Questions posed to the Chief 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**

In your initial response to the Center’s question, “Do you believe structural racism affects the operations of the Albany Police Department?”, you responded that the APD’s systems are as progressive as any in the country, and that its practices are aligned with nationally recognized best practices.

1. Isn’t it possible for both circumstances to apply? That is, isn’t it possible that the APD’s systems are as progressive as any in the country and its practices are aligned with nationally recognized best practices, AND that structural racism affects the operations of the Albany Police Department?

   *Chief Hawkins responded “Yes” to this question.*

2. Wouldn’t even the most progressive police department in the country have a responsibility to accurately assess and address structural racism that affects its operations?

   *Chief Hawkins responded “yes” to this question, and that that is why he has “ensured that the policies, practices, and culture of the Albany Police Department are not normalizing or legitimizing the dynamics that produce adverse outcomes or inequities for any groups in the city of Albany.”*

**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.

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

   *Chief Hawkins responded that he does not have an answer for this question at this point.*

**Questions about ACCOUNTABILITY**

In your initial response to the Center’s April 7, 2020 letter, you indicated that if an Executive Order is issued directing State officials to investigate all police shootings (including those that do not result in death), you will ensure that the APD fully cooperates with such investigations. It is unclear to us whether you would entertain asking for a State investigation of
a non-death police shooting in the absence of a mandate from the State to do so. The Center believes that the community would have more confidence in the objectivity of a State investigation of a police shooting such as that of Ellazar Williams by Detective James Olsen (a shooting that resulted in Williams’ paralysis from the chest down but not his death) than that conducted locally. The fact that the local prosecutor was reliant on Detective Olsen for testimony in an unrelated murder case calls into question his objectivity in the investigation of the shooting by Detective Olsen.

4. Do you agree that an investigation by State officials in the Ellazar Williams case would most likely have resulted in a more favorable community reaction to the results of the investigation, even if the State investigation had come to the same conclusion as the local investigation? If not, why not?

Chief Hawkins responded that he neither agrees nor disagrees, and that the “assertion is too speculative for me to comment.”

5. Under what circumstances would you request a State investigation of a non-death police shooting, absent an Executive Order mandating a State investigation?

Chief Hawkins responded that he is “confident that the members of the Office of Professional Standards have the integrity, professionalism, and independence to fairly and objectively investigate non-fatal police shootings.” The Chief also stated that his initial response stands with respect to State involvement in such incidents. (CFLJ note: The Chief’s initial response regarding investigations of non-death police shootings was that if an Executive Order is issued directing State officials to investigate all police shootings he will ensure that the APD fully cooperates with such investigations. The Chief’s initial response was silent on whether he would request a State investigation of any police shooting that did not result in death, absent an Executive Order requiring such an investigation.)

Questions about TRANSPARENCY

In your last response you provided us with the Department’s “Bias-Free Policing” and “Use of Force” policies. The latter is, in places, heavily redacted. Some of the redactions appear to have been made, appropriately, with public safety in mind (e.g., the location of the Department’s weapons when not in use). Some redactions, also appropriately, appear to protect the identity of specific department personnel. However, there are other redactions that appear to have no discernible justification. For example, Section III.E.2.c. on page 11 reads: “Weapons shall not be left in an unsecured, in plain view in the passenger compartment of any vehicle, for any length of time, at any location when the officer is not in the vehicle. [Redacted].” The reason for this redaction is not readily apparent. Similarly, regarding CEWs (Tasers), on page 14 section IV.A.3.m.ii.b) reads: “Using the CEW to achieve pain compliance may have [Redacted].” In other places, entire paragraphs are blacked out.
6. What criteria does the Albany Police Department use in redacting policies released to the public?

Chief Hawkins responded that there are redactions for tactical, personal, or strategic information, which, if publicly disclosed, may endanger officers or members of the public.

7. When will the APD release its report regarding the “First Street Incident” investigation, promised for release February 16, 2020?

Chief Hawkins 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 you had not had an opportunity to fully examine the legislative intent, history, and impact of CRL 50-A; that you respect the legislative and judicial processes that have shaped the laws that govern this country; and that you are committed to ensuring that the Albany Police Department operates in full compliance with those laws.

Many in the community are frustrated by the impact of Civil Rights Law 50-A on the ability of litigants to obtain critical information in matters of alleged police misconduct. Some legal scholars believe the law can be amended to allow litigants access to this critical information without compromising the privacy of individual personnel.

8. 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?

Chief Hawkins responded that his “initial response with respect to this question stands.”