FINAL DRAFT REPORT – City of Albany Policing Reform and Reinvention Collaborative Recommendations

Findings and Recommendations of the City of Albany Policing Reform and Reinvention Collaborative Working Groups

Presented to City of Albany, NY Common Council

February 1, 2021

Table of Contents

Introduction *pg. 3*

Summary of Working Group Recommendations *pg. 4*

Full Working Group Reports

Policies, Standard Operating Procedures (SOPs), and General Orders (GOs) *pg. 14*

Civilian Oversight *pg. 32*

Police Department Functions *pg. 52*

Community Safety and Restorative Justice *pg. 80*

Recruitment, Retention, Training, and Officer Development *pg. 92*

Introduction

The purpose of the City of Albany Policing Reform and Reinvention Collaborative is to create a partnership with the community, police and stakeholders through shared decision making, resources and responsibilities to reform policing. The Collaborative recognizes that to accomplish this goal, we must address a history of mistreatment of communities of color leading to a lack of trust towards police in America and the City of Albany. We begin to break this cycle by creating an ongoing working relationship between the community and police, addressing the history of systemic racism and implicit bias, and rebuilding trust of the police within communities of color.

The distrust is further reinforced by political rhetoric that insists that those who believe Black Lives Matter are anti-police and that "Blue Lives Matter" is an equivalent and mutually exclusive response. This is a false equivalency; having a career as a police officer is a matter of choice while being Black is an immutable characteristic. The reality is that the lives of police officers have always mattered – many laws provide for enhanced punishment if the alleged victim is a member of law enforcement. Conversely, the Black Lives Matter movement is fueled by the belief and the reality in far too many cases that Black men and women are being assaulted, shot or killed by the police with no accountability, consequences or repercussions.

The existence of systemic racism within every institution in our country is the result of centuries of both the explicit and implicit biased treatment of persons of color. It is evident in our schools, housing, job opportunities, transportation and medical care as well as in our police departments. Acknowledging this reality does not equate to labeling every member of law enforcement a racist, any more than assigning that label to every teacher, loan officer or medical professional. It does make it imperative that reality is acknowledged in devising solutions.

The City of Albany Policing Reform and Reinvention Collaborative recognizes that implementing its recommendations may not be simple and that some of the proposed reforms may require agreement amongst multiple stakeholders and for actions to be taken at higher levels of government. It further recognizes that local elected officials lack control over decision-making at such higher levels and, as a result, implementation may be a lengthy and complex process. Our working groups identified challenges, assets, goals, and strategies in our report. To bolster the community's belief in the process and demonstrate the commitment of Albany's leadership to honor the work of the Working Groups and the entire Collaborative and bring the collective recommendations to fruition, the Collaborative recommends the following strategies. The collaborative asks the Common Council to adopt our report at the February 8th, 2021 meeting of the Albany Common Council Public Safety Committee Meeting. We, the members of the collaborative, are grateful for the opportunity to serve our neighbors.

ALBANY POLICING REFORM AND REINVENTION COLLABORATIVE

SUMMARY OF WORKING GROUP FINDINGS AND RECOMMENDATIONS

Policies, SOPs, GOs

RECOMMENDATIONS:

Diversion Programs, Use of force, Disciplinary Procedures:

Diversion Programs:
The LEAD program is a law enforcement diversion program that aims at police officers utilizing their discretion to direct low-level offenders away from the criminal justice system and into services.
Recommendation(s): A quarterly report should be made available to the public providing information on the demographics of the individuals who are referred to diversion programs as an alternative to incarceration.

Department administrator(s) should review all arrests and determine if any offenders should be considered for LEAD diversion programs. All arrests which do not fall into LEAD ineligibility should be considered for the program.

Use of Force
Recommendations:
The policy on the Authorized Use of Deadly Force should provide more specific language for when the use of deadly force is authorized and explicitly prohibited.

The use of chemical weapons such as tear gas should be restricted in heavily populated/dense neighborhoods and APD should look for additional safe and effective alternative measures which will allow for the efficient disbursement of **unauthorized** mass gatherings.

CNA Recommendations for this section of policy
Recommendation 21.1: APD should consider revising General Order 1.3.00 Use of Force-Lethal Weapons with the changes outlined in the CNA Audit report.

Recommendation 23.1: APD should revise GO 1.3.00 and 1.3.05 to include a sanctity of life statement presented clearly under such a header at the beginning of the policy.

Recommendation 29:1: APD should revisit its policy of requiring only a single use of force incident narrative submission and consider requiring each officer who used force during the

incident to submit an independently generated narrative. Officers involved in the incident as witnesses should co-sign these narratives to indicate they reflect the incident accurately.

Disciplinary actions: The general order states that the Office of Professional Standards (OPS) is the final entity to receive officer disciplinary information.
Recommendation: Officer disciplinary information should also be given to the City's Corporation Counsel and both OPS and the Corporation Counsel should consistently look for disciplinary patterns involving the same officer.
All recommendations relevant to juveniles should be conformed to the Raise the Age Law – APD relies on training bulletins instead – we note that changes in the GO's take too long (now over 2 years)

These themes are incorporated in our overall recommendations about conforming GO's to the law in a timely manner, being involved in community processes to improve services to particular populations, and improving compliance and consistency in these areas.

Pre-Planned/High Risk Situations, the Emergency Services Team, and Patrol Rifle/Team/Operators

The GOs provide a definition for each and talk about:

- when officers who fall into these categories need to be deployed
- what happens when officers are deployed and what they should do
- what resources are needed when responding

However the sections of policies lacked the following:

There were a lot of sections redacted which didn't allow for the full interpretation of some of the policies.

From a racial bias lens, the focused areas of concern are when officers respond to an incident involving an emotionally disturbed individual or an active shooter.

During protests/civil disturbances, what to do to de escalate and being clear about when chemical agents should be used

Office of Professional Standards - Duties and Responsibilities

The GO dictating OPS's duties and responsibilities should be updated to reflect current structure and tasks actually being completed by the office. Data retention and standards need to be laid out to ensure patterns can be identified and reports are complete.

Office of Professional Standards - Complaint Procedure

The procedure for Citizens complaints is inconsistent and extensive. It creates many opportunities for information to be left out or for the citizen to become frustrated and abandon the complaint. The CNA Audit noted that officers are also confused by the process. In order to ensure citizens are not discouraged from making citizens complaints, this process must be streamlined. Creating a

clear and concise General Order will also ensure that supervisors receiving complaints are processing the complaints in the same manner.

Office of Professional Standards - Inspection

Many different inspections are noted under this GO that are not completed by OPS. This GO should focus on functions of OPS and split the other inspection into the appropriate section (i.e. patrol or special units). Further, to ensure that all issues are addressed, OPS should be permitted to discipline officers found to be in violation of GO's during Staff Inspections.

Missing Persons

Standards should be put in place to ensure that officer bias does not lead to delay in identifying a missing child as being in danger and initiating an Amber Alert

Biased Motivated Incidents

General order must define what "substantial" to ensure that officers are properly documenting hate crimes. Further any crime in which a victim states that they believe it was a hate crime should be reported to the supervisor. Albany is a diverse city and it is impossible for any officer to understand all cultures and it should not be their limited cultural knowledge that escalated a crime to their supervisor.

Language Line

All efforts should be made to encourage the use of the Language Line when an officer feels they are not being understood or they cannot understand the caller. General Order should be expanded to specifically prohibit use of children at the scene as translators except in very limited emergency situations.

Body Worn Camera GOs

The BWC recommendations focus on ensuring that APD is utilizing existing and newly available technology in the most effective manner (ie. live streaming capabilities and new Axon technology that detects certain profane and/or racist keywords in recordings), strengthen supervisor review standards, and adopt many of the recommendations from the CNA Racial Bias Audit.

Department Vehicles GOs

Includes recommendation regarding limitation of use of armored vehicles by APD and partnering law enforcement agencies.

Mobile DVR (DashCam) GOs

The Mobile DVR recommendations focus on ensuring supervisor review of DashCam recordings is in line with the proposed changes to that of BWCs, utilizing the DashCam in conjunction with the License Plate Reader to record reason for running the plate and the demographic information about the driver.

Civilian Oversight

RECCOMENDATIONS:

1**.** Require APD to annually evaluate all the counseling memos/discipline issued during the year, and report on what conclusions can be drawn from that discipline, including whether additional training or new policies/procedures are needed.

2. Create a disciplinary matrix which standardizes consequences for misconduct. This matrix should include a way for unusual or extenuating circumstances to be recognized, as long as they are articulated.

3. Publicizing the results of internal investigations to the greatest extent possible, both individual investigations and aggregated information about investigations.

4. Provide the CPRB with sufficient powers to earn community trust including:

5. Create a single, independent civilian oversight agency with sufficient staff and staffing resources including:

6. Give the Board responsibility not only over individual complaints, but also more systemic powers including:

7. Assign a monitor to every case, not just excessive force / "Civil rights"

8. Require target officers to appear at Board hearings (even if they only listen)

9. Require the OPS detective who investigated any given complaint to appear at the Board's hearing

10. Require all Board members to review materials for each case

11. Require APD to make relevant materials available to Board members electronically

12. Require Board to issue written decisions explaining their findings o Simplify findings to make them more comprehensible (e.g., "adequate investigation," "inadequate investigation," "inappropriate conduct," "appropriate conduct," "insufficient evidence to find inappropriate conduct," etc)

13. As discussed above, require officers to participate in mediation for cases of nonviolent misconduct (complainant should never be required to participate in mediation)

14. Require monitors for all cases. (If necessary, amend City Code to remove language that makes a case ineligible for mediation when a monitor is assigned—there is no reason the assignment of a monitor should make a case ineligible for mediation, but that might be the case under current law.)

15. Ensure sufficient funding for the CPRB.

16. Explore strategies that would allow members of the community or the CPRB to meet with new officers before a decision is made on whether to hire them

17. Recruitment:

a) Create a clear process for community members to apply for positions
b) Encourage staff (like the outreach person) to recruit

18. Create an independent board that would assess whether to indemnify officers for civil lawsuits

21. Encourage NYS AG to take responsibility for more criminal investigations—not just cases of killing unarmed civilians

22. Meanwhile, at the city level, consider creating a Conflict Prosecutor's Office, similar to the Conflict Defender's Office run by many municipalities—an office specifically tasked with prosecuting crimes in cases where the DA's office has a conflict. And make that office responsible for all cases involving alleged criminal misconduct by APD officers.

23. Mandate data collection about individual police actions. Information to include demographic information for all enforcement actions, including: stops, arrests, citations, searches, and uses of force. APD should also collect "denominator" information. Ie: For example, when assessing whether racial profiling is occurring in traffic stops, we need to know not only how many white and Black drivers were stopped (the "numerator") but how many total motorists are estimated to pass through the relevant area (the "denominator"). This information is challenging to collect, and it will be necessary to develop strategies for doing so. But it is essential.

24. Officer(s) should not ask people their race but rather should record their own observations of the person's apparent race.

25. Stop saying "pedigree information" to refer to personal information that includes race. The word "pedigree" literally means "the record of descent of an animal, showing it to be purebred". Instead use a term like "demographic information" or "biographical information"

26. APD should evaluate use of policing jargon and other forms of professional/expert language to see if other terms carry similarly negative connotations.

27. Upon request by any resident of New York State, the Department shall make any video footage pertaining to an incident public within 14 days, with only those redactions that are necessary. (This would presumably have to be harmonized with FOIL, and the limited circumstances identified in which withholding information would be appropriate.)

28. Under no circumstances shall a person be charged for access to video footage.

29. The CPRB recommends conducting a racial bias audit at least once every five years.

30. The City should maintain accessible online data portals where data is released on a regular basis without the need for people to submit Freedom of Information Law requests.

34. The Albany Police Department should post online any information about disciplinary actions taken against individual officers that would be subject to disclosure under the Freedom of Information Law.

35. Require APD to publish quarterly reports on disciplinary actions taken within the department – complaints, investigations, and their resolution. These reports should include both individualized information about specific cases and aggregate information.

36. The CPRB should have the power to request a report from the Department on whether disciplinary action was taken in any specific case.

37. The City should create policies and data-release procedures that allow the public to monitor the APD's justifications for, purchase of, and use of all its technologies.

38. The City should also release comprehensive data on its citizen surveillance technology, such as traffic cameras, police surveillance cameras, and wiretap usage.

39. Publicly release contracts for surveillance technology, including UAV, social media scrubbing, phone unlocking devices, etc

40. Every time each technology is used, create a process to have a master list of each use. Provide that list to the CPRB. Then, provide CPRB with a list of warrants corresponding to uses. CPRB will review and report to the public any failures to secure a warrant.

41. Retention of surveillance information: The City should create a policy that balances the interests of privacy (residents' interest in having data relevant to them deleted) against the need to preserve information that might be exculpatory for people accused of crimes (including officers accused of misconduct).

42. Freedom of Information Law requests should be posted on an easily accesible data portal. The portal should have a "recently requested" page where all responses to FOIL requests go online in chronological order.

43. APD should adopt a policy that governs both when and how police officials make public statements about people who are arrested or otherwise subject to police action. The guiding criterion for public statements should be public safety: the police should speak publicly about an individual who has been arrested or otherwise subject to police action only when it is in the public interest. And police should limit what they say to those pieces of information that are in the public interest..

44. Increase communication between the community and APD

45. Create community outreach plan

46. Paint on police cars lettering that says, "How's my policing?" (similar to the "How's My Driving?" signs on trucks.) The contact number could go to CPRB. Could print number on the back of business cards.

47. Ensure that information about accountability mechanisms is distributed on business cards and victim rights forms, as is current policy.

48. Publicize community-service work that officers do.

49. Create Budget specific to Public Education on Policing and duties from DA's Office, APD or Independent body

50. ACPAC should function as a liaison between the police and the community, performing outreach and also helping the APD understand community concerns. Every volunteer position should have a term expiration date

51. Educate public on civilian oversight group, police duties, transparency, garrity, use of lethal force, etc.

52. Create more "know your rights" materials

53. Create accessible, plain-language, concise summaries of Department policies.

POLICE DEPARTMENT FUNCTIONS

POLICE INTERACTIONS WITH CITY YOUTH

- Eliminate School Resource Officers
- Mandate the Know Your Rights curriculum for high school students
- Encourage and expand the positive interactions between the police and the children and young adults in the community
- Prevent truancy and ensure all children are attending school

POLICE INTERACTION WITH COMMUNITY MEMBERS SUFFERING FROM MENTAL ILLNESS

- Develop alternative crisis response capability within the City of Albany in order to reduce the frequency of police first response.
- Create an enhanced Mobile Crisis Response (Medical/Behavioral Health
- Develop specialty units within the Albany Police Department dedicated to responding to mental health related crisis calls.
- Assist young people with mental health or substance abuse issues outside of the criminal justice system

LANGUAGE ACCESS & CULTURAL COMPETENCE

- Educate the refugee communities about the role of the APD, and create ongoing trusting relationships between the refugee communities and the APD.
- Increase cultural competence of APD officers
- Improve access and use of appropriate, professional interpretation.

POLICE INTERACTIONS WITH COMMUNITY MEMBERS EXPERIENCING HOMELESSNESS

- Decrease total emergency service calls for homeless in the community
- Reduce the rate of police interactions resulting in use of force and arrest and/or prosecution
- Continually assess and improve strategies of police interactions with homeless and at risk populations

POLICE INTERACTION WITH VICTIMS OF DOMESTIC VIOLENCE

- APD should do a "deeper dive" into community resources and the practical realities of DV. APD can better connect victims with community resources for follow-up and prevention
- APD should significantly increase the training
- Provide non-police follow up in all cases of domestic violence
- Assure all Domestic Violence Victims are able to make a complaint even when the perpetrator is an Officer

TRAFFIC ENFORCEMENT

- Ensure safe, well-maintained cars on our roads
- Provide an efficient non-police response to non-injury car accidents

ADDITIONAL POLICY RECOMMENDATIONS

- Create a Civilian Public Safety Commission
- Hire civilian case managers to staff the Civilian Public Safety Commission
- In addition to the case managers, victims' advocates should also be on the staff of the Civilian Public Safety Commission
- Increase the number of civilian workers in the police department to include additional social workers, psychologists and counselors to address mental health concerns of police officers as well as community members.

COMMUNITY SAFETY AND RESTORATIVE JUSTICE

LAW ENFORCEMENT ASSISTED DIVERSION (LEAD)

- Enhanced and improved community outreach with appropriate oversight
- Implement direct community referrals for diversions (Let Everyone Advance with Dignity)
- Improve data collection around outcomes
- Strengthen community oversight over LEAD

TRAC (TO REACH AND CONNECT)

- Assign additional staff to program
- Increase budget allocation for program

HOT SPOT POLICING, PROBLEM ORIENTED POLCINGS, AND FOCUSED DETERRANCE

- Ensure robust community engagement when additional police resource is deployed to a specific area
- Renew efforts involving Group Violence Intervention
- Patrol officers and first-line supervisors should be trained in problem-oriented policing, and problems and problem-solving efforts should be regularly tracked and reviewed by command staff.

ADDITIONAL FINDINGS AND RECOMMENDATIONS:

- Adopt CAHOOTS (ACCORD) Model for Mental Health Calls
- Community Reparation - Reinvest All Civil/Drug Forfeiture funds into Community Programming
- Better Community Organization Coordination
- Implement Contact Surveys for APD Contacts
- Explore Civil Service Reform if recruitment efforts continue to fall short
- Community Education about Police Technology
- Improved Data Collection across APD programs

RECRUITMENT, RETENTION, PROMOTION, TRAINING AND OFFICER DEVELOPMENT

RECRUITMENT RECOMMENDATIONS

- Recruitment efforts should include a broad catchment area, utilizing various media to advertise and solicit interest in the Albany Police Department
- Recruitment efforts should occur year-round, not just in advance of the various exam schedules
- Review the NYS Civil Service Laws to identify unnecessary impediments to successful recruitment efforts.
- There may need to be a deeper understanding of what constitutes police work, resulting in a re-examination of the necessary attributes and skills in successful recruits. These attributes should be explicit and accessible
- Streamline the recruitment process to the hiring process, reducing the time it takes to hire a successful recruit.

RETENTION RECOMMENDATIONS

- The Albany City Human Resource Office (HRO) should review and discern the Albany Police Department's personnel needs.
- A review of the five core values of the APD is needed. A sixth value of diversity and inclusion should be considered and implemented
- The HRO will conduct a comparison of salary and benefits should be undertaken to make sure APD is completive with other local and regional departments.

- Should another police department hire an APD recruit within two years of completing academy training, the hiring department must reimburse the City for the academy training expense.
- Increase the morale of APD personnel
- Encourage sergeants and other management leaders to maintain a fresh perspective on policing

RETENTION RECOMMENDATIONS

- With the City of Albany Office of Human Resources and The Chief Diversity Office's assistance, an extensive review to ensure the existing training efforts are consistent with the current policing needs within The City of Albany and useful for the officers' mental health needs will be completed.
- Develop training opportunities consistent with the needs of effective Albany City policing and the officers' professional development.
- The training received by the APD should be monitored by both the Office of Human Resources and The Chief Diversity Officer
- Additional education in social justice, cultural competency, and dismantling white supremacy training should be incentivized by Albany police management.
- When critical incidents occur, such as an officer-involved shooting, in addition to robust review processes, the officer should have timely and appropriate feed during the review.

Policies, Standard Operating Procedures, and General Orders

Chair(s)

Dannielle Hille
Rev. Michael Aaron Poindexter

Working Group Members

Hon. Dorcey Applyrs
Hon. Kelly Kimbrough
William T. Little, Esq.
Lillian Moy, Esq.
Nairobi Vives, Esq.

City of Albany Support Staff

Deputy Chief Edward Donohue
Jasmine A. Higgins

Introduction:

The Policies, SOPs, and GOs Working Group was tasked with reviewing APD's General Orders (formerly known as the Standard Operating Procedures SOPs) to provide recommendations to ensure policies are up-to-date, clear, consistent, and written in a way that eliminates the potential for racial bias, both implicit and explicit, with respect to the application of these policies. General Orders are the core mechanism that governs the conduct of each member of APD including the Chief of Police and informs the culture of public safety in the City of Albany. At the core of these General Orders are APD's philosophies and values. As a result, critically reviewing APD's General Orders, in the context of systemic racism and implicit bias, is essential and necessary in order to reform and reinvent APD. Until recently, APD's General Orders have been an internal document, available mainly to members of the Department. Consequently, community members lack knowledge and understanding about APD's policies further perpetuating a lack of transparency and trust.

GOALS:

The goal of the Working Group is to provide recommendations, that when implemented:

a. Eliminate racial disparities in outcomes resulting from police/civilian interactions;
b. Transform police culture from the warrior mentality to a guardian mentality;
c. Ensure that there is a mechanism for community access to APD General Orders; *and*
d. Ensure that APD General Orders are clear, concise and timely.

CHALLENGES:

During the Working Group's development of recommendations, it identified and discussed challenges in the broader context of (a) reviewing policies/general orders and (b) the adoption and implementation of the proposed recommendations.

A – Reviewing Policies/General Orders

- Extent of the General Orders. There were over 1,000 pages of general orders to review. The amount of the general orders combined with the language/police jargon used make the orders inaccessible to the general public.
- Need for significant clarification from sworn members has resulted in the need to speak with various officers at different levels of the APD

- Redactions complicate understanding and contribute to inaccessibility
- Understanding the intent of policies/general orders

B – Adoption and Implementation of the proposed recommendations

- The police union's potential reluctance to accept the proposed reforms during contract negotiations
- The significant amount of time it takes to adopt changes to the General Orders. (ie: stop and frisk) The administrative capacity at APD has contributed to these delays.
- Implementing these recommendations will require interagency cooperation and partnerships to ensure effectiveness.
- Politics of policing reform. The process of policing reform as written by the Governor in NYS Executive Order 203 requires that the Mayor's Office, the Albany Police Department, the Albany Common Council, and NYS all participate in the process. Requires participation from Executive branch and legislative branch as well as the Albany Police Department.
- Ensuring a mechanism for organization with respect to data collection and data retention
- Ensuring that updates to General Orders' are communicated in a timely fashion

ASSETS

Assets include:

- APD leadership which seems committed to reinforcing its positives and changing its negatives.

I. Diversion Programs: G.O. 1.2.10 3 – Law Enforcement Assisted Diversion Programs

- The LEAD program is a law enforcement diversion program that aims at police officers utilizing their discretion to direct low level offenders away from the criminal justice system and into services.

- Public display of the funding for the program, reporting requirements as to how the funds are utilized, public display of data related to the amount of individuals given the opportunity to participate in LEAD as opposed to incarceration. Statistics should show the demographics including race, gender, and whether they speak English as a new language of individuals utilizing the program. What are the statistics on the diversion program, are these statistics made public, and if so how frequently?

II. Law Enforcement Assisted Diversion (LEAD): G.O. 1.2.20 IV Procedures

-Upon contact with the individual, the arresting officer shall make a determination as to whether the individual is eligible for LEAD.

- Bias, eligibility fidelity, checks and balances (is there a process where someone in admin reviews all arrests to see if any of those arrested should be offered LEAD) Should the arresting officer be the sole guardian of the initiation into the LEAD program.

-Removal of the arresting officer as the sole determinant of whether individuals qualify for LEAD. All low level arrests which do not fall into the category of ineligibility should be reviewed by administration to see if LEAD should be offered as opposed to the continuation of prosecution following an arrest.

III. Law Enforcement Assisted Diversion (LEAD): G.O. 1.2.20 - VII Communication Protocols

-Communication protocols require ongoing (biweekly) communication between the case management/outreach staff and LIOs as being critical to program success. Stakeholders meet biweekly to share information. Stakeholders include the Albany Police Department, Catholic Charities, Care Coordination Services, the Albany District Attorneys Office, the Albany County Sheriffs Department, Public Defenders Office, Albany Medical Center, the Center for Law and Justice, a third party evaluator (Finn Institute), and the LEAD National Support Bureau. This group is referred to as the Operational Workgroup (OPW)

-There are no members of the community at large represented in the OPW of stakeholders. Multiple community members should be added to the OPW.

IV. Use of Force – Less Lethal Weapons: G.O 1.3.00 – II Authorized Use of Deadly Force

-In accordance with Article 35 of the New York State Penal Law officers may use deadly physical force to prevent arson, escape, burglary, to prevent escape or attempted escape of someone in custody, or while resisting arrest during the commission of a felony.

- Is this when someone's life is specifically in danger or just in general? Should deadly force be authorized for use in these instances? Why not use a tazer or other alternatives in these instances? Provide more specific language for when the use of deadly force is authorized and explicitly prohibited

V. Use of Force – Less Lethal Weapons: G.O. 1.3.00 – Chemical Agents – 3.c. Oleoresin Capsicum (OC) (aka Pepper Spray)

-G.O. lists the effects of pepper spray on humans and animals and then states that “OC spray is usually quite effective on both humans and animals. OC spray will incapacitate most subjects for a period of ____” and redacts the amount of time. Also lists OC Spray and CS Spray without defining CS spray and the effects on humans.

-How long do the effects of OC spray and CS gas last and what is the difference between OC and CS spray? What determines the justification or risk/reward of using tear gas in heavily populated neighborhoods with children and the elderly?

-The difference should be listed and defined in the G.O. 1.3.00. Ban the use of tear gas in heavily populated/dense areas.

VI. Use of Force – Less Lethal Weapons: G.O. 1.3.05 – V. Use of Force Reporting Requirements, F. Use of Force Annual Analysis

-This general order lists the use of force reporting requirements to be completed whenever an officer take an action that results in the injury or death of a person, applies force through the use of a less lethal weapon, including display/deployment of a less lethal weapon, and when an officer applies weaponless physical force at a level written in the policy. Section F states that the Commander of OPS shall conduct a documented annual analysis of the department's use of force activities, policies, and practices and states that this report shall be made available to the Chief of Police

-The report provided to the Chief should also be made available to the general public yearly.

VI. Disciplinary Procedures – G.O. 2.2.20

-The General Order states that the Office of Professional Standards (OPS) is the final entity to receive officer disciplinary information.

-The information should also be provided to the City Counsel to provide so they can act as an additional oversight mechanism.

(DSH)

I. OFFICE OF PROFESSIONAL STANDARDS: DUTIES AND RESPONSIBILITIES GO 2.4.00

- **Duties and Responsibilities I.A.** – Chain of Command should be updated to reflect current internal structure. OPS Commander reports to the Deputy Chief
- **Duties and Responsibilities I.B.4.** – Injuries should be clearly defined to ensure officers are noting all injuries no matter how minor they are perceived to be.
- **Duties and Responsibilities I.B.8.** – Review Functions of OPS should be clearly defined and should include the intervals in which these reviews will be conducted.
- **Duties and Responsibilities I.D.** – An officer who refuses to cooperate with OPS or knowingly gives false information during an investigation **shall** be subject to immediate suspension and may be terminated if warranted.
- **Records, Maintenance and Security II.A.3.** – OPS should be required to obtain as much demographic information about the complainant as possible, this includes but is not limited to gender, age, race and neighborhood. In the event that race is not known, they should record "white" and "non-white". Including demographics of the complainant will allow for better data analysis to identify patterns.
- **Annual Summaries and Public Availability III.A.** – OPS must generate reports as per GO requirements. These reports are to be made publically available

and should not simply be numbers but also include a written explanation of the data and definitions of any terms specific to OPS and policing. Once approved by the Chief, OPS should ensure it has been posted publicly on the department's webpage.

II. OFFICE OF PROFESSIONAL STANDARDS: COMPLAINT PROCEDURES GO 2.4.05

· **Complaints I.A.** – GO should be updated to use language that reinforces the necessity for professional behavior while dealing with the public. While being a police officer is difficult and there can be misunderstandings, these are not reasons for officers to treat the public in an unprofessional manner. The language used in this section minimizes the importance of attitude, language, compassion and de-escalation. Further officers should also take into account that citizens in need of their help may also be dealing with complicated pressures of their current situation.

· **Complaints I.A.3.c.** – Given the possibility of misunderstanding, following an investigation which fails to find wrongdoing on the part of the officer, the department should **NOT** seek any remedy for false allegations filed as a citizen's complaint.

· **Complaints I.A.4.** – Professional manner should be explained as it pertains to explaining the complaint process to citizens. This explanation should include that this should be done in a courteous, non-argumentative manner which is not defensive and does not question the validity of the complaint. This step is meant to inform the complainant not investigate the complaint.

· **Complaints I.A.5.** – It should not be the discretion of the supervisor as to which complaints are forwarded to OPS, **ALL** complaints received should be forwarded to OPS even in the cases that can be handled at the supervisory level. Complaints handled at the supervisory level should be noted with actions taken. All complaints should also be forwarded to the CPRB. This will ensure that in the event that a complaint rises to a level that should not have been handled at the supervisory level, it can be further investigated by OPS or CPRB.

· **Complaints I.A.7.** – ALL complainants should be offered a Citizens Complaint Form and informed they have the option to file their complaint using that form. No matter the disposition requested by the complainant, any complaint that includes a matter that warrants further investigation shall be sent to OPS using a Supervisory Inquiry Report

· **Category of Findings/Conclusion of Facts III.A.** – Definitions should be clarified for each type of finding to ensure consistent application of case classifications.

· **Category of Findings/Conclusion of Facts III.A.6** – Currently cases classified as No Finding and not separated by sub-category. When entering a disposition of No Finding, cases should be marked with the sub-category so that patterns can be identified when looking at the data. It should also be noted that even in cases where the complainant is unavailable or the office is no longer employed by the City, cases continue until they are completed or go cold.

· **Category of Findings/Conclusion of Facts III.B.** – The department should create a clear data retention policy to ensure all data is maintained in the same manner for the required amount of time.

· **Complaints GO 2.4.05** – As noted by the CAN Audit in Finding 12, officers are unclear about process and in Finding 18, the process is complicated. GO 2.4.05 is overly complicated, inconsistent and appears contradictory in several places. GO should be rewritten to ensure accountability and a smooth flow. All complaints should be processed through the same steps ending with OPS and CPRB. It shall be OPS and CPRB's decision as to whether the complaint had been properly remedied. Consistency will help to ensure that all complaints are properly documented.

III. OFFICE OF PROFESSIONAL STANDARDS: INSPECTIONS GO 2.4.10

· **POLICY** – Inspections are housed under OPS but cover a wide range of inspections, most of which are not completed or overseen by OPS. Further the purpose of these inspections are to meet the community expectations but include no community input. Without community input the policies and inspection processes cannot be evaluated for its effectiveness at meeting community expectations.

· **Line Inspection Procedures II** – A minimum frequency of informal line inspections should be established with proper documentation in order to track if these inspections are being completed. Formal line inspections should be completed at minimum more frequently than biannually.

· **Staff Inspection Procedure III.** – Staff Inspections are not actually inspection of the staff, it is inspection of the facilities and function by OPS. The title of this inspection should be changed to **Facility** Inspection.

· **Staff Inspection Procedure III.A.2.** – Section must be rewritten to ensure OPS Commander can apply discipline. *Inspection team will report to the Commander of OPS, any violations of the rules, regulations or procedure, discovered through the inspection process that may warrant disciplinary action.*

· **Staff Inspection Procedure III.C.1.a.** – Staff (Facility) Inspections should be conducted at minimum more frequently than once every four (4) years.

IV. PERSONNEL EARLY WARNING SYSTEM GO 2.4.15

· **DEFINITIONS**:

o Performance Criteria – should be expanded to include officer issues such as tardiness, on the job injuries or suspected drug and/or alcohol use. Other incidents should be added such as DV, homicides, child sexual abuse or any other highly traumatic types of incidents officers may have to respond to.

o Threshold Matrix – should be compared to current best practices adjusted to ensure officers in need of assistance are identified early on and before a serious on the job incident occurs.

· **Procedures II** – Software: all efforts should be made to reduce paper which can be lost as it is not easily tracked. All staff using the available software "Blue Team" and "IAPro" should have proper training and there should be at least

one super user who is able to use both the back and the front end of the database. The current procedures are complicated and pass through too many hands. They take things out of the computer to put it back into the computer. This entire procedure needs to be redesigned to ensure consistency and that no officer in need slips through the cracks because the paper got buried on someone's desk.

(WTL)

I. **Records Administration: G.O. 4.2.00.I – Privacy and Security of Records**

· The Albany Police Department experienced a data loss of its internal databases for the year 2018. APD internal databases maintain sensitive confidential data such as Domestic Incident Reports, Arrests, Arrests Disposition Information, Accident Reports and Juvenile Arrest records. Based on City of Albany Personnel, since the data loss, the City of Albany and APD have taken significant steps to protect against future similar occurrences. As losses in data may contribute to a level of mistrust by the community it is recommended that the City of Albany and APD continue to implement measures to protect data and the confidential information stored in APD's internal databases.

II. **Records Administration: G.O. 4.2.00-I.B.4 – Non-Accessible Records**

· This General Order categorizes personnel records as non-accessible records. APD should update this General Order to provide for recent changes in the law including the repeal of Civil Rights Law §50-a that prohibited disclosure of personnel records.

· To promote transparency and increase public confidence in the integrity of the police department, APD should outline the records available in each personnel file with a brief description published in the General Orders, FOIL guidance and on the APD website to the extent this recommendation does not conflict with any other agreement.

III. **Records Administration: G.O. 4.2.00-I.B.5 – Calls for Service**

· The CNA Racial Bias Audit recommended that APD improve data collection that would allow for an independent audit to detect the presence or absence of implicit bias or systemic racism in policing. On or about June 2020, the Albany Common Council amended Article I, Part 1, of Chapter 42 of the Code of the City of Albany to include Section 42-5.1 entitled, "Police Department Statistics". Section 42-5.1.A-2 requires that APD develop a form in consultation with CPRB to record and retain certain data such as the race, color, ethnicity, gender, and age.

· As the goal of the collaborative is to identify and eliminate biases in policing to the extent practicable, the General Order should require that the data collected in the record for calls for service include at a minimum the data required in Local Law 42-5.1.A-2.

· In addition, to the extent practicable and available to APD, revise the General Order to require that the record for calls for service collect data on the (a) the length of the interaction, (b) information detailing the reasons for such call within G.O. 4.2.00-I.5 and (c) geographical data (latitude/longitude of location) or other information that would assist in future audits.

· Per the Racial Bias Audit, the Collaborative Recommends that APD review and assess the categories contained in the record for Calls for Service and investigate the overuse and/or misuse of the "other" category. As transparency is a major concern for the Collaborative and the citizens of the City of Albany, use of the "other" category should be used sparingly and when the call for service does not fall within another category. APD should periodically review the records for calls for service to ensure that incidents are properly categorized, accurate and relevant.

IV. **Records Administration: G.O. 4.2.00-I.B.7 – Freedom of Information Law (FOIL)**

· Require APD to update this General Order to include disclosure of Personnel records following the repeal of Civil Rights Law 50-a. To promote transparency APD should post online information about disciplinary actions taken against officers that would be subject to disclosure under FOIL.

V. **Records Administration: G.O. 4.2.00-V – Records Maintenance**

· Require APD to provide notice of a change, modification or revision to a report form or procedure to members of the Department within 10-days of the effective date. Over the course of the Collaborative's investigation members of APD were not aware of revisions to policies, procedures or forms in a timely manner.

VI. **Field Reporting and Management: G.O. 4.2.05**

· The City of Albany Police Department uses reporting forms, which comply with the standards set by New York State, along with other papers, parking tags, uniform traffic tickets, accident reports, etc., as required. However, on or about June 2020, the Albany Common Council amended the local law as outlined above requiring certain data be collected on a form created by the APD and CPRB. This General Order should be revised to reflect the amendment to Local Law 42-5.1.A-2 and requirements set forth within.

VII. **Record Systems: G.O. 4.2.10.II.A – Records Management and Computer Systems**

· The Record for each call of service should include recommendations set forth above in Section III.

VIII. Record Systems: G.O. No.: 4.2.10.VI.C – Information of Arrest History

· APD maintains information in relation to the arrest history of individuals. APD utilizes the standard New York State Arrest Report (DCJS 3204). According to discussions with APD, race data is collected during arrests.

· APD must update General Orders to reflect the collection of race data in arrest paperwork. Further, APD should reference Local Law Section 42-5.1.A and determine if all paperwork, forms and/or reports used during the course of the arrest complies with the law.

IX. General Management and Administration: G.O. No.: 4.2.15 – Administrative Reporting Program

· It is the policy of APD to create administrative reports to keep the Chief of Police and organizational components informed of all aspects of department operations including daily, weekly, monthly, annually and multi-year reports to track and reduce crime.

· To increase accountability and detect trends that may indicate the existence of systemic and institutional racism and discrimination, the Chief of Police and an outside organization such as the Citizens Police Review Board (CPRB) or Center for Law and Justice, should receive monthly and annual reports of APD stops, arrests, records for calls for service, searches, and traffic stops highlighting the racial and geographical data available.

· **4.2.15.II.B** – Require APD to notify employees of newly created or updated forms within 10-days of approval by the Chief of Police.

X. Law Enforcement Role and Authority: G.O. No.: 5.1.00 (SEARCH AND SEIZURE)

· Under both the United States and New York State Constitutions all persons are protected from unreasonable searches and seizures. These basic rights protect personal privacy and our right to be free from unreasonable government intrusion of our persons, homes, businesses, and property.

We hold these rights to be one of the most important. Searches and seizures occur daily throughout the country and here in the City of Albany, therefore it is important to frequently review and update this General Order to keep current and compliant with the fluidity of legal precedent.

· APD should review and update this General Order quarterly and notify its Personnel of changes to the General Order within a reasonable period of time. APD should also review all of the General Orders for administrative errors that may confuse citizens seeking to review the General Orders.

i. General Order 5.1.00 has an effective and revision date of January 19, 2016 with an Issue Date of October 23, 2017 issued by Albany Police Chief Eric Hawkins.

· 5.1.00.IV – Require APD to update this General Order to clarify the reference to stop and frisk as an exception to Searches Without A Warrant. Constitutional challenges to stop and frisk have shown overwhelming evidence that the policy is used as a method of racial profiling and harassment of communities of color. Clarifying the Terry Stop v. NYC Stop and Frisk would assist the public who may review this policy and assume APD authorizes the latter.

· Require that APD officers execute a search warrant only after providing audible notice of the authority and purpose prior to the execution of the warrant, except in the limited circumstances where a no-knock warrant is authorized. Audible notice of authority and purpose should be exercised in good faith to provide actual notice to the occupant.

· Revise the General Order to require that Search Warrants be executed during the day unless good cause is shown to a court. APD's current GO, adopts CPL 690.35 permitting execution of search warrants between 6:00 AM and 9:00 PM. While it will take an act of the Legislature to repeal/amend Criminal Procedure Law 690.35 or action by the Common Council, APD can proactively take steps to reduce unintended tragedies like Breonna Taylor.

· Require APD officers to turn on body worn cameras (BWC's) when executing a search with or without a warrant of a residence. APD should require members to turn on the camera at least 3-5 minutes before the warrant is served and executed through 3-5 minutes after. The BWC must be turned on prior to the officer providing "Audible Notice of the authority and purpose". Periods of time wherein the BWC is turned off whether by sound or video must be explained and accounted for. BWC videos should be reviewed periodically for compliance.

· 5.1.00.III.3.D.6 – No-knock warrants infringe upon citizens constitutional rights, creates an unnecessary risk of injury or death, and are used disproportionately against people of color. As we have recently seen, use of no-knock warrants can cause an innocent citizen or suspect who might have acted calmly to a knock and announce, to initiate sometimes unknowingly, a confrontation with police.

· 5.1.00.III.6 – APD should revise the General Order as a <u>best practice</u> to limit use of no-knock warrants when executing search warrants of residences to circumstances only when (a) APD has a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would endanger the life and safety of the executing officer or another person, or (b) when searching for and arresting a person who is the subject of a warrant for a felony, is likely to commit another felony, or may endanger the life or safety of the executing officer or another person. While it will take an act of the Legislature to

repeal/amend Criminal Procedure Law 690.35 – (4b) or action by the Common Council, APD can proactively reduce the use of no-knock warrants by its officers by revising the General Orders. **Current GO is redacted precluding the Collaborative from reviewing GO's in its entirety. However, it is presumed that the current GO mirrors language in CPL 690.35 including factors when applications for no-knock warrants can be utilized. This recommendation further limits the exceptions contained in CPL 690.35(4)(b).

· APD should amend the General Order 5.1.00.III.B & D to increase the scrutiny surrounding the application and need for a no-knock warrant and provide a system of checks and balances for approval of no-knock warrants. APD should revise the General Order to include language that "an officer requiring a no-knock warrant **must** (delete "should") consult with a detective supervisor **AND** the District Attorney's Office before proceeding with a no-knock application."

· Per APD Personnel, training to prepare search warrant applications are conducted at the Detective Office and through DCJS. The General Order should be revised to include any additional training requirements for search warrants as set out in the collaborative's training recommendations.

· APD should revise the General Order and all necessary forms to collect race data on the use of no-knock warrants by its executing officers and/or detectives who authorize use of the warrant. This data should be compiled in a report and readily available to the Chief of Police annually. This data should be compiled and made available by the Warrant Control Officer as determined by further recommendations of the Collaborative, Audit, or Local, State or Federal Law.

· 5.1.00.III - APD should revise the General Orders to include safeguards to ensure that the address, recipient and property that is the subject of the search warrant is accurate and based on reliable and current information both prior to issuance of the warrant and prior to execution. The current order provides for certain safeguards, however, given recent events, and the grave constitutional concerns with searches, the Collaborative recommends that the information be scrutinized from inception to conclusion, including the processing of evidence. While the validity of search warrants are challenged in court, preventing constitutional violations will reduce friction between the community and police.

XI. Alternatives to Arrest: G.O. No.: 5.1.15

· The CNA Racial Bias Audit discovered that "APD's philosophy and culture have a strong focus on community policing practices, but this message needs to be reinforced to all personnel." The discretion to use alternatives to arrest is a significant tool to reinforce APD's commitment to community policing and the 21st Century Policing Model.

· APD should work with the Common Council and schools to implement procedural justice programs as an alternative to arrest. APD should include similar programs as an alternative to arrest or referral source in General Order 5.1.15. III (Alternatives to Arrest) to reinforce its commitment to the 21st Century Policing Model. Further, the use of procedural justice programs build trust and legitimacy in the process of policing and should be reiterated in the General Order.

· Under Section II. Guidelines for Exercising Discretion, the General Orders should be revised to include language that encourages officers to consider APD's commitment to the philosophy and culture of community policing when exercising discretion to arrest.

i. Consistent and proper use of discretion, based on professional policing competence, will do much to (*project to the public APD's commitment to community policing*,) preserve good relationships and retain confidence of the public.

· APD should revise the General Order to prohibit personnel from engaging in discrimination and bias-based policing when deciding to use an alternative to arrest. The GO should prohibit the use of race, ethnicity, gender, gender identity, sexual orientation, religion, economic status, age or cultural group as a criteria for determining if/what use of an alternative to arrest.

· APD should include language within the General Order that encourages its personnel to use the SARA policing problem solving model as part of personnel's engagement with the community and exercise of discretion.

i. **S**canning

ii. **A**nalysis

iii. **R**esponse

iv. **A**ssessment

XII. Bias Free Policing – General Order No: 5.1.20

· Public trust is tantamount to the success of community policing and a core pillar of the 21st Century Policing Model. Trust building through impartial policing should be emphasized and prevalent in the General Orders. Therefore, APD should include language in the General Order that "Fair and Bias free policing promotes trust within the community and enhances legitimate law enforcement efforts." APD should include language reflecting its commitment to the philosophies outlined in the 21st Century Policing Model that would reiterate its commitment to meaningful police reform.

· APD should re-word this General Order to simplify the language and depart from legalese to the extent possible.

· APD should clarify the "Purpose" section of the General Order to include a separate sentence that states "*Bias-based policing is prohibited both in enforcement of the law and delivery of police services*."

· APD should require personnel to intervene and encourage witnesses or others aware of instances of biased policing to report the incident to a supervisor or the Chief of Police and include such language in the General Order.

· APD should revise the General Order to ensure that those who report instances of biased policing are aware that they will not be subject to retaliation.

· On November 1, 2020, an APD officer made racist statements while on duty with an Albany County Sheriff's Officer. The racist statements were captured on an officer's BWC, flagged and reported to APD Department of Professional Standards. APD should utilize existing accountability mechanisms, such as personnel evaluations, in-car or body-worn cameras (BWC), early intervention systems, and complaint review to promote fair and bias-free policing and to measure APD progress.

XIII. Central Booking: Strip/Body Cavity Search – General Order 5.2.25

· APD should include language in the General Order that reasonable suspicion to conduct a strip search or body cavity search may not be based on race, ethnicity, gender, gender identity, sexual orientation, religion, economic status, age or cultural group.

· APD General Order 5.2.25.II.G delineates the minimum data required to be reported on the Albany Police Department Strip Search Report. This Order should be revised to require the collection of data necessary to ascertain if racial disparities exist in the performance of strip/body cavity searches by APD. The Order should require the Central Booking Supervisor responsible for authorizing the search to keep records and be familiar with APD's policies on bias-free policing.

XIV. Central Booking: Prisoner Processing – General Order 5.2.20

· Section II.B should include reference to the discretion permitted to personnel to use an alternative to arrest as outlined in GO 5.15.

· Section III should contain information to reinforce APD's practice and commitment to community policing, the sanctity and preservation of life, human rights, and the dignity of every person during the arrest and booking process.

· APD should emphasize in the General Order the Use of Force techniques such as de-escalation, community understanding and education, and guardian versus warrior mentality. Both current and retired APD officers reported to the collaborative that establishing sound relationships with the community, coupled with education and empathy, resulted in a reduced likelihood of use of force during citizen/police interactions. It also created a pipeline of information from the community to that particular officer.

(KK)

I. <u>Court Security: Roles and Authority – General Order No: 5.3.00</u>

· This General Order establishes the roles and authority for Albany Police Department personnel assigned to Albany City Court and Albany Civil Court/Traffic Court.

· Beginning in early 2021, the New York State Office of Court Administration will be taking over the court security function of the Albany Police Department.

· Court security function removed from the Albany Police Department; therefore, no recommendation.

II. <u>Court Security: Facilities and Equipment – General Order No: 5.3.05</u>

· This General Order ensures the court security function operates in collaboration with court personnel to include facilities, equipment, and plans/procedures based on a documented security survey conducted once every two (2) years.

· Beginning in early 2021, the New York State Office of Court Administration will be taking over the court security function of the Albany Police Department.

· Court security function removed from the Albany Police Department; therefore, no recommendation.

III. <u>Communications: Organization, Administration, And Management – General Order No: 6.1.00</u>

· This General Order establishes guidelines for the organization, administration, and management of the Communications Center.

· No issues seen with current policy. No recommendation.

IV. <u>Communications: Security and Equipment – General Order No: 6.1.05</u>

· This General Order specifies the security measures implemented to protect Communications Center personnel, facilities and equipment; and to establish guidelines to ensure operability of equipment.

· No issues seen with current policy. No recommendation.

V. <u>Communications: Communications Systems – General Order No: 6.1.10</u>

· This General Order defines the communications systems utilized by the Albany Police Department Communications Center in the delivery of communications services and to establish guidelines for use of those systems.

- No issues seen with current policy. No recommendation.

VI. **Communications: Telephone Procedures – General Order No: 6.1.15**

- The purpose of this General Order is to develop measures for efficient telephone procedures and dissemination of information received.
- No issues seen with current policy. No recommendation.

VII. **Communications: Radio Procedures – General Order No: 6.1.20**

- This General Order establishes radio procedures for effective radio communications between the Communications Center and personnel in the field.
- No issues seen with current policy. No recommendation.

Additional Recommendations and Strategies to Achieve Goals:

1. Periodic public meetings to be convened by the Mayor to report on the status of the implementation of recommendations;
2. Continuous advocacy efforts to initiate or support legislative/policy changes at the state and county government level which are necessary precursors to implement reforms at the local government level;
3. Coalition building with leadership in neighboring municipalities to attain regional continuity in policing;
4. Creation of a strategy to ensure adoption of recommended edits to the GOs and targeted training for APD officers.
5. Create a non-sworn compliance officer to ensure timely data collection, reporting and review of APD actions. (included in Racial Bias Audit use footnote)
6. Consistent documentation of police non compliance of general orders and misconduct. Must be public facing.
7.
8. Ongoing APD participation in local, county, and state coalitions and task forces. e.g. domestic violence victims, trans victims, youth below the age of 18, BIPOCs.

Additional Recommendations for changes to APD General Order's

Police Technology and Surveillance:

1. Proper vetting of vendors
    - When technology is purchased from third-party vendors, there is always potential for that vendor to effectively become an ongoing stakeholder in our municipal business. They also can sometimes have the opportunity to expand capabilities of already-deployed technologies, and instigate 'mission creep'. In some cases, in ways our officials may not even be aware of.
        - The extent to which vendors can have influence on our policies will vary on the nature of the technology. This factor must be considered on a case-by-case basis. A good litmus test often is whether the hardware/software is

the primary commodity, or if generated data is a potential commodity. The latter case warrants more vigilance.

- EXAMPLES:
    - Like us, Sarasota Police were supposed to have an officer review and approve every red light camera video. However, after about a year, this quietly ceased, and the vendor was given full discretion.
    - Vendors for red light cameras in Chicago and other cities negotiated to get a cut of every ticket. As the program became 'successful', and drivers improved their behavior, the number of tickets decreased. The vendor then influenced municipal traffic agencies to adjust the duration of yellow lights to increase tickets.
    - Drones, as they are currently offered, are an example where the vendor's involvement is little to none. Interaction between the municipality and the vendor are limited only to initial sale and maintenance. The nature of the devices are such that vendors couldn't really change their scope or use in any meaningful way.
    - Body-worn camera systems have the potential for software and firmware updates that could drastically change their purpose and scope. This applies both to the cameras themselves, as well as the back-end video storage systems for the footage. Right now we have no transparency as to what updates have been made and what implications they could have. Axon (our chosen vendor) has filed a patent for real-time facial recognition *in the cameras*. Currently, Axon has made the disclaimer that they file many patents for tech they don't actually intend to develop. But it provides an example of a capability that should not be deployed solely by the vendor or negotiated only between vendor and law enforcement staff. It is also murky how contracts between Axon and APD treats the intellectual property rights on footage generated by the cameras. If Axon effectively retains the rights to footage generated by our officers, that opens up the potential for Axon commodifying that footage: ie. linking it or replicating in farther-reaching systems where other 'customers' (ie. other agencies) could access and utilize the data for purposes we never intended.
- OVERSIGHT:
    - If an adopted technology is supposed to be overseen by department staff, we must still periodically 'watch the watchers'. There must be some audit process to show initially promised protocols are still being followed into the future.

        - When we negotiate contracts with vendors, we must scrutinize the agreement and business model for potential of vendor interference. Our adoption of red-light cameras may be one example of where we got this right. We negotiated a fixed leasing rate that obstructed any potential for the vendor from meddling in traffic policy.
        - Scrutinize the technical aspects of the technology for potential of 'mission creep' before purchase approval.
        - An appointed advocate with technical expertise must routinely audit updates to hardware and software. Anything besides security updates and bug fixes should be reviewed by the advocate and bring any concerns to a public venue for final considerations before they are deployed.
        - An audit of scope and access of data generated by adopted technology should be made periodically.

2. TECHNOLOGY POLICY

    - Oversight body
        - Ideally, police technology must be reviewed initially and again periodically by Common Council, by way of subcommittee or otherwise. An aforementioned advocate with technical expertise must advise, either as part of the reviewing body or as a consultant.
            - Goals of review/audit would primarily be to examine and address privacy, civil liberties, and mission concerns.
        - Several municipalities in the U.S. have already formed technology review policy meeting this criteria that can provide as a model
            - Berkeley, CA passed an ordinance to provide oversight over police technology (both model and final ordinances attached)
                - The summary of the ordinance, in my understanding, is that the police department must present before a subcommittee before purchasing any surveillance equipment, and present again every 2 years for an audit.

- Oversight policy
    - Balance privacy and safety.
    - Ensure that all technology is compliant with the Fourth Amendment of the U.S. Constitution.
    - Ensure that surveillance technology is specifically targeted and does not facilitate a dragnet.
        - Warrants should be required for use of any extra-sensory technology (Stingrays, GPS trackers, Tier II facial recognition scans (elaboration below), etc.).
            - Technology is extra-sensory if the officer cannot perform the equivalent action with their own eyes and ears.
                - For instance, peering into the interior of a house with infrared visualization devices is extra-sensory because the officer could not see through walls themselves.

        - For instance, automatic license plate readers are not extra-sensory, but merely 'hyper-efficient', because an officer can read a license plate with their own eyes and perform a DMV database search manually.
- Although hyper-efficient surveillance technology is Constitutionally sound, we must take considerations as a community as to what additional limits we might find suitable in regards to the scope of mass data collection.
- Biometrics

- The most glaring omission in our current body-worn camera technology is the establishment of a biometrics policy.
    - Facial recognition is currently the most commonly used example of biometrics.
    - Our biometrics policy should extend beyond just body-worn cameras to all relevant police surveillance technology.
    - By my definition (https://restorethe4th.com/biometric-spectrum), there are three 'tiers' of facial recognition scans:
        - TIER I: Detection of the mere presence of a face within recorded footage without identification, for the purposes of bookmarking/cueing only.
        - TIER II: Manual cross reference of imagery containing a face against existing facial image databases, initiated in an individual instance by a human official.
        - TIER III: Automatic correlation between faces detected with external facial image databases, either in real-time or bulk-processing of recorded footage.

Civilian Oversight Working Group

Co-Chairs
Ava Ayers
Tandra LaGrone

Working Group Members
Hon. Corey Ellis
Sgt. Jimm Lewis
Joe Ingemie
Larry Becker

RECOMMENDATIONS
January 22, 2021

CONTENTS

Introduction **34**

Challenges **35**

Assets **36**

Goals and Recommendations **36**

Goal 1. Earn Community Trust in Internal Accountability Procedures ***37***

Strategy: Aggregating disciplinary information to identify lessons learned 37

Strategy: Standardizing discipline to heighten fairness 37

Strategy: Transparency of internal accountability procedures 38

Goal 2. Develop Mediation Processes ***38***

Strategies: 38

Goal 3. Give the Police Review Board Sufficient Powers and Resources to Earn the Community's Trust ***38***

Strategy: Give the review board sufficient powers to earn community trust: 39

Strategy: A Strong, Independent Police Review Board 39

Strategy: Give the Board responsibility not only over individual complaints, but also more systemic powers 40

Strategy: Ensure Board procedures facilitate community trust: 40

Strategy: Ensure adequate funding for the CPRB 41

Strategy: CPRB Role in Hiring 41

Strategy: recruitment of leaders 41

Goal 4. Ensure that Civil Litigation Promotes Community Trust and Better Policing ***41***

Strategies: Independent indemnification board, and lessons learned 44

Goal 5. Create Special Prosecutor's Board ***44***
Strategies: State Involvement and Local Independence 44
Goal 6. Collect Enough Information to Meaningfully Assess Police Conduct ***44***
Strategy: Mandate Data Collection About Individual Police Actions 44
Strategy: Caution in Assessing Subjects' Race 45
Strategy: Stop Saying "Pedigree Information" 45
Strategy: Body Camera and Other Video/Audio Footage 45
Strategy: Racial-Justice Audits 46
Goal 7. Publicize Information That Will Create Confidence and Trust ***46***
Strategy: Staff Analysts, Accessible Data Portals. and Regular Public Reports 46
Strategy: Which Data Should the City Collect and Distribute? 46
Training and Enforcement of Data-Collection Requirements 49
Strategy: Transparent Policies 49
Strategy: Transparent Disciplinary Records 49
Strategy: Public Oversight of Surveillance Technology 50
Strategy: Inclusive FOIL Processes 50
Strategy: Policy for public statements about people subject to police action 50
Goal 8. Improve Public Outreach and Strengthen ACPAC ... *Error! Bookmark not defined.*
Strategy: Continue working on outreach ..... **Error! Bookmark not defined.**
Strategy: Support outreach with clearly defined institutional roles and staff resources ..... **Error! Bookmark not defined.**
Strategy: Education ..... **Error! Bookmark not defined.**

Introduction

The Civilian Oversight Working Group was tasked with examining all questions related to transparency and accountability. The goal of the Collaborative, as we understand it, is to reform and reinvent policing in Albany in a way that will earn the trust of the community. Community trust must be the test for all proposals. The question, therefore, is what strategies for transparency and accountability are needed for the community to trust the police.

Crucially, the recommendations of this Collaborative must not be the end of the process of police reform in Albany. The recommendations in this Working Group's report represent general principles and specific ideas which the Working Group believes are important. However, we continued to receive good ideas and new suggestions up to the very last moments before our deadline, which strongly suggests there are more good ideas out there. Indeed, with APD policies totaling somewhere around 1,000 pages (to say nothing of masses of relevant data, a huge boy of relevant state laws, and many other relevant sources), it was never realistic to think that a comprehensive and complete review could be finished in a year. Even if our ideas were comprehensive, many of the ideas here, once implemented, will no doubt lead to lessons learned and other good ideas. Thus, we are far from finished.

It is vital to establish mechanisms by which conversations about police reform in Albany can continue after April 1, 2021. The institutional structures described in this report, including the Community Police Review Board, the Albany Community Policing Advisory Committee, and other institutions, are important parts of that process. Nonetheless, all parts of the city's government should remain open to ongoing conversations, re-thinking, and strong engagement with community members.

The members of this Working Group played different roles and contributed in different ways to the creation of these recommendations.

- Ava Ayers and Tandra LaGrone co-chaired the group. Ayers was the primary drafter of these recommendations.

- Joe Ingemie and Larry Becker, as members of the Working Group, participated in the Working Group's conversations and the creation of the recommendations below. They, along with LaGrone and Ayers, voted to approve these recommendations.

- Hon. Corey Ellis served as a member of the Working Group, participated in the Working Group's conversations, and contributed to the development of the recommendations below. Because he is President of the Common Council, and will thus be responsible for coordinating community input on, and eventually voting on, the ideas that emerge from this Collaborative, he abstained from voting on these recommendations.

- Commander Anthony Battuello and Sergeant Jimm Lewis of the Albany Police Department participated in the Working Group's meetings. Their role was to answer

questions from members of the Working Group and to help the members understand the current policies and practices of the Albany Police Department. As such, they did not vote on these recommendations. We are deeply grateful for all of their help understanding current practices and policies, without which these recommendations would not have been possible.

- Rebecca Campbell served as staff for the Working Group, organizing all of our meetings and taking care of all other necessary arrangements. Our work would not have been possible without her tireless work and skillful coordination.

- Members of the community who were not formally part of the Collaborative nonetheless contributed significantly to the development of these recommendations. We deeply appreciate comments we received at multiple public meetings, including a meeting on January 11, 2021, that was specifically devoted to oversight and accountability. We also received written comments from many people and various community organizations, and had follow-up conversations with many of the commenters to discuss additional suggestions.

Mission Statement

The mission of this working group was to review existing by-laws and ordinances, and make recommendations regarding, the City's Community Police Review Board and the Albany Community Policing Advisory Committee. The group's mission was also to review APD's collection and dissemination of police data, including demographic information, disciplinary action, the cost of civil litigation and settlements associated with alleged police misconduct, the appointment of special prosecutors, and facial recognition technology and other areas impacting policing transparency and accountability to the community. Finally, our mission included making recommendations on these matters, including, but not limited to, additional data-requirements, changes to the Department's disciplinary procedures, and public dissemination of police data.

Challenges

- Racism in all its forms, including structural, systemic and individual; historic and present; implicit and explicit;
- Widespread mistrust of the police, grounded in a long history of acts of violence and racism by members of the Albany Police Department as well as everyday incidents that reinforce mistrust;
- Little public trust in oversight and accountability for officers accused of misconduct;
- Members of the public don't understand accountability procedures and their outcomes; specifically, members of the public don't trust the Community Police Review Board or believe it has a meaningful impact;
- City of Albany's financial resources are limited by a number of factors, including a tax base that is limited by the concentration of wealth in adjacent affluent suburbs due to

factors that include historical racist redlining practices and continuing patterns of residential segregation.

Assets

- Albany has an active, well-informed community, with many engaged community groups;
- Knowledge resources: Albany is a center for educational institutions, government institutions, and activist organizations;
- 20 years' experience with civilian oversight of police.

We are particularly grateful to the members of the Albany Police Department who have participated in the process of developing these recommendations. They were invaluable in providing so much useful information and patiently participating in numerous lengthy meetings with creative ideas and thoughtful insights, and we admire their commitment to the people of Albany.

Goals and Recommendations

Inclusivity

All practices within the scope of this Working Group's report (and, for that matter, all policing-related practices) should be conducted inclusively. In the context of oversight, transparency, and accountability, that means that:

- Information that is available to the public should be made available to all. This means addressing obstacles including:
    - Language access, including translation services and ASL interpreters and transcriptions for public events;
    - Access for people with disabilities, including physical disabilities and learning disabilities;
    - Websites and other points of interactions should be designed to function well for every user.
    - There should be a designated person responsible for accessibility for every event, website, and public resource.

- Every resident of Albany should be equally able to participate in the accountability and oversight processes described in these recommendations. Among other things, that means that:
    - Meetings and other public events must be fully accessible, which means language access, access for people with disabilities, and designated people responsible for accessibility.
    - Noncitizens should be able to participate safely in all accountability procedures regardless of immigration status. To ensure that this is possible, "sanctuary" policies (i.e., policies that restrict information-sharing and cooperation between local police/government employees and immigration authorities) should be codified in legislation.

- All transparency resources and accountability procedures should be designed and conducted with an awareness that people who participate in them may be experiencing the effects of trauma; others may be experiencing mental-health issues, homelessness, poverty, lack of access to broadband, or any number of other challenges that may affect their ability to participate. It is not reasonable to expect people to navigate a complex bureaucracy without assistance while experiencing issues like these. Websites and processes must be designed with these challenges in mind.
- Whenever opportunities for public participation are offered, community members must be warned in advance if they are being recorded or if their images are broadcast in any way. Opportunities for anonymous comment must be offered, as well as opportunities for comment in the absence of police officers.
    - Meeting organizers should follow best practices for accessible meetings. See, for example:
        - https://accessibility.cornell.edu/event-planning/accessible-meeting-and-event-checklist
        - https://www.ca-ilg.org/sites/main/files/file-attachments/inreasing_access_to_public_meetings_and_events.pdf

- The City should develop a policy, enforced by legislation, for accessibility and inclusivity of all meetings, facilities, and informational resources. This policy should include easy-to-follow checklists of requirements, so that compliance is easy to monitor.

- Finally, all transparency and accountability should be designed with an awareness that community members interested in these issues may have suffered trauma. This requires clear guidance and assistance, trauma-informed care and services, and ample training for coordinators and police officers.

Earn Community Trust in Internal Accountability Procedures

Strategy: Aggregating disciplinary information to identify lessons learned

- Require APD to annually evaluate all the counseling memos/discipline issued during the year, and report on what conclusions can be drawn from that discipline, including whether additional training or new policies/procedures are needed.

Strategy: Standardizing discipline to heighten fairness

- Create a disciplinary matrix which standardizes consequences for misconduct. This matrix should include a way for unusual or extenuating circumstances to be recognized, as long as they are articulated.

- See, for example, San Diego's matrix: https://www.sandiego.gov/sites/default/files/misconductrelateddisciplinematrix.pdf

Strategy: Transparency of internal accountability procedures

- Members of the public do not trust the APD's internal disciplinary procedures. In order to earn trust, it will be necessary to allow the public to evaluate the fairness and effectiveness of those procedures for themselves. This means publicizing the results of internal investigations to the greatest extent possible, both individual investigations and aggregated information about investigations.

- When investigations require a significant amount of time, the public should be updated on their progress in a meaningful way; experience has shown that in the absence of regular updates the community does not trust that the investigation is being pursued in a diligent way.

Develop Mediation Processes

Strategies:

When a member of the public makes a complaint to the Community Police Review Board, mediation is available. However, many members of the public are not aware of this.

The City and the Board should work to make the public aware that mediation is available with or without formal complaint. In other words, mediation should be an option even for people who do not file complaints.

The mediation process should otherwise be evaluated and expanded.

Also, officers (not complainants) should be required to participate in the mediation process. If an officer is not temperamentally able to participate in a mediation process, and to calmly discuss issues with a complainant, then they lack an essential skill for policing and should not be part of the APD.

Give the Police Review Board Sufficient Powers and Resources to Earn the Community's Trust

Too many members of the Albany community have no faith in the Community Police Review Board. In fact, in our conversations with members of the community about the CPRB, we did not hear anyone voice the opinion that it is effective. The current CPRB is limited in power and resources; while the City's arrangement with Albany Law School provides administrative staffing, policy research, training, and advice on procedures and best practices, there are many

resources that are simply not available to the Board.[1] Moreover, the CPRB is institutionally limited in some key ways: it is not sufficiently independent of the City and APD, and its powers are limited to essentially making recommendations.

The Working Group believes that several significant changes are necessary if the public is to begin trusting the CPRB to serve as an effective mechanism for accountability. The following sections outline those changes.

Strategy: Give the review board sufficient powers to earn community trust:

- Clarify/confirm the Board's power to initiate its own investigations
- Power to conduct independent investigations of alleged misconduct
- Power to subpoena documents or testimony when relevant to investigations
- Power to impose discipline on police officers.

To be sure, the proposal to give disciplinary power to the CPRB will be controversial, and will require negotiation with the unions, possibly negotiation or lobbying with the NYS legislature, and/or litigation. However, the community currently has little faith in the CPRB because it has no power to create consequences for misconduct. Unless the CPRB has the power to create meaningful consequences, it is difficult to see how it can gain the trust of the community.

There are deep ambiguities in the law that applies to collective bargaining, and whether the City can be required to make disciplinary matters part of the collective bargaining process. Accordingly, this Working Group strongly encourages the New York State Legislature to adopt legislature clarifying the scope of the Taylor Law as it applies to police discipline, and further urges that municipalities be given maximum flexibility in constructing disciplinary processes that lead to community trust.

It should be borne in mind that the City has the option to do as some other jurisdictions have done: to abolish its police department and start again from scratch. Ultimately, if the community cannot be meaningfully satisfied that the police department is accountable, this option would have to be considered.

An alternative idea to having the CPRB impose discipline is to have a disciplinary board that includes civilian members. See https://www.wbal.com/article/491316/3/for-first-time-civilians-sit-on-baltimore-police-misconduct-hearing-board

Strategy: Give the Board responsibility not only over individual complaints, but also more systemic powers

- Power to audit APD policies and recommend changes to APD or to the Common Council, allows for CPRB to have input to policy and procedures

[1] Full disclosure: As a reminder, the primary drafter of these recommendations is the director of Albany Law School's work on the CPRB.

- Power to conduct random audits of bodycam videos and similar data.

Strategy: Sufficient Resources for a Strong, Independent Police Review Board

Create a single, independent civilian oversight agency with sufficient staff. Some of these staffing resources could be provided through consulting or contracting arrangements with outside entities. The resources should include:

- Executive Director nominated by the members of the Board, and confirmed by the Common Council

- Experienced investigators

- Independent counsel (i.e., not Corporation Counsel) as well as assistance with data processing, reporting and policy advice/recommendation

- A "Complainant and Community Advocate" (or some similar title; CPRB should control the job title, as long as the title is not "victim's advocate," which presumes victimhood in advance of the investigative process)
    - Work with individual complainants on their complaint AND on helping them get other services
    - Work with community groups, learn about community concerns, and voice those concerns to the Board and APD through regular reports and as-needed interventions

- Outreach coordinator who supports both the CPRB and ACPAC; the role is to raise community awareness and understanding

- All staff should go through Citizens Police Academy, and NACOLE conferences, as well as other relevant training.

Strategy: Ensure Board procedures facilitate community trust:

- Assign a monitor to every case, not just excessive force / "Civil rights"
- Require target officers to appear at Board hearings (even if they only listen)
- Require the OPS detective who investigated any given complaint to appear at the Board's hearing
- Require all Board members to review materials for each case
- Require APD to make relevant materials available to Board members electronically
- Require Board to issue written decisions explaining their findings

- Simplify findings to make them more comprehensible (e.g., "adequate investigation," "inadequate investigation," "inappropriate conduct," "appropriate conduct," "insufficient evidence to find inappropriate conduct," etc)
- As discussed above, require officers to participate in mediation for cases of non-violent misconduct (complainant should never be required to participate in mediation)
- Require monitors for all cases. (If necessary, amend City Code to remove language that makes a case ineligible for mediation when a monitor is assigned—there is no reason the assignment of a monitor should make a case ineligible for mediation, but that might be the case under current law.)
- Enforce minimum deadlines for investigations, and look for other ways to prevent delays in case investigation and resolution. Ensure that OPS has sufficient funding and staffing to ensure timely investigations.
- Review anti-retaliation protections to make sure they are consistent with the best practices from other jurisdictions.

Strategy: Ensure adequate funding for the CPRB

- We recommend adopting this language, based on section 8-13 of the Rochester City Charter: "The annual proposed budget of the Community Police Review Board shall provide for sufficient funding to carry out the powers and duties set forth in the City Code, including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within 90 days."

Strategy: CPRB Role in Hiring

- Explore strategies that would allow members of the community, the CPRB, and/or ACPAC to meet with new officers before a decision is made on whether to hire them. See Schenectady's practice: https://www.timesunion.com/news/article/Community-members-to-interview-new-Schenectady-15808986.php

Strategy: recruitment of leaders

- Create a clear process for community members to apply for positions
- Encourage staff (like the outreach person) to recruit

A More Effective Albany Community Policing Advisory Committee

As one community resident wrote to us, "The concept of community policing is founded on the concept that there is an agreement between the people and the police they ask to assist with their basic safety needs. That implicit relationship needs to exist with mutual respect. The communication between the community and the police about how that is being done, and if the needs of the community are being met, is necessary to establish a balanced relationship."

Some residents expressed to the Working Group the view that the Albany Community Policing Advisory Committee (ACPAC) should play an important role in facilitating the police-community relationship. While the Community Police Review Board, under its current mandate, has authority to both review individual cases and make policy recommendations, the CPRB's focus has primarily been on police misconduct. While it is crucial to addresses cases of misconduct, it is also important to create a positive, affirmative relationship between the police and the community. ACPAC can contribute to this relationship by facilitating conversations between the police and community, particular conversations about policy decisions that affect the community. ACPAC can play a particularly useful role by facilitating those conversations before policy decisions are made, e.g., by organizing a community forum where the community can have input into a decision about potential changes to policies.

Some residents expressed to the Working Group questions about the relationship between the CPRB and ACPAC, with a desire to avoid redundancy between the two. As the roles of the two entities have been defined previously, both have responsibility for implementing the philosophy of community policing in Albany; both have a responsibility to make recommendations about police policies; and both have the ability and responsibility to solicit input from the community. There is thus a need for clearly defined roles that avoid unnecessary redundancy.

One solution to the issue of potential redundancy is to focus on ACPAC's function as a facilitator of community input. Communities cannot trust police unless they have a voice in the rules and policies that apply to them. True, the CPRB solicits community input when it makes recommendations about police policies, but its recommendations nonetheless represent the views of the CPRB's own members. ACPAC, by contrast, can play the role of facilitator, so that the community's voice can be heard directly.

In order to play this role effectively, several changes should be made:

- First, ACPAC's mission and structure should be recognized and clarified in legislation enacted by the Common Council.

- The Common Council should clearly set forth procedures for selecting and removing ACPAC members, including finding ways to ensure youth representation and demographic diversity;

- The Common Council, or ACPAC in its bylaws, should establish clear and specific expectations for members;

- ACPAC members should receive mandatory training, including training on diversity, equity, and inclusion, as well as cultural relevancy and responsiveness, so that they can perform their functions adequately.

- Support this structure with staff resources. Some staff resources could be shared between CPRB and ACPAC; for example, an outreach coordinator or public liaison

could serve both entities. And this overlap would ensure that both entities are aware of relevant police policies and practices, and concerns being raised in the community.

- Access to information. In order to effectively facilitate community dialogue with police about policies and practices, ACPAC requires sufficient access to information. This includes the access to data described above in the discussion of the CPRB; it also includes receiving sufficient advance notice of policy changes that meaningful consultation will be possible.

- All volunteer positions should come with a term expiration date (after which the member may be subject to reappointment). Note that "term expiration date" is not the same as "term limits"—while term limits may or may not be a good idea, the key is to make sure that any volunteer's term is set, as a default, to come to an end after a certain period of time unless they are reappointed.

Strategy: Education

- Educate public on civilian oversight group, police duties, transparency, Garrity, use of lethal force etc

- Create more 'know your rights' materials.

- Create accessible, plain-language, concise summaries of Department policies

Improve Public Outreach and Strengthen ACPAC

Strategy: Continue working on outreach

- Generally: Increase communication between community and APD

- Rework Albany City and Police Department websites to be more

- Create Community Outreach Plan (a global strategy for community outreach)

- Create Budget specific to Public Education on Policing and duties from DA's Office, APD or Independent body

- Paint on police cars lettering that says, "How's my policing?" (similar to the "How's My Driving?" signs on trucks.) The contact number could go to CPRB. Could print number on the back of business cards. See comparable idea in Sacramento:

https://sacramento.cbslocal.com/2020/06/16/sacramento-councilmember-hows-my-policing-decals/.

- Ensure that information about accountability mechanisms is distributed on business cards and victim rights forms, as is current policy.

- Publicize community-service work that officers do.

Ensure that Civil Litigation Promotes Community Trust and Better Policing

Strategies: Independent indemnification board, and lessons learned

- Create an independent board that would assess whether to indemnify officers for civil lawsuits
- Create a mechanism to make sure that any lessons learned through litigation are communicated internally

Create Special Prosecutor's Board

Strategies: State Involvement and Local Independence

- Encourage NYS AG to take responsibility for more criminal investigations—not just cases of killing unarmed civilians
- Meanwhile, at the city level, consider creating a Conflict Prosecutor's Office, similar to the Conflict Defender's Office run by many municipalities—an office specifically tasked with prosecuting crimes in cases where the DA's office has a conflict. And make that office responsible for all cases involving alleged criminal misconduct by APD officers.

Collect Enough Information to Meaningfully Assess Police Conduct

Strategy: Mandate Data Collection About Individual Police Actions

Require APD to collect sufficient information to determine whether there is evidence of racial profiling and other forms of biased policing. This data should include everything listed under Goal 7, below. It should also include demographic information, for all enforcement actions, including stops, arrests, citations, searches, and uses of force.

For traffic stops, it is particularly important to record whether the traffic stop was motivated by on-the-spot observations or prior investigative reasons. Otherwise, it is impossible to determine whether racial profiling is happening and whether the stop was a "pretext" stop.

Before any assessment of racial inequalities is possible, it is also necessary to collect "denominator" information. For example, when assessing whether racial profiling is occurring in traffic stops, we need to know not only how many white and Black drivers were stopped (the

"numerator") but how many total motorists are estimated to pass through the relevant area (the "denominator"). This information is challenging to collect, and it will be necessary to develop strategies for doing so. But it is essential.

Strategy: Caution in Assessing Subjects' Race

Officers should not ask people what race they are. This would create a hostile environment. Instead, officers should record their own observations of the person's apparent race. Of course, this will sometimes be mistaken. However, it is crucial to understanding the reasons for the officer's choice about what actions to take.

Strategy: Stop Saying "Pedigree Information"

The working group learned that the phrase "pedigree information" is used by police departments to refer to information about the individual person who is stopped, arrested, searched, etc. Race is part of the "pedigree information." This is not an APD-specific practice; on the contrary, it is widespread.[2]

APD should immediately stop using the phrase "pedigree information" to refer to personal information that includes race. The word "pedigree" literally means "the record of descent of an animal, showing it to be purebred."[3] APD should avoid the implication that the subjects of police actions are animals whose breeding is subject to purity criteria.

A new term, like "demographic information" or "biographical information," should be used instead, and we're sure APD can find an appropriate abbreviation (e.g., "bio-info") if necessary. When interacting with other agencies that use "pedigree information" (e.g., DCJS or other police departments) APD should explain why it no longer uses the phrase, and encourage other agencies to follow suit.

We also recommend that APD generally evaluate its use of policing jargon and other forms of professional/expert language to see if other terms carry similarly negative connotations.

Strategy: Body Camera and Other Video/Audio Footage

- Upon request by any resident of New York State, the Department shall make any video footage pertaining to an incident public within 14 days, with only those redactions that are necessary. (This would presumably have to be harmonized with FOIL, and the limited circumstances identified in which withholding information would be appropriate.)

- Under no circumstances shall a person be charged for access to video footage.

- Consider giving an independent agency, outside the police department, responsibility for housing video footage from body-worn cameras, dashcams, etc. This independent agency (potentially the CPRB) would control access to footage, ensuring its timely

[2] See, e.g., https://www.legalaidnyc.org/get-help/arrests-policing/what-to-expect-if-youre-arrested/ (referring to "pedigree" information.

[3] Oxford dictionary, via Google.

release to attorneys and the public. Public mistrust around the police department could be significantly alleviated if footage was maintained outside the department.

Strategy: Racial-Justice Audits

In 2020, the City Auditor commissioned a racial-justice audit from the firm CNA. The CPRB recommends repeating this audit at least once every five years. The Working Group endorses this recommendation.

Publicize Information That Will Create Confidence and Trust

Strategy: Staff Analysts, Accessible Data Portals. and Regular Public Reports

- The City should maintain easily accessible online portals where a wide swath of data is publicly released on a regular basis without people or organizations having to submit Freedom of Information Law requests. The current open-data website, https://data.albanyny.gov/, makes available a great deal of useful data. But it is not easy to browse or search, and the data it produces is not easy for non-experts to interpret.
- In order to make the APD truly transparency to the public, significant resources will have to be devoted to making data available and distilling data into a user-friendly format. These means staff resources, both inside the APD and at the CPRB (which should also by analyzing and disseminating data). (In our proposed new arrangement, the CPRB staff include the staff who support ACPAC, which means that ACPAC too can play a useful role in disseminating and criticizing the data.) Both the Police Review Board and the APD itself should have employees responsible for processing the data into a format sufficiently clear and well-presented to answer whatever questions the public may have about officers' conduct.
- To ensure the public knows what data is available, APD and the CPRB should make regular reports on various topics listed in this section (Under "Which Data Should the City Collect and Distribute?"). These reports should be presented by APD and CPRB/ACPAC staff at regular public CPRB/ACPAC meetings, with an opportunity for public comment and questions. Public presentations are important because members of the public and the press will be better able to absorb the data if it is presented at a specific event where members of the public can ask questions about it. Also, events will help raise public awareness of the

Strategy: Which Data Should the City Collect and Distribute?

At minimum, the online data made available should include:

1. responses to 911 and 311 calls, with information on call type, demographics of people involved in the calls (where available), type of personnel, officer, or unit dispatched to the call, and whether force was used by responding officer, along with all other data that

will allow users of the portal to understand how many calls involve the need for armed police response;

2. what officers are being trained on, what officers are not being trained on, hours per training session, how officer training is reinforced, how often officers face discipline for failing to follow training rules, whether and how training explicitly addresses white supremacy, misogyny, ableism, homophobia, and transphobia, and whether and how training addresses on-the-job trauma;
3. the historical size and budget of the APD, comparative data that allows users of the portal to compare the APD's operations and per-resident staffing levels to other communities (allowing for the fact that we are the state capital, with whatever implications that has), and program-specific budget and staffing data that will reveal the APD's public-safety priorities;
4. what force tactics APD officers are using (including, but not limited to, breathing restrictions), how often those tactics are being used, what racial and ethnic groups those tactics are being used against, the written and verbal instructions that determine how officers choose what tactics to use, when those tactics cause injuries, and whether an internal review was conducted after the use of a given tactic;
5. if and how the APD uses "less-than-lethal" weaponry, including data on: (1) relevant training procedures; (2) spending on such weaponry; (3) use and equipment rates; (4) related injuries; (5) the cost-benefit analyses the APD uses to justify the training regarding, purchase of, and use of such weaponry; and (6) verbal and written instructions about how to use such weaponry;
6. if and how the APD enforces low-level violations, including data on: (1) how often officers enforce, through both arrests and stops, certain misdemeanors and infractions including disorderly conduct, harassment, loitering, simple trespass, criminal mischief, and petit larceny; (2) what percentage of officer time is spent addressing these low-level offences; (3) the training and directions officers receive regarding whether and how to address these low-level offenses; (4) the assignments officers were on when they arrested or stopped the subject; (5) the age, gender, race, and socioeconomic status of the people whom these laws are enforced against; and (6) historical enforcement figures to compare current and past practices;
7. how much revenue the City generates from traffic tickets and code enforcement, who is subject to this kind of enforcement, the difference between what violations people are ticketed for and what violations people are pleading to, and whether the City is using this kind of enforcement to fill budget gaps;
8. if and how the APD conducts stop-and-frisk practices, including data on enforcement patterns of individual officers who conduct arrests and stops and data on numbers of stop-and-frisk incidents that retrieve no evidence or contraband along with demographic and geographic data;
9. how the APD engages in high-speed pursuits, including data on the number of pursuits, speed by which pursuing officers override the speed limit, and any accidents officers have been involved in during pursuits;

10. SWAT training and SWAT activity to determine how often SWAT is used in hostage or active shooter situations as opposed to search warrant execution;
11. past and present use of no-knock warrants, including the rejection rates for no-knock warrant requests, claims against the city for personal injuries or property damage linked to no-knock warrants, and statistics regarding raids involving no-knock warrants that were executed at the wrong location; [and consider a ban]
12. if and how the APD uses de-escalation tactics, including data on: (1) hours spent training officers on de-escalation tactics; (2) percentage of training devoted to de-escalation; (3) specific de-escalation tactics taught to officers; (4) percentage of crisis calls responded to by people not armed and/or dressed up as ordinary police officers; (5) how and when officers are deploying de-escalation tactics on a day-to-day basis; and (6) what written and verbal policies relating to de-escalation the APD has issued;
13. If and how the APD uses alternatives to arrest, including data on enforcement, non-enforcement, and offender demographics regarding appearance tickets, whether APD is complying with state law on the issuance of tickets in lieu of arrests (see N.Y. C.P.L. § 150.20, available at https://www.nysenate.gov/legislation/laws/CPL/150.20), issuance of warnings for traffic violations, voiding of parking violations, and a list of all cases where these alternatives were used that include demographic data and location;
14. effectiveness, funding, and staffing for diversion programs, restorative justice programs, community-based outreach & violence interruption programs, and hot spot policing;
15. purchase and use of advanced technologies such as ShotSpotter;
16. budgets, case processing statistics, and staffing levels of other civilian review boards, as well as any other data that will allow the City to craft a proposed budget for the CPRB that fulfills the City Charter's requirements;
17. anonymized aggregate data on how officers who are Black and Brown, women, and part of the LGBTQ community are disciplined, promoted, recruited, and terminated;
18. per-officer spending on trauma-related support, the rates at which officers use trauma support, and the incidents of domestic violence, workplace harassment, and other outcomes of untreated trauma;
19. backgrounds of recruits and new hires, including information on whether officers are recruited or hired from the military and information on whether new hires have disciplinary histories from law enforcement agencies in which they previously served;
20. data on number of officers who claim disability for injuries stemming from incidents where civilians were also injured;
21. number of civil and criminal cases filed against officers, along with case disposition and settlement data;
22. number of cases where felony for causing an injury to an officer was filed, nature of injuries to officers in such cases, and nature of injuries to civilians in such cases; and
23. budgets, staffing, training, goal achievement, and resident satisfaction regarding nontraditional policing programs and tactics to ensure users of the data portals can determine whether these programs should be continued, expanded, or ended.

The CPRB should regularly evaluate the data collected and made public by APD and determine whether additional categories of information should be collected and made public.

Strategy: Training and Enforcement of Data-Collection Requirements

The City should ensure officers are adequately trained in data-collection requirements, and that there are clear are consequences for failure to collect it.

Strategy: Transparent Policies

- Require APD to maintain on their website all APD policies and procedures, as well as collective bargaining agreements
- Require APD to publish concise, plain-language distillations of its policies so that members of the public can easily understand the rules that govern police. This is a resource-intensive project that will take time, but it is crucial that the public be able to easily understand the rules that govern police behavior.
- Under no circumstances shall the Department ask any member of the public to pay for access to information that would be subject to disclosure under the Freedom of Information Law.

Strategy: Transparent Disciplinary Records

- The Albany Police Department should post online any information about disciplinary actions taken against individual officers that would be subject to disclosure under the Freedom of Information Law. In other words, residents should not have to submit a FOIL request to access this information; APD should post it online pro-actively and in a searchable form. APD should also make public all information including "unsubstantiated" complaints; if complaints found "unsubstantiated" are not made public, members of the public will not able to trust that the findings were justified.

- However, any complaint, if released or made published, should be accompanied by any responses to the complaint and any findings on the complaint. In this way, members of the public will not be deceived into thinking that groundless "unsubstantiated" might in fact have been justified.

- Require APD to publish quarterly reports on disciplinary actions taken within the department – complaints, investigations, and their resolution. These reports should include both individualized information about specific cases and aggregate information.

- The CPRB should have the power to request a report from the Department on whether disciplinary action was taken in any specific case.

Strategy: Public Oversight of Surveillance Technology and Military Equipment

- The City should create policies and data-release procedures that allow the public to monitor the APD's justifications for, purchase of, and use of all its technologies.
- The City should also release comprehensive data on its citizen surveillance technology, such as traffic cameras, police surveillance cameras, and wiretap usage.
  - Publicly release contracts for surveillance technology, including UAV, social media scrubbing, phone unlocking devices, etc.
  - Every time each technology is used, create a process to have a master list of each use. Provide that list to the CPRB. Then, provide CPRB with a list of warrants corresponding to uses. CPRB will review and report to the public any failures to secure a warrant.
  - Retention of surveillance information: The City should create a policy that balances the interests of privacy (residents' interest in having data relevant to them deleted) against the need to preserve information that might be exculpatory for people accused of crimes (including officers accused of misconduct).
- The City should consider adopting a model similar to Syracuse's, where the local legislature is given the opportunity to approve surveillance technology proposals and contracts with new vendors for new kinds of technology before they are adopted, and the public is thus given an opportunity to comment. Syracuse may be a useful model: they adopted something like the CCOPS model by executive order: Mayor Walsh Signs Executive Order Ensuring Public Input on Surveillance Technology Proposals By City Departments – Our City (syrgov.net). see also this draft legislation: https://www.aclu.org/legal-document/community-control-over-police-surveillance-ccops-model-bill
- The same principles should apply to any acquisition or use of military equipment. Many members of the public spoke to the Collaborative about their concern with militarization of police nationally, and the use of military equipment in particular.

Strategy: Inclusive FOIL Processes

- Freedom of Information Law requests should be posted on an easily accesible data portal. The portal should have a "recently requested" page where all responses to FOIL requests go online in chronological order.

Strategy: Policy for public statements about people subject to police action

APD should adopt a policy that governs both when and how police officials make public statements about people who are arrested or otherwise subject to police action. The guiding criterion for public statements should be public safety: the police should speak publicly about an

individual who has been arrested or otherwise subject to police action only when it is in the public interest that information about an arrest or other police action be shared (as, for example, when there is public concern that a violent crime is unsolved).

Moreover, police should limit what they say to those pieces of information that are in the public interest. Those who have been accused of crimes have a significant privacy interest, and their reputations can be permanently damaged by public comment on allegations which may later be rejected by fact-finders. Accordingly, no comment should be made or specific piece of information disclosed about the subject of a police action unless it is in the public interest.

The Common Council should adopt the following requirement:

- "No member of the Police Department shall make a public statement about a case or incident unless they simultaneously make public all documents and recordings relevant to the case, including any material that would be subject to disclosure under Brady v. Maryland and related cases."
- The Common Council should also explicitly give the Police Chief (or their designee) the power to comment on individual cases of alleged misconduct by officers, and encourage the Chief to acknowledge apparent misconduct where he believes it exists. The Chief has been understandably reluctant to comment on pending investigations or cases about police officers in the past, but the inability to acknowledge that conduct on a video appears inappropriate, for example, undermines public trust. A policy should be developed to make clear what standards govern such decisions.

Police Department Functions

Chair:
None (by vote of Group)

City of Albany Support Staff
Detective Commander Vincent Foley Jr.
Detective Kevin Flynn

Contributors:
William Connors
Dr. Stephen Giordano
Michele McClave
Jill Peckenpaugh
Jahaira Roldan
Laurie Shanks, Esq.
Aden Suchak

Table of Contents

1. **Police Interactions with City Youth**
    a. **Goal 1: Eliminate school suspensions**
        i. Mandate teacher training on cultural awareness, diversity, and the school to prison pipeline
    b. **Goal 2: Provide students with the support they need to meet their potential**
        i. Hire more school counselors, social workers, and mental health professionals
    c. **Goal 3: Make the school ground a safe, secure environment where students do not risk fraught interactions with police**
        i. Eliminate school resource officers
    d. **Goal 4: Provide for a transitional period for School Resource Officers**
        i. Schools should allow students to make formal complaints about alleged biased enforcement or excessive force
    e. **Goal 5: Mandate the Know Your Rights curriculum for high school students**
        i. Have an attorney teach the class alongside a member of law enforcement.
    f. **Goal 6: Expand the curriculum on drug and alcohol use in the middle school and high school**
        i. Expand drug and alcohol presentations to include medical professionals including mental health professionals
    g. **Goal 7: Encourage and expand the positive interactions between the police and children and young adults in the community**
        i. Expand the Summer Cadet Program, Police Explorers, TRaC (To Reach and Connect) programs. Include the Know Your Rights program.
    h. **Goal 8: Prevent Truancy and ensure all children are attending school**
        i. Hire social workers to find children and determine why they have been absent
    i. **Goal 9: Ensure that families have the necessary support so that all children can be in a safe learning environment**
        i. Ensure access to affordable quality care.
        ii. Set up satellite learning centers
        iii. Ensure adequate internet access and access to technology
        iv. Provide breakfast and lunch to all students
    j. **Goal 10: Encourage positive police interaction with youth in the community**
        i. Hire police officers that live in the area they are assigned to police.
        ii. Hire officers that reflect the racial and ethnic diversity of the area they police.
        iii. Eliminate random stops and prohibit frisking unless there is a credible report of weapon possession

2. **Police Interactions with Community Members Suffering from Mental Illness**
    a. **Goal 1: Develop alternative crisis response capability within the City of Albany in order to reduce the frequency of police first response**
        i. Implement a 911 triage and diversion program with access to interpretation for non-English speakers
    b. **Goal 2: Create an enhanced Mobile Crisis Response (Medical/Behavioral Health)**
        i. Create a new first responder service to include mobile response teams comprised of medical professionals (medics, EMTs, nurses) with mental health professionals to jointly respond to crisis calls involving mental health, addiction, and homelessness
    c. **Goal 3: Develop specialty units within the Albany Police Department dedicated to responding to mental health related calls**
        i. Expand specialty training
    d. **Goal 4: Assist young people with mental health or substance abuse issues outside of the criminal justice system**
        i. Develop a medical based model for treatment of juveniles that does not rely on law enforcement to address and treat mental health or substance use
    e. **Goal 5: Decrease and decriminalize opioid use, addiction, and overdoses**
        i. Have EMT's or civilians administer respond to overdoses.
        ii. Instruct community members on the use of Narcan nasal spray
3. **Language Access & Cultural Competence**
    a. **Goal 1: Educate the refugee communities about the role of APD**
        i. Re-establish the Community Liaisons program
        ii. Find ways for police officers to interact with individual refugees in a positive way
    b. **Goal 2: Increase cultural competence of APD officers**
        i. Ensure all APD officers attend a locally focused cultural competence training session
    c. **Goal 3: Improve access and use of appropriate, professional interpretation**
        i. Provide training on the legal mandates for using appropriate and professional interpretation.
        ii. Review and analyze the current use of the Language Line interpreter phone services.
        iii. Utilize the community liaisons as in-person interpreters.
        iv. Re-consider the use of in-person interpretation overall.
        v. Discourage the use of non-professional interpreters (e.g. family members, children, neighbors, Google Translate)
        vi. Consider what additional forms may need to be translated into additional languages ie: complaint forms,
4. **Police Interactions with Community Members Experiencing Homelessness**
    a. **Goal 1: Housing for all**
        i. Increase funding for homeless outreach programs
        ii. Expansion of alternative housing models
        iii. Changes to eviction laws
    b. **Goal 2: Decrease total emergency service calls for homeless in the community**
        i. Increase supports for community service agencies
        ii. Establish a plan to maintain connections and supports for those with the greatest need
        iii. Provide avenues of care
    c. **Goal 3: Increase rate of emergency service interactions**
        i. Expand existing alternative crisis response models

ii. Expand and train emergency dispatch to utilize alternative crisis

d. **Goal 4: Reduce the rate of police interactions resulting in use of force and arrest and/or prosecution**
    i. Expand the LEAD diversion program and develop alternatives to conviction and incarceration.
    ii. Establish a social worker or clinician with mental health and substance abuse experience

e. **Goal 5: Continually assess and improve strategies of police interactions with people experiencing homelessness and at risk populations**
    i. Track and assess interactions and outcomes with homeless individuals and other vulnerable populations
    ii. Require officers to track information on community contact
    iii. Implement programs for regular community feedback and assessment of figures and policies
    iv. Hire housing advocates as employees of the Civilian Public Safety Commission

5. **Police Interaction with Victims of Domestic Violence**
    a. **Goal 1: APD should do a deeper dive into community resources and the practical realities of DV**
        i. Ongoing collaboration with community providers including an Albany City based Task Force to establish a community wide response to Domestic Violence.
        ii. Create a supervisor/policy position to participate in the countywide Coordinated Community Response Task Force against Domestic Violence
    b. **Goal 2: Increased training for members of APD**
        i. Include trainings on: Implicit bias, Trauma Informed Response, Understanding how DV Trauma impacts victim memory and reporting, DV dynamics in LGBTQ+ relationships, elder abuse,
        ii. Provide guidance around crisis safety planning and avoiding unintended consequences and safety issues
        iii. Develop strategies to support victims who have contacted police multiple times but are not ready or able to leave or pursue legal action
        iv. Develop training to help police understand victims or domestic violence
        v. Familiarize officers with services and providers
        vi. Have DV providers connect with victims to provide services
        vii. Develop a “bank sheet”
    c. **Goal 3: Provide non-police follow up in all cases of domestic violence**
        i. Utilize trained civilians in place of police
    d. **Goal 4: Assure all domestic violence victims are able to make a complaint even when the perpetrator is an officer**
        i. Establish a civilian review board to investigate cases of domestic violence or sexual assault by a police officer.
        ii. Establish an outreach coordinator to follow-up
6. **Traffic Enforcement**
    a. **Goal 1: Ensure safe, well-maintained cars on our roads**
        i. Adoption of Lights on Program
    b. **Goal 2: Provide an efficient non-police response to non-injury car accidents**
        i. Hire civilians to respond to traffic accidents
        ii. Provide civilian responders with appropriate technology and software to generate reports
7. **Interactions with Members of the Community**
    a. **Goal 1: Eliminate the use of tear gas & decrease the militarization of the police force**

8. **Police Response to Substance Abuse**
    a. **Goal 1: Decrease in injurious and detrimental substance abuse**
        i. Increase supports for programs that mitigate harm from substance abuse disorders
    b. **Goal 2: Increase rate of crisis call diversion to alternate crisis management teams/supports:**
        i. Increase supports for alternate crisis support models for overdose and psychiatric emergencies resulting from substance abuse.
    c. **Goal 3: Decriminalize Substance Use**
        i. Police should connect individuals to treatment and other supports
        ii. Eliminate simple possession
    d. **Reintroduce past offenders into society**
        i. Expunge records for all possession charges
        ii. Increase supports for programs that will work to train, house, and provide treatment for individuals returning from incarceration

BACKGROUND

The modern police force has experienced a massive expansion of the scope and intensity of its interactions with community members. Numerous social problems, particularly those caused or exacerbated by poverty, have been criminalized and delegated to the police to manage. Substance abuse, addiction, and drug overdoses, as well as just hanging out on sidewalks, especially among poor people and communities of color, have been treated not as public health crises but as criminal behavior. Individuals suffering from mental illness or experiencing homelessness are too often met with violence, disdain or incarceration rather than compassion, treatment, assistance and affordable housing.

Many police officers do not have the educational background and training necessary to address this range of social issues.[4] It is inappropriate and can be dangerous to have an armed police response to deal with social issues. These may be more effectively addressed by social workers, street outreach teams and mental health professionals, etc., in ways that we need to test and refine, using redirected police funds. School districts in many communities of color are the door to the "school to prison pipeline." The presence of armed police officers is intimidating to students who have had negative experiences with law enforcement and their placement in schools detracts from a supportive school environment while serving no valid educational objective. And encouraging teachers/staff to call the police rather than devise in-house policies is counterproductive – spend money on more school resources.

Police have become more militarized both in rhetoric and in weaponry. Homeland security grants from the federal government channeled billions of dollars in military hardware into local police departments to fight the "war on drugs" launched in the 1980's. Police departments use the command structure of the military and many see themselves as "warriors" on the front lines in an armed conflict and view members of the community as the enemy who must be controlled or incarcerated, or divided into "good people" and "bad guys," setting them against one another.

The involvement of armed officers in public health issues coupled with the systemic racism in our society has led to grave distrust between the police department and the community

[4] The minimum requirement for an Albany police officer is a high school diploma or its equivalency. Many of the officers have at least some college credits and some have obtained academic degrees but this data is not available.

they are responsible for serving. Many members of the communities of color view the police department not as a group dedicated to their safety and well-being, but rather as an occupying force to be distrusted and feared. Law enforcement actions such as "stop and frisk" polices and unauthorized searches of Black and Brown men and women reinforces this view.

The distrust is further reinforced by political rhetoric that insists that those who believe Black Lives Matter are anti-police and that "Blue Lives Matter" is an equivalent and mutually exclusive response. It is a false equivalency, as having a career as a police officer is a matter of choice while being Black is an immutable characteristic. Additionally, the reality is that the lives of police officers have always mattered – in fact, many laws provide for enhanced punishment if the alleged victim is a member of law enforcement.[5] Conversely, the Black Lives Matter movement was fueled by the fact that far too many Black men and women are being assaulted, shot, and too often killed by the police with no accountability or repercussions.

The existence of systemic racism within every institution in our country is a result of centuries of both the explicit and implicit biased against persons of color. It is evident in our schools, housing, job opportunities, transportation and medical care as well as in our police departments. Significantly, acknowledging this reality does not equate to labeling every member of law enforcement a racist, any more than assigning that label to every teacher, loan officer or medical professional. It does make it imperative that the reality is acknowledged in devising solutions.

Expecting police officers to be on the front lines of virtually every societal problem is a grave disservice to both the community and the police. Community members experiencing homelessness or suffering from drug addiction, domestic violence or mental illness deserve services and treatment to address their needs; community needs cannot be met while the needs of individual people are not met. Young people who have seen or experienced violence in their homes or in their neighborhoods need caring professionals at their schools. No person in any of these groups is helped by force, coercion, arrest or incarceration. Depending on the police to respond to these problems has not ameliorated them but has exacerbated the tension and distrust of the community.

Members of our community who came as refugees or immigrants often have an experience of police as dangerous and some have witnessed family members killed by military police in their country of origin. No one who has had to flee their country as a refugee due to war or a well-founded fear of persecution views police officers as their "friends."

A several-hour or even multiple day module on de-escalation or mental illness at the police academy, interspersed with training on riot control, firearm practice, report writing and the myriad other topics necessary to become an officer is not a panacea. Such training is beneficial and should be continued and enhanced, but it does not transform a police recruit into a social worker, psychologist, substance abuse counselor, psychiatrist or medical professional. Requiring the police to respond to these types of social issues also has a negative impact on areas in which the police action is vital. When the community harbors fear and distrust of the police, it makes police work more difficult as community members become unwilling or reluctant to cooperate in crime response and investigation.

---

[5] H.R. 878 – Law Enforcement Officers' Bill of Rights Act of 1995 https://www.congress.gov/bill/104th-congress/house-bill/878?s=1&r=76

In order to address these dual problems, the Police Function Working Group has studied those areas in which qualified civilians, existing agencies and/or trained professionals can more appropriately respond and replace members of the police department.

Although we propose recommendations and strategies to effectuate the desired reallocation of responsibility, an overarching concern of the Working Group is the effect of poverty and the lack of resources on the existing problems and any potential solutions. The problems are long standing and the pandemic has only exacerbated them. Without affordable housing, adequate shelter beds, financial support for families, drug treatment, mental health counseling, affordable day care, an adequate number of school counselors and psychologists and well-paying job opportunities, and adequate existence and utilization of interpreter services, we cannot hope to meet our goals. Even so, we are confident that identifying the issues and proposing solutions is a vital first step.

OUR VISION AND MISSION STATEMENT

Our vision is of a community where individual residents, businesses, social service organizations and government agencies work together as trusted partners. Each community member feels respected, safe, understood and supported. Police officers are well trained, competent and trustworthy, are sensitive to the needs of the community they serve and ideally live in the communities that they are charged with protecting. They are not expected to take on services that people with other skills should provide, and they understand and honor their roles and the limits on those roles. Appropriate resources and professionals are available--not necessarily through the police department, but in coordination with it--to be deployed to support, guide and assist community members who are the victims of apparent criminal behavior as well as those who are experiencing social or economic crises as a result of trauma, mental illness, substance abuse, truancy, domestic violence and homelessness. Resources are allocated to support all members of the community, including those from different cultures and those who speak different languages, so that each member can have a fruitful, satisfying and productive life. Our policy recommendations speak to the scope of services needed by our community and identify those agencies and service providers that could limit the footprint of the Albany Police Department while furthering that vision.

1. Police Interactions with City Youth: School Suspensions, Truancy, School Resource Officers and Encounters in the Community

Introduction:

We want to have a community in which every child from birth through adulthood is cherished, supported, encouraged and cared for and who feels safe and secure in their home, their school, their neighborhood and their city. We want them to see the police, the school staff, teachers, and administrators as well as social services and other city agencies as composed of adults who care about them and are able and willing to help them.

Too many of our children deal with violence in their homes and in their neighborhoods and have traumatic interactions with CPS and the police. Those suffering from abuse, neglect, addiction and mental illness may be unable to attend or be successful in a traditional school environment. This in turns leads to the potential of truancy or Family Court involvement that may exacerbate rather than ameliorate the problems.

Truancy is defined as an intentional, unjustified, unauthorized and unexcused absence from school[6]. Truancy can result in a child being declared a PINS (person in need of supervision) and the child and his/her family may become involved with Family Court. These are not crimes and should not be treated as crimes.

Many of the young people in our community fear the police based on their own interactions with law enforcement or those of their family, friends and neighbors. Black and Brown teenagers are given "the talk" by family members hoping to keep them safe by teaching them to be non-confrontational, polite, and non-threatening. Our young people see violence and killings of Black men and women by law enforcement on television and social media and many view the police not as protectors but as a hostile force.

Everyone in the community is understandably concerned about violence in our schools, particularly the risk of a school shooting with mass casualties. Although it seems logical that a police presence in schools would be an appropriate and necessary response to the threat, both in terms of deterrence and in actually confronting a shooter, the limited research that has been done does not support this position.[7] School shootings, while horrific, are rare, and there is no evidence that an armed police officer makes the school safer for students, teachers or staff. In reality, shootings are not the focus of the vast majority of School Resource Officers. Rather, police officers are expected to serve as disciplinarians, counselors and social workers – tasks more appropriate for administrators, school counselors, social workers and school psychologists.

We want to encourage police to be involved with the youth of our City in supportive, non-coercive ways. We want to provide effective, culturally competent, community-directed assistance and services to children and their families. Role models should come from a broad spectrum within and outside of the police force. We want our schools to be safe environments in which every child is able to achieve his or her potential.

CHALLENGES:

It is not a new phenomenon that children misbehave in class, talk back to teachers, skip school, arrive late, play pranks or get into verbal and physical fights with one another. What is a fairly recent development is that such behavior has become criminalized and even young children can be suspended. Even more concerning, with the institution of "zero tolerance" policies and the presence of armed police officers stationed in schools, children and adolescents risk arrest and involvement in the criminal justice system.

The Covid-19 epidemic has dramatically exacerbated problems experienced by children in neighborhoods with low tax bases and high needs. Children are expected to learn largely on their own. They may not have adequate Internet access, appropriate tools or a quiet place to study. Parents may be working away from home and/or may not have adequate technological expertise or English proficiency to assist. Families who rely on free breakfast and lunch may have difficulty accessing the distribution system and become further food insecure. The threat or reality of eviction can cause further disruption to the children's education.

---

[6] New York Consolidated Laws, Title 4, Article 65, Part 1 – Compulsory Education and School Census. https://law.justia.com/codes/new-york/2013/edn/title-4/article-65/part-1/

[7] A 2013 study by the Department of Justice of 160 active shooter incidents in the United States between 2000 and 2013 shows that members of law enforcement have ended less than 1/3 of active shooters incidents.

The "school-to-prison pipeline" describes the drastic consequences of interrupting the schooling of primarily low-income Black and Brown children by suspending and arresting them [8] Research has demonstrated that for these students a suspension can be life altering. Suspensions all too often lead to a child dropping out of school and starting down a path that leads to unemployment, inadequate resources to meet life requirements, and imprisonment. Although there has been an emphasis on the implicit bias against Black boys, research has demonstrated that Black girls also suffer disproportionately from unfair treatment in schools.

Truancy and excessive absences from school are often seen as a problem primarily associated with adolescents, but often children begin missing substantial amounts of school at far younger ages. Truancy has been identified as one of the early warning signs that a child is potentially headed for delinquent activity, social isolation and educational failure. Truancy is also related to substance abuse, suicidal thoughts and attempts and early sexual activity.

Too often "truants" are apprehended by the police or a school officer, brought back to school and then suspended for missing an excessive number of school days! Parents are blamed for not insuring that their child is in school even when they had no knowledge that the student was not attending class, even when that lack of knowledge stems from the need to work two and three jobs, or from unemployment system or criminal system supervision requirements that fail to provide time and opportunity for effective parenting.

ASSETS:

Everyone in the community wants to ensure that our children are safe at school and that the school environment is conducive to learning. We want all of our children to live up to their potential and we want to ensure that there are appropriate professionals in our schools to support children who have experienced abuse, trauma, eviction or any other factor that disrupts their ability to learn.

We want to eliminate or decrease the number of suspensions when children are in an in-person learning environment and to provide support to insure that distanced learning is as constructive and effective as possible. We have dedicated teachers, administrators and staff that strive every day to ensure an excellent learning environment. We want to utilize these professions and add others who are uniquely qualified to support our children.

The Albany County Probation Department has programs designed to avoid instituting PINS petitions and Family Court involvement in potential truancy cases. Included are structured supervision, counseling services, respite services and crisis intervention. Unfortunately, the Probation Department is a component of the criminal justice system, one that too often is coercive or oppressive rather than supportive.

GOALS AND STRATEGIES:

GOAL 1: Eliminate school suspensions
STRATEGIES TO MEET GOAL 1: Albany should mandate teacher training on cultural awareness and diversity. Teachers must be able to build relationships with students who might not be like them. Teachers, staff and administrators should receive training on "restorative practices" that help educators, students, and families get to the root of disciplinary issues.

[8] https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline

GOAL 2: Provide students with the support they need to meet their potential.
STRATEGIES TO MEET GOAL 2: Hire more school counselors and mental health professionals to assist students experiencing abuse, neglect or trauma. Hire additional nurses to assist students who are experiencing mental health or substance abuse issues. Hire social workers to help students' families' access food stamps, medical care, housing assistance and other social services. Hire and train non-professional community members to support students and schools. [9] This would inject much-needed income into communities, empower community members, and make schools places that are "of" rather than "imposed on" the people they serve.

GOAL 3: Make the school ground a safe, secure environment where students do not risk fraught interactions with police.
STRATEGIES TO MEET GOAL 3: Eliminate School Resource Officers. The presence of uniformed, armed officers in schools is intimidating and stressful for students who have had negative interactions with the police themselves or have experienced or been told about such interactions by family or community members. Although those officers who volunteer to be a SRO may have the best of intentions, the reaction of the students is formed by their experiences both at school and in their neighborhoods. Ask students what they need to feel safe and for their input on planned changes—they may know of problems supervising adults cannot see.

GOAL 4: Provide for a transitional period for School Resource Officers
STRATEGIES TO MEET GOAL 4: In the event that it is not possible to immediately replace SROs with other professionals, schools should implement policies that give greater power to students to make formal complaints while holding the officers accountable if complaints of biased enforcement or excessive use of force allegations are confirmed. Demilitarize the clothing and equipment worn by SROs. There are ways to identify them without the war-like presentation of badge and rank, etc. Research/study effective use of unarmed SROs, if SROs there must be.

GOAL 5: Mandate the Know Your Rights curriculum for high school students.
STRATEGY TO MEET GOAL 5: The Know Your Rights program developed and administered by the Center for Law and Justice brings together a police officer and an attorney to talk to young adults about their rights when they have an interaction with law enforcement in school, on the street or when driving.

GOAL 6: Expand the curriculum in the middle school and high school on drug and alcohol use.
STRATEGIES TO MEET GOAL 6: Currently much of the information on drug and alcohol use is provided by law enforcement with an emphasis on criminal justice consequences. While such information may be helpful, it should be coupled with information from medical professionals. "Just say no" programs have been shown to be ineffective.[10] Students need accurate information and encouragement to reach out for assistance if they are experiencing substance abuse issues or trauma that may cause them to become addicted. They must feel that it is safe for them to do so and they should be provided with any assistance that they require.

---

[9] https://www.americanprogress.org/issues/education-k-12/reports/2020/08/10/489168/opportunity-counseling-corps-helping-k-12-students-young-adults-recover-coronavirus-crisis/
[10] "We Can't Just Say No" https://sites.tufts.edu/cmph357/2017/04/09/we-cant-just-say-no/

Students who have friends or family members experiencing drug or alcohol issues should have access to information and encouragement as well.

GOAL 7: Encourage and expand the positive interactions between the police and the children and young adults in the community.
STRATEGIES TO MEET GOAL 7: There are several programs already in place that provide for positive interactions between the police and young people in the community. Many of these should be supported and in some instances expanded or altered, and new programs should be initiated. Included are the Know Your Rights program run in conjunction with the Center for Law and Justice, the Summer Cadet Program, the Police Explorers, and the TRaC (To Reach and Connect) mentoring program. Police officers attend teen nights at various locations and participate in coaching sports teams. While the Covid-19 pandemic has eliminated many of these activities, they should be reinstituted and enlarged once it is safe to do so. Emphasis should be on police/youth interactions or training programs that do not highlight or glorify military-type equipment, rank, and power.

GOAL 8: Prevent truancy and ensure all children are attending school
STRATEGIES TO MEET GOAL 8: Starting with the youngest children, there must be a system to identify any child who is missing more than a few days of school in any given school year. Social workers or trained community members should be hired to find the children and determine why they are not attending class. A recent 60 Minutes episode featured a social worker in Florida charged with finding "lost children." She discovered students whose parents had lost their jobs and were living in shelters, students with no Internet access or computers, a child who needed glasses, families with inadequate food, and ten-year-olds in charge of younger children while their parents worked. We need to determine why each child is failing to attend school and identify and resolve the barriers to their education. Schools must work with the parents in a supportive fashion. The services presently provided by the Probation Department should come from social workers, school counselors, or others hired directly by the City or schools to avoid the association with the criminal justice system.

GOAL 9: Insure that families have the necessary support so that all children can be in a safe learning environment.
STRATEGIES TO MEET GOAL 9: Insure that every family has access to safe and affordable quality day care for infants and pre-school aged children so that their parents can go to work and older siblings can attend in-person or remote learning and concentrate on their studies without the distraction of child care obligations. Set up satellite learning centers that school-aged children can attend if in-person schooling is suspended during the pandemic. Staff them with teaching assistants who can assist the students with their work. Insure that there is adequate Internet access and that each child has a laptop and appropriate school supplies. Provide breakfast and lunch to all students. Provide extra help to students and families for whom English is not their first language. For refugee families, often the only phone number listed is the resettlement agency because the family did not have a phone when they first arrived and the children were registered for school. In these cases, the school may be leaving multiple messages about a student missing class without the information getting to the parents. Have social workers and school counselors available to assist families in accessing social services and to reach out and obtain current contact information for every family.

GOAL 10: Encourage positive police interaction with youth in the community.
STRATEGIES TO MEET GOAL 10: Hire police officers that live in the area they are assigned to police. Hire police officers that reflect the racial and ethnic diversity of the areas they are assigned to police. Encourage community policing that engages the young people in the community. Eliminate random stops and prohibit frisking or searching unless there is a credible report or evidence—not suspicion--of weapon possession.

2. POLICE INTERACTION WITH COMMUNITY MEMBERS SUFFERING FROM MENTAL ILLNESS

INTRODUCTION:

Individuals experiencing emotional disturbance and/or living with mental health challenges are disproportionately incarcerated and involved unnecessarily in the criminal justice system. These individuals are also disproportionately involved in adverse and sometimes fatal encounters with law enforcement.
Persons of color experiencing emotional disturbance and/or living with mental health challenges are especially vulnerable to experiencing adverse and sometimes fatal outcomes in their encounters with law enforcement.

Young adults experiencing emotional disturbance and/or living with mental health challenges are also disproportionately involved in the criminal justice system. They are at an increased risk for suicidal behavior and are frequently suffering from trauma, drug abuse and addiction and physical or sexual abuse.

CHALLENGES:

Individuals experiencing emotional disturbance and/or living with mental health challenges are frequently challenged by addiction, poverty and housing instability as well. Currently, the City of Albany Police Department (APD) handles a high volume of calls annually involving a person considered: "emotionally disturbed persons" (EDP). Many requests for service are identified as involving EDPs at the outset while other requests for service evolve into situations involving EDPs. These individuals may also be experiencing addiction or withdrawal. It may be impossible for the responding officer to determine the underlying cause or causes and provide the appropriate treatment or response. As a consequence, law enforcement responses too often escalate into potentially dangerous or fatal encounters.

The young adults who are involved in the criminal justice system may view efforts to screen and treat them for mental health or substance abuse issues as punitive or coercive in nature and may resist such efforts provided as part of a criminal or family court proceeding. There is a great need to remove the stigma from mental illness among community members and police alike.

ASSETS:

The Albany Police Department (APD) has, since at least 2012, increasingly recognized the value of specialized training to better manage service calls involving EDPs and has devoted increasing resources towards this end. Currently, all police recruits receive Crisis Intervention

Team (CIT)* training in the academy and all officers are encouraged to enroll in twice annual CIT training offered jointly by APD and by the Albany County Department of Mental Health (ACDMH).

Additionally, APD has a long-standing working collaboration with ACDMH's Mobile Crisis Team in responding to requests for service involving EDPs. Although a countywide service, the majority of requests for service come from within the confines of the City of Albany (see attached 2019 zip code analysis). Of the approximately 1200 annual MCT crisis responses in the community, almost 40% occur without police involvement. Nevertheless, it is not uncommon for either police to request MCT assistance on a scene or for MCT to request police assistance prior to or during a crisis response. Although the GOAL is always for MCT to resolve the crisis in the community, police are typically involved during involuntary hospitalizations and when violent behavior is threatened or encountered.

The Albany County Probation Department works in collaboration with community service providers and county agencies such as the Albany County Department of Mental Health [11] to develop plans and services to assist young adults in the criminal justice system who are suffering from mental health and substance abuse issues. The Probation Department uses screening tools to identify those individuals in need of specialized services.[12]

GOALS and STRATEGIES:

GOAL 1: Develop alternative crisis response capability within the City of Albany in order to reduce the frequency of police first response.
STRATEGIES TO MEET GOAL 1. The City should implement a 911-triage and diversion program with access to interpretation for non-English speakers. 911 dispatchers will be trained to identify and refer non-emergency mental health related calls to mental health professionals for immediate response. This will reduce the frequency of police first response to calls involving emotionally disturbed persons, allow law enforcement to remain available for priority assignments, reduce the likelihood of adverse encounters between law enforcement and individuals living with mental health challenges, and increase the likelihood of positive outcomes. [13]

GOAL 2: Create an enhanced Mobile Crisis Response (Medical/Behavioral Health)
STRATEGIES TO MEET GOAL 2: Create a new first responder service to include mobile response teams comprised of medical professionals (i.e., medics, EMTs, nurses, etc.) and mental health professionals (i.e., peers, counselors, social workers, etc.) in order to jointly respond to "crisis" calls involving mental health, addiction and homelessness as an alternative to police response. This will reduce hospital emergency department use, reduce the likelihood of adverse

[11] ACDMH's MCT has been operational for 30+ years, is the first mobile crisis team in NYS, and was created in the aftermath of a high-profile, police-involved fatal shooting in 1984 of an unarmed, Black male living with mental health challenges.
[12] CIT is an internationally recognized evidence-based 40-hour training curriculum designed to increase law-enforcement knowledge and understanding of mental health matters, improve interactions between police and community, reduce unnecessary incarcerations when possible, increase referrals to treatment, and improve overall safety during police/community interactions.
[13] Related new expenditures would include increased training costs for dispatchers and staffing costs associated with development of dedicated mental health response teams and/or enhancement of existing mobile crisis services accordingly. (Example: 911 Distressed Caller Diversion Program - Broome County, NY)

encounters between law enforcement and the community, and increase the likelihood of positive outcomes. Additionally, these professionals will be able to assist not only the community member in crisis but also his/her family members to access social services to help alleviate subsequent calls.[14]

GOAL 3: Develop specialty units within the Albany Police Department dedicated to responding to mental health related crisis calls.
STRATEGIES TO MEET GOAL 3: Expand specialty training (e.g., CIT) to insure that these specialty response units are well versed and well equipped to manage and de-escalate crises encountered in the community. These units could be comprised solely of police officers or preferably, a team of law enforcement and mental health professionals.

GOAL 4: Assist young people with mental health or substance abuse issues outside of the criminal justice system.
STRATEGIES TO MEET GOAL 4: Develop a medical based model for treatment of juveniles that does not rely on law enforcement or the probation department to address and treat mental health or substance abuse. Uniformed officers and a metal detector control entrance to the Albany County Probation Department. The setup is coercive and intimidating. It has the potential to deter those who are already fearful of law enforcement from getting the services they need. Conversely, it sends the message that only by getting in trouble with the law can one access services.

GOAL 5: Decrease and decriminalize opioid use, addiction and overdoses.
STRATEGIES TO MEET GOAL 5: An opioid overdose does not require an armed police response. EMTs and/or civilians can administer Narcan nasal spray quickly and effectively and the person can then be transported to the hospital if additional medical care is required. Drug treatment professionals should be available to provide referrals for follow up.

3. LANGUAGE ACCESS & CULTURAL COMPETENCE

INTRODUCTION:

Albany is a diverse community; there are many different languages and cultures, including over 4500 refugees who were resettled in Albany since 2005. By definition, refugees are individuals who have fled war and persecution and have had their basic human rights taken away. Many have run for their lives from military police states and do not have any understanding of a "friendly" police officer. Some have been tortured or watched their family members be killed. Few would have an understanding of mental health like the current perspective in the U.S.

CHALLENGES:

Given the many issues facing the APD, including issues of life and death, learning about refugees' backgrounds may seem complicated and impossible. Ignoring the complexity does not resolve the issues. There are ethnic community gangs, serious mental health and PTSD issues, etc. and the police may not possess the proper tools to address them. There are instances of

[14] Related new expenditures would include staffing costs associated with development of medic/counselor response teams and/or enhancement of existing mobile

domestic violence, child abuse, forced marriage and human trafficking that continue in part because some members of the refugee community are weary of the police due to their experiences with police in their country of origin. Depending on one's immigration status, there can be long-term negative consequences for immigrants who are arrested, including not being able to gain citizenship. The terror of being deported or having a loved one, family member, or neighbor deported, can prevent crime victims or witnesses from cooperating with the police.

ASSETS:

Albany has a long history of welcoming the newcomer (e.g. Dutch, Irish, Italians, Polish, Russians, etc.) and many immigrants have made Albany their home over the past century and more. The community has continued to embrace and support our diverse refugee and immigrant population in recent years. The community support is reflected in the outpouring of donations, both monetary and in-kind household goods; and through English as a New Language services in the schools. Mayor Sheehan has been a strong supporter, recognizing and publicly stating how important our refugee populations are to the local economy, as well as attending and speaking at various cultural events.

GOALS:

GOAL 1: Educate the refugee communities about the role of the APD, and create ongoing trusting relationships between the refugee communities and the APD.

STRATEGIES TO MEET GOAL 1:

a. Re-establish the Community Liaisons (CL) program, which provided six liaisons who served as important bridges to six key language and cultural groups in our community. Consider expanding to include a female and male for each group. Solicit input from the CL's on the best way to train officers about their cultures, and to establish relationships with the communities. *Hiring* people from the refugee communities will assist the police gain insight and knowledge AND bring a few jobs into the community—a great bridge-builder.
    a. Utilizing the CL's will also be helpful in identifying situations that require mental health or other services.
b. Find ways for police officers to interact with individual refugees in a positive light (e.g. attend annual cultural events; volunteer to assist with "sweat equity" for Habitat for Humanity houses for refugee and immigrant homeowners; do a "pop-up barbecue" aimed at refugee and immigrant populations; lead info sessions on how to become police officers or other city jobs.

GOAL 2: Increase cultural competence of APD officers.

STRATEGIES TO MEET GOAL 2:

a. Ensure all APD officers attend a locally focused cultural competence training session. Invite CL's to lead or be panel members, to provide a two-way conversation, not only with new recruits, but also with seasoned officers.

GOAL 3: Improve access and use of appropriate, professional interpretation.

STRATEGIES TO MEET GOAL 3:

a. Provide training to all APD officers, not only new recruits but also experienced officers, on the legal (both federal and New York state) mandates for using appropriate and

professional interpretation. Cultural Competence Relevant Regulations and Laws (ny.gov)

b. Review and analyze the current use of the Language Line interpreter phone services. Break down and analyze use by station, officer, etc., including information on which languages were accessed. Determine where there are gaps in knowledge and usage across the APD. Build in review of interpretation use at regular intervals.
c. Utilize the Community Liaisons as in-person interpreters. Consider doubling the number of community liaisons to ensure having both female and male in-person interpreters for each key language and culture.
d. Re-consider the use of in-person interpretation overall. Consider adding local video interpreting service, such as Akula Services – AKULA (akulainterpreting.com) or Lexikeet Lexikeet Language Services.
e. Discourage inappropriate use of non-professional interpreters (e.g. using family members, children, neighbors, Google Translate, etc.) Hold trainings for all officers about how to effectively use any interpreting services, both at the station and in the field. (For example, teach officers that over 60-90% of communication is nonverbal; to speak in the first person when speaking to someone who speaks another language, not third person; norms around eye contact in various cultures, etc.) Hold APD officers accountable for consistently using what they are taught at the Police Academy in real life situations.
f. Consider what additional forms may need to be translated into additional languages, to provide support for all community members to file complaints, ensure their rights are being met, etc.

4. POLICE INTERACTIONS WITH COMMUNITY MEMBERS EXPERIENCING HOMELESSNESS

INTRODUCTION

On a single night in January 2019, state and local planning agencies in the United States reported 567,715 were homeless[15]. Individuals experiencing homelessness, particularly those residing on the streets, in encampments, and in improvised structures will invariably come into contact and interact with police more often than those who are housed or sheltered[16]. Concerned citizens may call police for support, business owners may call in police to enforce loitering laws, or police may simply encounter homeless individuals in routine stops and inquiries. For some individuals, these contacts can lead to positive outcomes and connections to essential supports and resources. However, particularly for those who are experiencing emotional crisis or disturbance, these interactions can escalate to conflicts, arrest, and violence.

CHALLENGES

[15] HUD, AHAR Report: Part 1 - PIT Estimates of Homelessness, p8 https://www.huduser.gov/portal/sites/default/files/pdf/2019-AHAR-Part-1.pdf

[16] Roy, Laurence, Ph.D., Crocker, Anne G., Ph.D., Nicholls , Tonia L., Ph.D., Latimer , Eric A., Ph.D., and Reyes Ayllon , Andrea, M.Sc., *Criminal Behavior and Victimization Among Homeless Individuals With Severe Mental Illness: A Systematic Review*
American Psychiatric Association, Psychiatric Services,
Published Online:1 Jun 2014 https://doi.org/10.1176/appi.ps.201200515

a. Legal and Criminal

Laws which are designed to manage presumably problematic behaviors of street homeless individuals ("nuisance laws" – e.g. panhandling, loitering, public camping, etc.) as well as disproportionate enforcement of laws for those with increased incidences with police (e.g. drug possession, etc.) will inevitably lead to an increase in arrests, charges, and penalties for street homeless individuals[17] . In turn, these interactions, which carry the threat of criminal action, can contribute to a distrust of police or to other first responders by homeless individuals in crisis situations. While it is difficult to track specific numbers with current systems, it is estimated that 62.9% to 90% of homeless individuals have been arrested, with lifetime incarceration rates for homeless individuals ranging between 48% and 67%[18]

b. Street Homelessness, Encampments, and Squatting

Just under two thirds of those experiencing homelessness in the US resided in sheltered locations, 37% residing on the street or in improvised shelters[19] . When residing on the street, individuals are vulnerable to the elements and to encounters with other individuals who may have malintent. Homeless individuals are more likely to be the victim of violent and property crimes than sheltered individuals, with an estimated 73.7%-87% of homeless individuals having been the victimized[20] . Crimes against the street homeless that include assaults, robbery, and other more violent crimes are made more readily possible due to the vulnerability of unsheltered living. Homeless individuals are more likely to be the victim of violent and property crimes than sheltered individuals, but are also significantly more likely to be a victim of hate crimes based on their age, race, or disability [21].Additionally, the activities inherent to living on the street are often criminalized, leading to arrests and other police interactions with homeless individuals for violations of vagrancy, loitering, panhandling, public urination, and other so-called "nuisance" laws[22].

Alternatives to conventional temporary and emergency housing models exist in the form of unsanctioned structures and communities, and can mitigate some of the vulnerabilities inherent to street homelessness. "Squatting" in abandoned buildings and grouping together for resources and community in "encampments" may serve to satisfy some housing needs at least temporarily (some shelter from the elements, some security of community, etc.). However, those who engage in these alternative housing models reside in unregulated, often unsafe environments, condemned and dilapidated buildings, and areas of the city not zoned or prepared for safe habitation. For good cause, emergency responses to these areas are often made, and often those are made by, or with the presence of police officials. Albany Outreach Van engaged with 64 separate individuals in the week of 1/15/2020 in independent improvised shelters, abandoned buildings, and over 5 encampments in Albany.

---

[17] ibid

[18] Ibid

[19] HUD, AHAR Report, p8

[20] Roy, Laurence, Ph.D., Crocker, Anne G., Ph.D., Nicholls , Tonia L., Ph.D., Latimer , Eric A., Ph.D., and Reyes Ayllon , Andrea, M.Sc., *Criminal Behavior and Victimization*

[21] Leomporra, Annie and Hustings, Megan, *Vulnerable to Hate: A Survey of Bias-Motivated Violence against People Experiencing Homlessness* National Coalition for the Homless, 2018, https://nationalhomeless.org/wp-content/uploads/2018/12/hate-crimes-2016-17-final_for-web.pdf

[22] Roy, Crocker, Nicholls, Latimer, and Reyes Ayllon, *Criminal Behavior and Victimization*

c. Mental Health and Homelessness

When adequate treatment options for those suffering from severe mental illness are not available or under-resourced, other essential structures (relationships, employment, etc) can fail and housing can be quickly lost. An estimated 25% of homeless people suffer from severe mental illness [23] (compared to an estimated 5.2% of all adults [24]). The significant percentage of street homeless with mental health issues can in part be attributed to changes in policy. The deinstitutionalization push that started in the 50's and 60's to address overcrowding and inhumane treatment in institutional settings, has resulted in drops in inpatient populations year after year [25], the closing of many inpatient facilities, the reduction in the use of involuntary hospitalizations and state run treatment, and an increase in emphasis and dependence on voluntary, community based treatment. While there were some positive outcomes from that push (particularly in regards to increased emphasis on civil liberties for those suffering from mental illness), many would argue that policies and resources needed to support these individuals in the community were never adequately provided for. Those suffering from severe mental illness in the community are now often left to navigate traditional, rigid systems of care and service, often times with minimal or no supports, with policies reflecting decades old mental health wisdom. Struggles in those systems often lead to "non-compliance" and loss of essential services and treatment. Once connections to treatment and case management are lost, it can be increasingly difficult to connect with essential treatment and case management needed for some to maintain basic function in the community. This problem is magnified for those who have been barred from accessing community shelters and regular services, but do not meet the threshold for incarceration or institutionalization.

d. Tracking and Accountability

Currently, it is a challenge to obtain clear information on the policing of homeless populations in Albany. There is not a clear policy for maintaining data on police interactions, nor is there a system or practice of publicly reporting this data, nor a current community body for continually assessing and advocating for changes in policing policies and practices with homeless populations. It will be difficult to assess benefits and setbacks of any of the changes discussed within this recommendation if there is no attempt to objectively measure the impacts of those changes.

e. Economy, Resources, and Societal Factors

If we understand homeless populations to have increased incidents of interactions with police (positive and negative) it should be also understood that environmental factors that contribute to increases in homelessness in a population are factors that will result in increases in total negative outcomes with police. Changes to structures that reduce or eliminate homelessness (decreased economic inequality, improvements in treatment of mental health and substance use disorders, programs that provide reductions in total street homeless population in favor of structured housing programs, etc.) Should be considered and encouraged. However, as these items are not

---

[23] Mental Illness Policy Org, https://mentalillnesspolicy.org/consequences/homeless-mentally-ill.html

[24] National Institute of Mental Health, https://www.nimh.nih.gov/health/statistics/mental-illness.shtml

[25] Merwin, Mary R., Ochberg , Frank *The long voyage: policies for progress in mental health.* Health Affairs, Vol 2, No 4, Winter 1983, p6
https://pdfs.semanticscholar.org/a093/fd47cddab754e31497422b11e8a20d05f5fe.pdf?_ga=2.43843941.1386977897.1611634364-875642767.1611634364

directly related to policing reform, they will not be addressed in depth in this report, but are in principle encouraged. Increased study and support for agencies that are addressing these underlying factors are also strongly encouraged.

ASSETS

a. Community Connections/Community Policing

In a small city or neighborhood, community awareness and connections often serve as a mediator between vulnerable populations and the potential consequences of destructive behaviors or of a police interaction. Long-standing connections are most essential and valuable to community cohesion, and efforts should be made to maintain a base of residents, community organizations, and leaders. The city of Albany has adopted and advocated for a community policing model since 2009, with a Community Police Advisory Committee representing the 15 wards of the city "charged with reviewing and addressing items that would potentially reinvigorate the relationship between the residents of our community and the APD"[26] . While police training on the challenges of handling vulnerable populations is essential, it cannot replace the working relationships police have in a community, and those connections should be fostered and seen as essential assets in community policing.

b. Jail Diversion

Models of policing that provide avenues to treatment and supports, and divert from criminal prosecution, fines, and incarceration have become an essential component of community policing in Albany and should continue to be embraced and developed. The LEAD program (Law Enforcement Assisted Diversion) in Albany will be addressed in depth in other areas of this report and is a critical component to diverting homeless individuals away from arrest and incarceration and towards essential supports. Often times the traditional path to prosecution for nuisance crimes such as panhandling, loitering and public intoxication can exacerbate a problem and push individuals away from treatment, compounding a cycle of mistrust and abuse. LEAD and programs like it should be encouraged and expanded.

c. Alternative Crisis Response Models

Albany has existing alternative crisis response models that can be built upon and expanded. The primary existing model for mental health crisis is the Albany County Department of Mental Health Mobile Crisis Team (MCT), based in the Capital District Psychiatric Center. As there is significant overlap in the populations experiencing mental health crisis and emotional disturbance and those who are experiencing homelessness, this community response resource is inextricably tied to and an essential resource for the homeless population in Albany, providing essential in-person mental health assessment services and transport to local hospitals for those in mental health crisis. However, the Mobile Crisis team has a focused role in the community, with an emphasis on acute crisis response. The MCT cannot proactively address individuals living on the street who may be experiencing a more sustained mental health decline, with symptoms that do not present outwardly as explicit as threats to self or others or as overt and imminent risks to general wellbeing. These more sustained, quiet crises when left unaddressed can leave individuals unable to address their daily needs or to care for chronic physical and mental health conditions, elevating significantly their risk in the community. The collaboration between the

[26] https://www.albanyny.gov/870/Albany-Community-Police-Advisory-Committ

MCT and teams of professionals proactively addressing the ongoing mental health needs in the community has been an essential and successful collaboration for 35 years that should be celebrated and built on.

d. Mental Health Community Treatment:

A statewide program "ACT" is an evidenced-based practice that offers treatment, rehabilitation, and support services, using a person-centered, recovery-based approach, to individuals that have been diagnosed with serious mental illness[27]. Albany County Assertive Community Treatment team consists of a team of clinical social workers, psychiatrists, and case managers who provide for active clinical connections for individuals in Albany County. ACT and other intensive community supports aim to meet the needs of those in the community who have been unable to successfully maintain traditional mental health supports, and have had a history of emergency service and crisis hospitalizations. However, many who are identified as having increased need remain unhoused. Without viable solutions for housing, these individuals have significant challenges meeting their basic needs and maintaining their safety and treatment in the community, even with enhanced treatment supports.

e. Homeless Supports/Housing

Emergency Shelters: While incidences of crime and police interactions exist within shelter facilities, maintaining a system of supports that keep individuals off the streets is one of the most essential components to decreasing negative outcomes for homeless individuals in general and negative police interactions more specifically. There are four year-round publicly funded emergency shelters for individuals in Albany with capacity for up to 79 individuals, two year round emergency shelters for families housing up to 84 families, and one shelter dedicated to Domestic Violence victims with 30 beds. ACDSS also regularly uses motels to fill in the gaps when shelters are full or unsuitable for the needs of the individual seeking shelter. There are also two seasonal shelters operating in the coldest months, housing up to 65 individuals at a time. The Capital City Rescue Mission is another essential shelter in Albany, it is privately funded, and serves the Capital Region houses up to 200 men per night in both short and long term shelter options. The CCRM also operates a Code Blue shelter in the winter, housing up to 8 women.

Emergency Shelter Placement: Every month, 400-600 calls are made to HATAS for homeless related assistance and shelter, and many more seek shelter through DSS through in person services and calls. Access to these services should be promoted and made easily accessible, as particularly for individuals experiencing homelessness for the first time, or experiencing homelessness in Albany for the first time, connections to supports are an essential first step to a safe outcome.

Community Connections: Community resource centers like IPH Community Connections and street outreach such as Joseph's House Albany Outreach Van connect homeless individuals, and those at risk of homelessness, to essential resources and supports in Albany, including temporary and permanent housing, and daily essentials such as food, clothing, toiletries, blankets and sleeping bags. This is a particularly important resource for those individuals who distrust the shelter system or are barred from entering shelters in Albany.

[27] https://omh.ny.gov/omhweb/act/

Temporary and Permanent housing agencies: The first step for many who are in shelter or on the street is a connection to transitional housing or to permanent supported housing. Currently, 13 Agencies implement 29 separate temporary housing programs in Albany that work to bridge the gap from shelter to permanent housing. One of the most essential things we can do to protect those experiencing homelessness is proper housing, in many cases housing is obtained even before connection to clinical or sobriety supports[28] as maintaining basic shelter can dramatically decrease vulnerability in the community and be the platform for connecting to long term housing and rental aid, clinical supports, employment, sobriety and other essential goals and services to maintain a good quality of life.

GOAL 1: Housing for All
Strategies to meet Goal 1: All additional strategies should be explored to reduce overall homelessness for all those who desire housing. Negative social, criminal, and health outcomes are far more commonplace for those experiencing homelessness. People who are homeless have higher rates of illness and die on average 12 years sooner than the general U.S. population[29]. Many of the strategies to address homelessness are beyond the scope of this report, but are essential for addressing this need. These strategies may include increase in funding for homeless outreach programs, expansion of alternative housing models, changes to eviction laws, or other novel ideas to address the changing needs of communities addressing homelessness.

GOAL 2: Decrease total emergency service calls for homeless in the community
Strategies for GOAL 2: Increase supports for community service agencies who serve to lower the risk for homelessness and at risk populations. Establish a plan to maintain connections and supports for those in the community who demonstrate a pattern of greatest need. Provide avenues for care for those who have been barred from accessing community shelters, but do not meet the threshold for incarceration or institutionalization.

GOAL 3: Increase rate of emergency service interactions resulting in positive outcomes, connections to established services and supports
Strategies for Goal 3: Expand existing alternative crisis response models. Expand training/connections/funding for community service providers meeting the needs of vulnerable and at risk populations, this includes mental health crisis response, supports in substance use rehabilitation and in preventing loss of housing. Expand and train emergency dispatch to utilize alternative crisis response teams, providing for alternative response to APD involvement when possible, providing supplement for APD calls when social service response may be dangerous for responders or individuals in crisis. When officers are involved, improve training for officers on use of strategies to connect those in crises to essential services.

GOAL 3: Reduce the rate of police interactions resulting in use of force and arrest and/or prosecution
Strategies to meet Goal 3: Expand the LEAD diversion program and develop alternatives to conviction and incarceration. Establish a social worker or clinician with mental health and

[28] https://endhomelessness.org/resource/housing-first/
[29] https://nhchc.org/wp-content/uploads/2019/08/homelessness-and-health.pdf

substance abuse experience in the APD who can support in continued training and policy assessment on dealing with the homeless.

GOAL 4: Continually assess and improve strategies of police interactions with homeless and at risk populations
Strategies to meet Goal 4: Track and assess interactions and outcomes with homeless individuals and other vulnerable populations. Make officers accountable to tracking information on community contacts, and that information publically available. Implement programs for regular community feedback and assessment of figures and policies, focusing on at risk communities, including mental health, substance abuse, and homeless communities, Hire housing advocates as employees of the Civilian Public Safety to develop City wide strategies to assist the homeless and provide for safe living environments. Add an advocate/representative for homeless populations to the Community Police Advisory Committee to represent those who lack residences but still depend on essential policing services

5. POLICE INTERACTION WITH VICTIMS OF DOMESTIC VIOLENCE

INTRODUCTION:

While Domestic Violence calls are among the most frequent and at times, the most dangerous, calls police respond to, the complex issues involved in Domestic Violence cases are an area needing further support, training, coordination with community providers and an enhancement of resources. Community based DV providers report that there are officers who do a great job for victims as well as officers who appear uncaring. Officers may experience "burn-out" when they are called multiple times to the same house and the victim does not take action to remove themselves from the situation. While most officers do ask if the victim needs a place to stay, victims of domestic violence may be reluctant to leave for a variety of reasons and even those who wish to may take a long time before they are ready or able to leave their home or go to a shelter. Additionally, there are many non-shelter based DV services that can be provided at an initial call, referrals are not always provided. In some instances, victims have to take action on their own by filing a complaint at the police department because the officer on scene does not believe the victim will take action.

CHALLENGES:

It may be challenging or dangerous for officers to communicate with victims and perpetrators at the same time/location. There is a fear on the part of some advocates and victims that bail reform may lead to the release of an alleged abuser who would previously have been incarcerated prior to a hearing or trial. It is felt that the incarceration allowed for a "cooling down" period and an opportunity for the victim to leave the home and go to a shelter. While there are provisions in the bail reform provisions specifically designed to protect victims of domestic violence as well as new laws related to victim's rights recently passed in state legislation, there is little education to the police about them. Special attention should be paid when police are the perpetrators of Domestic Violence; these cases require an investigation separate from internal review. Victims must have an avenue for making a DV complaint against an officer. Attention should be paid to enhancing training on Police Sexual Misconduct and

preventing officers with inappropriate views on Domestic Violence and Sexual assault from becoming officers.

In addition, there may not be awareness on the part of the police officer that victims of domestic violence are at the highest level of risk when they attempt to leave their abuser. This can lead to frustration on the part of the officer who wants to know "why does she stay?"

ASSETS:

APD can be commended for their DV specialist unit dedicated to DV with a victim's specialist. Providers report that APD does a great job working with Equinox, the primary DV provider for Albany. There is a continuum of services provided by APD Officers in dealing with victims of domestic violence.

GOALS and STRATEGIES:

GOAL 1: APD should do a "deeper dive" into community resources and the practical realities of DV. APD can better connect victims with community resources for follow-up and prevention.
STRATEGIES TO MEET GOAL 1: There should be an ongoing collaboration with community providers including an Albany City based Task Force to establish a community wide response to Domestic Violence. Additionally, APD should have a supervisor/policy recommending position participate in the countywide Coordinated Community response Task Force, ACCADA (Albany County Coalition against Domestic Abuse). APD officer representatives should meet regularly with providers to discuss officer challenges and needs, develop systems of responses for different situations, and receive updates on new or changing community services.

GOAL 2: APD should significantly increase their training.
STRATEGIES TO MEET GOAL 2:

- The trainings should include, but not be limited to, Implicit Bias, Trauma Informed Response, Understanding how DV Trauma impacts victim memory and reporting, DV dynamics in LGBTQ+ relationships, Elder Abuse, cultural considerations for victims and practical skills in dealing with DV victims and perpetrators to help stop the cycle of violence. Provide officers with real case examples and allow them to ask, "How do I handle ___?" provide guidance around crisis safety planning and avoiding unintended consequences and safety issues.
- Strategies should be developed to support and assist victims who are known to have contacted police multiple times and are not ready or able to leave or pursue further legal action.
- Police officers should receive training related to understanding how and why victims of domestic violence may respond or make choices that seem contradictory to their safety. Police officers should be trained and informed of the full range of resources available for domestic victims via APD and community providers.
- Officers should become more familiar with all the services providers such as Equinox, Albany County Crime Victims and Sexual Assault Center and In Our Own Voices offer beyond shelter. Officers may not know that they can call the 24-hour DV

hotline while they are at a home or on scene and connect the victim directly with an Equinox counselor at that moment.

- DV providers need to connect with the victim to provide services and increase the opportunities for follow up.
- Develop an updated "Bank sheet" which is a laminated sheet that APD Officers have with phone numbers for various resources; the card should be widely available including in all patrol cars and checked to make sure resources are up to date.
- Strengthen and remind police officers about how to manage implicit bias on the job. We accept that it is the ability to use discretion wisely that is the mark of an excellent police officer. Reminders about how to interrupt bias while on the job are urgently needed by all of us. Encouraging police officers to reflect on decisions they have made about someone's truthfulness, intelligence, available resources is essential. Check on Implicit Bias through data: reviewing the race and dispositions of cases or calls by domestic violence victims that an officer handles for patterns, trends, and trouble. How GOs and Orders of Protection are written can impact DV cases. Adding primary physical aggressor language and analysis to the relevant GO.

GOAL 3: Provide non-police follow up in all cases of domestic violence.
STRATEGIES TO MEET GOAL 3: Many victims of domestic violence have had negative interactions with the police. Many are fearful that if they report abuse they risk the intervention of CPS and the resultant loss of their children or that they themselves will be forced into the criminal justice system. Those from different cultures or who speak different languages may not trust the police. Those who are undocumented may fear they or their family members will be deported. Victims who rely on the abuser for economic support may not see any practical way to live if the abuser is incarcerated. LGBTQ+ identified victims, particularly Transgender identified victims, have experienced insensitivity to discrimination related to their gender identify and/or sexual orientation. In order to address these issues, trained civilians who are not employed by the police department and who are experts in domestic violence should accompany the police initially and provide the follow up to assist the victim. The cohort of professionals should include both men and women and reflect the diversity, cultures and languages of our community.

GOAL 4: Assure all Domestic Violence Victims are able to make a complaint including when the perpetrator is an Officer.
STRATEGIES TO MEET GOAL 4: Establish a Civilian Review Board to investigate cases of Domestic Violence or sexual assault by a police officer to assure a full and independent review is completed. Make such behaviors a violation of the Code of Conduct. Establish an Outreach Coordinator to follow-up on cases of sexual assault and domestic violence.

6. TRAFFIC ENFORCEMENT

INTRODUCTION:

Seeing flashing lights in the rearview mirror and being pulled over by a police officer provokes anxiety in every driver. For community members who are already fearful and distrust the police the anxiety is heightened. It is also a fraught situation for the officer as the stops may be at night and the officer may not be able to clearly see the occupants in the vehicle. The

encounter can lead to a disaster. It was a traffic stop for a broken taillight that escalated and ended with the police shooting of Philando Castile in 2016 and the subsequent manslaughter charges against the officer who shot him.

Collisions that occur without serious physical injury generally require only that the parties exchange contact and insurance information. A police report may be necessary to provide to the insurance company.

CHALLENGES:

Everyone is protected if the vehicles on the road are in safe and proper working order. However, not everyone has the financial ability to fix each problem as quickly as it occurs. Given the limited public transportation and job opportunities in Albany, it is imperative to have a private vehicle to get to and from work, day care, shopping, etc. In addition to the stress of a traffic stop, low-income community members given a citation for a vehicle infraction may also miss work to go to court and may have to choose between getting the vehicle repaired and providing food for their family or paying rent and utilities. As a result, they will have even less money to make needed repairs.

A majority of vehicle accidents are "fender benders" involving only property damage. While a report may need to be made for insurance purposes, there is no need for a uniformed and armed officer to respond.

ASSETS:

Everyone in the community wants to be able to drive safely in our city. No one wants to risk their own life or that of others by driving a vehicle that needs repairs. When car accidents happen, the parties involved want to quickly exchange needed information. The police want to be able to devote their time to investigating and solving serious crimes and not be tied up on tasks that can be done by others.

GOALS and STRATEGIES:

GOAL 1: Insure safe, well-maintained cars on our roads
STRATEGIES TO MEET GOAL 1: Albany should adopt the Lights On program used successfully in other states. Instead of giving out a citation for a vehicle repair, the driver would receive a voucher to have the repair done at a reputable shop. The vehicle would be safe and in proper working order and the encounter between the officer and the community member would be positive rather than confrontational. https://www.lightsonus.org/

GOAL 2: Provide an efficient non-police response to non-injury car accidents
STRATEGIES TO MEET GOAL 2: Hire and assign civilians to respond to traffic accidents that do not involve serious physical injury. Equip the responders with iPads that contain the software necessary to generate a report that can be provided to all involved parties and their insurance companies.

7. INTERACTIONS WITH MEMBERS OF THE COMMUNITY

CHALLENGES:

While we recognize that the police are charged with maintaining order and ensuring the safety of all members of the community, the use of military equipment and force can actually endanger not only those who the police are seeking to control but those in neighborhoods, particularly neighborhoods with a significant concentration of people of color.

ASSETS:

The police have many tools at their disposal for crowd control and should rely on de-escalation techniques rather than tear gas and battle armor.

GOAL AND STRATEGIES:

Goal 1: Eliminate the use of tear gas and decrease the militarization of the police force.
Strategies to meet Goal 1: Ban the use of tear gas and decrease the use of military style weaponry by the Albany Police Department.

8. POLICE RESPONSE TO SUBSTANCE ABUSE

Introduction:

"For too long communities of color have been disproportionately impacted by laws governing marijuana and have suffered the life-long consequences of an unfair marijuana conviction.

"Today is the start of a new chapter in the criminal justice system. By providing individuals a path to have their records expunged, including those who have been unjustly impacted based on their race or ethnicity, and reducing the penalty for unlawful possession of marijuana to a fine, we are giving many New Yorkers the opportunity to live better and more productive, successful and healthier lives.

"This law is long overdue, and it is a significant step forward in our efforts to end this repressive cycle and ultimately mend our discriminatory criminal justice process once and for all."

- Statement from Governor Andrew M. Cuomo on Marijuana Decriminalization, Aug 28, 2019

CHALLENGES:

The medical problem of drug use and abuse was inappropriately turned into a criminal justice problem during the decades of the “war on drugs.” While substance use is surprisingly consistent across social, economic and racial divides, the “war” did nothing to stem the tide of drug use but became instead a war on the poor and primarily people of color, imprisoning millions which devastating families and communities. According to APD’s data, “97 percent of

the time, those arrested or ticketed [for marijuana-related offenses] were Black"[30]. While substance use plays a supporting role in many of the other issues we address in this report, the policing of narcotics is often used as the pretense for many police actions and interventions.

The criminalization of substance use has also contributed to a climate where those who are seeking supports, particularly those in medical or psychiatric emergencies stemming from substance use are hesitant to involve emergency services for fear of criminal repercussions. This will compound the social and health problems stemming from homelessness, untreated mental illness, and just about any other problem we work to address in this report. Although possession of a small amount of marijuana is a non-criminal offense, it still carries a civil penalty that falls disproportionately on the poor and people of color.

ASSETS:

Successful drug treatment programs exist and the medical model of drug treatment has been shown to be the only effective method of addressing the issue both of drug addiction and the disparate treatment of the poor and people of color. Programs designed to re-introduce offenders from incarceration to employment, housing and treatment in the community are essential to positive outcomes for those who suffer from substance use disorders as well as for others who were incarcerated based on possession charges over the years.

GOALS AND STRATEGIES:

GOAL 1: Decrease in injurious and detrimental substance uses
STRATEGIES TO MEET GOAL 1: Increase supports for programs that aid users in mitigating harm from substance use disorders and who work to connect individuals to sober supports and treatment where possible, with a particular emphasis on supporting those with Opioid use and Alcohol use disorders

Goal 2: Increase rate of crisis calls diverted to alternate crisis management teams/supports

STRATEGIES TO MEET GOAL 2: Increase supports for alternate crisis support models for overdose and psychiatric emergencies resulting from substance use. Emergency dispatch should be trained to divert appropriate emergency response when a medical or psychiatric crisis stemming from substance abuse presents, and the situation does not warrant police response. An opioid overdose does not require an armed police response. EMTs and/or other trained community professionals (see: CAHOOTS model) can administer Narcan nasal spray quickly and effectively and the person can then be transported to the hospital if additional medical care is required.

Goal 3: Decriminalize substance use

STRATEGIES TO MEET GOAL 3: Unless evidence of narcotics distribution and sale is evident in a police call or search, police should make connections to treatment and supports a priority, and avoid criminal prosecution or consequence for what can be handled as a public

[30] https://www.timesunion.com/news/article/Albany-police-s-marijuana-enforcement-continues-15438317.php

health crisis. Unless overwhelming evidence of narcotics distribution and sale is evident, a search should not be initiated on a person, vehicle or premises, or suggested by police officers. Simple possession charges should not take place in Albany,

Goal 4: Reintroduce past offenders into society

STRATEGIES TO MEET GOAL 4: Reciprocity means changing the way we treat past offenders as well. Expunge the records for past offenders for all possession charges following the model of the legislative action from 2019, which was limited to marijuana use. Increase supports for programs that will work to train, house and provide treatment for individuals returning from incarceration.

POLICY RECOMMENDATIONS

1. **Create a Civilian Public Safety Commission**
    a. Many of our recommendations call for non-sworn individuals to respond – all of which could be housed under a civilian public safety commission that is independent from APD but has "teeth" that allow them to do meaningful work. This idea is also a part of the restorative justice model. Ex: https://mncivilianpublicsafety.org/ (In Minnesota the Public Safety Commission also functions as a CPRB of sorts but they could be separate in Albany). Another Working Group is addressing the issue of police oversight.

2. **Hire civilian case managers to staff the Civilian Public Safety Commission) - https://www.columnit.com/case-management-a-progression-in-investigation-case-handling.html**
    a. Identify the professionals or training needed in the areas discussed above and determine the appropriate staffing necessary. For example, to address the issue of truancy, it might be necessary to hire professionals trained as school counselors, psychologists and social workers, or it might be possible to train and hire community members. An accident investigator could be hired to answer any questions or assist the civilians called to the scene of non-injury accidents. Social workers and counselors could provide the follow up to assist victims of domestic violence. Substance abuse counselors, including peer counselors, could respond to drug overdoses and housing advocates would assist community members facing homelessness or housing insecurity. Immigration specialists who understand a variety of different cultures and speak different languages would be on call to assist members of our community needed such support.

https://aspe.hhs.gov/report/case-management-and-victim-human-trafficking-critical-service-client-success/benefits-case-management-victims-law-enforcement-and-prosecutors-0

3. In addition to the case managers, **victims' advocates** should also be on the staff of the Civilian Public Safety Commission. It is important that both the case managers and the victims' advocates are as diverse as possible. Having persons of color and non-police advocates will encourage victims to follow through in the criminal justice system and in

accessing social services. This is particularly true for those community members who are victims of crimes but have had negative interactions with the police department.

4. Increase the number of civilian workers in the police department to include additional social workers, psychologists and counselors to address mental health concerns of police officers as well as community members. https://msw.usc.edu/mswusc-blog/police-community-relations-social-work/

Appendix

- Two Bills in State Senate that call for a ban on Tear Gas + Reduction of police capacity to purchase military-grade equipment

TEAR GAS BILL: https://www.nysenate.gov/legislation/bills/2019/S8512 |
DEMILITARIZATION BILL: https://www.nysenate.gov/legislation/bills/2019/S8507

- Albany Petition to ban "Military Style Force" including tear gas: https://www.change.org/p/albany-mayor-kathy-sheehan-protect-albany-neighborhoods-from-use-of-militarized-police-force

- Philly Council Decision: https://whyy.org/articles/philly-city-council-passes-ban-on-use-of-tear-gas-rubber-bullets-at-protests/

- Geneva Protocol Bans Tear Gas: https://www.usatoday.com/story/news/factcheck/2020/06/06/fact-check-its-true-tear-gas-chemical-weapon-banned-war/3156448001/

- Seattle Report recommends a tear gas ban: https://www.seattletimes.com/seattle-news/report-seattle-police-department-should-ban-tear-gas-remind-officers-to-protect-protesters-rights/

- Mayor of Portland, Ore bans use of Tear Gas at protests: https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/09/10/911531561/portland-ore-mayor-bans-police-use-of-tear-gas-at-protests

Community Safety and Restorative Justice

Chair
Dr. Brenda Robinson

City of Albany Support Staff
Deputy Chief Brian Hogan
Brian Shea

Working Group Members

Hon. Stephen Herrick
Brendan McCann
Hon. Jahmel Robinson
Hon. P. David Soares
Dr. Robert Worden

Introduction

This Community Safety and Restorative Justice Working Group examined both existing programs and strategies utilized by the Albany Police Department related to Community Safety and Restorative Justice as well as strategies utilized in other communities. During the course of this review, the Working Group met with community-based organizations, personnel from the Albany Police Department, and members of the public to solicit input. The Working Group reviewed written recommendations from local and state-wide organizations and advocacy groups, and reviewed publications from organizations at the forefront of policing reform and accountability in the United States.

Organizations that the Working Group met with include Equinox, VOCAL-NY, and CAHOOTs personnel operating out of Eugene, Oregon.

The Working Group Mission Statement and Vision that guided this work are as follows:

Mission Statement:

1. To review and assess existing policing and criminal justice strategies and programs currently utilized inside the City of Albany by the Albany Police Department and other law enforcement agencies. This includes but is not limited to Law Enforcement Assisted Diversion (LEAD), harm reduction, problem-oriented policing, hot spot policing, and crime prevention.

2. To review and assess restorative justice actions taken by the Albany Police Department in efforts to build the trust and legitimacy with the community.

3. To review and assess the promise of strategies and programs for possible adoption by the Albany Police Department and other law enforcement agencies inside the City of Albany. This includes but is not limited to restorative and procedural justice models and other evidence-based strategies.

Vision:

We are committed to a restorative and balanced approach to policing, crime and conflict that promotes justice and resolution for victims, reparation for the community, accountability, and re-integration of the offender into productive community life - with respectful treatment for all involved. We acknowledge harm caused by systemic racism and police brutality. We are committed to amplifying positive police strategies and practices that promote community safety.

Findings and Recommendations:

A. Law Enforcement Assisted Diversion (LEAD)

The 2021 Albany Police Department Prospectus describes LEAD as a "harm reduction strategy" that "allows police officers to use their discretion when responding to low-level incidents and assist individuals by getting them essential services rather than making an arrest."[31]

The Working Group reviewed and affirmed certain findings and recommendations from the Center for Law and Justice (CLJ) in its *Pathways to Reformative Change Report* and the CNA Racial Bias Audit of Albany Police Department commissioned by the City of Albany Chief City Auditor. Both reports cited the need for stronger data collection for LEAD.[32] In addition, CLJ stressed the need for greater community awareness and strengthened community outreach. Both CLJ and the CNA Audit raised concerns about the slower than expected rate of diversions occurring in the City of Albany. The Working Group agrees that the Albany Police Department needs to increase their diversion efforts.

Working Group Findings and Recommendations:

- LEAD needs greater community awareness. The City of Albany though the Albany Community Development Agency (ACDA) awarded the Center for Law & Justice $100,000 in Community Development Block Grant (CDBG) funds to increase community awareness of LEAD and the efforts of CLJ fell significantly short as outlined in CLJ's own report. In the future, the City should exercise greater oversight over any funds distributed

[31] United States, City of Albany, Albany Police Department. (n.d.). *Albany Police Department 2020 Prospectus Report*. Retrieved January 14, 2021, from https://albanyny.gov/DocumentCenter/View/1394/2020-Prospectus-Report-PDF?bidId=

[32] Green, D. (n.d.). Pathways to Reformative Change. Retrieved January 14, 2021, from http://www.cflj.org/cflj/CFLJ-Pathways-to-Reformative-Change-2019.pdf

for the purposes of community outreach, and any organization awarded funding for this purpose should be subject to strict reporting requirements, especially for important harm reduction initiatives like LEAD.

- LEAD outreach should be focused on groups and entities that can be most impactful with regard to driving an increase in diversion - such as shelters, loss prevention offices, etc.
- Much of the attention to LEAD in Albany has focused on referrals by officers to the program, and the (unknown and unknowable) extent to which suspected offenders who could be referred to LEAD are not. (It is feasible to identify arrestees who are, based on the charges and other criteria, not ineligible for LEAD, but it is not feasible to identify in available data who among those arrestees have behavioral health issues that would make them eligible and suitable for LEAD.) The effectiveness of LEAD, however, turns also on post-intake engagement with LEAD clients and the delivery of services. Insofar as LEAD case managers are completing needs assessments of clients on a periodic basis, as the original plans for LEAD provided, then it would be feasible to describe the immediate outcomes of LEAD at the individual client level, that is, changes over time in housing, substance use, emotional and mental problems, and emergency room visits. In addition to offering an overall portrait of LEAD outcomes, analyses of such data might serve to identify categories of clients for whom LEAD is particularly effective, and further, offer clues about elements of LEAD services that leave room for strengthening. This type of analysis should be pursued.
- The Working Group recognizes, however, that a credible impact evaluation of LEAD may not be feasible. The construction of a comparison group – offenders with similar histories and behavioral health issues – poses formidable challenges, and even if a comparison group could be specified, forming valid outcome measures for both LEAD clients and the comparison group would be equally difficult. Needs assessments are completed only for clients. Even a measure of recidivism, based on arrests, is unlikely to be informative because they are discretionary decisions that are probably influenced by LEAD status (as a process evaluation of Seattle's program demonstrated – see Engel et al., *The Power to Arrest*[33], chapter 4). Be all that as it may, if needs assessments have been completed as

[33] Engel, et al. (2019). Chapter 4. In *The Power to Arrest*. Springer International Publishing.

planned, then existing data could support analysis that would better inform efforts to maximize the social benefits of LEAD.

- LEAD should implement community referrals inside the City of Albany. In 2020 Law Enforcement Assisted Diversion added a direct community referral component known as **L**et **E**veryone **A**dvance with **D**ignity. This component allows jurisdictions to have a pathway into LEAD services that de-centers the police as the gatekeepers by providing the community a direct link to LEAD project managers who accept the referrals and ensure an appropriate response. This approach should be adopted inside the City of Albany.
- The Let Everyone Advance with Dignity component of LEAD provides community members a direct line to LEAD project managers without having to rely on the police. The project managers, rather than the police, conduct outreach to determine the appropriateness of LEAD for the individual, and work with case managers to offer LEAD to the individual. If LEAD is not an appropriate response the project managers work with other community providers to ensure the person has access to more appropriate services.
- This new pathway allows for people with unmet behavioral needs, who are living in extreme poverty, or are homeless, and at risk of continued contact with the criminal legal system, to obtain the benefits of long-term, street based, harm, reduction case management, without needing to engage police services. This serves to reduce unneeded/unnecessary criminal legal system contact, allows criminal legal actors up to address more violent criminal actions, and provides more community involvement and ownership of LEAD.
- Community oversight of LEAD needs to be strengthened and reinvigorated. Members of the Community Leadership Team must take an active role in monitoring LEAD's outcomes inside the City of Albany and holding personnel assigned to the program accountable. It is not clear that that has occurred in a manner that has maximized LEAD's potential impact inside the City of Albany.

B. TRaC (To Reach and Connect)

The 2021 Albany Police Department Prospectus describes TRaC as a program "designed to assist at risk juveniles between the ages of 12-16 in unique and multi-faceted ways." The goal of the program "is to keep the city's most at risk children from entering the Juvenile Justice System."[34] Using a case management approach, TRaC collaborates with outside organizations including The Albany School District, Albany County Probation, Equinox, Department of Social Service and a vast array of other private, government and nonprofit organizations."

Working Group Findings and Recommendations:

- One of the tenets of community policing is to encourage positive interactions between police and community. TRaC does this and has received an overwhelmingly positive response from the community. Sworn officers assigned to TRaC maintain a positive presence in the community and have interactions with youth that reflect the types of interactions the community has asked for. The CNA Racial Bias Audit of the Albany Police Department Commissioned by the City of Albany Chief City Auditor states "Officers and community members also noted that past efforts by individual officers to connect informally with youth through strategies such as spending off-duty time a recreation centers, playing sports informally with youth, and other individually driven efforts were more successful in building trust with young individuals, particularly if officers could participate in these activities out of uniform to maintain a less intimidating presence."[35] TRaC promotes these types of interactions and has the added benefit of exposing sworn officers of the Albany Police Department to community members and young people outside of the TRaC caseload.
- During interviews with officers assigned to this program and after reviewing the resources assigned to this program, the Working Group recommends that TRaC receive both a budget line for outreach and additional full time positions to increase the casehold of youth engaged in TRaC. The two sworn officers assigned to this program are spread thin and

[34] United States, City of Albany, Albany Police Department. (n.d.). *Albany Police Department 2020 Prospectus Report*. Retrieved January 14, 2021, from https://albanyny.gov/DocumentCenter/View/1394/2020-Prospectus-Report-PDF?bidId=

[35] Thorkildsen, Z., Bryson, B., & Taylor, W. (n.d.). *CNA RACIAL BIAS AUDIT OF THE ALBANY, NEW YORK POLICE DEPARTMENT*. Retrieved January 14, 2021, from https://albanyny.gov/DocumentCenter/View/3099/Albany-NY-Police-Department-Racial-Bias-Audit-FINAL-PDF?bidId=

while they perform exceptionally well, the Working Group believes at least two additional full time positions should be assigned to this program.

- While assigning sworn officers to the additional roles will encourage the types of positive interactions between police and community that will increase trust and legitimacy of the police department and help to drive the vision of this Working Group, the Working Group acknowledges that non-sworn personnel can also carry out these duties and assist with an increased TRaC caseload.

C. Problem Oriented Policing

- The Albany community has made it clear that it wants APD to practice community policing, but since community policing is difficult to define in concrete terms, the translation of public support and demands for community policing into practice is often imperfect. Problem-solving is not only a key component of community policing, but also makes it more concrete and focused. APD seems to have taken some strides recently toward a more robust practice of problem-solving, with NEU officers directed to addresses that have generated multiple calls for service. This development deserves recognition, but room for further development and institutionalization remains. Problems are not confined to clusters of incidents at the same location; they can be defined in terms of substantive public safety issues – types of crimes or disorders – across the city. The integration of problem-solving into APD's community policing should be a continued focus of APD command staff moving forward. Patrol officers and first-line supervisors should be trained in problem-oriented policing, and problems and problem-solving efforts should be regularly tracked and reviewed by command staff.

D. Hot Spot Policing

- According to the National Institute of Justice, evaluations of hot spot policing indicate that crime strategies focused on a specific area "...do not inevitably lead to the displacement of crime problems" and "have crime-prevention benefits associated with the hot spots policing programs."[36] Studies on the topic indicate that "crimes depend not just on

[36] National Institute of Justice, "Hot Spot Policing Can Reduce Crime," October 13, 2009, nij.ojp.gov: https://nij.ojp.gov/topics/articles/hot-spot-policing-can-reduce-crime

criminals, but on policing in key places and other factors such as the placement of fences, alleys and other environmental features."

- The use of Hot Spot Policing strategies needs to occur in an environment of trust and legitimacy. According to the Community Policing Dispatch, "Overly aggressive and indiscriminating police crackdowns tend to produce some undesirable effects, such as increased resentment and fear of police, in targeted hot spot areas. The potential for negative effects needs to be drawn into our broader analysis of hot spots policing initiatives precisely because community reactions to police practices have normative significance to wider society."[37]
- When APD deploys additional resources to "hot spots" that are experiencing a spike in crime in the City of Albany, significant community outreach needs to occur in tandem in order to build and maintain trust. Residents need to know what to expect. In addition, APD should consult with other City departments and community leaders and organizations to determine what additional environmental factors may be helping to drive the increase in crime, or allowing the area to be more hospitable to crime. Investments to improve environmental conditions, in the context of problem-solving, will help as police and community work together to address spikes in crime.
- The Working Group would like to acknowledge the public input from residents who live in neighborhoods that have experienced spikes in crime, especially gun violence. When a spike occurs, it is the expectation of residents that additional police resources will be deployed to help control the spike.

E. Focused Deterrence

APD and its partners adopted and implemented the Group Violence Intervention (GVI) of the National Network for Safe Communities several years ago.[38] GVI is a form of focused deterrence that is demonstrably effective in reducing gun violence associated with street gangs and other violent groups. The fidelity to the program model with which APD implemented GVI was less than complete, and the pandemic has surely limited the capacity of every jurisdiction in

[37] Weisburd, D. L., & Braga, A. A. (2013, September). The Importance of Legitimacy in Hot Spots Policing. *Community Policing Dispatch*, *6*. Retrieved January 14, 2021, from https://cops.usdoj.gov/html/dispatch/09-2013/the_importance_of_legitimacy_in_hot_spots_policing.asp

[38] See https://www.nnscommunities.org/strategies/group-violence-intervention/.

effecting GVI operations. Further, the effectiveness of GVI in the context of New York State's criminal justice reforms is unknown. APD should consider a renewed effort to implement GVI when circumstances permit.

Additional Findings and Recommendations:

A. Adopt CAHOOTS Model for Mental Health Calls

- The Working Group believes that local government should be engaged in proactive ways to reduce negative community-police interactions while adequately addressing mental health crises. This involves investing in proven models that prioritize effective, trauma-informed care through social and human services rather than deploying law enforcement to respond to issues that are fundamentally not police issues.
- The City of Albany should adopt a model similar to the CAHOOTS model employed in Eugene, Oregon for non-emergency calls that do not require police deployment. The CAHOOTS model "mobilizes two-person teams consisting of a medic (a nurse, paramedic, or EMT) and a crisis worker who has substantial training and experience in the mental health field. The CAHOOTS teams deal with a wide range of mental health-related crises, including conflict resolution, welfare checks, substance abuse, suicide threats, and more, relying on trauma-informed de-escalation and harm reduction techniques. CAHOOTS staff are not law enforcement officers and do not carry weapons; their training and experience are the tools they use to ensure a non-violent resolution of crisis situations."[39] Bringing a program like this to the City of Albany will serve to expand the scope of the existing Mobile Crisis Unit in Albany, which responds to certain mental health calls under a much narrower scope of services.
- Albany County recently launched the Albany County Crisis Officials Responding and Diverting (ACCORD) Pilot Program modeled after CAHOOTS. In the short term, this pilot program should be expanded to the City of Albany and the process to determine the resources necessary to execute on this strategy inside the City of Albany should begin as soon as possible.

[39] What is CAHOOTS? (2020, November 08). Retrieved January 14, 2021, from https://whitebirdclinic.org/what-is-cahoots/

- The Working Group would like to acknowledge that this may impact budget allocations to APD as well as other city and county agencies.
- The Working Group would like to acknowledge the overwhelming community feedback that suggested this reform.

B. Community Reparation - Reinvest All Civil/Drug Forfeiture funds into Community Programming

- The Working Group calls for all civil and drug forfeiture funds and assets currently controlled by any law enforcement agency providing service in the City of Albany to be released and invested into community programming. Relevant authorities should establish a Community Reinvestment Task Force to provide appropriate oversight and help to determine funding priorities. These funding priorities should involve community input and should be directed to neighborhoods and organizations with the greatest need, working in historically underserved areas. One potential source of investment in the West Hill Community Center that is slated to be designed in the City of Albany during the 2021 fiscal year.
- The Working Group would like to acknowledge VOCAL-NY for suggesting this reform.
- The Working Group would like to acknowledge that the use of forfeiture funds is restricted under State law and federal guidelines which may require amendments in order to undertake this change.

C. Better Community Organization Coordination

- The Working Group has received significant feedback that community-based organizations and service providers do not appropriately coordinate to maximize their respective efforts and impact inside the City of Albany. These organizations should convene regularly in order to establish stronger relationships that can improve the reach to those they serve and thus enhance community safety. At minimum, the City of Albany and Albany County should require this type of coordination from groups funded through the Albany Community Development Agency, Albany County Legislature, and other municipal and county agencies as a condition of receiving funding. Better coordination will help programs like TRaC to improve the important services they provide.

- The Working Group would like to acknowledge public input that requested better coordination from community based organizations.

D. Implement Contact Surveys for APD Contacts

- Contact surveys are a useful tool to help measure how communities perceive interactions with the police, and can help to inform corrective action and changes in police policy. Contact surveys involve using information from police records to follow up with people who had police contact to inquire about their judgments about how police performed in that incident – how they were treated, and how well police handled the situation. Contact surveys can focus on only one type of contact (such as only calls for police service) but can also sample from multiple types of contacts, including calls for service, stops, and arrests. This type of survey instrument can be very useful to measure perceptions.
- Contact survey results should be published, with appropriate redactions to protect privacy.
- APD should undertake contact surveys on a regular basis for continuous improvement.
- For this and other purposes, APD should institute procedures by which officers record information on all officer-initiated enforcement contacts – i.e., "stops," of either vehicles or pedestrians. The report should capture contact information, including the phone number of the individual contacted. (Uniform Traffic Tickets do not include phone numbers, and information about the individuals stopped is not captured unless a ticket is issued or a field interview card is completed.)
- This will likely require an ongoing budget appropriation.

E. Explore Civil Service Reform

- One way to build trust and legitimacy between community and police is to have a police department that resembles the community it serves. While the Albany Police Department has implemented a number of reforms over the last several years to increase awareness about the policing profession in the community, those efforts continue to fall short with regard to breaking down civil service barriers that exist in both the hiring and promotions process.
- In recent years, cities across the United States have begun to solicit authorization to implement hiring processes outside of the existing local and state civil service systems. For example, the City of Framingham, Massachusetts recently received state authorization to

withdraw completely from the state civil service system - thus allowing the City of Framingham to establish its own hiring preferences, such as education, as well as to set its own promotion and disciplinary standards. The Framingham Police Chief stated of this change, "This change allows the Framingham Police Department to expand our ability to recruit, attract a larger pool of candidates, with the goal of creating a workforce that is reflective of the community we serve, while preserving a commitment to veterans, and establishing a Cadet program in the future."[40]

- The City of Albany could explore pursuing a similar approach if existing efforts at increasing diversity continue to be hampered by a convoluted and difficult civil service system.
- The Working Group would like to acknowledge the efforts of APD command staff at increasing diversity within the Department, including the establishment of a cadet program.

F. Police Technology

- The Working Group recommends that police technology education be incorporated into community outreach efforts undertaken by the Albany Police Department. Various police technologies are important tools for community safety and critical to solving crime. However, significant mistrust exists over what technologies are used and how they are utilized.
- The Working Group would like acknowledge public input that recommended this type of community education as well written input from the Albany Chapter of the NAACP which stated, in part, "The NAACP recommends the development of a community presentation outlining the technology and systems available to police with a description of how it will be used in the protection and investigation of the community."

G. Data Collection

- The Working Group recommends enhanced data collection across all APD programs and initiatives – including but not limited to demographic information and year to year trends.

[40] Miller, N. (2020, December). Framingham Police Dept. is officially leaving Civil Service. *MetroWest Daily News*. Retrieved January 14, 2021, from https://www.metrowestdailynews.com/story/news/2020/12/24/framingham-police-dept-officially-leaving-civil-service/4043325001/

Improved data collection is extremely important for accuracy and transparency. It will also play a critical role in building trust and legitimacy with the community and is important in determining the efficacy of APD programs. While APD currently uses openAlbany.gov to share certain types of data including arrest data and calls for service, a lack of data collection over programs restricted the ability of the Working Group to provide analysis and understand the effectiveness of APD's various programs.

- The Working Group acknowledges that addition resource, such as a Data Analyst position, may be necessary in order to undertake this work. Ideally, a baseline level of data relevant to APD programs would be included in the yearly APD prospectus.
- The Working Group would like to acknowledge the significant community input that led to this recommendation.

Recruitment, Retention, and Training

Chair
Dr. Robert L. Miller

City of Albany Support Staff
Commander Darrell Gipson
Dr. Celia Gonzalez

Working Group Members

Jamila Adams
Kaweeda Adams
Mark Bobb-Semple
Chiquita D'Arbeau
Hon. Ginnie Farrell
Greg McGee
Micky Jimenez

This document contains the recommendations from the Recruitment, Retention, and Training Committee of the Albany Police Reform and Reinvention Collaborative. These recommendations identify both new processes and new perspectives on existing processes. Some of the recommendations do not include strategies for implementation. The Committee is aware some of the current New York State Civil Service Laws may need to be reviewed, if not changed, to implement the recommendations.

The Committee also recognizes the significant need for external municipal supports. Generally speaking, the Offices of Human Resources and The Chief Diversity Officer should be intricately involved in the Albany Police Department's recruitment, retention, and training efforts.

Finally, while there are specific recommendations per each activity, the Committee acknowledges both the individual nature of recruitment, retention, and training, realizing that diversity, inclusion, and equity are required in the three domains. Our recommendations unanimously support the relevant recommendations outlined in the *Albany NY Police Department Racial Bias Audit*. Where appropriate, our recommendations parenthetically identify the relevant recommendations in The Audit report.

Recruitment Recommendations

1. Recruitment efforts should include a broad catchment area, utilizing various media to advertise and solicit interest in the Albany Police Department. (Audit Recommendations: 43).
    a. Utilize radio, television, print, and virtual platforms (and other relevant media) to reach a diversified yet targeted audience. Identify and recruit underrepresented populations is the mandate. The targeted communities should include Black and indigenous people of color, women, and sexual minorities. Linguistic fluency (Spanish speakers and others) are also identified as underrepresented populations. Targeted recruitment of Albany residents is a priority. Recruitment strategies may include but not be limited to utilizing the recruitment stories of existing representatives from the targeted communities. These stories will highlight the realistic goal of becoming a police officer for underrepresented community members.

   b. Reinvigorate The Cadet program. Stratify the age range to include those who are in high school. Have the program provide realistic experiences promoting police recruitment.
2. Recruitment efforts should occur year-round, not just in advance of the various exam schedules. The examinations should be offered frequently. Contact key stakeholders to help identify recruits from underrepresented communities. Such community stakeholders may be a combination of human service and military veterans' organizations, the directors of law enforcement academies, and deans of criminal justice, social work, education, and other college and university programs. (Audit Recommendations: 51.2 & 55.2)
   a. During the times before the examinations, the various exams' expectations should be explicit and accessible. (Audit Recommendations 52.1)
   b. Apprise potential recruits of the standards. Identifying the recruits' readiness for the exams is a goal. If weaknesses are detected, identify supports to bolster the candidates' skills for the written and physical exams. Such accommodation should be made available through partnerships with community-based organizations like the various YMCAs or The Boys and Girls Clubs.
   c. Eliminate all cultural bias language in the written exam.
3. Review the NYS Civil Service Laws to identify unnecessary impediments to successful recruitment efforts. (Audit Recommendations 43.1)
4. There may need to be a deeper understanding of what constitutes police work, resulting in a re-examination of the necessary attributes and skills in successful recruits. These attributes should be explicit and accessible. (Audit Recommendations 43.2)
5. Streamline the recruitment process to the hiring process, reducing the time it takes to hire a successful recruit.

<u>Retention Recommendation (Audit Recommendations 43)</u>

1. The Albany City Human Resource Office (HRO) should review and discern the Albany Police Department's personnel needs. The Office should be organized to provide the requisite support for the personnel service needs of the Albany Police Department. The HR personnel member should be in regular communication with the Chief Diversity Officer in all personnel matters of the APD.
   a. The HRO will help ensure timely routine evaluations, the transparency of personnel actions while maintaining the appropriate confidentiality, and ensuring all promotions are done fairly and transparently.
   b. The HRO will ensure quality controls are used in all personnel actions.
   c. The HRO will collect and maintain personnel data related to hiring, promotion, discipline, and departure data from the Albany Police Department. The human resource officer will be required to offer an exit interview or exit survey to all departing personnel. The data will be used to both determine impediments to longevity and as clues to increase the morale of the force.
   d. The HRO will work with senior police management to develop the appropriate onboarding processes to help the new officer feel like a part of the Department.

2. A review of the five core values of the APD is needed. A sixth value of diversity and inclusion should be considered and implemented.
3. The HRO will conduct a comparison of salary and benefits should be undertaken to make sure APD is completive with other local and regional departments.
4. Should another police department hire an APD recruit within two years of completing academy training, the hiring department must reimburse the City for the academy training expense.
5. Increase the morale of APD personnel. (Audit Recommendations 45)
    a. Conduct routine random drug and alcohol screenings.
    b. Implement a robust confidential Employee Assistance Program. The goal is to provide a responsive resource for officers at-risk for accumulated stress. (Audit Recommendations 49.2)
6. Encourage sergeants and other management leaders to maintain a fresh perspective on policing.
    a. Create opportunities for lower rank officers to help contribute to increasing the morale of the Department.
    b. Maintain stimulating environments for personnel who are approaching retirement/command status. Human resource personnel should work with police personnel (including lower-ranked officers) to support agency morale development.

Training Recommendations (Audit Recommendations 52.1; 56; 57)

1. With the City of Albany Office of Human Resources and The Chief Diversity Office's assistance, an extensive review to ensure the existing training efforts are consistent with the current policing needs within The City of Albany and useful for the officers' mental health needs will be completed.
2. Develop training opportunities consistent with the needs of effective Albany City policing and the officers' professional development.
    a. Ensure the officers are routinely and often apprised of the new laws and necessary skills for promotion.
    b. Selectively identify successful senior officers near retirement age to determine their capacity and interest in mentoring newer officers. This effort will require the development of a screening mechanism in the development of mentors, resulting in the continuation of practice wisdom while engaging in modern, relevant policing.
3. The training received by the APD should be monitored by both the Office of Human Resources and The Chief Diversity Officer. Police officers need to demonstrate competencies routinely. These competencies should be reviewed and evaluated at least annually. Evaluation of data documenting the mastery of these competencies will be used to discern personnel actions for promotions to a higher rank or salary increases.
4. Additional education in social justice, cultural competency, and dismantling white supremacy training should be incentivized by Albany police management. Their programs should focus on the issues of black and indigenous people of color (BIPOC). The goals include:

5.
    a. Integrating criminal justice theory with theories of social justice and cultural humility;
    b. Reconceptualizing inherent police identity as both a “para” military unit and a collection of people who demonstratively respect the community they are entrusted to serve *and* protect; and
    c. Conflating theories of criminality with relevant theories of the effects of the dominant culture on the lives of black and indigenous people of color will provide the officers with insight to the community served.
6. When critical incidents occur, such as an officer-involved shooting, in addition to robust review processes, the officer should have timely and appropriate feed during the review. The goal is to maintain support during a difficult moment, regardless of the outcome.

The Committee is aware that some of the recommendations are a commentary on existing programs or processes. Through our recommendations, we encourage a review of existing efforts as our current environment warrants a re-examination. Finally, the Committee recognizes the deeply challenging work of the APD. The Committee thanks the Department for their service.