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Kelly Kimbrough, Chair
Public Safety Committee
Albany Common Council
24 Eagle St # 202
Albany, NY 12207

To the Albany Common Council Public Safety Committee:

Thank you for this opportunity to comment on proposed Local Laws H, I, and J, now before the Committee. The Center for Law and Justice is pleased to provide the Common Council with our reflections on these matters.

Before commenting on these specific proposed laws, I would like to offer some context. The remedies before the Public Safety Committee today are minor improvements to a woefully flawed criminal justice system plagued by systemic racism. As we speak, the Albany Police Reform Collaborative has broken into working groups to pursue solutions to a problem the Collaborative has yet to articulate. Not once during the months the Collaborative met was the community asked to provide its views on Albany's policing problems.

The City is simply not facing some undeniable truths:

- Albany's history of policing is one profoundly impacted by systemic racism;
- People in Albany's communities of color have suffered individual and collective trauma as a result of policing contaminated by systemic racism; and
- Reform must be accompanied by reckoning --- policing in Albany cannot be reformed without acknowledging and addressing the trauma caused by past APD actions.

Had the Collaborative asked the Center for Law and Justice (one of the most experienced justice advocacy organizations in Albany) for its insights on the problem, we would have told them that the situation requires bold, systemic change. We would have told them that the Collaborative should consider completely reconfiguring services. Perhaps the current Albany Police Department budget could be reallocated to a newly-created Department of Public Safety.

Instead, without ever having defined the problem, the City has decided the solutions lie in the five working group topics, one of which includes the three laws being proposed: "Civilian Oversight." The description of this working group on the Collaborative's web page suggests only surface reform, when what is needed is an entirely different system for developing, implementing, and enforcing policing

policies. The whole civilian oversight system and structure must be changed so that an independent body would actually have disciplinary authority. The Center sincerely hopes the Common Council keeps this in mind when considering the plan that will be produced by the Collaborative.

That being said, the three laws proposed here are improvements over the current CPRB. The Center endorses proposed Local Law H, which requires the gathering and supporting of statistics on race, age, ethnicity, and gender and the reporting of these statistics to the Common Council. Effective monitoring of potentially discriminatory police practices can only be accomplished with comprehensive data.

The Center also supports proposed Local Law I, requiring that police officer or vehicle cameras be used to record any interaction with the public, and that cameras record the entire interaction. The exceptions proposed in the law are appropriate. We also support the requirements that a supervisor must grant approval before a camera can be turned off, and that any such approvals must be documented, along with the reason. While the Center approves of the provision that the Chief provide the Common Council, on a quarterly basis, with a report of the number of times cameras have been turned off and a summary of the reasons the request was approved, we would ask that you also strengthen the proposed law by requiring that the quarterly report identify any officer who has turned the camera off more than once in the reporting period.

The Centers supports proposed Local Law J, which strengthens the Community Police Review Board. Setting the annual budget of the CPRB at not less than 1% of the Albany Police Department annual budget will assist in funding the independent investigations to be conducted by the CPRB. The new subsection requiring quarterly reports to the CPRB on disciplinary investigations and actions taken within the police department is appropriate, as is granting the CPRB the authority to request reports on whether disciplinary action was taken in any specific case.

Proposed Local Law J also provides the CPRB access to information related to prior complaints or actions on an officer involved in a complaint and access to relevant audio or video footage pertaining to an incident; the Center supports this proposed change. Additionally, we strongly support the provision that authorizes the CPRB to undertake independent investigations in certain instances and to issue subpoenas on its own without the need for prior authorization from the Common Council.

The provision that allows the CPRB to make a finding in an investigation even if the officer is no longer a city employee is appropriate, as is the provision that the concurrence of the Mayor *and* the Common Council is required for the suspension of CPRB review of a complaint when recommended by Corporation Counsel.

The Center suggests that §42-342 E is incomplete. This requires that if the APD fails to make footage available to the CPRB within fourteen days of the CPRB's request, it shall forward a notice to the CPRB and the Common Council explaining the delay. Then what? It has been the Center's experience that requests for information from the APD, including FOIL requests, are frequently met with repeated, consecutive delays. Does this proposed provision allow the APD to simply send an explanation every 14 days, without providing the footage, ad infinitum? There needs to be some sort of penalty applied after a delay of, say, 28 days.

Lastly, missing from proposed Local Law J is a provision that authorizes the CPRB to impose, or at least recommend, a specific discipline for an officer for whom a complaint has been sustained. This should be added.

Once again, thank you for this opportunity to comment on these three proposed Local Laws.

Sincerely,

A handwritten signature in cursive script that reads "Alice Green".

Alice Green

Executive Director