CFLJ SEVENTH COMMENTARY


The Albany Community Police Review Board: Two Decades of Official Neglect


The deaths of people of color at the hands of police — particularly those with disabilities and on the margins of gender identity — will continue until the forces that perpetuate institutional racism are dismantled… As a CPRB member and chair of the outreach committee, I listen to people across the city about CPRB. Feedback includes empowering the board to conduct independent investigations, issue subpoenas and impose discipline on officers.

The Albany Community Police Review Board was first established in 2000. In 1994, Capital District Citizen Action had called for the creation of an independent civilian review board. In that same year, the Capital District Chapter of the New York Civil Liberties Union (NYCLU) issued a report, The City of Albany: The Need for All-Civilian Review of Police Misconduct to Ensure Accountability and Fair Law Enforcement. NYCLU called for an all-civilian review of police misconduct to replace the existing internal investigations unit of the Albany Police Department. During the late 1990’s several widely publicized police encounters with African Americans (see CFLJ’s Sixth Commentary for more details) contributed to increased community/police tensions and prompted calls for a citizen review board. In response, in 2000 the Albany Common Council passed legislation to establish the “Citizens’ Police Review Board.” According to the May 9, 2002 edition of Metroland:

Citizens of Albany have clamored for the city to establish a civilian review board since the ’80s; when the city’s Common Council finally began to seriously debate the creation of the board in the wake of alleged police misconduct and abuse in Albany’s Arbor Hill neighborhood in 1999, citizens flocked to meetings to demand an independent, objective body that would be able to investigate complaints of police brutality, civil rights violations and incivility. In short, they wanted a board with “teeth.” What they got was a compromise legislation: In July 2000, the Common Council created the Citizens’ Police Review Board, which has the power to “review” and “comment on” investigations of police behavior, which are investigated internally by the Albany Police Department’s Office of Professional Standards [OPS].

The New York Civil Liberties Union criticized the legislation for its lack of the very “teeth” demanded by the public:

… there are still “significant impediments” to the board’s ability to provide the effective, independent oversight of police that the public has clamored for. According to Louise Roback, director of the New York Civil Liberties Union’s Capital Region Chapter, the ideal police review board would have had the power to perform its own investigations of police misconduct; instead, the city gave it the power to appoint a special monitor to oversee the internal investigation performed by the APD—but only when complaints allege that officers used
excessive force or violated civil rights. But … the board has the power only to review the APD’s investigations after they are completed. “The board has no power to interview complainants, witnesses or the police officer,” the report indicates. “While several complainants have attended CPRB meetings and addressed the board, no witnesses or police officers have addressed the board. The board is limited to reviewing OPS investigations after the fact.”

Additionally, the Albany NAACP stated that the legislation “…does not appear to be what the people were asking for … People testified that they wanted a board that is independent of the Police Department. This is not it.” The Center for Law and Justice added that the legislation created a board that lacked the independence needed to earn the community’s respect, and did not have a budget for the board or a residency requirement for members.

In 2002, NYCLU released an evaluation of the first year of operations of the Albany Citizens Review Board, finding that of the 25 complaints filed by the end of 2001, “the Board accepted the findings made by OPS with respect to every complaint reviewed.” The evaluation suggested several modifications that would, among other things, grant the Board the power to conduct investigations, and to increase the openness and information available to the public. Despite modifications to the legislation made in 2004, criticisms regarding the Board’s lack of independence from the Albany Police Department persisted. A decade later, an October 13, 2012 Times Union article reported:

…the board almost always concurs with the department's investigation. According to a review of complaints between 2000 and 2010, the civilian board agreed with the police OPS findings 97 percent of the time. If the CPRB spots a problem with an OPS investigation, they have the power to request the city's Common Council investigate independently, yet this step has never been taken.

And now, nearly another decade later, the Times Union on June 5, 2020 reported that the Common Council and the Mayor have finally agreed to meaningful reform of the review board:

On Thursday afternoon, the city’s Common Council said they would push for a series of reforms, including giving subpoena powers for city police records to the city’s Community Police Review Board, as activists and other leaders called for broader changes. “This council has heard and understands what the citizens of this city would like, so we in our capacity as legislators, would like to begin the process of addressing some of those concerns,” said Council President Corey Ellis at a news conference in front of City Hall.

It has taken two decades of citizen entreaties following countless acts of APD abuse of African Americans to exact pledges of CPRB reform from Albany government officials. Is it any wonder that the community takes umbrage when Police Chief Hawkins expresses consternation with “impatient” people who “want this systemic racism thing to be turned around overnight?”

Next Friday’s Commentary: The Role of the Albany Community Police Advisory Committee (ACPAC) in Albany Police Department Oversight