Summary of Mayor Sheehan’s Responses to Questions Posed in CFLJ’s April 27, 2020 Letter

Questions posed to the Mayor are here categorized into five areas: **THE PROBLEM** of structural racism and public safety in Albany; **THE PARTICIPANTS** who should be involved in addressing the problem; **ACCOUNTABILITY**; **TRANSPARENCY**; and **ADVOCACY**.

**Questions about THE PROBLEM**

The Center appreciates your very comprehensive and thoughtful description of structural racism and its impact. We share your belief that we can all work to address structural racism in the areas we have influence over. You cited the city’s Equity Agenda, codified by the Common Council last October, as the culmination of a commitment to the very hard work of viewing all the city’s operations through a lens of structural racism. The Center looks forward to the Human Rights Commission’s first annual report on the Equity Agenda, to be published this September. The Equity Agenda is an important aspirational document, describing circumstances the city will strive to achieve.

1. The fact that the United States Constitution contains a Bill of Rights does not guarantee that no American’s rights are ever violated. Would you agree that the implementation of the Equity Agenda invites public oversight, much as the application of the Bill of Rights requires constant vigilance?

   *Mayor Sheehan responded that public oversight is codified in the Equity Agenda legislation (Sec. 183-3) to include the City’s Common Council and the Commission on Human Rights.*

**Questions about THE PARTICIPANTS**

To date, the Center has been conducting this “work-in-progress” discussion with the Police Chief, the Mayor, the District Attorney, and the Common Council President.

2. Are there any others that you believe need to be included in the conversation?

   *Mayor Sheehan responded that yes, our communities need to be a part of the conversation – and part of the solutions.*

**Questions about ACCOUNTABILITY**

In the Center’s April 7 letter to you, we asked if you are willing to direct Chief Hawkins to include racial impact statements on all new or revised departmental policies, and to provide annual data reports to the public. You replied that the policies of the Albany Police Department are examined and certified nationally through the Commission on Accreditation for Law Enforcement Agencies (CALEA), and statewide through the New York State Department of Criminal Justice Services (DCJS).
3. Does the fact that the APD’s policies are certified nationally through CALEA and statewide through DCJS preclude those policies from having a disproportionately adverse impact on minorities?

Mayor Sheehan responded that, as she had stated previously, the policies of the Albany Police Department are examined and certified nationally through the Commission on Accreditation for Law Enforcement Agencies (CALEA), and statewide through the New York State Department of Criminal Justice Services (DCJS). The Mayor stated that both entities 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. She added that certification by national and state-wide organizations that have the extensive resources to review, analyze, and propose amendments to policing policies help local police agencies like the Albany Police Department limit disproportionate adverse impacts, but constant observation at a local level is also critical to ensuring those disproportionate adverse impacts do not occur.

4. Is it not possible that a policy that is prima facie race-neutral can be implemented in a manner that unintendedly adversely impacts minorities?

Mayor Sheehan responded that it is well settled constitutional law that a policy (policing or non-policing related) that is prima facie race-neutral can be implemented in a manner that unintendedly adversely impacts minorities.

5. Might there be some APD personnel who do not always comply with the policies?

Mayor Sheehan responded “yes” to this question, adding 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.

Questions about TRANSPARENCY

In the Center’s first round of questions we asked when the APD would release its racial profiling and use of force policies, and Chief Hawkins responded by forwarding the policies along with his response. In this second round of questions we have asked the Chief to shed some light on the criteria used in redacting the versions of the policies he sent to us. Also on the topic of transparency, if a community is to have trust in its police department, the department must share reports of departmental investigations of police misconduct.

6. Will you urge Chief Hawkins to release the APD report regarding the “First Street Incident” investigation, which he promised would be released by February 16, 2020?

Mayor Sheehan responded that the Albany Police Department 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.
Questions about ADVOCACY

In the Center’s April 7 letter to you, we asked if you are willing to send a letter to the Governor and legislators urging repeal of Civil Rights Law 50-A. You responded that transparency is critical to fostering trust between institutions and the people they serve, however there must be a balance between transparency and safety. You stated that you support reforms to Civil Rights Law 50-A that ensure public employees are transparently held accountable for proven acts of misconduct (emphasis added by the Center). Many in the community are frustrated by provisions of Civil Rights Law 50-A that preclude litigants from obtaining the very information necessary to prove police misconduct. Legal scholars believe the law can be amended to allow litigants access to this critical information without compromising the privacy of individual personnel.

7. If community consensus is reached at the fall “Recommitment to Community Policing” Symposium that a reexamination of Civil Rights Law 50-A is in order, would you support the community in urging that the law be modified?

Mayor Sheehan responded that, as she had stated previously, transparency is critical to fostering trust between institutions and the people they serve, however there must be a balance between transparency and safety. The Mayor stated that she supports reforms to Civil Rights Law 50-A that ensure public employees are transparently held accountable for proven acts of misconduct, and that any reforms must take into account the legitimate safety concerns of public employees.