

**CITY OF ALBANY
COMMUNITY POLICE REVIEW BOARD**

May 13, 2021 at 6:00 p.m.

[Via Zoom](#)

MEETING MINUTES

- **Call to Order and Roll Call** (N. Vives & V. Harden)

Board Members Present: Nairobi Vives, Paul Collins-Hackett, Dr. Rev. Victor Collier, Larry Becker, Veneilya Harden, Matthew Ingram, Kevin Cannizzaro

Excused: Victor Person, Zach Garafalo

Also Present: Commander Anthony Battuello, Christopher Cech, Detective Johnson, Detective Shane, Detective Pierce, Detective Eaton

N. Vives called the meeting to order at 6:05pm.

- **Approval of the Agenda** (N. Vives & V. Harden)

Motion to approve agenda passed.

- **Introduction of New Board Member** (M. Harkness)

Introduction of Kevin Cannizzaro

- **Approval of Minutes** (N. Vives & V. Harden)

The motion to approve the minutes with Becker's amendment passed unanimously.

Larry's amendment and update Clarification of April 8th minutes:

CC2017-038 – Case has raised some concerns because complainant made complaints against OPS. Complainant complained of members of OPS. OPS investigated themselves. Question is whether the OPS officers determined if complainant was emotionally impaired?

Becker 8/29/2018 at OPS, Becker references notes recalls interview with complainant from interview and requests that OPS go back and consider the following issues:

1. Issue with OPS investigating itself
2. Whether the Detective followed EIP protocol and whether de-escalation was
3. What created the dispute?

Cae needs to move forward. Becker requests that OPS goes back to re-examine the case. Board discussion about whether to bifurcate the complaint and discussion into separate pieces.

Vives requests that Ingram work with Becker on policy recommendation.

Vives suggests that discussion is tabled and case is added to next board meeting in June.

- **New Business** (N. Vives)
Three complaints and two grievances received since April 8, 2021.

Vives asks for clarification on what grievances are. Harkness provides that grievances are individuals who have made a complaint with OPS but have not formally filed a complaint.

CC2021-010; CC2021-011 – Complaints will be assigned to board members soon.

- **Case Updates** (L. Becker, N. Vives, V. Harden, P. Collins-Hackett)

CC2018-023 - Becker

- Board has hit a roadblock with OPS because they have chosen not to re-interview the target officer in this incident. The board is dissatisfied with the investigation of two incidents involving the same complainant.
- **Motion pursuant Section 42-343 (h).** Becker request that the matter be reviewed to the Common Council so that they review and investigate the complaint.
- **Motion to send case to Common Council. Harden seconds. No opposition. One abstention. Motion passes.**

CC2019-028 - Vives

- Vives has reviewed all of the materials at OPS. It does not appear that there was an interview with complainant by OPS. Vives wants to schedule time to go back for case review and wants to follow up with complainant with questions. Complainant is present. Case should be ready for review at June board meeting.

CC2019-015 - Harden

- Harden states that case should be on for review for June Board meeting and will be prepared for case review at that time.

CC2018-013 – Collins-Hackett

- Collins-Hackett is still reviewing the case and is scheduled to go in on Monday, May 17th to complete review

- **Case Review** (Dr. Rev. V. Collier)

CC2019-003

- The issue involves the allegation of an unlawful tow by APD. A monitor was assigned. Monitor was not present. Officer was interviewed and video footage available was reviewed.

Collier provides that based on his review the vehicle was towed because the driver did not have the necessary documents to operate the vehicle.

OPS Findings

1. Call Handling – Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued.

CPRB Findings:

1. Call Handling – Unfounded – where the review shows that the act or acts complained of did not occur or were misconstrued. – Unanimous vote in support of finding

No discussion.

• Committee Reports

- i. By-Laws and Rules (M. Ingram)
Will take up the discussion about whether OPS can investigate itself. Discussion about internal practices, like email; if a seasoned board member will accompany new board members for case review.

Vives requests that Ingram work with GLC to put together an agenda for the next Bylaws and Rules Committee meeting.

- ii. Outreach (Vives)
CPRB has received many invites to public meetings and community groups to speak on how to make a complaint, board operations, policing, and various board related topics.

Contact GLC to discuss attending programs.

There are some exciting ideas being planned for outreach this summer.

- iii. Mediation (Rev. V. Collier)
Met with OPS and look over a various cases for mediation. Two out of twelve have declined mediation and the rest are pending.

- iv. Police Department Liaison Committee (Harden)
Continuing to explore more ways to reduce the backlog and Committee welcomes ideas and input to identify a solution to reduce cases, especially when misconduct is established.

Question: Becker asks OPS if the complaint is delayed because of civil or criminal litigation, does that stop the clock on OPS to discipline the officer pursuant to the collective bargaining agreement?

Cdr. Battuello responds that the answer is no, it bears no weight administratively on how OPS conducts their business internally. The collective bargaining agreements mirror each other. Cdr. Battuello provides that the timeline is 12 months from the date that OPS or the Chief's Officer is made aware of the incident to issue discipline.

Question: Becker asks if the department can issue discipline if the 12 months expires?

Cdr. Battuello responds that they have issued discipline on employees when an investigation is ongoing. If OPS has enough facts to have a sustained violation of policy they act swiftly on their recommendation(s) to the Chief of Police.

Question: Does someone advise OPS not to investigate because the City or officer is the target of a civil lawsuit or criminal matter pending?

Cdr. Battuello responds no, as it pertains to the CPRB, the CPRB's review of that particular case is suspended until that case gets heard in court but it does not stop the administrative review of that complaint. If discipline is appropriate and recommended, they can still carry it out.

Becker provides hypothetical where Board believes discipline is appropriate and 12-months have expired since complaint initiated.

Cdr. Battuello responds, to clarify, there are two different investigations:

- *Civilian Complaint investigation* initiate by community member - If it is an administrative investigation, it does not matter if litigation is pending they can move forward with their investigation.
- *Administrative investigation* initiated by the Commander or the Chief of Police - If it is an civilian police review board complaint, they still move forward with review internally however board review is suspended.

- iv. Public Official Liaison Committee/Report from the Chair (N. Vives)
Wrote a letter to Common Council about an incident that occurred at the Civilian Police Academy on April 14th. The matter is being investigated by OPS. Detective Johnson is assigned to the case. Vives and Harkness have been interviewed as a result of the investigation and the matter is now in OPS's hands.

Vives has been in contact with Councilman Kimbrough who states that they are taking the complaint very seriously and she will be following up with him soon. Vives will issue an update after she speaks with the

- v. Monitor Task Force (L. Becker)
There were no updates.

- **Report From Government Law Center** (M. Harkness & A. Ayers)
Identified YouthFX as a business the board wishes to move forward for consideration in producing video content about the CPRB. Hope to present more information at the next board meeting.

The board has been making changes to the website to make filing a complaint more accessible and convenient. Technical kinks are still being worked out. GLC is preparing document to host on the website of active cases and case updates while still ensuring anonymity.

The is a media training scheduled for next Wednesday, May 25th.

An investigative firm is being considered to provide investigative training for the board. We are waiting on additional information from the firm.

We are orienting our new board member next week, other members who are interested in joining should reach out to GLC.

Vives agrees with GLC idea to creating infographics for website to provide case updates. Ingram raised concern about using initials. Informal discussion about what the case updates on the website will look like. GLC should look to NYC CPRB's website as a model.

- **Report from OPS** (Cdr. Battuello)
Welcome to new board member.

New Business

Welcoming a new detective, Detective Eaton. Detective Fasciglione has moved on to a different area of the department. The detectives that are present tonight make-up OPS. D/Lt. Decker was unavailable for tonight's meeting.

Det. Chief Ed Donohue is retiring effective sometime in June. Cdr. Battuello previously answered to Chief Donohue, who reported to Chief Hawkins. In the interim, Cdr. Battuello is reporting directly to Chief Hawkins until a decision is made about their position. The process has not changed much, Cdr. Battuello is streamlined to Chief Hawkins for decision-making matters. The discipline process has not changed.

Mediation

Thanks to Dr. Rev. Collier. Met with Dr. Rev. Collier to discuss mediation cases. They felt like it was a very productive meeting and thinks the board should explore this option more for applicable complaints.

Hiring

Thanks to the GLC for assistance with recruitment efforts. The exam is this upcoming Saturday, May 15th. Through those efforts, they had over 800 applicants. The last civil service list had around 860 applicants pre-covid.

Old Cases

OPS has tasked D/Lt. Decker to follow-up with GLC regarding case review and to coordinate efforts with board members.

Uniform Monitor Assignment

Cdr. Battuello wants to request for board to consider assigning monitors to all complaints, even those that fall outside of the scope of monitor assignment.

Axon software

Vender will only share limited information with outside sources due to their contractual agreement. Cdr. Battuello can field questions about Axon.

Question: If others outside of the department are able to gain access to evidence.com and if it is possible?

Cdr. Battuello has received this request from the District Attorney's office as well, APD is the only agency in this area that operates on evidence.com. It is a cloud-based system that is backed up by Axon itself. Cdr. Battuello says that the board is free to look into it and contact Axon to see if we can purchase an account but he is unable to answer technical questions regarding the software.

Question: Vives inquired if Cdr. Battuello will share agent information with GLC?

Cdr. Battuello confirms that he will share information but did want to note that account has to be in a city server to look at the video, provides additional challenges to remote case review.

- **Report from the Chair** (N.Vives)
Thanks everyone for their efforts working together during very busy times.
- **Public Comment**
No comment.
- **Additional Comments:** (Collins-Hackett & Ingram)

Question: Is the board a part of the process regarding the South Station investigation?

Cdr. Battuello responds that it is an administrative investigation and not a civil complaint. The matter will not be handled the same way. The administrative decision will be available for public review through the FOIL procedure.

Collins-Hackett responds that it is very disturbing that the investigation is going to be handled the way it is because it is a complete lack of transparency.

Question: Is there flexibility for the process to look a little different given the severity of the misconduct involved?

Cdr. Battuello wants community members and the board to have a little faith in his office. To get to a point where we all need to be, we need to have a some faith and trust. He has heard the community concerns, and he agrees with them. To ensure integrity and confidentiality is not compromised they need to do this the right way. Once the investigation is concluded, it will be available for public review.

Ayers provides that the Board did receive a complaint about the covered badges incident.

Comment: Ingram raises concern about having quorum for members who have a conflict of interest in circumstance like observing the South Station protests.

Vives responded that the board has already had that conversation and clarified that members appeared towards the end of things to pass out and provide information about complaints. Members who were present during the protests have agreed to recuse themselves.

Collins-Hackett inquired about if there is the possibility for the community to be a part of the resolution to this issue.

Cdr. Battuello reiterated that he would like to increase trust, transparency, and accountability in the department.

Harden discusses discontent about the handling of the complaint against a detective at the Civilian Police Academy formerly.

Collins-Hackett clarifies his intent and role during local protests. Ingram provides more policy recommendations to address board response to local incidents that involve the community and Albany Police Department.

- **Meeting Adjournment**
Meeting adjourned at 7:56PM

(N. Vives & P. Collins-Hackett)

