

Council Member Kimbrough introduced the following, which was approved:

RESOLUTION NUMBER 26.31.21R (As Amended 03/15/2021)

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY
IN RELATION TO EXECUTIVE ORDER 203**

WHEREAS, on June 12, 2020, Governor Andrew Cuomo issued Executive Order No. 203; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others; and

WHEREAS, these deaths in the City of Albany include those of Jessie Davis, and Donald "Dontay" Ivy and the harm against Ellazar Williams; and

WHEREAS, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, The Mayor of the City of Albany called for a Collaborative which consisted of community members and stakeholders and such Collaborative first met on August 18, 2020, and met weekly on Tuesdays from 6:00 pm to 7:30 pm; and

WHEREAS, several working groups were formed to review current practices and review and propose reforms of policing in the City of Albany. Such working groups were: Policies, Standard Operative Procedures, and General Orders Working Group; Civilian Oversight Working Group; Community Safety and Restorative Justice Working Group; and Recruitment, Retention, Promotion, Training, and Officer Development Working Group; and

WHEREAS, the Collaborative produced several reports and presented a draft plan on February 1, 2021, with subsequent amendments presented later ("The Plan or Plan") to the Common Council of the City of Albany, and the Public Safety Committee met on, February 8th, March 2nd, and March 8th, 2021 to receive public comment on the proposed plan by the collaborative; and

WHEREAS, Black Lives Matter; and

NOW, THEREFORE, BE IT RESOLVED, The Common Council realizes that there are changes that need to be made at all levels of government and implore our federal, state, and county legislative partners to implement the appropriate legislation for meaningful change; and

BE IT, FURTHER RESOLVED, that the Common Council adopts the followings statement outlining its intent and recommendation:

Limitations

The Common Council recognizes that due to the Covid-19 Pandemic that community participation was limited to online, not-in person meetings, but recognizes the efforts made the Mayor's administration to the best of its ability to have an open and transparent process.

Timeline

As proposed by the plan, "A" action items have a timeline of 12-18 months. It is preferred that the timeline state that 0-18 months as some of those action items can be completed sooner than 12 months.

Accountability

The Plan fails to state any measure of accountability on the implementation. It is recommended that the Mayor and the Chief of Police provide the Common Council a quarterly report on the status of the implementation of all the action items as well as any changes/ amendments made to the plan.

Actions by the Common Council

The plan fails to acknowledge changes that the Common Council has already undertaken in the last year such as the adoption of:

Ordinance 12.62.20 - Requiring Field Sobriety Tests in Spanish

Local Law H of 2020 – Requires the Police Department to gather the statistics of race, age, ethnicity, and gender of those who are involved in traffic violations, or who are patted down, frisked, and searched among other things.

Local Law I of 2020 – Establishes a body-worn camera policy in our code.

Local Law J of 2020 – Reforms the Community Police Review Board.

Items Absent from The Plan

The Plan fails to implement an overall vision on police reform to make all working group finding and recommendations come together.

As noted by community members, section 1 of the plan summarizes key recommendations of the working groups but fails to acknowledge that the City of Albany will also take into consideration other recommendation from the workgroups found in Section 2 of the plan as part of the overall police reform.

As recognized by some members of the Policies, Standard Operative Procedures, and General Orders Working Group, their recommendations have portions missing. Any amendments to the plan should be sent to the Common Council for further review.

BE IT, FINALLY RESOLVED, that the Common Council adopts the plan as presented from the Mayor's Office with the understanding that this is the initial step in making formative changes to policing and recognizing that the plan is not fully comprehensive and there will be various recommendations and changes to current policy that will continue to be identified and will result in additional legislation.

To: Danielle Gillespie, City Clerk
From: John-Raphael Pichardo, Esq., Research Counsel
Re: Common Council Legislation
Supporting Memorandum
Date: February 18, 2021

SPONSOR Council Member Kimbrough

RESOLUTION NUMBER 26.31.21R (*As Amended 03/15/2021*)

TITLE

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY IN
RELATION TO EXECUTIVE ORDER 203

GENERAL PURPOSE OF LEGISLATION

The resolution will be, for the time being, a place holder in relation to the requirements of Executive Order 203 and will be amended upon further review of the Albany Policing Reform and Reinvention Collaborative report.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Required by the Governor's Executive Order 203.

FISCAL IMPACT(S)

None.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Resolution 26.31.21R was co-sponsored by Council Member Anane

Affirmative – Anane, Balarin, Conti, Fahey, Flynn, Farrell Frederick, Hoey, Igoe, Johnson, Kimbrough, O'Brien, Robinson

Negative - Doeschate

Affirmative 13 Negative 1 Abstain 0

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Danielle Gillespie, City Clerk and Clerk of the Common Council, do hereby certify that Resolution 26.31.21R was passed at a meeting of the Albany Common Council on March 15, 2021.

In Affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this ____ day of _____ 2021.

Clerk of the Common Council