Dear Mayor Sheehan:

Thank you for your continued participation in this community/government dialogue regarding structural racism and public safety in Albany. As you know, this months-long conversation will culminate in a “Recommitment to Community Policing” Symposium to be held in the fall. Based on the first set of responses to the Center’s questions, we have organized our approach into five areas: the problem; the participants; accountability; transparency; and advocacy. We here pose an additional set of questions to you, based on your previous responses. Please email your reply to me at aliceclj@gmail.com before Tuesday, May 19, 2020.

The Problem

The impact of structural racism on a community requires constant vigilance by both government and the citizenry. We asked you in the first round of questions, “what steps do you intend to take to address the impact of structural racism on APD operations?” You cited the City’s Equity Agenda as a mechanism through which to combat structural racism. You also cited Section 183-3 as codifying public oversight of the Equity Agenda’s success. Although the Equity Agenda is an important aspirational document, it does not readily lend itself to addressing structural racism and police/community interactions. It is more focused on equitable distribution of city resources across diverse city neighborhoods than it is on ensuring that equitable outcomes are achieved across diverse city neighborhoods.

Sub-section 183-3 D of the Equity Agenda reads as follows:

*The City of Albany Commission on Human Rights, in partnership with the City of Albany's Department of Administrative Services, will track outcomes over time and publish a report on an annual basis on the City's progress towards achieving equity. The City will measure the collective actions and policies in the following equity areas: built environment enhancements; violence prevention; workforce training employment; and education. A report will be delivered to the Council on an annual basis, no later than September 21.*
Other than “violence prevention” (which is more a matter of influencing citizen behavior, rather than police behavior), criminal justice system metrics are not enumerated among those to be measured and reported on in the Human Rights Commission outcome report. The Equity Agenda does include a mechanism through which the community can advise the government regarding metrics important to the community in assessing the policy’s outcomes. Section 183-3-C, titled “Measuring and monitoring Equity Agenda,” provides for public input into the monitoring process; sub-section 183-3-C reads as follows:

The Human Rights Commission will implement an annual dialogue on race, equity and inclusion for the City of Albany community. The forum will be funded as part of the Mayor’s Rotunda Evening Series. Funds for this initiative will be made available through an administrative contractual expenditure line in the City's annual budget.

This annual dialogue ostensibly provides a forum for the community to let the government know which metrics are important to them in monitoring police community interactions (for example, disproportionate representation of minorities among APD arrests).

1. Has this forum been conducted since the Equity Agenda was adopted in October 2019? If so, where can the public access the proceedings of the forum?

2. If not, does the City intend to hold a forum prior to the Human Rights Commission’s first Equity Agenda outcome report, due before September 21, 2020?

Accountability

In a previous letter the Center asked whether you were willing to direct Chief Hawkins to include racial impact statements on all new or revised departmental policies, and you replied that CALEA and DCJS have far greater resources to perform racial impact reviews that help ensure policies do not have a disproportionately adverse impact on any group of people.

3. Would you encourage Chief Hawkins to ask CALEA and/or DCJS to conduct racial impact reviews of select APD policies, on an as-needed basis?

In a previous set of questions the Center asked whether there might be some APD personnel who do not always adhere to ADP policies and you replied yes, and that this is one of the reasons the department has an Office of Professional Standards which is responsible for reviewing police conduct and recommending appropriate training and/or disciplinary action. Both you and the Chief have expressed confidence that the APD can, in effect, police itself. In contrast, the Center’s 2019 Community Survey indicates that only 15% of Blacks believe that the APD is trustworthy.

4. Notwithstanding your and the Chief’s confidence in the Office of Professional Standards, does not the public’s distrust of the APD merit asking for State investigations of police non-fatal shootings?

5. If the Albany Police Department intends to never ask for a State investigation of an APD non-fatal shooting unless required to do so by a State mandate (which appears to be Chief Hawkins’ position thus far), what measures can the City take to boost public confidence in the Office of Professional Standards?
Transparency

On the matter of transparency regarding the release of investigative reports of police misconduct, CFLJ asked both the you and the Chief when the APD will release its report regarding the “First Street Incident” --- promised for release by the Chief by February 16, 2020. Both of you responded that the APD will immediately assess the release of the investigative documents associated with the “First Street Incident” upon the receipt of a Freedom of Information Law request, and that that process is consistent with the public release of official investigative documents for any incident. The need for a FOIL request for the release of an investigative report appears to be a change in APD practice, as a FOIL filing was not required when the APD released its investigative report concerning the police shooting of Ellazar Williams.

6. On what date did the APD initiate the practice of requiring a FOIL request for an investigative report produced by the Office of Professional Standards?

7. The APD released its racial profiling and use-of-force policies, with redactions. If there is sensitive material in the “First Street Incident” report, why can’t the report be released with redactions?

8. Doesn’t requiring ordinary citizens to go through the FOIL request process to obtain APD-generated reports contribute to the community’s mistrust of the police?

The Center looks forward to hearing from you again. Please email your response to alice@cflj.com before Tuesday, May 19, 2020. Thank you again for your continued participation in this community/government dialogue.

Sincerely,

Alice Green
Executive Director