfounded.”

Board Member Levendosky concurred with the CPRB Monitor’s findings. Mr. Levendosky stated that, while the complainant was initially in the right to record in the lobby and hallways, multiple workers objecting to being recorded gave officers a valid reason to remove him from the premises.

The complainant was present at the meeting and provided comment. The complainant expressed his belief that he was exercising New York State’s “Right to Monitor” law, allowing him to film the officer in question on top of the First Amendment right to freedom of the press. The complainant claimed that the trespassing charge was dropped. The complainant expressed empathy for other complainants who spoke during the meeting.

Board Member Arroyo confirmed that the complainant was arrested for trespass because of harassment and refusal to stop recording after employees objected to being recorded, justifying the arrest. Board Vice-Chair Dr. Harden proposed moving forward despite some uncertainty concerning the arrest and trespass charges.

The CPRB’s Findings are as follows:

- With regards to **1 count** of allegation of improper **Violation of Civil Rights**, the CPRB reached a finding of **Sustained**.
- 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 **Arrest Authority & Procedures**, the CPRB reached a finding of **Unfounded**.
- With regards to **1 count** of allegation of improper **Use of Force**, the CPRB reached a finding of **Unfounded**.
- With regards to **1 count** of allegation of improper **Search**, the CPRB reached a finding of **Exonerated**.
- With regards to **1 count** of allegation of improper **Use of Force**, the CPRB reached a finding of **Unfounded**.

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 (Arroyo, Collier, Harden, Levendosky, Person, and Santos) voted affirmatively.

VI. CONSIDERATION OF COMPLAINT CLOSURE (V. Harden)

A. Complaints Withdrawn

1. CC2024-040 was withdrawn per the complainant’s request.

B. Complaints Out of Jurisdiction

1. Complaint received October 15, 2024, was determined to be under the jurisdiction of the New York State Department of Corrections and Community Supervision.

VII. REPORTS

A. CPRB Standing Committee Reports

1. Bylaws and Rules (A. Santos)

The Committee will propose a series of changes to the Bylaws and Rules that correspond to the Board's integration into the City.

2. Community Outreach (P. Collins-Hackett)

None.

3. Investigation (J. Levendosky)

None.

4. Mediation (V. Collier & V. Harden)

None.

5. Police Department Liaison (V. Harden)

None.

6. Public Official Liaison (N. Vives)

None.

B. Report from the Government Law Center (C. Miller)

Government Law Center Program Director Chel Miller reported that the GLC and Board have been working with various City leaders to assure that the CPRB transition occurs smoothly. Miller noted that the law school will be closed the week of December 23, 2024.

C. Report from the Chair (N. Vives)

Board Chair Vives reported that there are many activities related to the transition. Chair Vives reported that the Board's new physical location will be at 175 Central Avenue in Albany.

Chair Vives reported that Board members presented at the annual NACOLE conference. Chair Vives stated that Board members had an opportunity to meet with OPS Commander Melissa Morey, who attended the conference on behalf of APD.

Chair Vives reported that the Board presented its budget proposal to the Common Council on October 29 and that the Board has been attempting to fight a 15% budget cut.

VIII. APPROVAL OF MEETING MINUTES (N. Vives)

Board Chair Vives made a motion to approve the October 10, 2024, meeting minutes. Motion seconded and passed. Seven members (Arroyo, Collier, Harden, Levendosky, Person, Santos, and Vives) voted affirmatively.

IX. NEW BUSINESS (N. Vives)

Government Law Center Program Director Chel Miller shared a reminder that the Board will have a new mailing address, phone number, and email addresses in January. The new

contact information will be announced. Miller also shared a reminder that while the December 12, 2024, public monthly meeting will take place at the law school, the Board's meetings will take place in a new location effective January 1, 2025.

X. BOARD MEMBER COMMENTS

None.

XI. ADJOURNMENT

(N. Vives)

With no further business to discuss, the meeting was adjourned at 8:54 PM.