The Center for Law and Justice (CFLJ) sincerely appreciates the many hours of volunteer service dedicated to the production of recommendations related to community safety and restorative justice in transforming policing in the City of Albany. While the various programs cited by the working group provide interesting alternatives, the draft offers no indication that they are effective in accomplishing the objectives mandated by Governor Cuomo’s Executive Order 203. EO 203 mandates that the Police Reform Collaborative “perform a comprehensive review of current police force deployment, strategies, policies, procedures, and practices,” and that the ultimate product of the Collaborative process must be “a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.” In the wake of public outrage over the death of George Floyd at the hands of the Minneapolis police, Governor Cuomo’s charge to New York localities was to reinvent policing to minimize the impacts of racial disparities in law enforcement.

While the recommendations produced by this working group generally support a number of programs, the recommendations do not speak specifically to the task at hand: reducing “racial bias and disproportionate policing of communities of color.” Governor Cuomo’s Executive Order 203 concludes the list of premises for the reinvented policing plan with the following:

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust;

The working group draft lacks evidence-based substantiation that any of the programs it proposes implementing or expanding are effective in reducing racial bias and/or disproportionate policing of communities of color --- nor does it recommend fully-funded program evaluations to determine to what extent they may be addressing the problem or, conversely, exacerbating it. A prime example is the working group’s treatment of the Law Enforcement Assisted Diversion (LEAD) program.

Prior to a discussion of the future viability of the LEAD program as an alternative to arrest that ameliorates racial bias in law enforcement, misinformation contained in the working group’s draft must be addressed. The draft states that “The City of Albany awarded the Center for Law and Justice $100,000 to increase community awareness of LEAD and the efforts of CLJ (sic) fell significantly short as outlined in CLJ’s (sic) own report. In the future, the City should exercise greater oversight over any funds distributed for the purposes of community outreach, and any organization awarded funding for this purpose should be subject to strict reporting requirements, especially for harm reduction initiatives like LEAD.”

In actuality, in each of the two years of early LEAD operation, the Center for Law and Justice was awarded a Community Development Block Grant in the amount of $50,000 to help develop and implement community engagement efforts to support the Albany version of the still-evolving
LEAD model; Albany had launched one of only two such programs in the entire country. In each of those two years, the Center was in full compliance with all Community Development Block Grant reporting requirements. Subsequent to those two years, in 2019, the Center published *Pathways to Reformatory Change*, a report in which it advised the City (among other concerns) of the urgent need to enhance community engagement efforts. Neither the Office of the Mayor, nor the Albany Police Department, nor the District Attorney’s Office, responded to any of the report’s concerns.

Those two initial Community Development Block Grants awarded to the Center were federally-funded. The LEAD Program, as an entity, has not received any funding. However, the still-functioning, three-member ALL-VOLUNTEER Community Leadership Team has continually made suggestions for program improvement. It is indeed unfortunate that the working group chose not to contact the Community Leadership Team before issuing the admonishment in its draft, “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.” Albany has just been awarded more than $800,000 in funding to support the LEAD program, yet the working group suggests that unpaid community volunteers should be responsible for “monitoring LEAD’s outcomes inside the City of Albany and holding personnel assigned to the program accountable.”

As one of eight organizational signatories to the LEAD Memorandum of Understanding adopted by Albany in 2015, the Center for Law and Justice had been pleased by the City’s implementation of this arrest diversion program with dual objectives: harm reduction, and reducing the disproportionate representation of minorities among Albany arrests. The Center expressed concern at the time, however, that implicit bias might result in the LEAD program becoming a diversion option for white people, while people of color continued to be arrested.

Since 2018, the public has been requesting --- to no avail --- an analysis of demographic data on admissions to the LEAD program. The residents of Albany simply do not know whether the LEAD program is effective in reducing the disproportionate representation of minorities among arrests, or whether the opposite is true: diversion of white people through LEAD increases the disproportionate representation of minorities among arrests. Yet, in the absence of any assessment of the effectiveness of the LEAD program, the working group offers proposals on how to fix it. Notwithstanding the working group’s debatable assertion that “a credible impact evaluation of LEAD may not be feasible,” the working group should advise the Albany Police Department to provide the simple analysis of demographic data on admissions to the LEAD program.

Each of the working group’s recommendations for implementation, modification, or expansion of a program should be accompanied by evidence-based substantiation that the program is effective in addressing racial bias and disproportionate policing of communities of color, and/or a recommendation that Albany’s reinvented policing plan mandate a fully-funded program evaluation.

Once again, the Center expresses its appreciation to all of the volunteers who so generously contributed their time and effort in the production of recommendations. We look forward to seeing the final plan --- complete with goals, strategies, implementation dates, resources, and a proposed tentative budget --- that the Collaborative submits to the Common Council.