

CITY OF TROY
POLICE OBJECTIVE REVIEW BOARD
2023 ANNUAL REPORT
January 1, 2023-December 31, 2023

SUBMITTED TO:

HONORABLE CARMELLA R. MANTELLO
MAYOR, CITY OF TROY, NEW YORK

HONORABLE SUSAN STEELE
PRESIDENT, CITY OF TROY CITY COUNCIL

CHIEF DANIEL DEWOLF
CHIEF OF POLICE, CITY OF TROY, NEW YORK

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History

On June 12, 2020, Governor Andrew Cuomo issued Executive Order 203, which required local governments across New York State to undertake a review of community needs provided by their local police department, evaluate the Department's current policies and practices, and adopt a policing reform plan by April 1, 2021.

In response, the City of Troy established a Troy Police Reform & Reinvention Collaborative (PRRC) to assist in the process outlined in the Governor's Executive Order. Fifteen (15) individuals were appointed to serve on the PRRRC. The membership consisted of representatives from throughout the community, including Troy police department leadership, city & county officials, faith leaders, representatives from non-profit service agencies, and city residents.

The collaborative Steering Committee held a series of listening sessions and public presentations during February and March to gather suggestions & recommendations from the public. Committee members also discussed a comprehensive review of police strategies, policies, procedures, and practices with police leadership.

From that executive order and community input, several recommendations were made to build transparency, fairness, and accountability- all critical to maintaining public trust in any police force.

In the Spring of 2020, 8 members who reside in the City of Troy and serve as representatives for various city sectors were appointed and officially sworn in by the City Clerk to lawfully and

legally perform the duties and responsibilities of the Police Objective Review Board without compensation.

Nonvoting members of the Board are City members of the City Department of Law, a police Captain of the Inspectorial Services Unit, and a representative of the Troy Benevolent Association.

The newly appointed members fulfill the PRRC's recommendations to reconstruct an independent board to improve the levels of transparency and accountability of the police department. The mission of the PORB, as given by the City Council, is to "promote and enhance a relationship of mutual respect, understanding and trust between the people of the city of Troy and members of the Department; to achieve positive interaction of all members of the community irrespective of age, race, ethnicity, religious, philosophical, or political persuasion, gender, sexual, orientation or economic status. This will be done per Chapter 79, Article II of the Troy City Code.

II. POLICE OBJECTIVE REVIEW BOARD

The purpose of the City of Troy's Police Objective Review Board (PORB) is to review and make recommendations on completed internal affairs investigations of alleged misconduct by employees of the Troy Police Department.

Board duties and responsibilities are specified in City ordinance, Chapter 79, Article II: Police Objective Review Board are as follows:

- A. Review completed professional standards investigations conducted by the Troy Police Bureau and make findings and recommendations concerning the Bureau's internal processes and thoroughness of each such examination and, based upon such reviews,

study and recommend means through which the Police Bureau may provide greater service to the community.

- B. Study and recommend means to improve relations between the city police and the public.
- C. Study existing hiring practices and make recommendations concerning the need for changes (e.g., additional background investigation, psychological tests, different educational requirements, etc.).
- D. Study existing training requirements and programs and make recommendations for improvements; and
- E. Examine the administrative review process for completed professional standards investigations, perform further examination of such process and investigations upon such direction of the Board of the Mayor, and submit a report of Board findings to the Mayor upon completion of each such review.

III. Introduction

The PORB has embarked on several new internal tasks since its appointment in 2020. Four (4) board members (Marcus Nix (Chair), Starletta Washington (Vice Chair), Michael Tuttman, and Columbus Buish) term limits were approaching at the start of 2024, which meant, for the first time, this Board had to create a nominating committee. Starletta Washington, vice chair, and Tanisha Harris, board member, established the nominating committee. Both created and submitted a slate of candidacy to elect current board members as officers or re-elect board members already elected for a second term.

The following board members were re-elected unanimously for the PORB officer positions:

Board Chair Marcus Nix (2nd term), **Vice Chair** Starletta Washington (2nd term), and **Secretary**

Elijah Scott. Sadly, members Stacey Howard and Columbus Buish, submitted letters of resignation as they were seeking/continuing other endeavors.

The resignation of these members called for two new members. During May 2023, interviews were conducted of eight candidates. In June 2023, Sarah Crockwell and Peter McCorkle were enthusiastically welcomed to the PORB board.

MEET THE POLICE OBJECTIVE REVIEW BOARD:

Marcus Nix- Chair

Starletta Washington- Vice Chair

Elijah Scott- Secretary

Jeff Anderson

Sarah Crockwell

Tanisha Harris

Peter McCorkle

Michael Tuttman

IV. SUMMARY OF MONTHLY MEETINGS

January 9, 2023

Continuation of a discussion from the December 2022 meeting, Chairman Nix asked Columbus and Michael to look at the demographics of Troy to justify reproducing the Troy Police Department's Compliment and Complaint form to other languages such as Arabic, as it was brought to our attention that there is a significant high population of persons who speak Arabic in our community. Captain Conyers offered to check with another department to see what procedure they follow in translating documents in different languages. The Board addressed proposed amendments to the by-laws and learned of the resignation of Stacy Howard. In order to fill present and future seats, the PORB will seek six candidates to present to the Mayor for a final selection. A press release and social media post were done to seek out new candidates.

Captain Conyers provided the PORB with the report and camera footage for case files ISB22-13 and ISB 22-19.

February 6, 2023

The Kaleel Jamison Consulting Group, Inc. has an upcoming event, "A More Welcoming, Inclusive & Safer Troy," A Community and Police Partnership, on May 16, 2023, at Bush Memorial Hall (Russell Sage). The PORB was included to participate in the event as an opportunity for the community and the police to have an open and mediated conversation.

The PORB unanimously voted for another term for Marcus Nix as Chair and Starletta Smith (Washington) as Vice Chair. The PORB elected Elijah Scott to serve as Secretary starting the 2023 term.

Sergeant Jeremy Morris provided the PORB with information about the TPD Camera Assistance Program. The program is used to help homeowners, businesses, and neighborhoods set up security cameras that will be registered with SafeCam. Persons in need of assistance can contact the Camera Assistance Program at 518-270-4476.

The website currently has both an English and Spanish version of the Compliment/Complaint Form, and the city will contact the IT program about possibly providing more translations. We could not find statistics showing the number or percentage of Troy residents who speak Arabic.

The press release to fill the two vacancies was completed, approved, and provided to the administration for circulation via multiple forms of media.

Columbus Buish contacted Chairman Nix about no longer serving on the Board and expressed a desire to resign. A letter of resignation was requested but not received.

Captain Conyers stated that the Police Department is in the process of announcing a new exam, possibly in the fall. He also noted that the Department is looking to hire a police matron.

Captain Conyers provided the PORB with the report and camera footage for case file ISB 22-20.

March 6, 2023

The PORB requested information from the administration to address the recent Supreme Court decision that addressed a FOIL request from the New York Civil Liberties Union for police disciplinary records. 50-A is a section of the New York Civil Rights Law § 50-a enacted in 1976, which required the concealment of disciplinary records of police officers, firefighters, and prison officers from the public. Under the former law, any "personnel records" were "confidential and not subject to inspection or review" unless the officer permitted their release.

The PORB was invited to the March 15th meeting with the Little Italy Quality of Life Committee.

We received several resumes via email to fill the current vacancies. The deadline for submitting resumes is April 30.

Captain Conyers provided the PORB with the report and camera footage for case files 22-17.

April 3, 2023

The PORB was hosted last month by the Little Italy Quality of Life Committee at the Italian Community Center. The PORB was invited to speak to the committee to provide an overview of the PORB activities, what we had learned in our time on the Board, and stated goals.

Richard Morrissey, Esq. discussed the status of the New York Civil Liberties Union's request for documents from the Troy Police Department. He stated that the city is currently appealing the

decision; however, the city responded to the NYCLU, providing all documentation except for unfounded, unsustained, and exonerated complaints. This position is consistent with long-standing advice from the NYS Commission on Open Government.

Captain Conyers also showed us a few portions of General Order 08.12.

Captain Conyers provided the PORB with the report and camera footage for case file #23-01.

May 1, 2023

The PORB conducted interviews on Monday, May 1st and Wednesday, May 3, to fill the two membership vacancies. The two candidates chosen to fill the positions will be selected before the June 5th meeting, which they will be scheduled to attend,

June 5, 2023

We discussed the May 16 event "A More Welcoming, Inclusive, & Safer Troy." The event was an opportunity for the PORB to join in on the discussion with other members and organizations in the community about the relationship between the police and the community.

The NAACP, Troy Branch, requests the PORB to participate in the Juneteenth weekend community celebration they are hosting. PORB agreed to set up a table at Pompey Park, the event's location.

The PORB selected Peter McCorkle and Sarah Crockwell to fill the two vacancies, who were announced and introduced to the Board by Mayor Madden.

Captain Anthony Conyers presented case files and body cam footage for OPS 23-02 and 23-03.

July and August No Meetings Scheduled

September 11, 2023

During the summer recess, Chairman Nix spoke with Brandon Lyons from Times Union to give an overview of the PORB's duties, Chapter Code 79, and the process for reviewing complaints and body cam footage. Mr. Lyons asked about the FOIL request made by the NYCLU, which could not be discussed as this case is currently on appeal.

A draft of the PORB website was sent out in August for a vote in September. The vote for the website was unanimous in making this the final design.

Captain Kiley provided the PORB with answers regarding the encryption of the police radio. Encrypting the police radios is a way to protect sensitive information, witnesses/victims, and the officers. Encryption preserves the integrity of an investigation, and it keeps a suspect from possibly knowing any tactics being used. The encryption changes nothing regarding transparency, as the public still has access to records via the Freedom of Information Law (FOIL).

A request for the book, "Opening Doors to Teamwork and Collaboration: 4 Keys That Change Everything," for the PORB members to enhance future interactions and board performance.

Captain Anthony Conyers presented case files and body cam footage for OPS 23-04 and 23-06.

October 2, 2023

The administration purchased and distributed the book, "Opening Doors to Teamwork and Collaboration: 4 Keys That Change Everything" to the Board.

The Board revisited Chapter 79, Article II, to see if any parts of the document may pause or raise concerns because the newly elected administration may see cause to revise Chapter 79, which could improve the PORB in the future.

Captain Anthony Conyers presented case files and OPS 23-05 body cam footage.

November 6, 2023

Captain Anthony Conyers presented case files and body cam footage for OPS 23-07.

December 4, 2023

We reflected on PORB member Taneisha Harris, who died in late October.

Scheduled meeting with the members of the Troy Police Department command staff. Deputy Chief Christopher Kehn, Assistant Chief Steven Barker, Training Captain John Becker, and Community Police Captain Thomas Bevevino. The Board was informed of the Department's plans to install a new camera system that will be installed in every marked TPD car. Deputy Chief Kehn also introduced information on using motorized bikes in the community policing effort. In addition, regarding staffing police officers for the Department, it was acknowledged that as of 12/4/2023, 131 of the 137 positions had been filled in the TPD.

Captain Anthony Conyers presented case files and OPS 23-11 body cam footage for review and observation.

V. INVESTIGATIONS:

Regarding the 2023 reporting period, thirty (30) complaints were filed against the TPD officers alleging possible wrongdoings. These wrongdoings are classified as level I, II, III, and IV complaints. Level I and II are categorized as issues including but not limited to an officer's

demeanor, courtesy, lack of effort, etc. Level III and Level IV complaints involve serious matters such as abuse of power, excessive force, intentional bias, and other gross acts of misconduct, such as civil rights violations. It is these two categories that are considered to be a high priority for review and investigation by the PORB.

Below is an outline of the 12 (twelve) cases called to be reviewed by the Board.

The PORB review process ensures that each investigation is fair to citizens and police officers. The standard used by the PORB board is to ensure fairness is the preponderance of evidence to reach a finding on the individual allegations. A preponderance of the evidence is considered lesser than the standard for criminal cases: guilt beyond a reasonable doubt. On these bases, a board member must conclude a matter as sustained, exonerated, or unfounded finding. The definitions of each finding are listed below.

- Exonerated – The investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate TPD policies, procedures, or training.
- Sustained –The investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur.
- Unfounded – The investigation determines, by a preponderance of the evidence, that the alleged misconduct did not occur or did not involve the subject officer.

The city legislation, in effect, authorizes the findings and recommendations of the Police Objective Review Board to be forwarded to the Chief of Police for review. The Chief of Police then issues a final decision on all allegations.

1. Case # ISB 22-13

Date Viewed: 01/09/2023

Case Classification: III

Note: PORB reviewed a citizen-generated complaint. The person stated that the Animal Control Officer was harassing/making false animal abuse complaints against comp.

PORB Disposition: Exonerated based on file report information (Animal Control are not assigned body cameras.

2. Case # ISB 22-19

Date Viewed: 01/09/2023

Case Classification: III

Note: PORB reviewed a citizen-generated complaint. The person stated officers used excessive force (hit and shoved by an officer, causing pain and embarrassment) and breach of peace.

PORB Disposition: Exonerated - via written report and observation of body camera footage.

3. Case # ISB 22-20

Date Viewed: 02/06/2023

Case Classification: III

Note: PORB reviewed a citizen-generated complaint. The person stated officers used excessive force during a police investigation of a domestic incident.

PORB Disposition: Exonerated – via report file and observation of body camera footage.

4. Case # ISB 22-17

Date Viewed: 03/06/2023

Case Classification: III

Note: PORB reviewed a citizen-generated complaint. The person stated officers used excessive force, unlawful search and seizure, violation of civil rights, property damage, and misconduct during police response to a disturbance call.

PORB Disposition: Exonerated - via file reports and observation of body camera footage.

5. Case # ISB 23-01

Date Viewed: 04/03/2023

Case Classification: IV

Note: PORB reviewed a citizen-generated complaint. The complaint states officers unlawfully entered and searched the apartment after responding to a welfare/safety check of the apartment based on a 911 call reporting an active physical domestic dispute between a male and female.

PORB Disposition: Exonerated – via filed reports and observation of body camera footage.

6. Case # ISB 23-02

Date Viewed: 06/05/2023

Case Classification: IV

Note: PORB reviewed a citizen-generated complaint. The person stated that officers violated civil rights and used excessive force during a traffic stop/investigation and the arrest of the complainant.

PORB Disposition: Exonerated – via report files and observation of body camera footage.

7. Case # ISB 23-03

Date Viewed: 06/05/2023

Case Classification: IV

Note: PORB reviewed a citizen-generated complaint. The person states that officers unlawfully entered and searched the apartment. Officers responded to a 911 call reporting an active physical domestic dispute between a male and a female. A female was located inside the residence, reluctant to speak with officers, referred to DV services for follow-up.

Findings: Exonerated - via filed reports and observation of body camera footage.

8. Case # ISB 23-04

Date Viewed: 09/11/2023

Case Classification: IV

Note: PORB reviewed a citizen-generated complaint. The person stated their civil rights were violated/by unlawful detention and excessive force (injury claimed) by officers during a domestic incident investigation.

Findings: Exonerated - via file reports and observation of body camera footage.

9. Case # ISB 23-06

Date Viewed: 09/11/2023

Case Classification: IV

Note: PORB reviewed a citizen-generated complaint. The person stated that detectives failed to investigate the case properly and were untruthful about the case status.

Findings: Exonerated – via file reports and observation of body camera footage.

10. Case # ISB 23-05

Date Viewed: 10/02/2023

Case Classification: IV

Note: PORB reviewed a citizen-generated complaint. The person stated that officers falsely arrested/unlawfully detained, used excessive force, and were untruthful with the complainant(s) while investigating a traffic violation.

Findings: Exonerated- via file reports and observation body camera footage.

11. Case # ISB 23-07

Date Viewed: 11/06/2023.

Case Classification: IV

Note: PORB reviewed a citizen-generated complaint. The person stated that Troy Police violated their civil rights when executing a search warrant, causing trauma.

Findings: Exonerated - via file reports and observation of body camera footage.

12. Case # ISB 23-11

Date Viewed: 12/04/2023

Case Classification: IV

Note: PORB reviewed a citizen-generated complaint. The person stated their civil rights were violated, and excessive force was used when interacting with the complainant in this matter. The investigation, which includes body-worn and surveillance camera footage, revealed officers acted within the Department's policy & procedure and practices with no sustained allegations.

Findings: Exonerated – via review of file report and observation of body camera footage.

VI. RECOMMENDATIONS:

PORB recommendations evolve from the Board's processing of cases. PORB members are encouraged to make recommendations to address concerns that have arisen during an investigative review. PORB members' concerns are formally noted and result in a formal recommendation(s) during the review process that is submitted to and reviewed by the Mayor, the President of the City Council, and the Chief of Police, who will determine any actions to be taken. PORB recommendations are classified in one of three categories:

1. **Policy Recommendation:** Suggest changes to an existing Departmental policy/procedure to improve the policy or service.
2. **Investigative Recommendation:** Suggest investigative changes to the Chief of Police or the officer designated by the Chief of Police.
3. **Training; Remedial Counseling/Memo/ Recommendation:** Officers determined to be lacking in performance of required duties are recommended for refresher courses or additional training to deter problems from recurring. In some instances a recommendation may suggest a memorandum of record be placed in the officers file.

During this report period, the PORB generated five (5) recommendations classified as follows:

| | |
|---------------------|----------|
| POLICY: | Zero (4) |
| TRAINING/ REMEDIAL: | Zero (1) |
| INVESTIGATIVE: | Zero (0) |

Recommendation 1:

The PORB recommends that all PORB members engage in Reality-based training and Ride Along.

Recommendation 2:

When the policies for vehicle cameras are enacted, the PORB should also have access to this footage.

Recommendation 3:

Keep the PORB updated on all new, revised, and significant policies/procedures and practices.

Recommendation 4:

It is recommended that citizens' complaints filed/received should be collected by another trusted agency, not the police department, to ensure greater transparency and trust, which may lead to better community engagement.

Recommendation 5:

It is recommended that the City Council and the city's legal office review and consider amending Chapter 79, Article II, to make it more up-to-date.

VII. 2023 Statistics

The Troy police Department currently has 136 officers, including 124 white, 8 Black, 4 Hispanic, for an overall total of 124 Male and 12 Female officers.

The City of Troy had three (3) homicides.

There were 60,713 calls for service, which resulted in 1,503 arrests.

Of those calls, 30 citizen complaints were filed against the Troy Police Department.

Police shootings in 2023: 0

Incidents of gunfire by citizens: 73

Firearms recovered: 65

Respectfully submitted,

Marcus Nix

Chairman PORB

To: Police Objective Review Board
From: Starletta Smith, Vice and Nominating Chair
Date: January 4, 2023
Subject: Nomination

The Mayor of the City of Troy and the Nominating Committee of the Police Objective Review Board (PORB) submits the attached slate of candidates to serve on the PORB for a second term.

Re-Election (Second Term)

Accept **All** Decline #_

| | | | |
|----|-----------------|----|-----------------|
| 1- | Marcus Nix | 2- | Starletta Smith |
| 3- | Michael Tuttman | 4- | Columbus Bush |

The Nominating Committee of the Police Objective Review Board (PORB) submits the attached slate of candidates to serve on the PORB's Board of Officers.

Board Chair
Marcus Nix (2nd term)

Vice Chair
Starletta Smith (2nd term)

Secretary
Elijah Scott

Space provided for write-in selections.

Board Chair Write-In: _____

Vice Chair Write-In: _____

Secretary Write-In: _____

Write in Options:

1- Marcus Nix

3- Taneisha Harris

5- Columbus Bush

7- Elijah Scott

2- Stacey Pompey

4- Starletta Smith

6- Michael Tuttman