FOIL Request Update: On May 12, 2020 CFLJ filed a FOIL request for the APD First Street Incident report. On June 10, 2020, the deadline for a response, the City responded that due to COVID, a 20-day extension was required to fulfill the request and the completion date of the request would be July 8, 2020. CFLJ filed an appeal with the City of Albany FOIL Appeals Officer on June 12, 2020. The deadline for a response to the appeal was June 26, 2020. As of July 9, 2020, CFLJ has received neither a response to the appeal, nor the July 8 response to the original FOIL request, as pledged by the City Records Access Officer. CFLJ has filed a request for an Advisory Opinion with the New York State Department of State’s Committee on Open Government.

Police Officer Unions Can Help Reinvent Public Safety Systems

Police unions have been a powerful force in resisting efforts to address systemic racism in criminal justice systems across the country. They do so in three major ways: by contributing to the campaigns of politicians who support protections against police officer accountability for misconduct; by keeping union members “in line;” and by manipulating public opinion to suggest that they, the police, are the true victims. Over the past four decades, police contracts have added protections that prevent holding officers accountable for misconduct. Additionally, Civil Rights Law 50-a, now repealed, kept an officer’s disciplinary record secret. Police officer unions have spent heavily to elect and lobby politicians who would keep such safeguards in place. Over the last twenty years, spending on campaign contributions and lobbying efforts amounted to more than nineteen million dollars in New York City. This year, law enforcement unions influenced the passage of legislation rolling back State bail reform measures recently passed in Albany.

Demonstrations in the wake of George Floyd’s murder have called into question not only the political power of police unions, but also the degree to which the leadership of the unions reflects their membership. According to a recent NPR broadcast, a new report by The Marshall Project, “…questions whether the leadership of these unions truly represent the values and perspectives of their members. As departments have become more diverse, the same has not been true of union leadership.” And according to a recent NBC News story, “…in cities like St. Louis, Miami and New York, some of the calls for significant reform are coming from another place: within police departments themselves, among smaller pockets of officers who don't necessarily feel heard by their police unions or the department brass, which are largely white.”

Despite the emergence of alternate police voices in larger cities, the “old guard” that still prevails in most urban police unions can stifle reform from within. A Chicago police union leader said that any officer in uniform seen kneeling alongside protesters would be subject to discipline. In Buffalo, although the police officers’ union announced that all 57 officers resigned from the Emergency Response Team in a "show of support” for two officers suspended without pay for use of excessive force against a protestor, the 57 officers actually resigned because the union announced its withdrawal of legal support for anyone assigned to the unit.

Perhaps the most daunting obstacle to transformative change within police departments is the refusal of union leadership, predominantly white, to even acknowledge the existence of
systemic racism, much less address it. When confronted with the term “systemic racism,” union leaders often respond dismissively by demonizing the victims of police misconduct, demeaning protestors making the call for change, and condemning the politicians who support them. The president of the police union in Minneapolis called George Floyd a violent criminal, and the protestors a terrorist movement. A Baltimore police union leader called Black Lives Matters protestors a “lynch mob,” and a union leader in Philadelphia called demonstrators “a pack of rabid animals.” Police unions often react to a call to address systemic racism as if it were an allegation that all police officers intentionally commit racist acts. Displaying a fundamental misunderstanding of systemic racism, the President of the New York State Sheriff’s Association stated:

“We also must ask those politicians and other leaders in the communities who continually speak of ‘systemic racism’ in our police agencies for their own political advantage to refrain from such unfounded and incendiary comments. It is disgusting conduct, which itself fuels racism on all sides, and leads to worse, not better race relations in this country…. The inexcusable action of one police officer in Minneapolis cannot be used to justify labelling all 800,000 dedicated, hard-working police officers as racist.”

“Systemic racism” is actually a term that conveys the irrefutable reality that we are all products of our collective socialization. The Center uses an adaptation of the Aspen Institute’s definition:

“Systemic racism” is a system in which public policies, institutional practices, cultural representations, and other norms work in various, often reinforcing ways to perpetuate racial group inequity. It identifies dimensions of our history and culture that have allowed privileges associated with “whiteness” and disadvantages associated with “color” to endure and adapt over time. Systemic racism is not something that a few people or institutions choose to practice. Instead it has been a feature of the social, economic, and political systems in which we all exist.

Confronted with a challenge to change systemic racism, union leaders often denounce the use of the term “racism” and attempt to paint themselves as victims. The President of the New York State Association of PBAs said, “Stop treating us like animals and thugs and start treating us with some respect... We’ve been vilified.” The Albany Police Officers Union President, Gregory McGee, penned an open letter to Mayor Kathy Sheehan after she banned the use of choke holds by police. Said McGee: “You have judged every good officer based off of a ridiculously small portion of the law enforcement population. You have made automatic associations about a group of people, in this case police officers, and then stereotyped us all based off the small numbers of bad officers.” Echoing the union’s victimhood claim, Police Chief Eric Hawkins in a June 30 WAMC radio interview decried what he characterized as vilification of the APD.

According to educator Robin DiAngelo, author of *White Fragility* (“Why It’s So Hard for White People to Talk About Racism”), the defensiveness exhibited by these contentions of victimhood serves a purpose:
“Claiming that it is they who have been unfairly treated --- through a challenge to their position or an expectation that they listen to the perspectives and experiences of people of color --- they can demand that more social resources (such as time and attention) be channeled in their direction to help them cope with this mistreatment.”

…

“White fragility functions as a form of bullying; I am going to make it so miserable for you to confront me --- no matter how diplomatically you try to do so --- that you will simply back off, give up, and never raise the issue again.”

Police unions can help reinvent public safety systems when they cease playing victim and acknowledge their complicity in systemic racism. According to DiAngelo, “The simplistic idea that racism is limited to individual acts committed by unkind people is at the root of virtually all white defensiveness on this topic. To move beyond defensiveness, we have to let go of this common belief.”

Next Friday’s Commentary: What Exactly Does the APD’s Use of Force Policy Prohibit?