CFLJ COMMENTARY

“Overnight” is Now!

Albany Police Chief Eric Hawkins has expressed impatience with people who want “this systemic racism thing” to be turned around “overnight.” Yet, that is nearly what Governor Cuomo has mandated with Executive Order #203, “New York State Police Reform and Reinvention Collaborative.” By April 1, 2021, all New York jurisdictions with a police department must come up with a plan for policing that addresses the specific needs of the community; promotes community engagement to foster trust, fairness, and legitimacy; and addresses any racial bias and disproportionate policing of communities of color. In other words: turn this systemic racism thing around overnight.

Since early April 2020, nearly two months before the killing of George Floyd, the Center for Law and Justice has been conducting its community/government dialogue with local officials, designed to culminate in a fall symposium addressing law enforcement systemic racism. With George Floyd’s murder and Governor Cuomo’s ensuing Executive Order, the symposium has been expanded to not only address systemic racism, but to produce a blueprint for Albany’s police reinvention plan. Over the past four months, the Center has presented four rounds of questionnaires to each of the following officials: Mayor Kathy Sheehan, Police Chief Eric Hawkins, Common Council President Corey Ellis, and District Attorney David Soares. The response date for the latest letter was July 21, 2020; those responses have been posted on the Center’s website today.

The quantity and quality of responses has been mixed. District Attorney David Soares did not respond to, or even acknowledge, a single one of the Center’s letters, despite having been included in every round of letters. The Center can make no characterizations concerning the District Attorney’s perceptions regarding systemic racism, or any recommendations he may have on how to address it. The District Attorney has chosen not to participate in this critical community/government dialogue.

Common Council President Corey Ellis responded to two of the Center’s four letters. CFLJ appreciates the Common Council’s announced support for, among other things, repealing Civil Rights Law 50-a, granting subpoena power to the Community Police Review Board, and requiring all APD officers to wear body cameras. The Center is encouraged that Council President Ellis also is open to the idea of an expanded role for the Albany Community Policing Advisory Committee, as the Center believes ACPAC should be much more involved in reviewing and approving APD policies prior to their implementation. Additionally, ACPAC should be heavily involved in the revision of the APD’s “use of force” policy mandated by the Governor’s Executive Order.

Police Chief Eric Hawkins responded to all four of the Center’s letters, always within the time frame requested. The Chief’s answers were helpful and, though at times vague, he did respond to clarifying follow-up questions. Chief Hawkins has implemented a number of steps within the department to “ensure that the department does not perpetuate racial group inequities,” in his words. While the Center appreciates the Chief’s actions, we are troubled by some apparent
misconceptions about systemic racism evident in his answers. The Center’s questions are phrased in a manner that reflects that systemic racism is a phenomenon that characterizes most of contemporary American society, *including* law enforcement, rather than *inherent* in law enforcement alone. However, the Chief’s responses sometimes take umbrage at our questions, and are often quite defensive. For example, in his most recent response the Chief writes:

“Whatever systemic racism exists in this organization was not created, condoned, nor promoted by me. The Center has accused me of being “at best, misleading” on some issues. I assert that the Center’s implication that I am responsible for decades of systemic racism within the Albany Police Department and/or have condoned or promoted it is more than simply misleading. The implication is patently false.”

Actually, the “implication” is patently non-existent. While the Center did characterize the Chief’s response regarding the First Street Incident report as misleading, the Center never suggested that the Chief is “responsible for decades of systemic racism within the Albany Police Department and/or have condoned or promoted it.” It is important to clarify this point, as the Chief’s response is characteristic of the reactions of many law enforcement officers across the country who interpret calls for reform as accusations of personal, intentional racism. To meaningfully address systemic racism, we must all drop our defenses and acknowledge our complicity --- however unintentional --- in its persistence. In the words of Robin DiAngelo, “Yet our simplistic definition of racism -- - as intentional acts of racial discrimination committed by immoral individuals --- engenders a confidence that we are not part of the problem and that our learning is thus complete.” The Center is hopeful that the Chief will embrace a more comprehensive understanding of systemic racism moving forward.

Mayor Kathy Sheehan responded to all four letters in a timely manner, with thoughtful and constructive answers. It was the Mayor who suggested the definition of “systemic racism” that the Center adopted to guide this project. We are particularly heartened by the Mayor’s most recent response that, “I believe the City’s Police Reform and Reinvention Collaborative will help create a space for an in-depth conversation to be had where the community can be part of the process of proposing potential policing reform, including those designed to combat systemic racism” (emphasis in Mayor Sheehan’s response). The Center has every confidence that the Mayor will shepherd our city through the police reinvention process, toward a reality of justice for all in Albany.

So --- can the Governor’s mandate “turn this systemic racism thing around overnight?” We do not delude ourselves that even if every jurisdiction in New York passes a perfect policing plan, systemic racism will disappear on April 1, 2021. But this attempt to remedy systemic racism is hardly an overnight fix --- it has been centuries in the making. Sadly, it has come too late for countless African Americans who have died at the hands of police officers, including Albany’s Jesse Davis and Dontay Ivy. For the rest of us --- “overnight” is now.

**Next Friday’s Commentary: The Specifics of Albany’s Reinvented Policing Plan**