



DECEMBER 2020



Final Report

# RACIAL BIAS AUDIT OF THE ALBANY, NEW YORK POLICE DEPARTMENT

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This document contains the best opinion of CNA at the time of issue.

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# Acknowledgements

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# Executive Summary

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Over the last decade, the Albany Police Department (APD) has pushed forward to engage the community in a positive manner, moving towards a mission that is focused on community policing practices. During this time, the Community Policing Review Board and the Common Council have recommended police reforms and legislation changes to further improve the police department, and they have called for change to address perceived disparate treatment of minority communities. Following recent high-profile events, including the First Street Incident and the shooting of Mr. Ellazar Williams, APD has striven to improve their transparency and implement initiatives to increase community trust. Both of these incidents, along with the eruptions of public protests across the country, led the City of Albany to initiate an evaluation of policy, procedures, and practices of the police department. In addition, this audit will provide baseline information to inform the City of Albany's response to Governor Andrew M. Cuomo's Executive Order No. 203: New York State Police Reform and Reinvention Collaborative.<sup>1</sup> In August of 2020, the City of Albany, through a competitive bid, selected the CNA Center for Justice Research and Innovation to conduct a racial bias audit of the APD.

The objectives of CNA's racial bias audit included:

- Assess and monitor APD's internal operations, policies, procedures, and practices to detect the presence of implicit bias and systemic racial bias.
- Collect and analyze data related to traffic stops, use of force, and other police officer/civilian interactions and determine the effect on Black community members.
- Assess compliance with existing police reform policies initiated by APD and enacted by the Albany Common Council (e.g., body-worn cameras (BWCs), Right to Know Identification Legislation, and Citizen Police Review Board).
- Provide actionable recommendations for reforms that eliminate racial and implicit biases in policing deployments, strategies, policies, procedures, and practices. Such recommendations must:
  - Promote community engagement, transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust; and
  - Be guided by evidence-based best practices and community expectations.

Based on CNA's review of policy, procedures, and practices, as well as data provided by the APD, our key findings included:

- APD should improve data collection procedures for traffic stop data.

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<sup>1</sup> More information on the Executive Order is available online: <https://www.governor.ny.gov/news/no-203-new-york-state-police-reform-and-reinvention-collaborative>.

- Prior to the deployment of BWCs to detective personnel and future units, APD should update its BWC policy to reflect emerging best practices.
- Statistical differences by outcome of police stops are evident when comparing white people to people of color, further fueling community concerns about resisting arrest charges.
- Black community members initiate the majority of external complaints and civil rights lawsuits filed.
- APD personnel do not fully understand the community complaints process and how or when possible disciplinary actions could take place.
- The community complaints process is convoluted and poorly understood by community members, leading to mistrust and a perceived lack of procedural justice.
- APD should update its use of force policy so that officers better understand when they can or cannot use various forms of force.
- APD should make annual reports detailing use of force incidents publicly available to community members in the city.
- APD's philosophy and culture have a strong focus on community policing practices; APD should reinforce this message to all personnel.
- APD should review the structure of the Neighborhood Engagement Unit and School Resource Officers for efficiency and effectiveness.
- APD's website could benefit from a modern reconstruction so that each embedded page is easily accessible and allows community members to easily find current information on the organization and projects they are working on.
- The diversity of APD personnel does not reflect the racial makeup of the City of Albany.
- APD should review its recruitment and hiring practices and begin releasing annual reports on this data.
- The promotional process is of concern to personnel; APD should track this process in a database and standardize the performance evaluation process.
- APD should complete and house its annual reports of data designated in various General Orders on its website for easy access by all community members.
- APD participates in a long list of programs and should seek evaluations of these programs to determine their effectiveness and help allocate resources among them.
- There are community concerns that past proposed reforms have not been implemented, along with concerns that officers do not live in the City of Albany.
- The annual in-service training curriculum should be updated to include various topics, including but not limited to racial bias and cultural sensitivity training.

- Training is not consistent across the department, and personnel feel they need more training to sufficiently do their jobs.

Over the next year, APD will work with the City of Albany and community leaders to understand, prioritize, and implement the recommendations proposed in this report, reflecting their dedication to improving community trust. We recommend that APD and the City of Albany seek an independent firm to help implement these recommendations and track APD's progress.

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# Introduction

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Over the last decade, the Albany Police Department (APD) has made strides to put community policing at the forefront of their practices. In 2015, the APD was chosen as one of the 15 cities that exemplified strong efforts in community policing practices under President Obama's 21st Century Policing Taskforce.<sup>2</sup> Though APD made efforts to improve community safety and quality of life in the city, community members and organizations also pushed for reform and changes in policy and practice. The Common Council proposed changes in legislation based on a proposal from the Community Policing Review Board. The Center for Law and Justice developed many reports looking at the effectiveness of APD's community policing practices, the response to high-profile incidents, and the path to reform and change. Despite APD's work on community policing and engagement, in August 2019, the Center released a report noting that community members do not have high levels of trust in APD nor do they believe APD is effectively practicing community policing. Only 15 percent of Black community members responding to the survey agreed that APD is trustworthy. Ongoing work by community groups and initiatives will continue to propel the city and the police department to make needed changes.

The APD employs 294 sworn personnel and 86 non-sworn personnel and serves a population of more than 96,000 residents as well as an increased population during working hours and events at nighttime entertainment venues.<sup>3</sup> The Chief of Police is responsible for all personnel, and the Deputy Chief of Operations is responsible for the Emergency Services Team, Crisis Management Team, and the Commanders. Underneath each Commander are various units and supervisors that the Command Staff oversee.<sup>4</sup> The department has been taking active steps to increase their community partnerships and enhance trust in an effort to address challenges with race. As part of their participation in the national Safer Neighborhoods Through Precision Policing Initiative (SNPPI), funded by the Office for Community Oriented Policing (COPS Office), APD implemented 36 of 38 of the recommendations relevant to municipal law enforcement in the *Final Report of the President's Task Force on 21st Century Policing*.<sup>5</sup>

In August of 2018, a police-involved shooting occurred involving Mr. Ellazar Williams. Mr. Williams was shot while fleeing police. During the investigation, conflicting reports about incident details led to community concerns about the incident and its investigation. In March of 2019, the APD was

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<sup>2</sup> The full report on Albany's engagement with the Safer Neighborhoods through Precision Policing Initiative can be found at APD's website: [https://www.albanyny.gov/Libraries/APD/CNA-Albany\\_FastTrack\\_v4\\_PRINT.sflb.ashx](https://www.albanyny.gov/Libraries/APD/CNA-Albany_FastTrack_v4_PRINT.sflb.ashx).

<sup>3</sup> Source for community statistic: US Census population estimates for July 1, 2019, accessed via QuickFacts, available online: <https://www.census.gov/quickfacts/fact/table/albanycitynewyork/PST045219>.

<sup>4</sup> For a full breakdown of each supervisor's responsibility, see General Order 1.1.05 *Organizational Chart & Command Structure*.

<sup>5</sup> President's Task Force on 21st Century Policing. (2015). *Final report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.

involved in a high-profile call for service, now known as the First Street Incident. Prior to this incident, officers became aware of various complaints regarding an apartment on First Street but had not engaged in community-based problem-solving to address those issues. During a response at the address, APD officers kicked in the door of the apartment, and the incident escalated to include violent use of force. APD arrested one officer and took disciplinary action against eight officers after investigating the incident, including firing three involved officers. In addition, while the audit was underway, an APD officer made racist statements while on-duty with an Albany County Sheriff's deputy, whose body-worn camera captured the remarks. APD has announced their intention to fire the officer.

These local incidents also coincide with a renewed focus on issues of equity, racial justice, bias, and systemic racism in the criminal justice system—and particularly in law enforcement—at the national and local levels. Law enforcement agencies, local government, and the communities in which they operate must address concerns of racial bias and disparities in interactions between the police and community members. They must also acknowledge historical trauma associated with past incidents and interactions in the community. These interactions include such incidents as officer-involved shootings, use of force, searches, and traffic stops. It is important to understand that disparate outcomes do not always definitively indicate racial bias, as other factors may be at play.<sup>6</sup> At the same time, identified disparities must be understood within the context of the wider criminal justice system, and the systemic and structural inequities influenced by race, racism, and other factors in that system.

Albany's history of racial tension between APD and the Black community, concerns about systemic racism within APD, and the renewed national conversation about systemic bias and racism in justice systems have led the City of Albany to initiate an evaluation of APD's policies, procedures, and practices. In August of 2020, the City of Albany, through a competitive bid, selected CNA to conduct a racial bias audit of the APD.

## Goals and objectives

CNA's audit was designed to accomplish the following:

- Assess and monitor APD's internal operations, policies, procedures, and practices to detect the presence of implicit bias and systemic racial bias.
- Collect and analyze data related to traffic stops, use of force, and other police officer/civilian interactions and determine the effect on Black community members.

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<sup>6</sup> Fridell, L. A. (2004). By the numbers: A guide for analyzing race data from vehicle stops. Washington, DC: Police Executive Research Forum.

Simoiu, C., Corbett-Davies, S., & Goel, S. (2017). The problem of infra-marginality in outcome tests for discrimination. *The Annals of Applied Statistics*, 11(3), 1193-1216.

- Assess compliance with existing police reform policies initiated by APD and enacted by the Albany Common Council (e.g., body-worn cameras (BWCs), Right to Know Identification Legislation, and Citizen Police Review Board).
- Provide actionable recommendations for reforms to eliminate racial and implicit biases in policing deployments, strategies, policies, procedures, and practices. Such recommendations must:
  - Promote community engagement, transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust; and
  - Be guided by evidence-based best practices and community expectations.

## Audit areas of focus

The City of Albany’s Office of Audit and Control initially identified five areas of assessment for the APD audit. They included deployment for quality of life complaints, code violations, and instances of violence; traffic stops; the complaint process (internal and external); use of force (deadly and non-deadly); and community policing practices. During our review, the audit team identified additional themes that emerged from interviews, policy reviews, and analysis of APD data sources. The report includes the following sections:

1. Patrol operations, deployments, and traffic stops
2. Complaints and civil rights lawsuits
3. Use of force
4. Community policing
5. Recruitment, hiring, and retention
6. Oversight and accountability
7. Training

## Methodology and approach

The CNA audit team based its approach on a number of guiding principles, including the following: (1) evidence-based assistance with an emphasis on research, including both academic research and documented lessons learned and best practices from the field; (2) a multi-method assessment design, including interviews, policy and document review, and data analysis; and (3) a commitment to conducting comprehensive reviews and applying best practices in police settings. CNA’s methodology included three major components described below.

## Document review

The audit team reviewed APD's General Orders (GOs) related to the areas of the assessment identified above. Out of the 131 GOs received from APD, our team reviewed 84 GOs: 35 were reviewed by two team members, and 49 were reviewed by one team member. In addition to reviewing GOs, we reviewed strategic planning reports and police reform legislation passed by the Albany Common Council (e.g., BWCs, Right to Know Identification Legislation, and Citizen Police Review Board proposals).<sup>7</sup>

## Interviews

The audit team conducted 24 semi-structured interviews. Of those interviews, 12 were with APD personnel, 2 with former APD personnel, and 10 with community leaders and members. Organizations represented by community members included the Albany Community Police Advisory Committee, Community Police Review Board, New York State Office of Mental Health, Center for Law and Justice, Youth FX, Common Council, Red Bookshelf, Upstate New York Black Chamber of Commerce, and A Block at a Time. These interviews focused on gaining a better understanding of policing practices in Albany, as well as culture, leadership, and community policing approaches for APD.

Our interviews with APD personnel included command staff, supervisors, line-level officers, and non-sworn personnel, and they included recently promoted personnel, School Resources Officers (SROs), training unit personnel, Neighborhood Engagement Unit (NEU) personnel, anti-violence coordinators, and personnel from the Professional Standards Bureau. The personnel's time with APD ranged from less than 2 years to more than 8 years. The audit team also virtually attended various Community Collaborative Working Group meetings, as well as one Community Police Review Board meeting.

## Quantitative data

Our data analysis focused on eight areas: calls for service, traffic stops, arrests, field interviews, use of force, community complaints, civil rights lawsuits, and department personnel. We analyzed data from 2015–2020 when possible. APD experienced a data loss affecting several internal databases, resulting in the loss of all records from 2018 related to use of force and complaints. For each of these data sources, we analyzed data from 2015, 2016, 2017, 2019, and 2020 year-to-date. The audit team conducted descriptive analysis of all datasets, supplementing with statistical comparison analysis such as chi-square tests and propensity score matching when appropriate. There were no data related to recruitment and hiring, so we were unable to conduct detailed analysis on those areas; instead, we conducted analysis on current personnel. The findings from our analyses complemented

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<sup>7</sup> Appendix N includes a list of the specific General Orders and other documents the audit team reviewed.

our reviews of the documents provided, including policies, proposed legislation, CPRB proposals, and civil rights lawsuits.

## Overview of the report

This report contains seven sections. For each section, we discuss APD's policies and procedures in relation to the various topical areas: calls for service and deployments, traffic stops, patrol operations, the complaint process and civil rights lawsuits, use of force, community policing practices, recruitment, hiring, retention, oversight and accountability, and training. In each section, we provide a summary of the overall themes we identified in our review, an overview of the data sources and analysis relevant to that topic, and the resulting findings and actionable recommendations for the APD.

In addition, the report includes four appendices. Appendix A lists all acronyms used in the report, with associated definitions. Appendix B collates resources and references to peer agencies to assist the City and APD in implementing the recommendations in the report. Appendix C provides a complete list of data the audit team reviewed. Appendix D includes a table of all findings, recommendations, and the audit team's suggested timeline for implementation as well as our assessment of what types of resources will be required for implementation.

# Section 1: Patrol Operations, Deployments, and Traffic Stops

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The first section discusses our assessment of the various policies and procedures for patrol operations, including deployments for quality of life complaints, code violations, and instances of violence, as well as traffic stops. First, we discuss the data we reviewed and the subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through interviews, document review, and data analysis, the audit team discovered the following key themes:

- APD needs improved data collection procedures for traffic stop data.
- Prior to the deployment of BWCs to detective personnel and future units, APD should update its BWC policy to reflect emerging best practices.
- Statistical differences by outcome are present in arrest data when comparing white community members to Black community members, further fueling community concerns about resisting arrest charges.

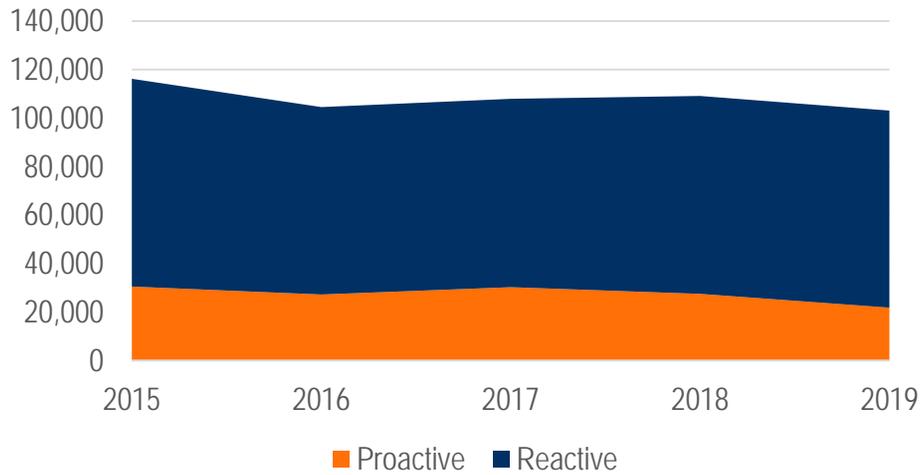
## Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected from interviews, a review of APD policies, and administrative data provided about calls for service, traffic stops, arrests, and field interviews.

### Calls for service

Between 2015 and 2019, APD personnel responded to 540,845 proactive (officer-initiated) and reactive calls. Figure 1 illustrates the trend over time as well as the relative ratio of proactive and reactive calls. The number of calls has declined slightly over time, while the relative ratio remained generally steady until 2019, averaging 2.6 to 3.0 reactive calls per proactive calls from 2015–2018, but 3.7 reactive calls per proactive calls in 2019.

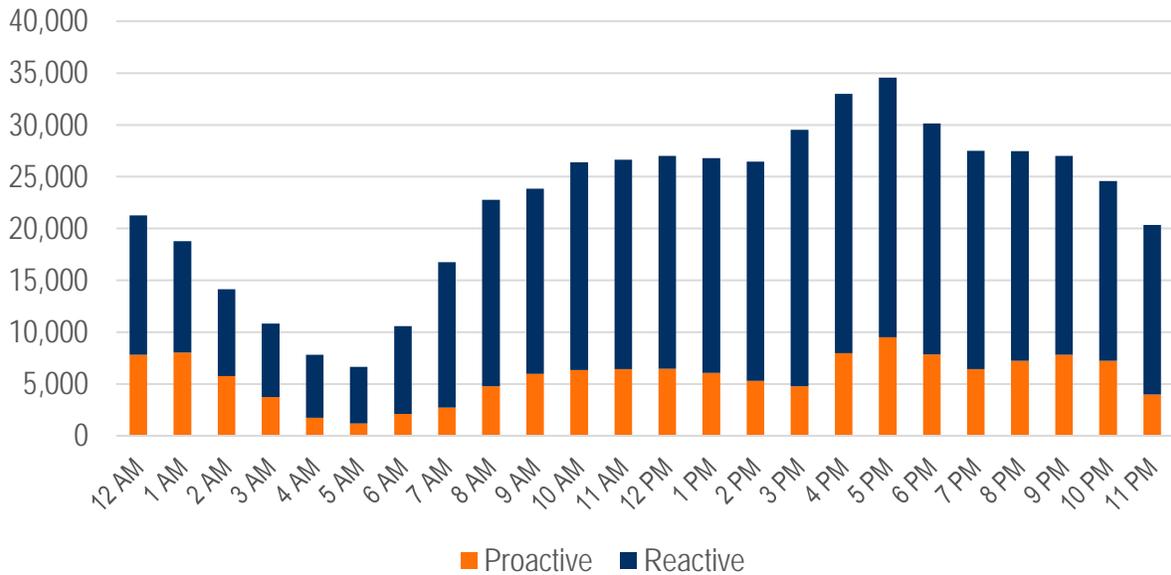
Figure 1. Calls over time



Source: Albany Police Department.

Figure 2 provides information about calls by time of day, broken out by proactive and reactive calls. As is typical in many law enforcement agencies, call volume peaks in the early evening and is at its lowest in the early morning hours.

Figure 2. Calls by time of day



Source: Albany Police Department.

APD responded to 126 call types during the five years considered in this analysis. In Figure 3, we display the number of calls by type for call types with more than 10,000 incidents in that period.<sup>8</sup> The most common call types include the following: getting a report, traffic stops, check on a subject, detail (an administrative code used when officers are engaging in tasks that will not involve contact with community members), and responding to auto accidents involving property damage. Of note, APD’s “other” category for call types falls within these top 16 call types by volume.

**Figure 3. Most frequent call types**

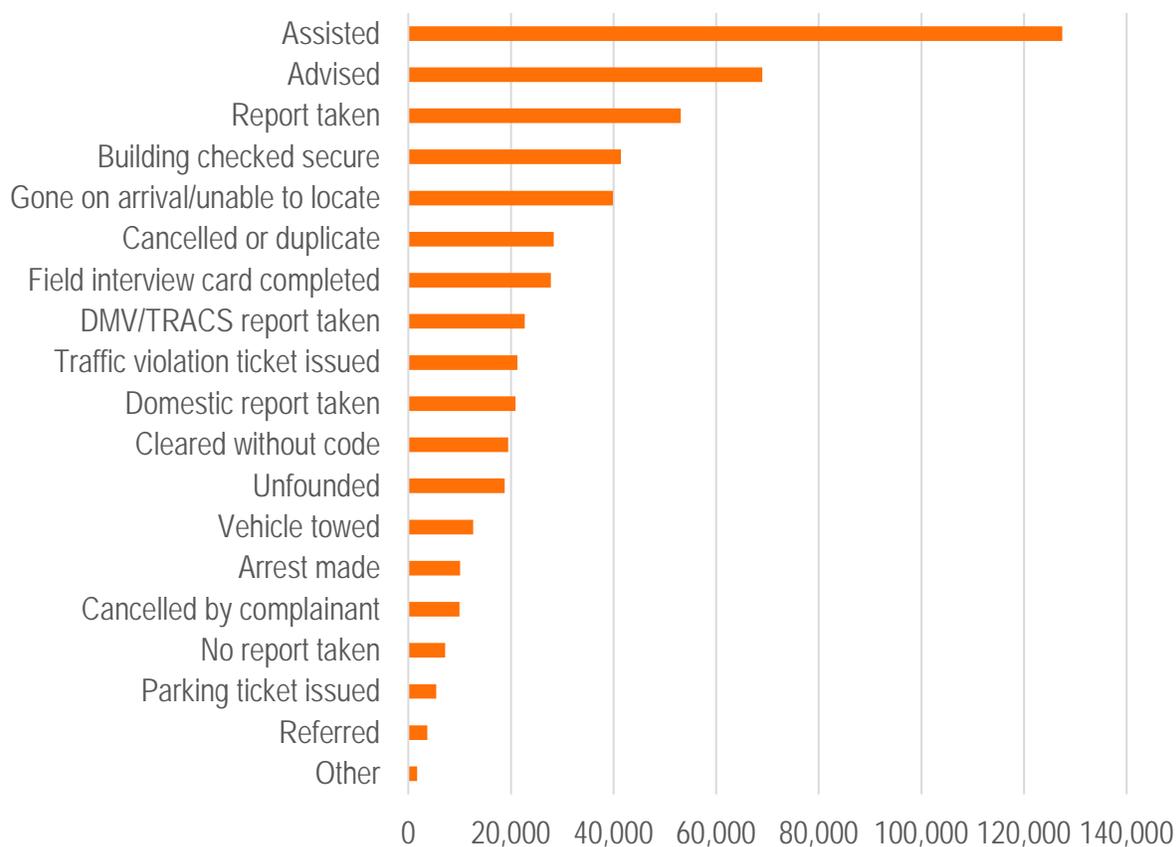


Source: Albany Police Department.

APD also tracks the disposition of calls using an internal system of numerical codes associated with definitions. For security reasons, we do not disclose numerical codes in this report, instead including only the definitions (Figure 4). For data visualization purposes, we group the least frequent disposition types as “other.” These include juvenile contact card completed (843 calls), administrative and law enforcement sensitive (454), domestic arrest (398), supervisor requested (16), transport required (6), and domestic call type changes (5). The most common call dispositions include assisted and advised, followed by report taken, building checks, and gone on arrival outcomes.

<sup>8</sup> The complete table of all call types and associated frequencies is available from the audit team upon request. Requests should be directed to the City Auditor’s Office.

Figure 4. Call dispositions



Source: Albany Police Department.

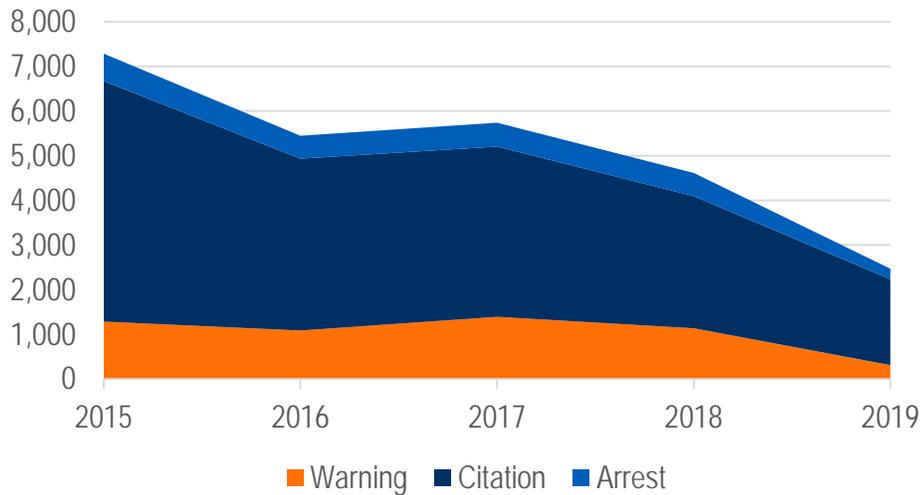
## Traffic stops

APD provided data regarding traffic stops, which they catalog in three separate databases for stops resulting in field interview cards (warnings), stops resulting in citations, and stops resulting in arrests. Unfortunately, APD does not collect race data for stops resulting in citations because they use the New York State universal traffic ticket form, which does not include a field for race data. APD also does not geocode address data collected on their forms into latitude and longitude, so geographical analysis of stop locations is not possible. The audit team was therefore unable to conduct racial disparity analysis on traffic stop activity by APD. In our findings and recommendations below, we suggest that APD implement collection of race data in a consolidated traffic stop database so that this analysis can be conducted in the future. In this section, we provide information about characteristics of stops in general, and we break out stops ending in warnings and stops ending in arrests by race.

Figure 5 shows the total number of traffic stops annually over time, as well as the breakdown by traffic stop outcome. The number of traffic stops APD conducts annually has dropped dramatically in

the last five years, with 7,283 in 2015 compared with 2,469 in 2019 (a 66 percent decrease over five years). Over that period, the relative share of stops resulting in warnings, citations, and arrests has remained fairly steady, with a slight relative uptick of warnings compared to citations in 2017 and 2018. The majority of stops result in a citation, with 77.9 percent of stops resulting in a citation in 2019.

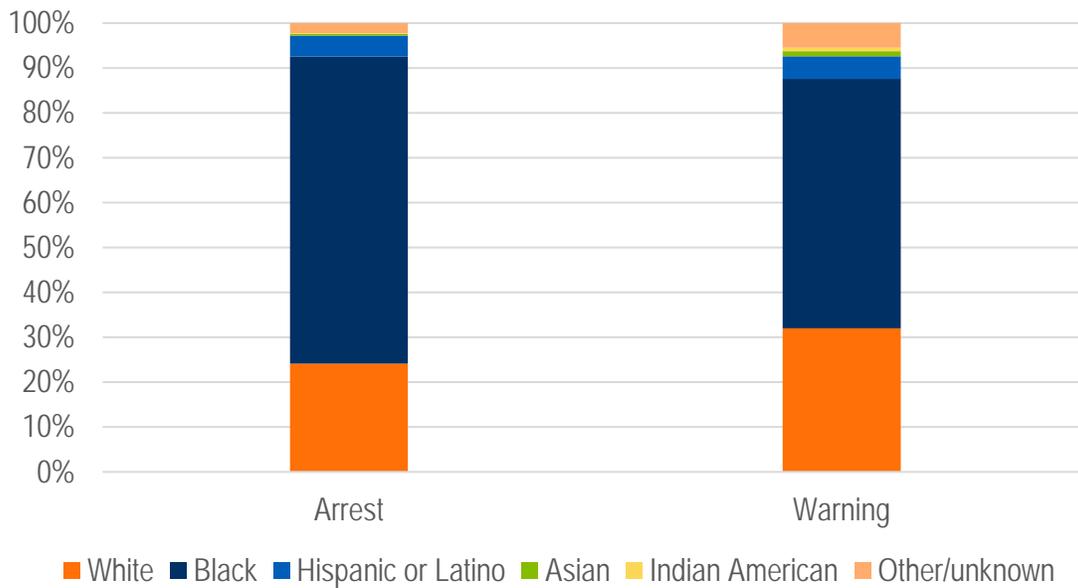
Figure 5. Traffic stops and outcomes over time



Source: Albany Police Department.

Figure 6 presents information about the race of the drivers involved in stops that ended in arrests or warnings. Black drivers are involved in stops ending in arrests relatively more frequently than they are involved in stops ending in warnings. Unfortunately, due to the lack of additional information in the traffic stop data, it is unknown whether this reflects differences in stop circumstances or results from biased practices.

Figure 6. Racial demographics for stops ending in arrests or warnings

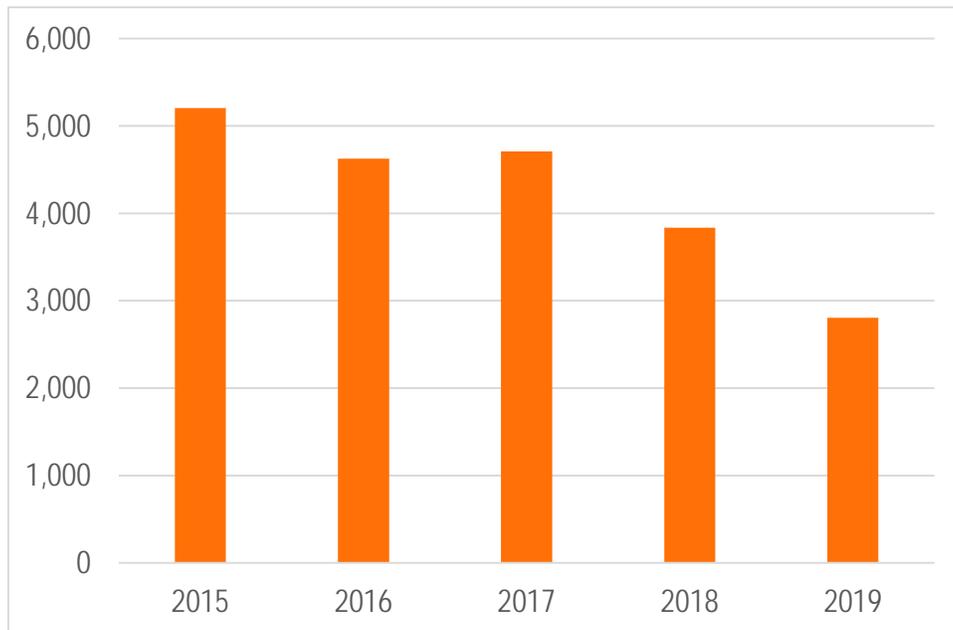


Source: Albany Police Department.

## Arrests

The audit team reviewed arrests that occurred between 2015 and 2019 including the date of the arrest, race of the involved community member, and reason for the arrest. APD made 21,180 arrests during this time period. Figure 7 displays the trend in arrests over time. As with other measures of police activity the audit team reviewed, arrests have generally trended downward over the past five years.

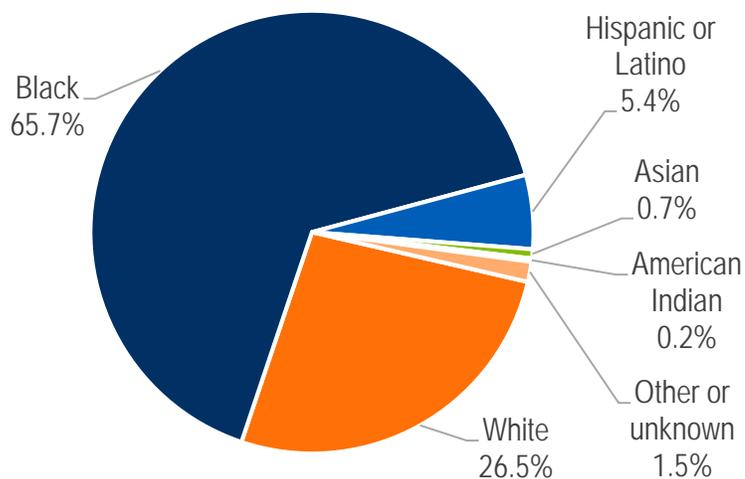
Figure 7. Arrests over time



Source: Albany Police Department.

The audit team also analyzed the race of arrested individuals, displayed in Figure 8. The majority of arrests were of Black community members at 65.7 percent. Of the other arrests, 26.5 percent were of white community members, 5.4 percent were of Hispanic or Latino community members, and less than 2 percent each were of Asian, American Indian, and other or unknown race.

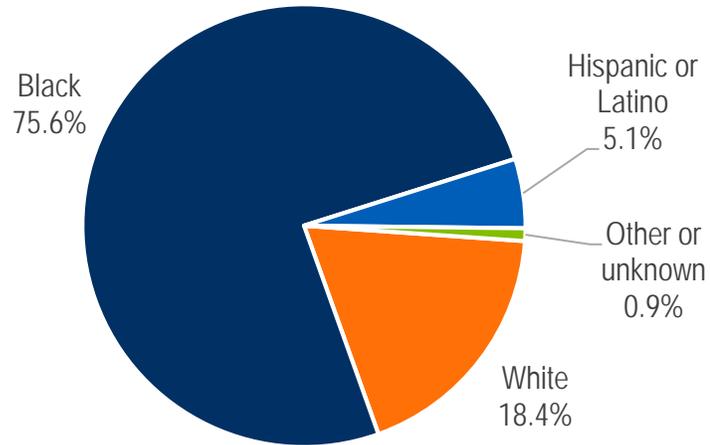
Figure 8. Racial demographics of all arrests



Source: Albany Police Department.

APD made arrests under 430 arrest categories during the period the audit team analyzed. The most common reasons for arrest included larceny (1,924 arrests), unlawful possession of drugs or alcohol (2,795), and assault with or without a weapon (1,044). During community interviews, the audit team was made aware of particular concerns regarding APD's use of the resisting arrest charge. APD made 217 arrests over the five-year period in that category. Figure 9 breaks down those arrests by race of the involved community member. Black community members are overrepresented in these arrests compared with all arrests. Without details about the circumstances of the arrests, we cannot say with certainty that this difference is entirely the result of race or bias, but these results are suggestive of those possibilities.

Figure 9. Racial demographics of arrests for resisting arrest

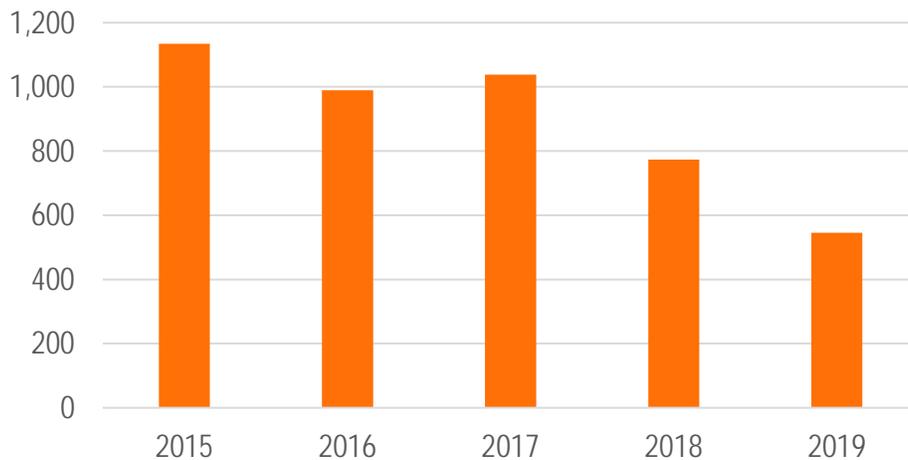


Source: Albany Police Department.

## Field interviews

Between 2015 and 2019, APD personnel completed 4,480 field interview cards, documenting interactions with community members that did not result in an enforcement action. Field interviews, like traffic stops, have decreased over time, as shown in Figure 10.

Figure 10. Field interviews over time



Source: Albany Police Department.

Figure 11 displays the call types associated with field interviews for call types occurring more than 50 times in the field interview data.<sup>9</sup> The majority (54 percent) of field interviews were the result of calls to check a subject. The next most common type, group annoying, makes up only 5.8 percent of the field interviews.

**Figure 11. Field interview call types**

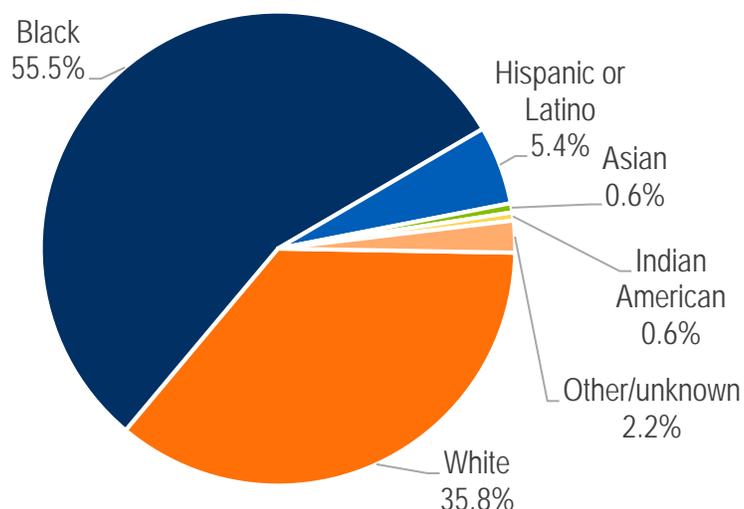


Source: Albany Police Department.

Figure 12 presents information about field interviews by the race of the involved community member. Field interviews involved Black community members the most, representing 55.5 percent of field interviews, with white community members being involved in 35.8 percent of field interviews.

<sup>9</sup> The complete table of all call types and associated frequencies is available from the audit team upon request. Requests should be directed to the City Auditor's Office.

Figure 12. Racial demographics of field interviews



Source: Albany Police Department.

## Findings and recommendations

**Finding 1: APD does not collect race data for all traffic stops and does not include variables beyond date, time, address, age, sex, and sometimes race in their traffic stop databases.**

APD's current traffic stop data is broken out into three systems, which vary by what variables are collected. These three systems are associated with stops that end in field interview cards (i.e., warnings), stops that end in citations, and stops that end in arrests. Storing traffic stop information in multiple systems hampers consistent data collection and therefore analysis—particularly analysis of disparities in traffic stop activity. The variables collected in the dataset for stops that end in citations do not include race data, prohibiting a detailed analysis of racial demographics of traffic stops or racial disparities in traffic stop activity, as noted above. APD officers do collect information about driver race for stops that end in warnings or arrests. In the audit's team understanding, officers either record their perception of the driver's race or ask the driver to self-identify.

In addition, APD does not collect much information about traffic stop characteristics, which can provide a clearer understanding of disparity in traffic stop activity. For example, if the reason for a stop is documented, agencies can break out stops by race based on stop reason, allowing them to identify whether members of ethnic or racial minority groups are more frequently stopped for certain violations. The inclusion of geographical data in the form of latitude and longitude for addresses facilitates analysis of where traffic stops are taking place and can reveal whether

primarily-minority neighborhoods are experiencing higher volumes of stops. Finally, documenting search decisions can help agencies understand whether disparities by race are present in these decisions, which can undermine constitutional policing.

**Recommendation 1.1: APD should revise their traffic stop data collection protocols to achieve the following objectives:**

- **Consolidate all traffic stops into a single data system**
- **Collect driver race data for all traffic stops, as it is collected for stops ending in warnings and arrests**
- **Record stop start and end time**
- **Record stop latitude and longitude**
- **Record the reason for the stop in a closed response (dropdown menu) format**
- **Record the reason for the citation or the arrest, as applicable, in a closed response (dropdown or checkbox menu) format**
- **Record whether a search was performed during the stop, the type of search (e.g., consent search, search incident to arrest, search under plain view doctrine, inventory search during vehicle impoundment), and whether a seizure resulted from the search**

**Finding 2: APD’s traffic stop activity has decreased substantially in the last five years.**

APD has seen a marked decline in traffic stop activity over the last five years, with traffic stops in 2019 being less than half the volume of stops completed in 2015. During interviews, the audit team heard that patrol officers rarely engage in traffic stops, seeing them primarily as the responsibility of the specialty traffic unit. Agencies also can experience decreases in traffic stop volume when officers are less inclined or motivated to engage in proactive policing practices. Traffic safety is an important issue to many communities, and neighborhoods and community groups often value traffic enforcement as a way of keeping their children and communities safe. Additionally, as APD is aware, there is a nexus between traffic enforcement and crime reduction, as hypothesized and evaluated in the Data-Driven Approaches to Crime and Traffic Safety model. The current levels of traffic stops are not necessarily inappropriate; however, APD should ensure it understands the decline and is still meeting community needs for traffic safety.

**Recommendation 2.1: APD should assess why traffic stop activity has decreased by more than half in the past five years and ensure the department is being responsive to community concerns about traffic safety and enforcement.**

**Finding 3: The majority of APD traffic stops result in a citation.**

Most traffic stops APD officers conduct result in a citation, as opposed to a warning (or in rare cases, an arrest). More than 75 percent of stops in 2019 ended in a citation. High citation rates can be detrimental to police relationships with the community because they erode trust, lead to feelings of

persecution, and have immediate and lingering financial impacts. A recent large-scale study of traffic stops in North Carolina found that 65 percent of stops end in citations, and work with the Maricopa County, Arizona, Sheriff's Office found that 52 percent of stops end in citations; work under the COPS Office Collaborative Reform Initiative found rates of 62, 65, and 73 percent in Fayetteville, North Carolina; St. Louis County, Missouri; and San Francisco, California, respectively.<sup>10</sup> For individuals who must maintain clean driving records for their employment, tickets can threaten community members' livelihoods. Citations are often perceived as a revenue generating mechanism for local government (rightfully or wrongly), further reducing their legitimacy in the eyes of the community. Many agencies nationwide are now encouraging officers to view traffic stops as an educational opportunity and a chance for positive community engagement. In these initiatives, officers are encouraged to provide warnings for all non-egregious offenses, provide informational material if available, develop programs to defer tickets for vehicle repair-related stops, and take time during traffic stops to connect with community members and engage in positive community interactions.

**Recommendation 3.1: APD should review traffic stop policies and procedures and assess implementing an education-based approach to traffic enforcement that emphasizes warnings over citations.**

**Finding 4: APD's "other" call type category represents a substantial number of calls, and APD has 48 categories with fewer than 100 calls over five years.**

In the audit team's analysis of proactive and reactive calls, we noted that APD uses an "other" call type category with high frequency. This call type was used 17,997 times, representing 3.3 percent of all calls, and it was the 11th most frequently used category. The use of an "other" category for such a high volume of calls diminishes transparency and can result in community mistrust of police activity and data practices, as noted in meetings of the Albany Police Reform and Reinvention Collaborative. It also hinders call data analysis since it is unknown whether these calls are generally similar or represent a diverse set of responses. In counterpoint, APD maintains 48 call type categories that, on average, are used less than 20 times a year, including 27 categories that are used, on average, once or less per year. Based on a review of these categories, some appear to be codes used for

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<sup>10</sup> Baumgartner, F. R., Epp, D. A., & Shoub, K. (2018). *Suspect citizens: What 20 million traffic stops tell us about policing and race*. Cambridge, UK: Cambridge University Press.

Rodriguez, D., Kunard, L., Johnson, W., LaRochelle, J., & Thorkildsen, Z. (2015). *Assessment report on the Fayetteville (North Carolina) Police Department. Collaborative Reform Initiative*. Washington, DC: Office of Community Oriented Policing Services.

Norton, B., Hamilton, E. E., Braziel, R., Linskey, D., & Zeunik, J. (2015). *An assessment of the St. Louis County Police Department. Collaborative Reform Initiative*. Washington, DC: Office of Community Oriented Policing Services.

COPS Office. (2016). *An assessment of the San Francisco Police Department. Collaborative Reform Initiative*. Washington, DC: Office of Community Oriented Policing Services.

Thorkildsen, Z., Bryson, B., Wohl, E., Carleton, B., & Lafferty, J. (2020). *Maricopa County Sheriff's Office Traffic Stops Analysis Report: January 2019–December 2019*. Phoenix, AZ: Maricopa County Sheriff's Office.

administrative purposes that could potentially be combined, others might be folded into other code categories, and some could reasonably be included in the “other” category.

**Recommendation 4.1: APD should analyze calls categorized under the “other” category and determine whether these calls should have been included in existing categories and whether additional categories are needed to capture information from these calls.**

**Recommendation 4.2: APD should consider whether relatively low use call types (representing less than 20 calls per year on average) could be consolidated with other call types, such as the “other” category.**

**Finding 5: Community members have concerns about disparate arrests for quality of life issues and resisting arrest charges.**

Although the data provided by APD do not allow the audit team to conclude whether there are disparate arrests for quality of life issues in white communities versus minority communities, we determined through our interviews that this is a common concern in the community. Quality of life concerns should be treated equitably across all neighborhoods in the city, and the department should take action to ensure that quality of life charges are not being levied disproportionately in minority neighborhoods or against members of racial or ethnic minority groups.

During the audit team’s interviews with community members, one recurring theme was concern about APD’s use of resisting arrest allegations. Specifically, community members expressed concerns that these charges were made during incidents in which no arrest was taking place, and they expressed confusion about how such a charge could apply if not during the course of an arrest. Community members were concerned that this charge is being used to target minority community members during inapplicable incidents. In the audit team’s analysis of reasons for arrest, we were able to verify that Black community members are represented disproportionately in arrests for resisting arrest, compared with overall arrests. We cannot state with certainty that this disparity is entirely due to bias, but it is suggestive and warrants further investigation.

**Recommendation 5.1: APD should review all incidents involving resisting arrest charges or allegations, including a thorough review of body-worn camera footage, with particular attention to potential racial disparities. If necessary, APD should issue additional guidance and training about the use of the resisting arrest charge to ensure it is being used correctly.**

**Recommendation 5.2: APD should review procedures on quality of life issues and ensure that no disparate actions are being taken against minority communities.**

**Finding 6: Patrol officers are aware of policy related to high-risk stops (stops in which the officer knows or reasonably believes the driver or other vehicle occupants are armed and dangerous); however, some lack experience in these particular events.**

APD’s policy on high-risk events is very thorough and clear. Through interviews, we learned that some officers are not as fluent in this process as others are. In particular, interviewees noted that some officers do not know the protocol for handling high-risk stops and could benefit from more

training and learning opportunities in this area. Handling high-risk stops properly is important to de-escalate situations that could arise and therefore increase the trust that the community has in the police department.

**Recommendation 6.1: APD should have patrol supervisors discuss high-risk stops on a regular basis at roll call to ensure that new and veteran officers are consistently receiving a refresher on protocol.**

**Finding 7: APD conducts evaluations when their Emergency Services Team (EST) is deployed.**

In Section X.A.5.a of General Order 3.9.15 *Special Operations: Emergency Services Team*, policy states that an After-Action Review is to be completed within 48 hours of an Emergency Service Team's activation. According to policy, an EST member completes this review immediately after the activation. An evaluation of the activation is important; however, some situations may call for someone other than a member of the team evaluating the operation.

**Recommendation 7.1: APD should implement a system in which larger and more high-profile operations are evaluated by an outside evaluator who did not participate in the operation.**

**Finding 8: APD has fully deployed BWCs to patrol personnel and is in the process of deploying BWCs to detective personnel.**

BWCs are an important tool in policing across our nation, especially regarding critical incidents. With this technology, departments are able to bridge gaps with the community, hold officers accountable, detail training curriculum with scenario-based training, and much more. Recently, there has been an emerging trend across the country to outfit all patrol and detective personnel with BWCs.

Having been selected as one of the inaugural departments to receive funding to implement BWCs under the Bureau of Justice Assistance (BJA) Policy and Implementation Program, Albany received \$133,305 in 2015 to purchase 215 BWCs. As of October 2020, all patrol and traffic safety officers in APD, including NEU officers, are trained in the use of BWCs and activate their BWCs on all calls for service and self-initiated citizen engagement. Additionally, APD requires BWC activation when in emergency vehicle operation mode (colloquially, "running lights and sirens"), when engaged in a pursuit or transport, during all enforcement activities, when administering field sobriety tests, and at the discretion of the officer or supervisor (unless otherwise unlawful).

APD has been planning to implement BWCs for all detective personnel and anticipates rolling out training for these personnel before the end of 2020.

**Recommendation 8.1: APD should continue its practices related to BWC use and activation for patrol and traffic safety personnel.**

**Recommendation 8.2: APD should roll out BWCs in the detective unit as efficiently and expeditiously as possible.**

**Finding 9: No policy guidance covers how officers are to use the live stream feature on their BWCs.**

The Axon View live streaming feature is a fairly new feature for BWCs. This view can be used in group gatherings and events to film the entire operation while also giving supervisors the ability to view the video in real time. It is important that policy clearly states when this feature will be used.

**Recommendation 9.1: APD should clearly state in General Order 3.2.15 *Body Worn Cameras* how and when the Axon View should be used for live streaming purposes.**

**Finding 10: APD BWC policy lacks established compliance and auditing procedures.**

In Section I.E.3 of General Order 3.2.15 *Body Worn Cameras*, policy states that there are different levels of random review for sergeants and lieutenants. There is a strong argument for randomized reviews of videos every month to ensure that supervisors do not regularly choose the same type of videos to review (e.g., the shortest videos, incidents known to have straightforward outcomes). It is also important that the system of the review process for each supervisor be properly documented.

During supervisor's monthly reviews, it is important that supervisors conduct a high-level review to ensure that all videos have been properly tagged. In section III.H of General Order 3.2.15 *Body Worn Cameras*, policy states that recordings captured on BWCs and uploaded to the BWC server shall be tagged in the most appropriate category listed; however, no timeframe is designated for when officers should complete this task. Interviewed personnel expressed that supervisors send out an email to remind officers to finish tagging videos; however a specific timeframe should be designated in policy.

**Recommendation 10.1: The supervisory review of BWC footage should be a randomized process in which the supervisors are given the exact videos they are to review.**

**Recommendation 10.2: APD should consider adding language to their BWC policy stating that officers are to tag their videos immediately after a call before moving on to a future call.**

**Finding 11: Towing and removing vehicles in the City that are abandoned are the sole responsibilities of a small unit.**

In Section I.D of General Order 3.4.30 *Vehicle Towing Procedures*, policy states that the removal of abandoned/junk vehicles shall typically be the responsibility of the NEU beat officer. The NEU unit's main duties should align with community policing practices and be centered on engagement within their specific beats. The unit is very small, especially with recent restructuring, and they need to be able to devote their entire shifts to improving and enhancing community engagement. Because the unit is small and focused on aligning with community policing and enhancing community interactions, this responsibility should not fall on NEU beat officers.

**Recommendation 11.1: APD should consider shifting duties to the traffic unit for the removal of abandoned/junk vehicles to ensure more time for the NEU beat officers to engage with their community.**

## Section 2: Complaints and Civil Rights Lawsuits

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The second section discusses our assessment of the various policies and procedures for complaints, both external and internal, as well as civil rights lawsuits filed against APD personnel. First, we discuss the data we reviewed and our subsequent analysis. We then detail our findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- Black community members initiate the majority of external complaints and civil rights lawsuits filed.
- Personnel do not fully understand the community complaints process or how or when possible disciplinary actions could take place.
- The community complaints process is convoluted and poorly understood by community members, leading to mistrust and a perceived lack of procedural justice.

### Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews, a review of APD policies, and administrative data provided about community complaints, as well as data about civil rights lawsuits filed regarding APD actions.

### Community complaints

The Community Police Review Board (CPRB), formally known as the Citizen's Police Review Board, was established in 2000 and was designed to bridge a gap between the community members of Albany and the APD. The board consists of nine members, appointed by the Mayor and the Common Council. The CPRB plays an essential role in the review of complaints received by the Office of Professional Standards (OPS) at APD. Before the CPRB receives a complaint to begin the review process, OPS assigns a complaint number and conducts their review. At that point, OPS hands off the complaint information to the Government Law Center at Albany Law School (GLC), which handles administrative work for the CPRB. The CPRB reviews the complaint and will sometimes assign a monitor to review the complaint if it involves allegations of civil rights violations or other serious misconduct. The assigned monitor, if one is chosen, will evaluate whether the OPS review was thorough, accurate, and fair. Upon completion of these processes, the GLC will notify the complainant to invite them to a public forum where the CPRB will publicly present the complaint and their findings.

The audit team reviewed data about complaints from community members submitted to APD between 2015 and October 2020, omitting 2018 because of the previously mentioned data loss APD experienced. Over that period, APD received 152 individual complaints, which included 631 separate allegations of misconduct made by individual community members.<sup>11</sup> Each individual complaint case can potentially include multiple officers, multiple community members, and multiple allegations against each officer from multiple community members.

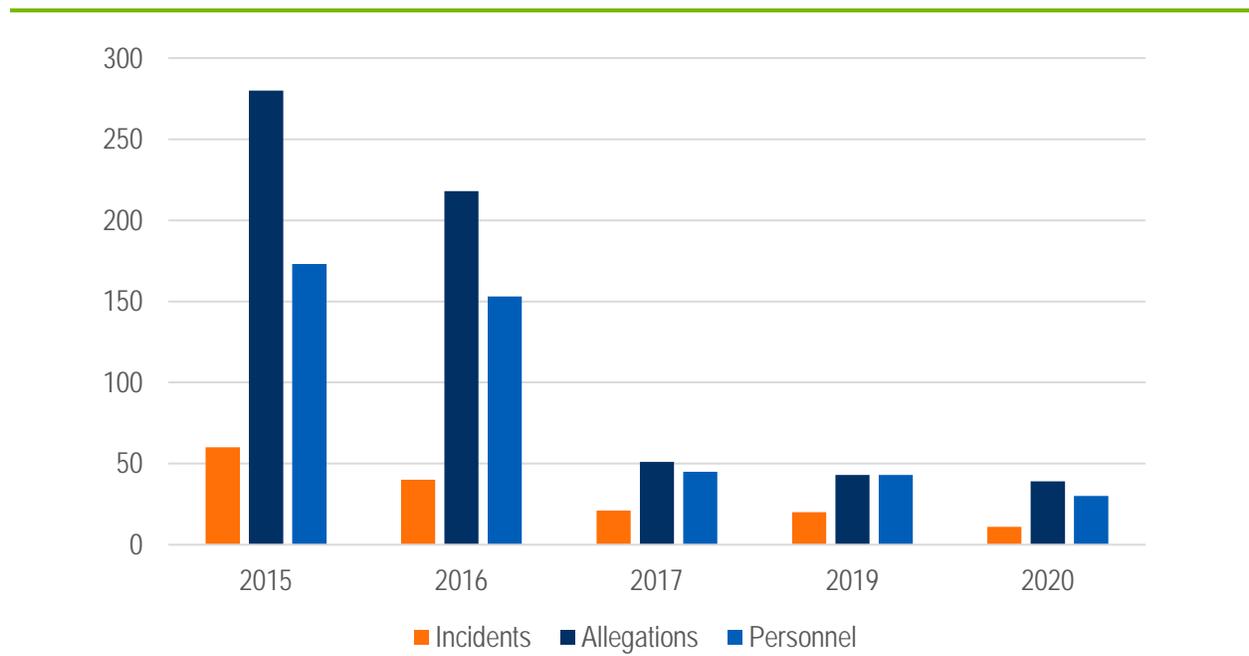
These complaints included 444 unique combinations of incident and involved officer and 177 unique combinations of incident and community member. Put another way, each individual complaint included, on average, allegations against 2.9 officers and 1.2 community member complainants. Based on combined first and last names, 203 unique officers received complaints in this time period, with 114 receiving multiple complaints, and 5 having more than five complaints over the time period. Based on combined first and last names, 159 identified community members submitted complaints (four complaints were submitted anonymously), and 9 submitted more than one complaint.

As shown in Figure 13, complaints have decreased over time. In addition, the average number of allegations included in an individual complaint has decreased; this ratio was highest in 2016 at 5.5 allegations per complaint and lowest in 2019 at 2.2 allegations per complaint. Year to date in 2020, the average number of allegations per complaint is 3.5. In APD's complaint process, community members submit complaints, and APD determines the number of explicitly stated and implied allegations present in the complaint narrative.

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<sup>11</sup> If multiple community members made the same allegation, that allegations would be double counted in this total because of the structure of APD's complaint data.

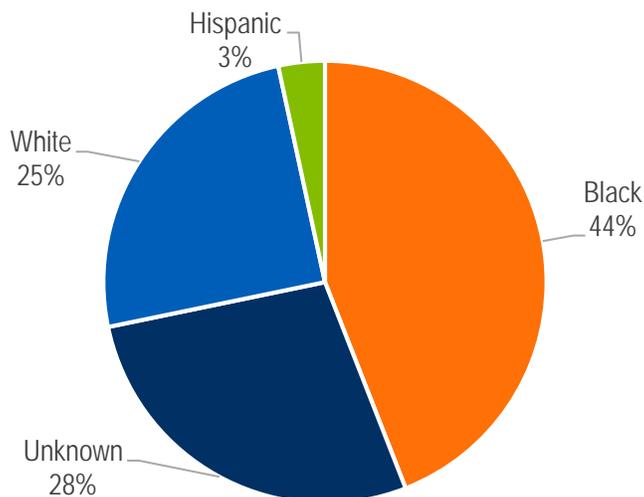
Figure 13. Complaints, allegations, and involved officers over time



Source: Albany Police Department.

As shown in Figure 14, the plurality of complaints involved Black complainants. However, 28 percent of complainants did not provide race data.

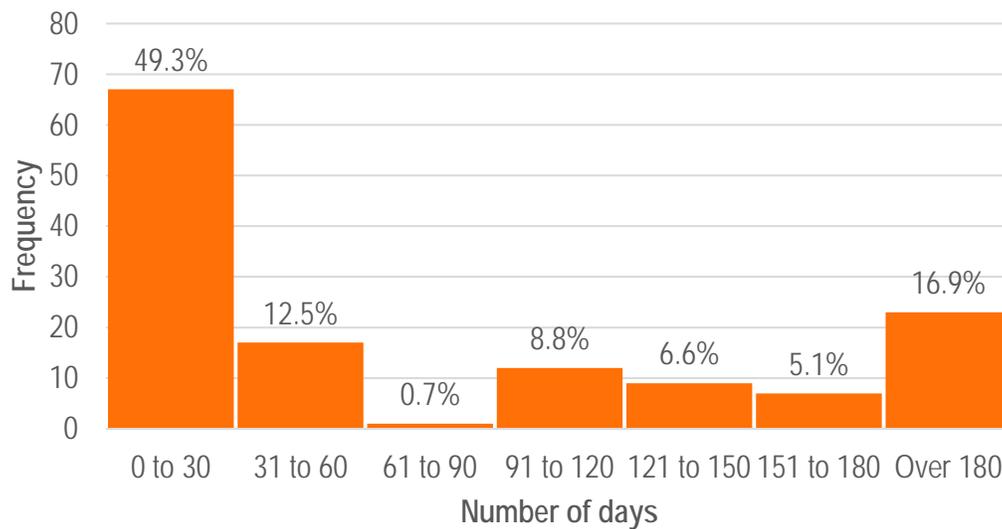
Figure 14. Complainant race and ethnicity distribution



Source: Albany Police Department.

Figure 15 indicates the length of time from complaint intake to final disposition. This analysis is based on the 136 incidents with dispositions as of October 2020. Nearly half of complaints were closed within 30 days. These 66 cases included 120 allegations. Of those allegations, the most common outcomes were office cases, no finding, and satisfied. Forty-one were closed as office cases, meaning that an APD supervisor was notified of a complaint, but the community member never submitted the complaint form to allow for an investigation. Twenty-seven allegations were closed as no finding. No finding outcomes have four possible underlying causes: (1) the complainant fails to produce additional required information, (2) the complaint is redirected to another agency, (3) the complainant is unavailable for necessary clarifications, or (4) the officer is no longer employed with APD. Another 18 allegations were closed as satisfied, meaning that the complainant indicated that having reported the complaint to the supervisor, they did not desire any further action beyond a supervisory conversation with the employee.

Figure 15. Number of days to complaint disposition

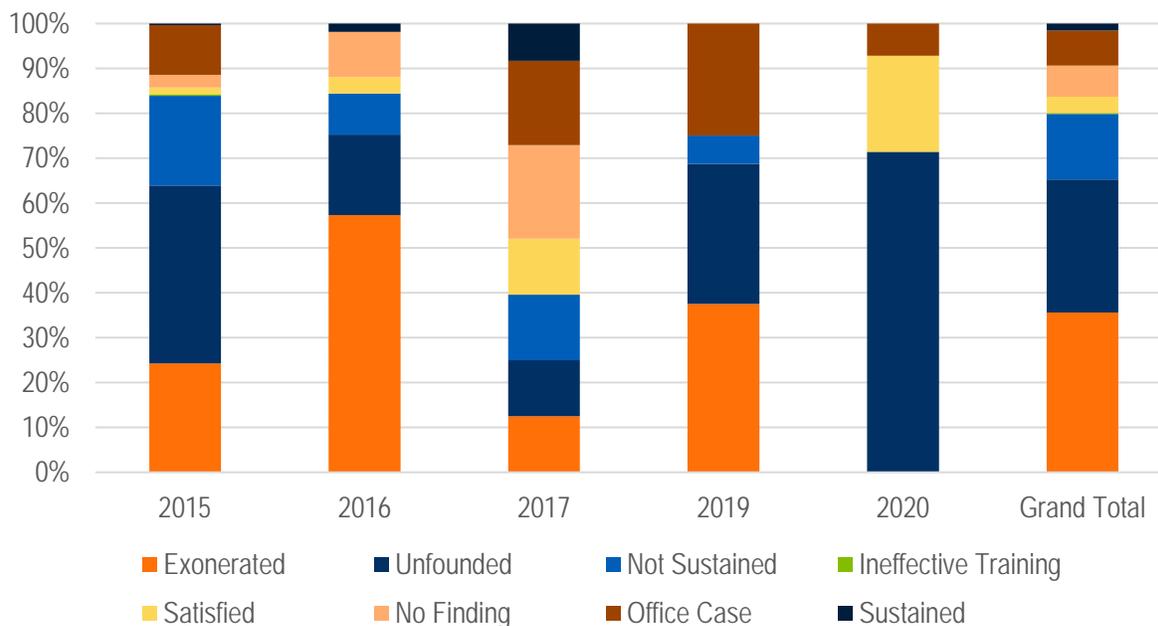


Source: Albany Police Department.

In Figure 16, we present the disposition of allegations over time for the 576 allegations with dispositions by October 2020.<sup>12</sup> We found no obvious time trends or patterns in outcomes from complaint allegations over time.

<sup>12</sup> For the purposes of Figure 16, to condense infrequently used categories, we combined mediation (N=1) with satisfied, violation of policy (N=4) with sustained, and within policy (N=6) with exonerated.

Figure 16. Allegation dispositions over time

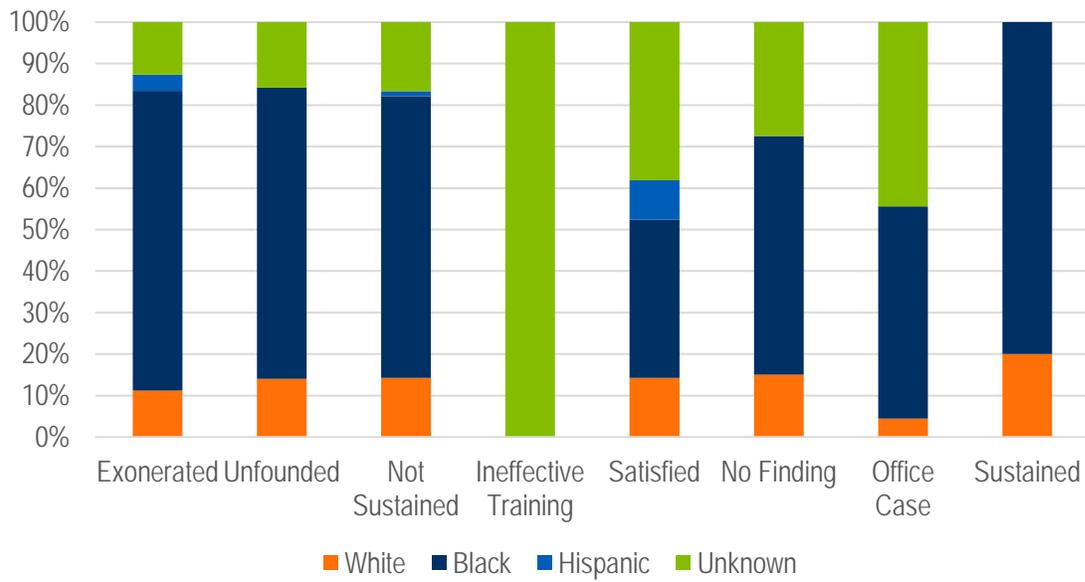


Source: Albany Police Department.

The audit team also considered the interaction between the race of the complainant and allegation dispositions. To provide a clearer picture of the ratio between outcomes for complainants of known race or ethnicity, Figure 17 presents the breakdown of allegation dispositions by the race of the complainant including cases in which the complainant race is unknown; Figure 18 presents this information excluding cases in which complainant race is unknown. When comparing outcomes specifically for white complainants versus Black complainants (which can be most clearly seen in Figure 18), there do not appear to be systematic differences in outcome by race. Statistical testing of outcomes for white versus Black complainants supports this finding, showing no statistically significant difference in the distribution of allegation outcomes between those race categories (Fisher’s exact test,  $p = 0.598$ ; Pearson’s chi-square test,  $p = 0.709$ ).<sup>13</sup>

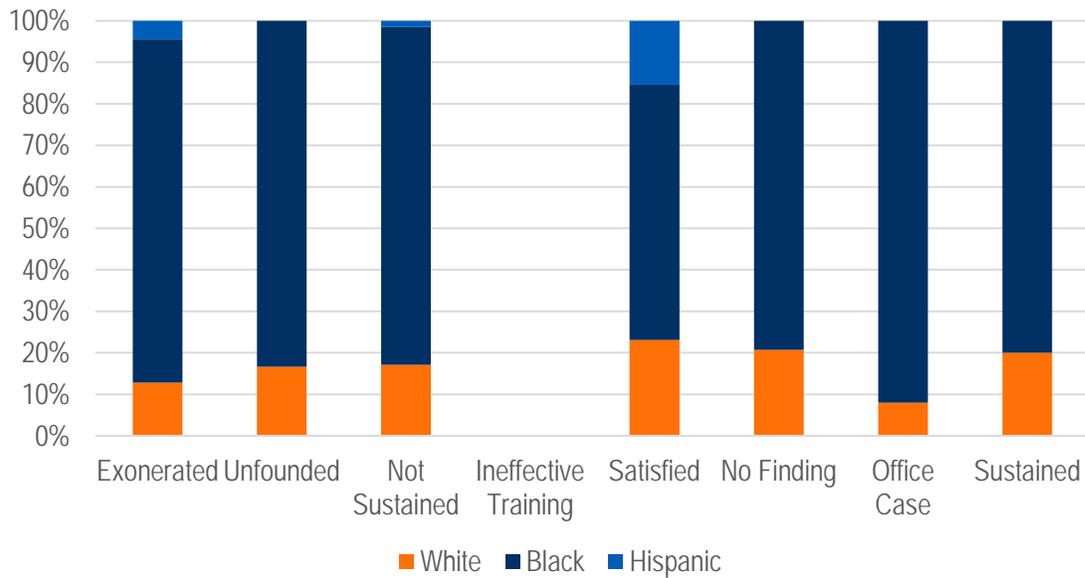
<sup>13</sup> Fisher’s exact test is more appropriate in this case because of the small N present in conditions; however, it is typical to also present the results from the chi-square analysis for comparison.

Figure 17. Complaint allegation dispositions by race, including unknown



Source: Albany Police Department.

Figure 18. Complaint allegations by race, excluding unknown



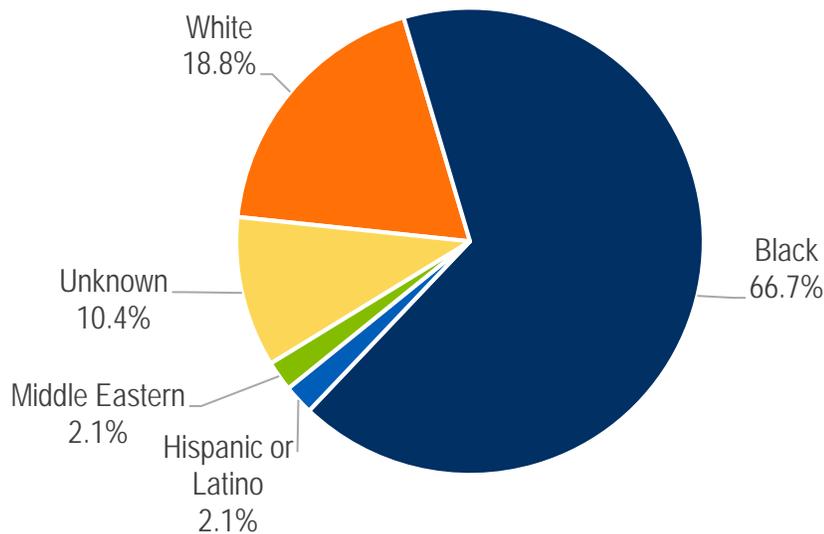
Source: Albany Police Department.

## Civil rights lawsuits

The audit team reviewed data about the 48 lawsuits filed against the City regarding alleged civil rights violations by APD that had activity between 2015 and October of 2020. These included lawsuits with filing dates ranging from 2013 to 2020. Within the scope of the audit, our team did not review the legal details of these cases, nor did we attempt to characterize the allegations in terms of legal grounds or severity. It is important to understand our analysis in that context, since patterns in timelines to conclusion, case outcomes, and settlement amounts are influenced by legal and extralegal factors not included in the scope of this audit.

As shown in Figure 19, the majority of civil rights lawsuits involving APD were filed by Black complainants, representing 66.7 percent of cases. White complainants represented 18.8 percent of cases, with 10.4 percent of cases having complainants of unknown race or ethnicity, and 2.1 percent each involving Middle Eastern or Hispanic or Latino complainants.

Figure 19. Race of complainant in civil rights lawsuits involving APD

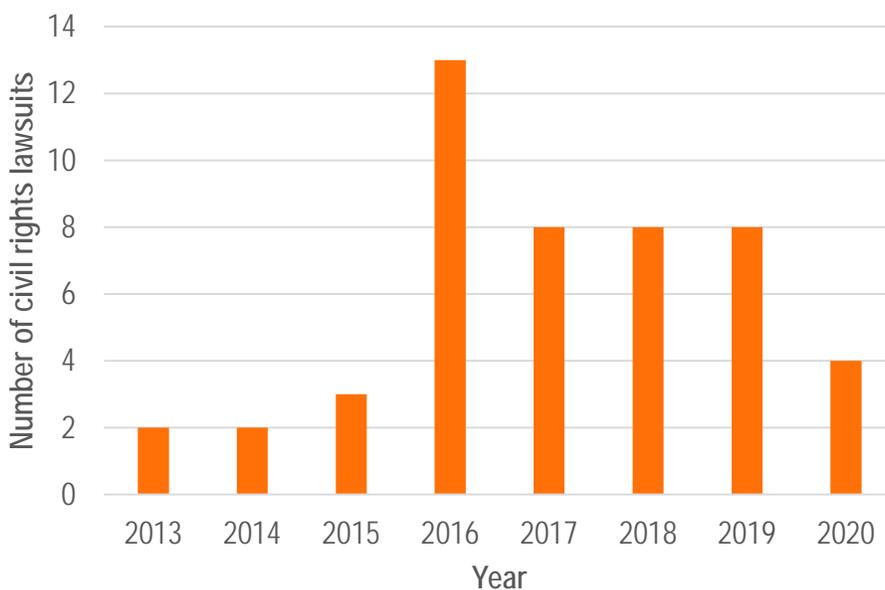


Source: City of Albany.

In Figure 20, we describe the number of civil rights lawsuits over time. We include four lawsuits from 2013 and 2014 in our data because they had actions in the analyzed timeframe ranging from 2015 to October 2020; we do not include those lawsuits in Figure 20 because those totals do not represent the entire number of lawsuits in those years. Within the past five years, the highest number of suits occurred in 2016, totaling 13 lawsuits. In reviewing details of the cases in that year, we found that

four suits were filed against the same APD officer in that year, related to four separate incidents. That officer is no longer employed with APD, based on the personnel data they provided.

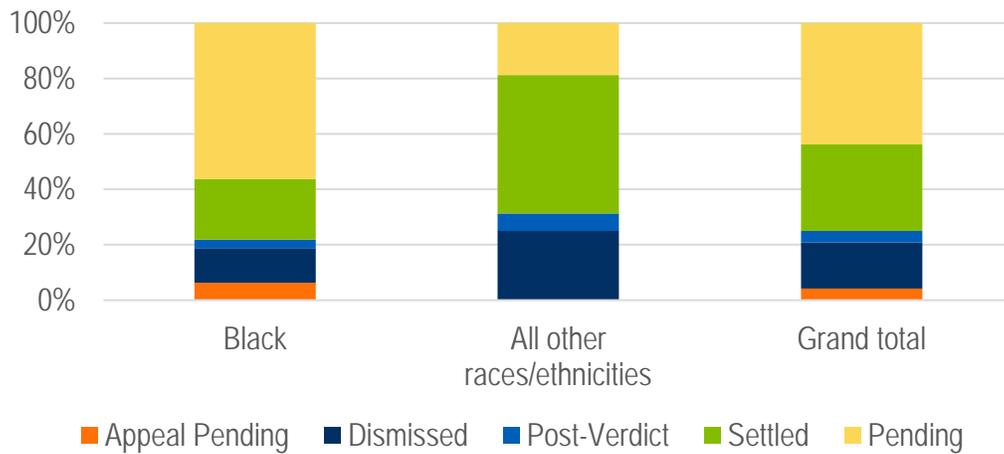
Figure 20. Civil rights lawsuits involving APD filed over time



Source: City of Albany.

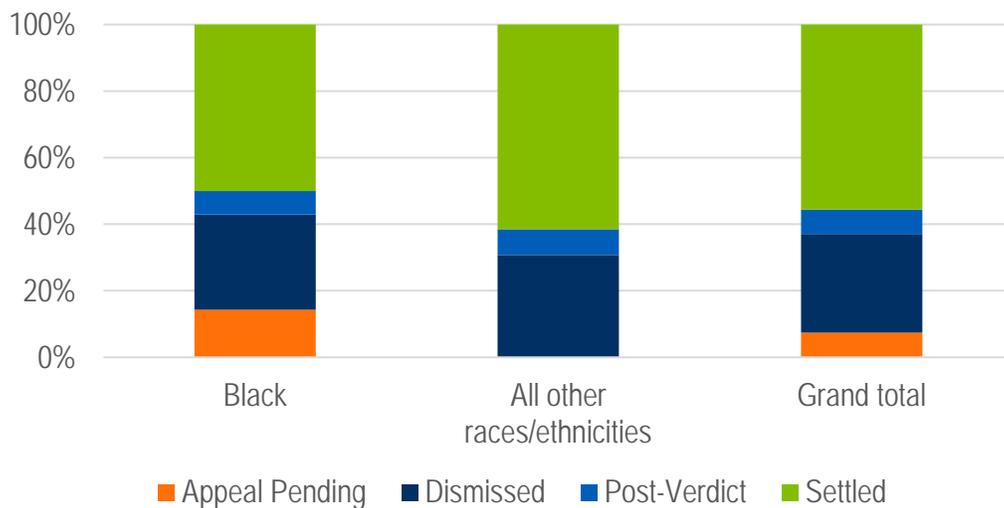
Figure 21 and Figure 22 describe outcomes from the lawsuits broken out by those involving Black complainants versus those involving complainants of other races or ethnicities. We consider just these two categories since the total number of suits involving any other single racial designation is so small. We caution that these figures do not consider the totality of circumstances associated with the lawsuits; therefore, other aspects of the cases could explain the patterns present. When considering the race of the complainant alone, we found that more cases remain in pending status for Black complainants. The filing dates for these cases range from October of 2016 through August of 2020 and include three outstanding cases from 2016, five from 2017, four from 2018, and nine from 2019 and 2020 combined. When considering only cases with final dispositions, as in Figure 22, we found that a somewhat smaller percent of cases with Black complainants were settled. However, because of the small number of cases included in this analysis (21 cases of the 48 analyzed had achieved final dispositions), we are unable to determine whether this difference is statistically significant.

Figure 21. Lawsuit outcomes by race of complainant, including pending outcomes



Source: City of Albany.

Figure 22. Lawsuit outcomes by race of complainant, completed lawsuits



Source: City of Albany.

When considering lawsuits that ended in settlements, the average settlement amount is considerably higher for Black complainants than for those of other races and ethnicities, as shown in Table 1.

Table 1. Average civil rights lawsuits settlement amounts by race of complainant

Race/ethnicity of complainant	Average settlement
Black	\$129,500
White	\$6,800
Hispanic	\$7,500
Unknown	\$4,500
Overall	\$63,800

Source: City of Albany.

## Findings and recommendations

### **Finding 12: APD personnel do not have a clear understanding of the complaint process.**

During interviews, officers expressed a lack of clear understanding of the APD community complaint process as described in General Order 2.4.05 *Office of Professional Standards: Complaint Procedures*. Many officers believed it was possible for complaints to be logged against them without them being notified. In section II of the General Order, it states that the department should issue a written statement of the allegations; however, officers are unsure whether and when they will be notified of a complaint against them. Officers also must know how they are to deliver their report when making an internal complaint within their chain of command. Policy within General Order 2.2.15 *Harassment in the Workplace* states that they are encouraged and justified to deliver this report to the Office of the Chief of Police, but then it later states that they should give the report to the Office of Professional Standards.

**Recommendation 12.1: APD should clearly define the process of informing department employees of complaints against them and their required actions and associated rights.**

**Recommendation 12.2: APD should clearly define the process for officers to deliver internal complaints when the complaint is within their chain of command.**

### **Finding 13: APD would benefit from including additional fields in their complaint database to facilitate more detailed analysis of the complaint process and outcomes and allow the identification of potential disparities in complaint adjudication.**

The current APD complaint database includes information such as the officer involved in the complaint, the community member submitting the complaint, demographics about that community member, a complaint narrative, a complaint disposition, and a timeline. However, it does not include notation of the type of allegation, the severity of the allegation, and the specific corrective action taken with the involved officer for sustained complaints and others resulting in corrective actions. By including these fields, APD would be better able to understand whether certain allegation types and allegations by severity are being handled consistently, especially in relation to the race of the complainant. These data would enable comparisons of similar complaints involving white or Black

community members to identify whether disparities are present in the disposition. They would also enable comparisons of corrective actions for similar complaints to identify disparities in the disciplinary process for officers in the complaint process.

**Recommendation 13.1: APD should add fields in the complaint database to indicate the allegation type, severity, and specific corrective action taken in response to sustained complaint allegations.**

**Finding 14: APD’s policy on the investigation of complaints does not include definitions for “office case” and “satisfied” outcomes.**

General Order 2.4.05 *Office of Professional Standards: Complaint Procedures* includes definitions for outcomes of complaint investigations, including the outcomes of exonerated, unfounded, not sustained, ineffective policy or training, sustained, no finding, and mediated. However, APD now also uses two additional outcomes: office case and satisfied. These options are not defined in policy.

**Recommendation 14.1: APD should revise General Order 2.4.05 to include definitions for the office case and satisfied outcomes.**

**Finding 15: APD’s policies for discipline are clearly described in its General Orders, include detailed processes and procedures, and include non-punitive options, progressive disciplinary consequences, and an appeals process. However, APD does not include a disciplinary matrix in the policy.**

General Order 2.2.20 *Disciplinary Procedures* establishes clear policy and guidance about non-punitive and punitive disciplinary options and procedures in APD. The specific non-punitive options include counseling (oral or written) and training, while punitive options include oral reprimand/warning, written reprimand/warning, loss of leave credits, suspension without pay, demotion, and dismissal. APD’s policy clearly delineates an expectation that discipline should proceed in a progressive manner starting with oral reprimand and in accordance with the current Collective Bargaining Agreement.

A discipline matrix is a table outlining types of misconduct that warrant discipline, the default action to be taken for that misconduct, with noted adjustments based on the officer’s previous disciplinary incidents. The matrix is intended to reduce disparities in the application of discipline and improve transparency in the disciplinary process by establishing clear expectations. The use of a discipline matrix can support internal procedural justice in police agencies. It can also provide a benchmark for comparing actual discipline decisions, which can assist in identifying potential disparities based on ethnicity, race, or gender.

**Recommendation 15.1: APD should develop a discipline matrix to ensure disciplinary decisions are fair and equitable for all personnel.**

**Recommendation 15.2: APD should regularly analyze discipline decisions in comparison with presumptive discipline options in the matrix and determine whether disparities emerge with respect to discipline based on officer ethnicity, race, or gender.**

**Finding 16: APD uses a Personnel Early Warning System (PEWS) to support employees using non-disciplinary referrals to incorporate positive correction actions to address performance issues before they become critical.**

The use of early warning/intervention systems is common in policing, allowing agencies to monitor officers' behavior along key indicators to identify early signs of job performance problems and address them proactively using non-disciplinary procedures, such as counseling, supervisor intervention, and training referrals. These systems mitigate the risk of more serious performance issues through early intervention.

APD's PEWS system includes five indicators: use of force incidents, vehicle pursuits, vehicle collision (involving departmental vehicles), citizen complaints, and internal affairs investigations. General Order 2.4.15 *Personnel Early Warning System* describes the process for documenting these indicators, discusses supervisor review, and establishes thresholds for each individual indicator as well as the combined total. The current thresholds are as follows:

- Use of force: four incidents in a six-month period
- Vehicle pursuits: three incidents in a 12-month period
- Vehicle collisions: three incidents in a 12-month period
- Citizen complaints: three incidents in a 12-month period
- Internal affairs investigations: four incidents in a 12-month period
- Combined incidents: six incidents in a 12-month period

**Recommendation 16.1: APD should review the current list of five indicators included in PEWS against best practices and peer agencies and consider expanding the list to include additional indicators that are less serious and may reflect stress and mental health early indicators, such as lateness or absenteeism and assaults or injuries on the job.**

**During this review, APD should also consider consolidating or redefining indicators that overlap; for example, citizen complaints and use of force incidents that generate an internal affairs investigation and result in a single incident being counted twice.**

**Recommendation 16.2: APD should review the current threshold values for each indicator against best practices, internal data, and peer agencies' methods for establishing thresholds.**

**Recommendation 16.3: APD should evaluate the effectiveness of PEWS interventions by tracking employee performance on relevant indicators after the officer receives counseling, training, or other interventions. APD should consider the use of an external evaluator to perform this analysis and the possibility of publishing the results to contribute to the knowledge base in the field regarding early intervention system effectiveness.**

**Finding 17: APD policy does not specify who investigates allegations of biased policing.**

The duties of Office of Professional Standards detectives are described in General Order 2.4.00 *Office of Professional Standards: Duties and Responsibilities*; however, this policy does not designate who investigates allegations of biased policing. It is important to have this type of complaint thoroughly investigated by a designated unit, whether it is an external or internal complaint.

**Recommendation 17.1: In General Order 2.4.00 *Office of Professional Standards: Duties and Responsibilities*, consider adding a statement under Section 1.B that Office of Professional Standards Detectives shall investigate allegations of biased policing.**

**Finding 18: Complaints submitted by community members and external parties go through many stages throughout the investigations process.**

When external complaints are filed, the complaints move through a very lengthy investigation process. Community members expressed concern that they struggle to receive information on filed complaints and that complaints from years prior are still pending because of a backlog of complaints. To increase transparency and trust within the community, the external complaint process must become more streamlined, allowing for swift actions to be taken.

**Recommendation 18.1: APD should review and revise the procedures for intake, investigation, and disposition of community complaints to streamline the process.**

**Recommendation 18.2: APD should publicize the complaint process widely so that the community is fully informed about how complaints are handled.**

**Finding 19: Community members are mistrustful of the APD complaint process.**

Community leaders act as liaisons for community members who have complaints from interactions with the police department. Community members the audit team interviewed expressed concerns that many community members are mistrustful of the APD complaint process. Some community members fear retaliation if they submit a formal complaint, and therefore express their concerns informally to Common Council members or other community leaders to pass along on their behalf. However, these complaints are likely difficult for APD to investigate without contact with the complainant.

Many community members expressed concerns about the procedural justice of the complaint process. This was a recurring theme expressed during interviews, at meetings of the Albany Police Reform and Reinvention Collaborative, through community email input, and in written material provided by community organizations. Community members are not satisfied with the level of communication APD provides during the complaint process, with many indicating that after they made a complaint, they received no updates or further information from APD regarding progress on the investigation or the disposition of the complaint. The external complaint process should be a safe place for community members to file their issues without fear of retaliation against their family or friends, and community members should feel assured that their complaint will be taken seriously and they will be notified of the outcome.

**Recommendation 19.1:** APD should work with community leaders to revise the community complaint process to foster an environment in which community members feel safe filing a complaint and know that they will receive regular updates as well as notice of the final disposition of the complaint.

**Recommendation 19.2:** APD should follow up on “office case” and “satisfied” dispositions carefully to ensure that the community member who submitted the complaint is notified of that disposition and its definition, and does not expect further action.

**Recommendation 19.3:** The City of Albany should review the roles, responsibilities, and authority of the CPRB, including considering the implementation of independent investigative authority and associated powers.

**Finding 20:** All personnel should exhibit professional behavior at all times.

In Section II.C.4 of General Order 2.2.15 *Harassment in the Workplace*, the policy states that an example of sexual harassment behaviors includes the use of obscene language in a manner that is offensive to a co-worker who can hear you. It is important that this policy apply to situations in which co-workers are not present to also ensure that all employees are not using obscene language whether others can hear it or not. This is particularly important given that an individual may not always be aware that someone nearby can hear them.

**Recommendation 20.1:** Change the language in General Order 2.2.15 *Harassment in the Workplace* to remove the requirement that a co-worker must be present.

## Section 3: Use of Force

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The third section discusses our assessment of the various policies and procedures for use of force, both deadly and non-deadly. First we discuss the data we reviewed and the subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- APD should update its use of force policy to clarify when officers can or cannot use various forms of force.
- APD should make annual reports detailing use of force incidents publicly available to community members in the city.

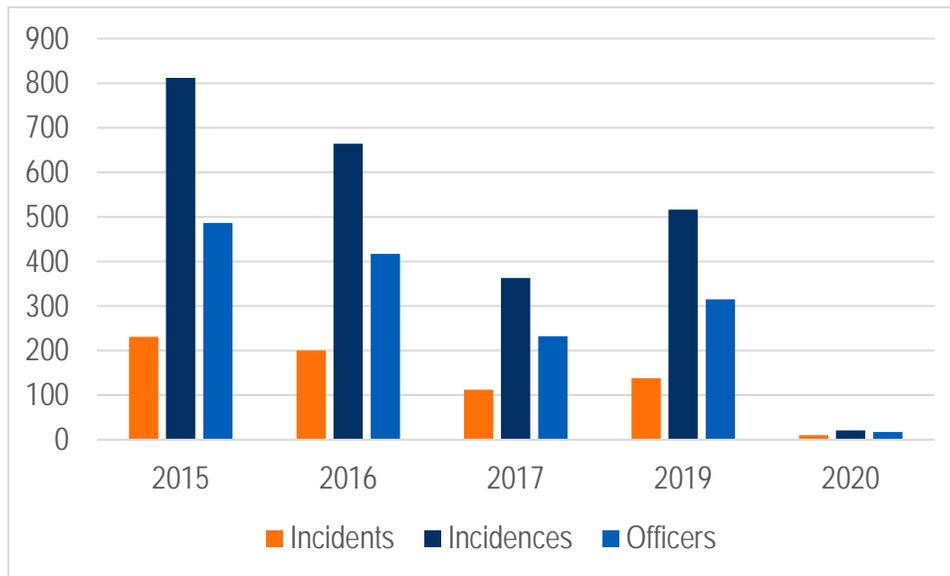
### Data and analysis

The audit team analyzed use of force data from 2015 through October 2020, except for 2018 because of the data loss previously noted in our introduction. During that time, APD documented 2,376 incidences of force that occurred during 691 incidents. Each individual use of force incident can potentially include multiple officers, multiple community members, and multiple incidences of force.

These incidents included 1,468 unique combinations of incident and involved officer, as well as 830 unique combinations of incident and community member. Put another way, each individual use of force incident included, on average, 1.6 officers and 2.9 community members. Note that nine large-group incidents involving indeterminate but large numbers of community members are counted as involving only one person, so these figures undercount the number of community members. Based on combined first and last names, 218 unique officers were involved in use of force incidents, with 135 being involved in more than one incident. Based on combined first and last names, 625 unique community members were involved in use of force incidents, 16 community members were involved in more than one incident, and nine incidents involved large groups with no individually identified community members.

Figure 23 shows use of force incidents, incidences (i.e., individual uses of force within an incident), and unique combinations of incidents and officers over time. Use of force has generally been declining in APD since 2015, though the low number of incidents in 2020 reflect only a partial year as well as the administrative delay in entering use of force incidents in full into the data systems, and should not be viewed as part of this trend yet.

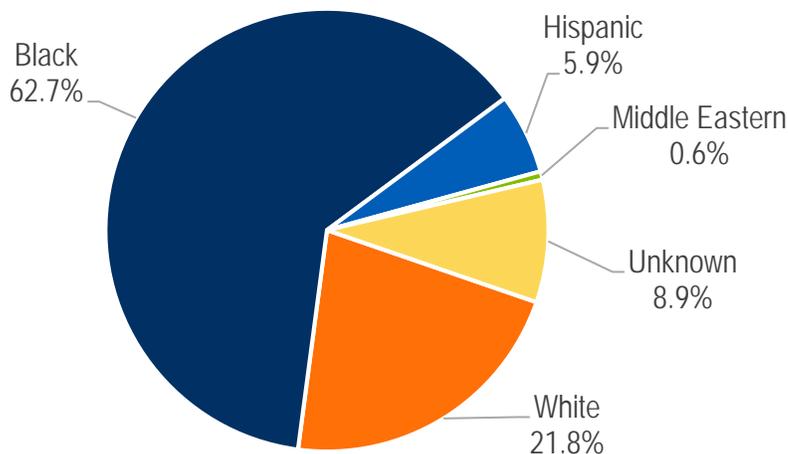
Figure 23. Use of force incidents, incidences, and involved officers over time



Source: Albany Police Department.

Figure 24 describes the race of involved community members for the 816 unique combinations of incident and community member (not including group incidents). Black community members were the most frequently involved in use of force incidents, with 62.7 percent of the community members involved in use of force incidents being Black, 21.8 percent being white, 5.9 percent being Hispanic or Latino, and less than 1 percent being Middle Eastern. In 8.9 percent of cases, the community member's race was unknown.

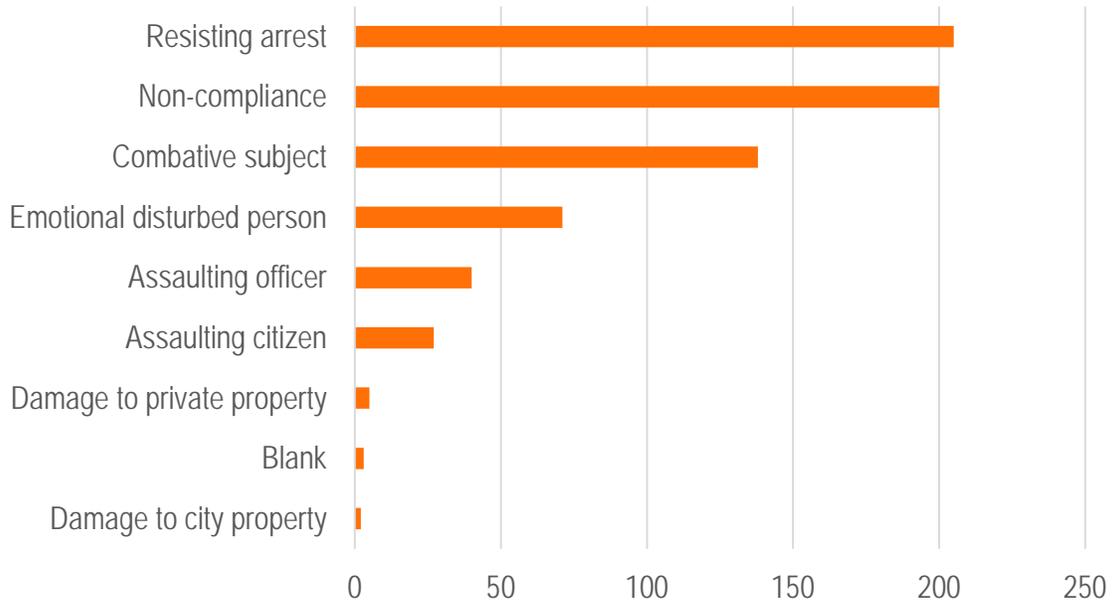
Figure 24. Race of community members involved in use of force incidents



Source: Albany Police Department.

APD tracks the reason officers used force during an incident, categorizing it into eight options at the level of the incident. As shown in Figure 25, of the 691 incidents of use of force, 205 were related to the community member resisting arrest, 200 were for non-compliance with stated officer instructions, 138 were due to a combative community member, 71 involved emotionally disturbed persons, 40 were in response to the assault of an officer, and 27 were in response to the assault of another community member. Property damage was relatively infrequently used as a reason, totaling seven incidents. In three incidents, the reason for use of force is missing.

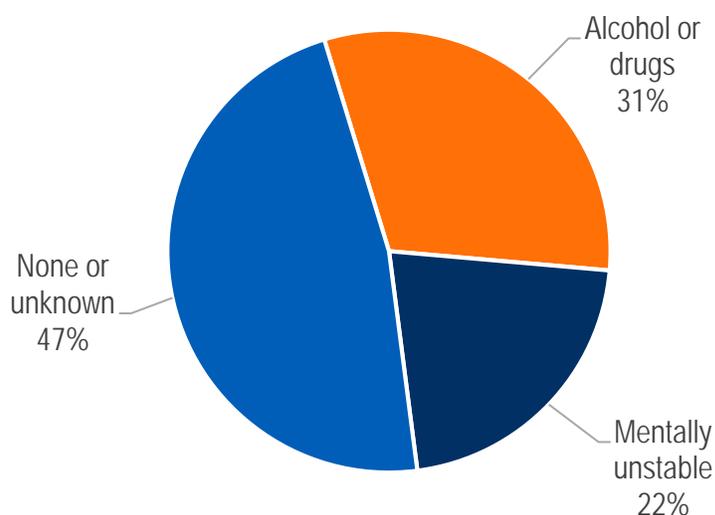
Figure 25. Reason for use of force



Source: Albany Police Department.

APD also assesses the mental state of the involved community member at the level of the incident; in other words, there is only one determination made for the entire incident, even if it involves more than one community member. Due to this, individual differences between community members involved in the incident are not captured in APD's data. For the purposes of this analysis, we collapsed APD's six categories into three; specifically, we combined drugs, alcohol and drugs, and alcohol into a single category; we maintained mentally unstable as its own category; and we combined none and unknown as well as 18 blank entries into a single category. Figure 26 provides the results from this analysis. The plurality of incidents do not involve any specific mental status, and of those that do, alcohol or drugs are more common than mental illness.

Figure 26. Mental status of individual involved in use of force incidents



Source: Albany Police Department.

APD includes eight options for describing use of force type, presented in Table 2 alongside the audit team’s assessment of these options in terms of severity. This assessment is based on APD’s stated use of force continuum as well as the audit team’s experience and expertise on use of force. The position of canine units in the use of force continuum is not settled, but most recognize that canine units have the potential to inflict severe injury and therefore rate them at the high end of less-lethal options. APD includes an “other” category for force type; because it is unclear exactly what types of force this represents, the audit team pragmatically ranked it just above physical restraint and control techniques. A review of a sample of incidences involving this category suggested that officers may be using it to refer to specific physical techniques not captured by the two existing options. In some narratives, it seemed to be used to categorize close-handed techniques or specific restraint methods.

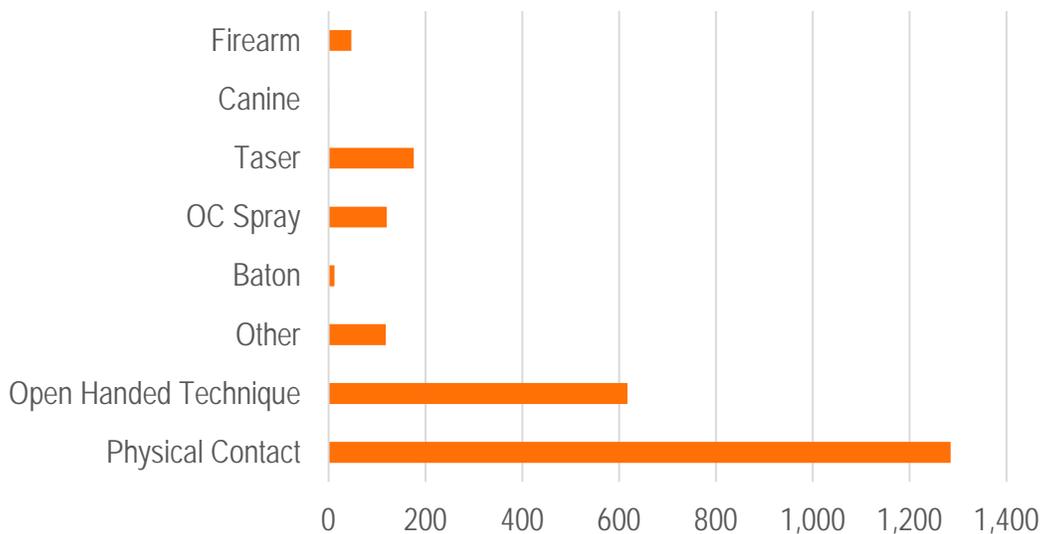
**Table 2. Use of force types and severity**

Type of force	Assessed severity
Firearm	8
Canine	7
Taser	6
OC Spray	5
Baton	4
Other	3
Open Handed Technique	2
Physical Contact	1

Source: Albany Police Department.

Figure 27 presents the breakdown of types of force used in the 2,376 incidences of use of force we analyzed, ordered from most to least severe. As is typical in most police departments, physical contact and open-handed techniques comprised the majority of incidences.

**Figure 27. Incidences of use of force by type of force used**



Source: Albany Police Department.

We next considered analysis of disparities in the use and application of force, focusing on these effects for Black community members. Disproportionality in outcomes is often expressed in terms of compound ratios: ratio of the percentage of police interactions with Black individuals involving use of force to the corresponding percentage for white individuals. This can be expressed with the following formula:

$$\frac{\text{Use of force}_B / \text{Total interactions}_B}{\text{Use of force}_W / \text{Total interactions}_W}$$

This compound ratio provides a clear and compelling interpretation: it measures how much more likely police interactions with Black individuals are to result in the use of force compared to interactions with white individuals. For the purposes of this analysis, we considered the arrest data APD provided as the baseline for interaction between Albany community members and the police. **Using this approach, the compound ratio for Black community members is 1.2, meaning that Black community members are involved in 1.2 times more use of force incidents (using arrests as a baseline) than white community members.** However, this measurement does not take into account any information about the specific incidents that involved use of force.

Since APD collects robust data on use of force incidents, the audit team was able to implement statistical analysis about the level and amount of force used in these incidents to understand potential disparities related to the race of the involved community member. For the purposes of this analysis, we considered the number of incidences of use of force for a particular combination of incident and involved community member, and also the highest level of force used.

To analyze these incidents, the audit team implemented a quasi-experimental approach called propensity score matching. Propensity score matching compares incidents that are otherwise extremely similar but differ in terms of the race of the involved community member. In simplified terms, in reviewing use of force incidents, the propensity score matching method would attempt to match two incidents: one involving a white community member and one involving a Black community member. We would then compare these matched incidents (that have a similar underlying reason for use of force, community member gender, and officer assessment of community member's mental status). Since the two incidents are otherwise similar, absent disparate treatment or bias, we would expect to see both incidents result in the same outcome (e.g., level of force used, count of force used). Although propensity score matching cannot establish that racial bias exists with certainty, it provides stronger evidence than past techniques, such as correlational analysis or compound ratios, alone.

We analyzed use of force incidents using propensity score matching on the 753 incident-community member unique combinations, having calculated the highest level of force used and the total number of incidences of force used against the community members in the incident. We also combined the reasons for use of force into four categories: assaulting a citizen or officer, combative or non-complaint (including emotionally disturbed persons), resisting arrest, and property damage. We similarly combined officers' assessments of community members' mental state into three categories: alcohol or drugs, mentally unstable, and none or unknown status. We used these variables, plus the sex of the involved community member, to identify similar use of force incidents for comparison. We used nearest neighbor matching and reviewed and achieved acceptable balance and common support for both analyses.

Table 3 and Table 4 present results from this analysis, reporting the average treatment effect.<sup>14</sup> In both analyses, we do not find statistically significant differences in the level of force or the number of incidences of force used when comparing Black community members to all other community members, using a 5 percent alpha and associated 1.96 critical t-score. Note that the results for incidences of use of force would be significant at the 10 percent alpha level (1.66 critical t-score). For robustness, we considered an alternate specification including only Black community members and white community members and found similar results. Finally, we considered an alternate specification using radius matching with a radius of 0.01 and again found similar results.<sup>15</sup>

**Table 3. Propensity score matching results for highest level of force used**

Model	Difference in highest level of force used	t-statistic	Statistically significant?
Nearest neighbor	-0.001	0.01	No
Black and white community members only	-0.05	0.34	No
Radius of 0.01	-0.002	0.02	No

Source: Albany Police Department.

**Table 4. Propensity score matching results for incidences of force used**

Model	Difference in incidences of force used	t-statistic	Statistically significant?
Nearest neighbor	0.11	1.66	No
Black and white community members only	0.15	1.74	No
Radius of 0.01	0.08	1.19	No

Source: Albany Police Department.

## Findings and recommendations

### **Finding 21: APD’s Use of Force Core Principles lacks specificity on whether force is justified when an officer or bystander’s life could be in danger.**

In General Order 1.3.00 *Use of Force – Lethal Weapons*, APD outlines their Use of Force Core Principles. Within those principles, it is necessary to specify whether use of force is allowed when

<sup>14</sup> We report the average treatment effect in lieu of average treatment on the treated, since average treatment on the treated is appropriate when individuals can choose their assignment into the condition of interest, which is not the case for minority status. See: Rosenfeld, R., Rojek, J., & Decker, S. (2012). Age matters: Race differences in police searches of young and older male drivers. *Journal of Research in Crime and Delinquency*, 49(1), 31-55.

<sup>15</sup> Complete analytical results are available from the audit team upon request. Requests should be directed to the City Auditor’s Office.

possible death or serious injury is being threatened and when the suspect has the means and ability to do so.

**Recommendation 21.1: APD should consider revising General Order 1.3.00 *Use of Force – Lethal Weapons* with the following changes:**

- Under Section I.A.1.a, “The suspect is acting or threatening to cause death or serious physical injury to the officer or others.”
- Under Section I.A.1.a, “The suspect has the means or instrumentalities to injure an officer or others.”
- Under Section I.A.1.a, “The suspect has the opportunity and ability to use the means of instrumentalities to cause death or serious physical injury.”
- Under Section I.A.b.i, “Felony offense involving the infliction of serious physical injury or death.”
- Add language to Section I.A.c to include the suspect threatening to cause death or serious injury to the officer or others, with the means to do so.

**Recommendation 21.2: APD should review General Order 1.3.00 *Use of Force – Lethal Weapons* to ensure it is clear when deadly force is authorized and to specify it is prohibited in all other circumstances.**

**Finding 22: APD’s current policies allow for the use of orthochlorobenzal malononitrile (CS gas) in response to unlawful assembly and for the purposes of crowd dispersal, with approval from the incident commander overseeing response, after an audible warning of intended use, and with Emergency Medical Services on-site.**

The use of CS and tear gas for crowd dispersal purposes has come to the forefront of the national conversation on police-community relations and police reform in recent months, in light of widespread protest activity during 2020. Many law enforcement agencies are revisiting their policies on the use of these chemicals during protests and other mass gatherings. APD’s policies on the use of CS gas do not include many specifics about when CS gas use is appropriate or inappropriate, other than a prohibition on its use for passive resisters, and a directive to consider the totality of circumstances. Community members expressed concerns during interviews regarding APD’s use of CS gas during protests and also reported use of CS gas in neighborhoods without active protest activity and without audible warning to occupants, who had CS gas enter their homes through open windows. Community members also expressed concerns about finding CS canisters that were past their expiration dates and that CS gas was deployed when Emergency Medical Services were not on site. APD would benefit from a more extensive policy on the use of CS gas clearly establishing allowable and unallowable scenarios.

**Recommendation 22.1: APD should review and revise their policy on the use of CS gas in response to unlawful assembly and for crowd dispersal purposes to align with emerging recommended practices regarding maintaining community trust during protest events. At a**

minimum, APD should expand this section of policy to clearly enumerate the specific circumstances in which CS gas can or cannot be used for these purposes.

**Recommendation 22.2:** APD should ensure that all officers and incidents are compliant with current policy regarding the use of CS gas, particularly related to required notification, presence of Emergency Medical Services, and disposal of expired CS gas canisters.

**Finding 23:** APD's policies on use of force do not currently include an explicit sanctity of life statement.

APD use of force policy is documented in General Orders 1.3.00 *Use of Force – Less Lethal Weapons* and 1.3.05 *Use of Force – Lethal Weapons*. Neither General Order incorporates a formal statement on sanctity of life. Sanctity of life statements reinforce the importance of all human life, both within the department and the community. Though officers and police personnel implicitly understand the principles of sanctity of life, the inclusion of such a statement within use of force policy assures the community of the department's commitment to their wellbeing, and ensures that officers explicitly acknowledge the gravity of their responsibility to serve the community.

**Recommendation 23.1:** APD should revise GO 1.3.00 *Use of Force – Less Lethal Weapons* and 1.3.05 *Use of Force – Lethal Weapons* to include a sanctity of life statement presented clearly under such a header at the beginning of the policy.

**Finding 24:** APD does not publish annual reports on their use of force incidents.

To improve the department's transparency with the community, it is important to be fully aware of the use of force incidents within the department on a yearly basis. Producing a summary report and releasing it to the public will show the community APD's emphasis on community engagement, as well as the steps they are taking to make progress in this area. APD describes the development of such a report for internal purposes in General Orders 1.3.00 and 1.3.05; this report could be used as the basis to produce a public report.

**Recommendation 24.1:** APD should produce a summary report annually on the use of force within the department that is publicly available to the entire City of Albany, New York.

**Recommendation 24.2:** APD should revise General Order 1.3.05 *Use of Force – Lethal Weapons*, section V.A. to include language stating that a summary report for the public on use of force incidents will be available on an annual basis.

**Finding 25:** APD codes use of force incidents so that the specific combination of incident, involved officer, type of force, incident of force, and involved community member can be discerned from standardized data fields.

APD's use of force incident database includes a separate line for each combination of incident, officer, force used, and involved community member. This allows for analysis of each individual incidence of force within an overall incident and is a best practice for use of force data management. For incidents

with multiple officers and multiple community members, it is straightforward to understand which officers used force, what type of force they used, and against which community members. This allows for a better understanding of disparity in use of force.

**Recommendation 25.1: APD should maintain its practice of documenting use of force incidents at the level of the incident plus the involved officer plus the involved community member.**

**Finding 26: APD codes only one assessment of community member mental status for use of force incidents, even for incidents involving multiple community members.**

Based on the audit team's review of the use of force data structure, APD does not code officer assessments of community members' mental status individually for each person involved in the incident.

**Recommendation 26.1: APD should assess each involved community member's mental status individually using current policy for making these assessments and note each separately in the use of force report.**

**Finding 27: APD includes an "other" category for use of force type.**

APD's current data structure allows officers to select "other" for the type of force used. Given the importance of accurate use of force data collection and analysis, the use of an "other" category is not preferable. Given that APD clearly delineates allowable types of force in policy, this category should not be necessary.

**Recommendation 27.1: APD should review use of force incidences coded as "other," including interviewing involved officers for clarification if necessary, and add new use of force type categories necessary to eliminate the "other" category.**

**Finding 28: Some use of force incident narratives are difficult to understand because of vague pronoun references, use of first person, and the lack of officer status designation in the APD use of force database.**

Though the audit team did not conduct a complete review of use of force incident narratives, we did review some narratives during our data analysis, as well as to fill in missing information for a few incidents. In this review, we noted that some incident narratives were not clearly written, making it difficult to discern the details of the use of force incident.

One reason for this difficulty was the use of vague pronoun references (e.g., referring to "him" or "her" when it is not immediately obvious which person the reference is for). Using names for each reference may feel repetitive, but it improves the clarity of the description. Some officers also report using first person ("I" statements), which can also be difficult to follow, particularly since the same incident narrative is attached to multiple officers in the use of force database. The reader is left to infer who "I" refers to. Finally, APD includes all officers on the scene in their use of force database,

which is a best practice, but does not include a field in the use of force database to distinguish each officers' role in the situation and whether they were involved in the use of force or were a witness.

**Recommendation 28.1: APD should establish guidance for officers writing use of force incident reports, including avoiding the use of pronouns (he or she) in favor of names and eliminating the use of first-person narratives.**

**Recommendation 28.2: APD should implement a field in the use of force database to designate each officer by their status as related to the use of force (e.g., involved officer vs. witness).**

**Finding 29: For use of force incidents in which multiple officers are on the scene, APD's current policy is for a single officer to submit an incident narrative, with other officers on the scene co-signing that narrative.**

APD's current policy requires just one officer involved in an incident to file a use of force narrative, which all other involved officers co-sign. Though this system is likely effective in a situation in which, for example, only one officer was involved in the use of force and other officers on the scene were only witnesses, it is not ideal for incidents in which multiple officers used force. Recollections of the incident may differ from person to person, some officers may have different angles of view and thus different information, and mistakes in perception or recollection are unlikely to be uncovered when only a single narrative is submitted. By having all officers who used force in the incident submit a report, a clearer picture will emerge of the totality of circumstances, and the multiple narratives will serve as fact checks on one another.

**Recommendation 29.1: APD should revisit its policy of requiring only a single use of force incident narrative submission and consider requiring each officer who used force during the incident to submit an independently generated narrative. Officers involved in the incident as witnesses should co-sign these narratives to indicate they reflect the incident accurately.**

## Section 4: Community Policing

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The fourth section discusses our assessment of the various policies and procedures for community policing practices. First, we discuss the data we reviewed and our subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- APD's philosophy and culture have a strong focus on community policing practices, but this message needs to be reinforced to all personnel.
- The structure of the NEU and School Resource Officers should be reviewed for efficiency and effectiveness.
- APD's website could benefit from a modern reconstruction so that each embedded page is easily accessible and allows community members to find current information on the organization and projects APD is working on.

### Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews and a review of APD policies.

### Findings and recommendations

**Finding 30: Since 2009, the APD has committed to a community policing and engagement philosophy and culture. However, this commitment is not present throughout the agency, and the community does not feel APD genuinely connects with community members in a substantive manner. There is a clear disconnect between APD's intentions, policy, and leadership and the experience of the community.**

Interviews with prior sworn personnel and current long-time officers clearly show that a community policing philosophy has been encouraged beginning with prior leadership. These efforts developed many outstanding programs for community outreach and engagement, including Pastors on Patrol, the Police Athletic League, and the NEU, as well as partnerships with the Boys & Girls Club, the citizens police academy, community meetings, the LEAD (Leadership, Education, and Development) program, and others. However, community members expressed concerns about the pop-up cookout events and Coffee with a Cop, citing that they are informal and tend to draw the same community members each time; they do not provide the forum the community is looking for.

Community policing activities in APD appear to be siloed. Throughout the audit team's interviews with patrol officers, personnel expressed that community engagement is seen as the role of the NEU and that it was uncommon for patrol officers to engage in community policing activities consistently because they need to be available for the next call for service. The audit team noted that APD lacks a high level of communication and understanding of how the community interactions of one particular unit can undermine and counteract the efforts of another unit. It is important that work in a NEU beat be coordinated with patrol units in the corresponding beat. Likewise, enforcement activity by specialized units (e.g., Community Response Unit (CRU), narcotics unit) were cited as working against engagement efforts by the NEU. Officers need to understand how their interactions in a community can undermine other officers' efforts to build trust. All officers are interdependent with each other and should not act with independent missions and agendas.

During our interviews, community members expressed frustration with officers from the NEU being late or not showing up for community engagement activities. Officers explained that these instances occurred because they were sidetracked by other department priorities or did not feel that communication within the department regarding the event was sufficient. Community engagement activities demonstrate a commitment from the APD to its community partners, which is especially important in minority communities.

Also through interviews, officers revealed that they receive little training for community policing and engagement activities. Though some officers have those instinctive qualities in their personality, others require the confidence that training can provide. This training should be provided not only to NEU and Community Service Officers, but also to the entire department so that all members understand their roles in building better, trusted relationships with the community. Community members expressed concerns, often tied to the First Street Incident, that officers do not engage in community problem-solving activities nor reach outside the police department to assist in solving quality of life issues. APD does not seem to focus on the SARA (Scanning, Analysis, Response, and Assessment) model in its officer training, performance evaluations, or policy.

**Recommendation 30.1: APD should ensure adequate staffing to prioritize officers' attendance at community engagement activities.**

**Recommendation 30.2: APD should move towards a philosophy on community policing and engagement that is encouraged and embraced by all department personnel, rather than being conducted only by the NEU.**

**Recommendation 30.3: APD should continue current community policing and engagement efforts with an emphasis on coordinating and prioritizing proactive problem-solving for quality of life issues. APD should ensure officers are trained in and actively implement the SARA model regularly as part of their engagement with the community.**

**Recommendation 30.4: APD should increase community policing and engagement training for the entire department. APD should use a combination of in-house and outside contractors to ensure a wide sample of best practices.**

**Recommendation 30.5: APD should develop new community policing strategies beyond pop-up cookouts, Coffee with a Cop, etc., offering a more formal presence in the community to create rapport with the community. These new efforts should be intertwined with community leaders' efforts to create a collaborative working environment.**

**Finding 31: APD's Vision, Mission, and Core Values, as documented in General Order 1.1.00, do not include an explicit commitment to community policing.**

General Order 1.1.00 *Vision, Mission, and Core Values* establishes the organizational philosophy for APD and its operations. It includes Vision and Missions statements regarding reducing crime and improving quality of life in a collaborative manner, as well as highlighting APD's core values of excellence, honor through integrity, courage, respect, and teamwork. The policy does not, however, explicitly reference community policing. Community members expressed concerns that APD has recently moved away from its previous orientation towards community policing. Re-affirming APD's commitment to community policing in General Order 1.1.00 *Vision, Mission, and Core Values* could represent a first step in addressing those concerns.

**Recommendation 31.1: APD should incorporate community policing philosophy and associated principles explicitly into their Vision, Mission, and Core Values.**

**Finding 32: APD has a strong commitment to recognizing officers for outstanding achievements.**

APD has implemented a Meritorious Service Award that distinguishes officers for outstanding achievement through their work in the police department. APD also has a Community Service Award given to someone who shows a strong devotion to the community and is continuously making positive impacts. These awards are crucial because they push personnel to want to work harder to positively impact the community they serve and foster great relationships with community members into the future.

**Recommendation 32.1: APD should continue giving out these two achievement awards to continue working towards positive engagements with the community.**

**Finding 33: The community is under the impression that the NEU is understaffed and has been reduced in staffing and resources recently.**

During interviews with community members, individuals raised concerns about the recent reduction in the size of the NEU due to staffing constraints. Community members felt that the unit no longer has the capacity to engage with the community in the manner they had in the past. Community members also expressed concerns about NEU personnel moving to work only on weekdays; they feel that having full-time NEU coverage is beneficial to their neighborhoods and to relationships with the police department. APD personnel and community members shared concerns that the NEU has been struggling to fulfill its mission in the impacted neighborhoods with low staffing. Staffing cuts in NEU

also contribute to community mistrust and the feeling that community policing has been de-prioritized.

**Recommendation 33.1: When staffing levels allow, APD should reassign officers back to the NEU to ensure the unit can fully reach all neighborhoods within the city and deploy NEU officers seven days a week.**

**Recommendation 33.2: APD should consider combining NEU officers, SROs, and Community Service Officers into a combined unit that focuses on Community Policing and Engagement under the command of a senior leader and that incorporates non-sworn personnel such as case workers, outreach personnel, and victims' advocates. This would provide a pool of officers and additional staff for engagement activities and allow increased assignments outside of the Monday through Friday day shift.**

**Finding 34: The selection process for officers assigned to the NEU lacks a formal structure.**

Interviewed APD personnel indicated that the selection process for the NEU officers is unclear and not transparent. The selection of NEU officers was explained as being primarily through a seniority-based system. There were concerns that some NEU officers selected the assignment to have preferable days off, preferable hours, and a "break" from patrol duties. It is important that the selection process fosters community buy-in and transparency while encouraging a selection of officers who desire the assignment for the right reasons. Seniority should not be the only selection criteria for this selection process because an officer's ability and prior engagement efforts should be considered.

**Recommendation 34.1: APD should explore changing the NEU selection process (within the requirements of the collective bargaining agreement) to include community member input, since community members best understand what characteristics they would like to see in their assigned NEU officers.**

**Recommendation 34.2: APD should review officers currently assigned to the NEU to ensure that all exhibit a clear community orientation and a problem-solving attitude, and are endorsed by the community members they serve.**

**Finding 35: APD assigns SROs to the local school district, but this program is under-resourced. Stated SRO roles, per policy, do not include counseling and mentoring or emergency planning and critical incident response.**

APD describes the School Liaison Program, consisting of SROs assigned to the City of Albany School District, in General Order 1.2.10 *Diversion Programs*. In this policy, APD describes the role of SROs as including:

- Developing programs and training for delivery in the schools;
- Participating in Gang Resistance Education and Training (G.R.E.A.T.);
- Delivering prevention programs to students;

- Providing security during dismissal;
- Serving as information-sharing liaisons to school officials regarding relevant reports produced within APD;
- Being available to students, parents, teachers, and administrators; and
- Serving as liaisons for APD investigations involving school-aged children.

Absent from the list of responsibilities are two elements suggested by the Office of Community Oriented Policing Services (COPS Office) and the National Association of School Resource Officers (NASRO). The COPS Office and NASRO both acknowledge the role of SROs as informal counselors who foster positive relationships with youth, build relationships with students, connect youth and families with social services as necessary, and potentially support the recruiting pipeline for a department. In addition, SROs rarely but critically serve in an emergency management capacity during critical incidents in school settings, as well as support the development of school safety plans and threat assessment programs.

Currently APD has only three full-time SROs that are assigned to Albany Public Schools. Albany Public Schools have an excess of 10,000 students and 18 buildings. Under the current structuring, the current SROs have the capacity for only safety-related activities. NASRO recommends a ratio of one police officer per 1,000 students, depending on other factors such as school size and grade levels. The recommended ratio allows officers to provide only an appropriate level of safety and serve as role models, mentors, and problem solvers within the school setting.

**Recommendation 35.1: APD should ensure that GO 1.2.10 *Diversion Programs* and other SRO guidance are updated to reflect SROs’ commitment to community policing, youth engagement, and recruiting, and to acknowledge SROs’ role in emergency planning and critical incidents.**

**Recommendation 35.2: APD should develop a plan to expand, over time, the number of SROs to meet NASRO’s recommended officer-to-student ratio in served schools.**

**Recommendation 35.3: APD should reconfigure the assignments of officers to assign them according to geographic areas so that some officers can serve multiple schools.**

**Finding 36: SROs do not contribute to the “school-to-prison” pipeline.**

The audit team noted that SROs do not feel their primary role is to make arrests for school-related issues. During our interviews, the SROs reported that they primarily allow school administration to take the lead on disciplining students. Arrests by SROs are infrequent. SROs have developed a positive student recognition program called “Do the Right Thing” that recognizes good deeds done by students. SROs tend to focus more on partnership than on enforcement actions within the schools.

**Recommendation 36.1: APD should continue to encourage SROs to develop innovative programs to encourage positive student behavior and to minimize their contribution to the school-to-prison pipeline.**

**Finding 37: APD engages in formal youth engagement programs and activities but would benefit from gathering community input on the effectiveness of these programs and engaging in informal youth engagement outside of official programs.**

APD currently pursues youth engagement primarily through formal programs, including To Reach and Connect (TRaC), the Police Athletic League, Police Explorers and Cadet programs, and G.R.E.A.T. APD assigns a coordinator to these programs and reviews and evaluates each program annually. Community members indicated during interviews, however, that these programs are appreciated but would benefit from adjustments, particularly to encourage participation by underserved populations in the City of Albany. Officers and community members also noted that past efforts by individual officers to connect informally with youth through strategies such as spending off-duty time at recreation centers, playing sports informally with youth, and other individually driven efforts were more successful in building trust with young individuals, particularly if officers could participate in these activities out of uniform to maintain a less intimidating presence.

**Recommendation 37.1: APD should maintain and, in some cases, revitalize existing youth engagement programs, based on community input.**

**Recommendation 37.2: APD should develop policies to support officers engaging informally with youth, including opportunities out of uniform and in venues naturally used by youth in the community, such as after-school community center recreation programs.**

**Finding 38: Current LEAD policies and procedures leave the decision to refer eligible individuals to LEAD at the officer's discretion.**

Under current policy, officers are not required to participate in the LEAD program by diverting eligible individuals for treatment or other alternatives to arrest. As noted in other findings, there is general distrust in the community regarding the LEAD program, which they feel is underused and has largely provided diversion opportunities to white community members. By allowing officers to make referrals entirely at their discretion, APD creates a very real possibility of disparate treatment of community members by race, gender, and other individual characteristics. Implicit bias will likely play a role in LEAD referrals under the current system.

**Recommendation 38.1: APD officers should refer all individuals meeting the eligibility criteria and not falling in an exclusion category to LEAD.**

**Recommendation 38.2: APD should collect data about LEAD referrals and non-referrals and regularly analyze this data to understand the reasons for non-referrals and the impact of specific exclusion criteria, particularly the criteria that the complainant is willing to decline prosecution.**

**Finding 39: Patrol officers recently started conducting 20 minutes of foot patrol on each shift.**

Patrol officers recently started conducting 20 minutes of foot patrol on their daily shifts; however, based on information gathered during interviews, it is clear that not all officers have bought into this

policy. Officers are not clear on the expectations for their prescribed period of foot patrol, resulting in inconsistent application. Community members report that some officers use this time to engage directly with community members in a non-enforcement capacity, while others perform only the letter of the law by parking their vehicle and standing next to it for 20 minutes. It is important to continue fostering improved relationships with the community, and this cannot always be done from inside a patrol vehicle.

**Recommendation 39.1: In General Order 3.1.00 *Patrol Function* under section II, APD should add letter D. A 20-minute foot patrol is required on each shift, as permitted, to engage with the community and strengthen relationships.**

**Recommendation 39.2: APD must increase buy-in from officers about this patrol activity to ensure that officers are interacting with the community in a positive way.**

**Finding 40: APD has a clear explanation of the difference between protests and civil disturbances and demonstrates a strong emphasis on connecting with leaders of groups planning these events.**

In General Order 3.9.05 *Pre-planned/High Risk Situations*, APD provides a strong and clear explanation of protests and civil disturbances. They also emphasize connecting with leaders of groups planning these specific events to advise them of the importance of keeping the protests peaceful. APD has a strong policy detailing their procedures for high-risk situations. This emphasis is important because it allows APD to collaborate with the group leaders in order to keep the protests peaceful and ensure they do not result in a civil disturbance; it also ensures that APD personnel know exactly what to do in these high-risk and pre-planned situations.

**Recommendation 40.1: APD should add language to General Order 3.9.05 *Pre-planned/High Risk Situations* section IV.C.2.a that personnel shall attempt to ascertain the identity of leaders of the protests or civil disturbances.**

**Recommendation 40.2: APD should add language to General Order 3.9.05 section IV.C.2.a that states, "Supervisor shall attempt to open lines of communication with the leader of the group to ensure it remains a peaceful protest." APD should make this change in section III for high-risk situations as well.**

**Finding 41: APD has a website embedded within the City of Albany's landing site; however, APD would benefit from a more modern website.**

The APD website is embedded within the City's site with various components, including an Administration page, Albany Community Police Advisory Committee Page, LEAD page, and others. During our review of the website, the audit team identified numerous out-of-date sources, missing information, and pages that would benefit from editing. The website is also missing information and documents that would help improve community member's understanding of the department and its processes and build trust. It is important that the APD have an up-to-date and efficient website that

includes information the community can easily access. Keeping APD's community policing values at the forefront also includes having a website that the community can easily navigate.

**Recommendation 41.1: Depending on IT infrastructure, APD should consider creating its own website. If this is not possible, APD should reconstruct the current landing page on the City of Albany's site.**

**Recommendation 41.2: APD should make the following website content changes:**

- **On the home page, move the mission and vision to the very top to ensure it is the first information that community members see when they visit the website.**
- **Under the Administration landing page, APD should include a current organizational chart with names and positions.**
- **Add information about the complaint process, preferably including the option to submit complaints online or via a digital form sent by email.**
- **Add pages to host publicly released reports, such as annual use of force reports, complaint analysis, etc., so they are easily accessible to the public.**

**Recommendation 41.3: APD should review all data and information on the website and ensure it is up to date and reflects current practices.**

**Recommendation 41.4: APD should make all General Orders available on their website publicly.**

# Section 5: Recruitment, Hiring, and Retention

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The fifth section discusses our assessment of the various policies and procedures for recruitment, hiring, and retention, including the performance evaluation process, promotional process, and safety and wellness. First, we discuss the data we reviewed and the subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

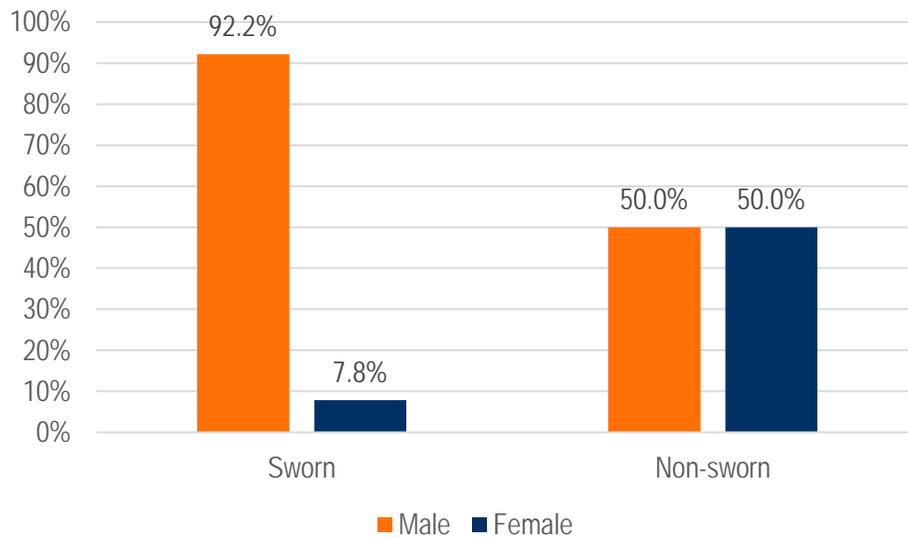
- The diversity of APD personnel does not reflect the racial makeup of the City of Albany.
- APD should review its recruitment and hiring practices, and the department should release annual reports on these data.
- The promotional process is of concern to personnel and should be tracked in a database, and the performance evaluation process should be standardized.

## Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews, a review of APD policies, and administrative data provided about department personnel. At the time of the audit analysis, APD employed 380 full-time personnel, of which 294 (77.4 percent) were sworn officers and 86 (22.6 percent) were non-sworn staff.

Among full-time personnel, 82.6 percent were male and 17.4 percent were female. As shown in Figure 28, gender among non-sworn staff was evenly split between men and women, but among sworn personnel, only 7.8 percent were female.

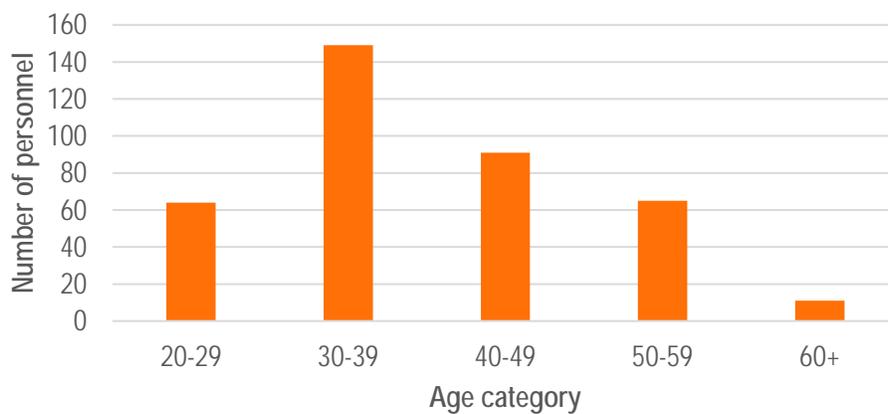
Figure 28. Gender of sworn and non-sworn personnel



Source: Albany Police Department.

APD employees ranged from 20 to 74 years old. As shown in Figure 29, personnel are most commonly between 30 and 39 years old.

Figure 29. Age distribution of personnel

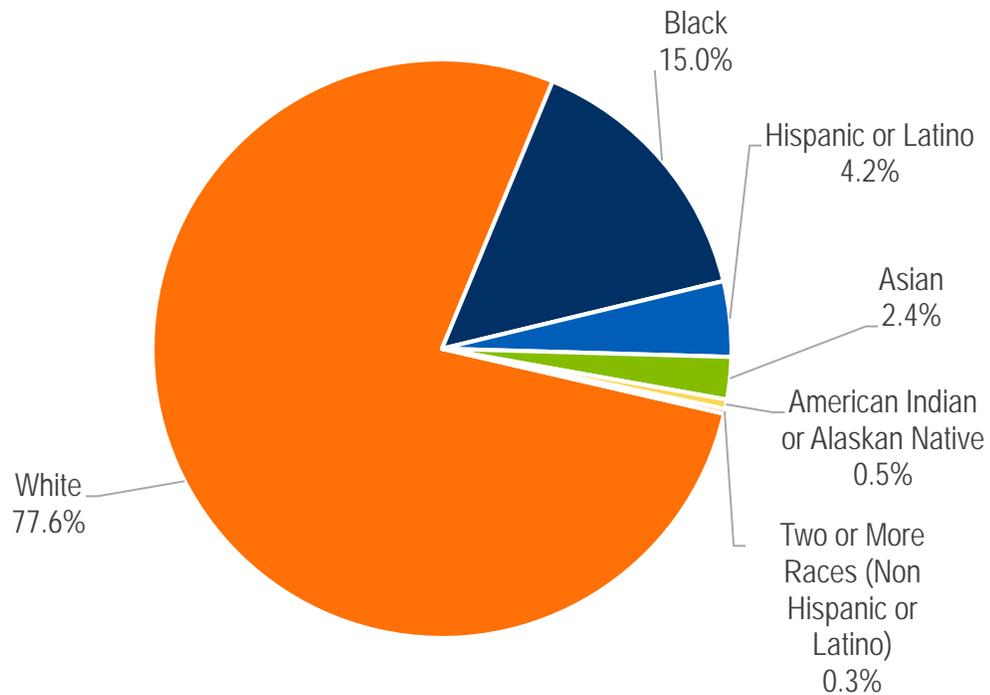


Source: Albany Police Department.

Figure 30 presents the racial composition of the APD. APD's racial demographics cannot be directly compared to US Census data, since APD categorizes race and ethnicity together, while the Census collects information about ethnicity separately. However, the Census does report that white non-

Hispanic or Latino community members make up 49.9 percent of the population, while they represent 77.6 percent of APD personnel.<sup>16</sup>

Figure 30. Racial distribution of personnel

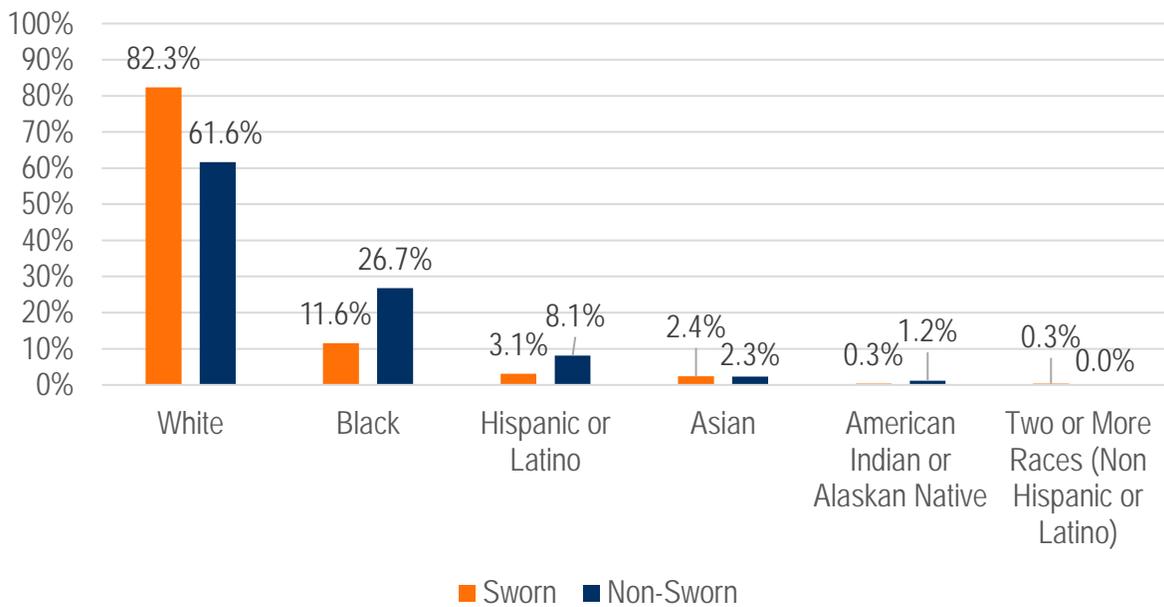


Source: Albany Police Department.

As Figure 31 demonstrates, Black and Hispanic personnel in APD are more likely to work in non-sworn positions, with 82.3 percent of sworn personnel being white.

<sup>16</sup> Source for community statistic: US Census population estimates for July 1, 2019, accessed via QuickFacts, available online: <https://www.census.gov/quickfacts/fact/table/albanycitynewyork/PST045219>.

Figure 31. Racial distribution of sworn and non-sworn personnel



Source: Albany Police Department.

## Findings and recommendations

**Finding 42: APD maintains a documented recruitment plan for full-time sworn personnel, which includes a focus on recruiting individuals from underrepresented demographics and a goal for APD personnel demographics to reflect the community.**

As noted in General Order 2.3.00 *Recruitment and Selection*, APD has a strategic plan for the recruitment of full-time sworn personnel. This policy details the goal of the recruitment plan, which is to achieve an ethnic, racial, and gender composition in the full-time sworn personnel ranks that represents the Albany community. The recruitment plan includes objectives, a description of the Albany community demographics, discussion of past recruitment efforts and initiatives, strategies and materials regarding representation in recruitment personnel, and an action plan for implementation. The Administrative Services Bureau reviews and analyzes the plan annually, including a review of APD personnel demographics in relation to community demographics.

As noted in the audit team’s analysis of APD full-time personnel demographics, APD personnel do not reflect the racial or gender demographics of the city, particularly its sworn personnel. Women are underrepresented among sworn personnel, and the department overall (and particularly in sworn positions) is majority white non-Hispanic or Latino, whereas the City of Albany is approximately 50 percent composed of members of ethnic or racial minority groups. Individuals the audit team

interviewed expressed concerns about the representativeness of the department; they felt the department could do more to effectively recruit members of racial or ethnic minority groups.

**Recommendation 42.1: APD should continue to maintain and regularly update their strategic plan for recruitment, with particular attention to the effectiveness of its recruiting strategies.**

**Recommendation 42.2: APD should develop a similar recruitment plan for full-time non-sworn personnel.**

**Recommendation 42.3: APD should develop a publicly releasable version of the annual recruitment plan analysis and make this report available to the community.**

**Finding 43: Though APD’s recruitment plan emphasizes recruiting members of racial or ethnic minority groups, personnel demographics do not reflect community demographics. This lack of representation may be partly due to disparities in the hiring process.**

The City of Albany uses the New York State Civil Service system for the hiring of new sworn officers. That system does not allow for a preference for diverse hiring to reflect the demographics of the city. Based on statistics, the racial makeup of the department does not reflect the city’s racial and ethnic makeup. The community has serious concerns about diversity in APD, which are supported by the personnel analysis the audit team conducted. During our interviews, APD personnel expressed fewer concerns about the level of diversity within APD. APD has established procedures for recruiting personnel from racial or ethnic minority groups, but does not have similar strategies to ensure these applicants are successful during the application and hiring process.

The City could petition for changes in legislation to allow for the implementation of a diverse hiring preference. However, this process is likely to take time. In the meantime, and absent a preference for diverse hiring, APD can still take steps to support applicants from racial or ethnic minority groups. APD does not currently track applications and applicant progress in the hiring process. By tracking this information, APD would be able to identify quantitatively at which points in the application process or the Academy applicants fail or drop out, and whether racial disparities are present in those patterns. To the degree they are, APD may be able to incorporate programs or initiatives to support applicants and increase their chance of making it through the hiring process successfully.

**Recommendation 43.1: The City of Albany should explore options locally and at the state level to implement a diversity preference for hiring, including the possibility of moving away from the civil service hiring system and petitioning for a change in state legislation.**

**Recommendation 43.2: APD should implement a system or database to track applications and applicant progress through the hiring process and analyze this data annually to identify racial, ethnic, or gender-based disparities at each stage of the hiring process. If such disparities are identified, APD should investigate the root causes and, if possible, implement programs to ameliorate those disparities.**

**In particular, community members expressed concerns about applicants from ethnic or racial minority groups failing to meet the physical fitness requirements at a disparate rate. APD**

could address this proactively by providing additional training or other options to prepare applicants for the test.

**Recommendation 43.3: APD should disclose the diversity of the department to the public on an annual basis to promote transparency.**

**Finding 44: APD does not currently track data on promotion applications or applicants and promotion decisions in a formal system or database.**

APD clearly delineates the promotion process in General Order 2.3.10 *Promotional Process*, including a description of procedures for job postings, Civil Service Examinations, applications, and criteria for selection of personnel. The process and procedures are described in detail at each stage of the application process. However, APD does not currently record data on applications and applicants for open positions and promotion outcomes. Therefore, the audit team was not able to conduct analysis of promotions to investigate the possibility of racial, ethnic, or gender-based disparities in promotional decisions.

**Recommendation 44.1: APD should establish a system to collect and retain data about the promotional process, including applicants, applicants' demographic information, relevant data considered for promotion decisions (e.g., Civil Service Exam results), and outcomes.**

**Recommendation 44.2: APD should analyze promotion data annually to identify racial, ethnic, or gender-based disparities in the promotion process. If such disparities exist, APD should investigate the root causes and, if possible, implement programs to ameliorate those disparities.**

**Finding 45: Relationships between supervisors and their officers are very positive.**

Interviewed APD personnel noted that their working relationships with their supervisors were very positive. It was apparent that officers feel they can call their supervisors at any time with questions they may have. Those on days versus nights did describe slightly different relationships with their supervisors due to more down-time during night shifts. This down time allows officers to get to know their supervisors better and fosters a very fluid working relationship.

**Recommendation 45.1: APD should continue working towards positive relationships between supervisors and officers, while looking for opportunities for daytime sergeants to interact more with their officers.**

**Recommendation 45.2: Supervisors should continue to routinely review officers' work and provide constructive feedback.**

**Finding 46: APD's performance evaluation process for sworn and non-sworn personnel remains unclear and does not currently operate according to policy.**

During our interviews, we asked each sworn member about performance evaluations. Many officers could not recall being evaluated within the past year and several indicated it had been two to three

years since their last evaluation. Several officers also mentioned that they only had an evaluation from their supervisor when applying for a specialty assignment. It is important that all evaluations are consistent and timely in order to make a positive impact on the department. General Order 2.3.05 *Performance Evaluations and Career Development* clearly requires that performance evaluations be performed annually. APD also should have a clear process for supervisors to ensure accurate, timely, and meaningful evaluations of the personnel they oversee.

**Recommendation 46.1:** As part of General Order 2.3.05 *Performance Evaluations and Career Development*, APD should institute a specific procedure for ensuring all employees receive evaluations annually (e.g., officers receive reviews on their date-of-hire anniversary or all performance evaluations take place at the end of the fiscal year) with a designated command officer responsible for auditing. This will ensure all employees receive a current evaluation. This policy should also address procedures for employees who changed supervisors shortly before performance evaluations take place.

**Recommendation 46.2:** APD should include a designated time period for evaluations of non-sworn full-time employees in General Order 2.3.05 *Performance Evaluations and Career Development*.

**Recommendation 46.3:** On the Performance Evaluation Form, APD should include descriptions of all five choices (Outstanding, Excellent, Good, Needs Improvement, and Unsatisfactory) in the overall performance rating section.

**Finding 47:** APD personnel are mistrustful of the promotional and specialty assignment process and feel it lacks transparency. This mistrust contributes to difficulty retaining sworn personnel.

Interviewed personnel expressed a lack of trust in the current promotional and specialty assignment process. Some officers have been passed over multiple times for promotions or specialty assignments with no tangible explanations or feedback provided. This lack of transparency in the promotion process has resulted in low morale and distrust of internal procedures. Some officers expressed that they had heard that interview questions are given to preferred candidates the night before their interviews.

During the audit team's interviews, APD personnel expressed concerns about the retention of sworn officers. In particular, there is a perception that officers from racial or ethnic minority groups have been leaving the department at higher rates. Though some factors influencing retention are not fully within the department's control, others such as fairness and equity in promotions and special assignments, organizational culture, and internal procedural justice are and can be a major influence on personnel retention.

**Recommendation 47.1:** APD should develop a completely transparent and open promotional process. If an interview board is used, a clear explanation of topics covered and evaluation criteria used should be posted in advance. Any selection that deviates from the current ranking should require a written explanation be supplied to the person(s) skipped over.

**Recommendation 47.2:** To avoid the appearance of favoritism, APD should consider delegating the oral interview component to a neutral law enforcement agency of similar demographics. Detail this change in General Order 2.3.10 *Promotional Process* in section I.F.3.a.

**Recommendation 47.3:** APD should develop a completely transparent and open specialty assignment process that is disseminated in advance. APD should post the ranking of candidates, and individual evaluations should be supplied to applicants. APD should update General Order 1.2.15 *Specialized Assignments* as necessary to reflect these procedures.

**Recommendation 47.4:** APD should consider announcing all openings that occur in specialized units, even if it is not required as part of the Collective Bargaining Agreement.

**Recommendation 47.5:** If not already a standard practice, APD should engage in exit interviews with departing personnel. APD should analyze information gathered during exit interviews annually to ascertain whether recurring themes are present in personnel departures, and whether these can be addressed.

**Finding 48:** APD offers educational reimbursements for post-secondary educational expenses to eligible personnel.

APD offers educational reimbursement to eligible employees subject to the conditions in the current Collective Bargaining Agreement and the City of Albany Personnel Policy and Procedures Manual. Full-time employees with at least six months of service are eligible for reimbursement for up to one course per semester, with funds allocated on a first-come, first-served basis and a cap on reimbursement per credit. The current guidance notes that this reimbursement is not intended to assist employees in obtaining a degree, but instead to support them in supplemental training and instruction.

**Recommendation 48.1:** APD should continue to offer educational reimbursements for post-secondary educational expenses.

**Recommendation 48.2:** APD should investigate the possibility of revising the Collective Bargaining Agreement to indicate that the educational assistance program can be used to assist employees in obtaining a degree.

**Finding 49:** Officers are concerned about their safety and wellness.

During the audit team's interviews, we learned that many officers worry about their safety and wellness because of the climate of policing nationwide. It is important that APD takes steps to help officers feel safe and grounded in their daily duties. Not only will this ensure that officers have a safe space when they need it, but it will help with overall department morale. It is also important to give officers the space to engage in the Employee Fitness and Wellness Program.

**Recommendation 49.1:** APD should review its health and wellness offerings and update them, as required.

**Recommendation 49.2:** APD should ensure that all employees are aware of the health and wellness offerings provided by the department, including the Employee Assistance Program.

**Recommendation 49.3:** In General Order 2.3.30 *Employee Fitness and Wellness Program*, APD should revise policy in section II.C to allow employees to access the wellness facility at times other than just their meal period.

## Section 6: Oversight and Accountability

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The sixth section discusses our assessment of the various policies and procedures for oversight and accountability. First we discuss the data we reviewed and the subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- Annual reports of data designated in various General Orders should be completed and housed on the APD website for all community members to easily access.
- APD participates in a long list of programs and should seek evaluations of these programs to determine their effectiveness and help allocate resources among the programs.
- There are community concerns that past proposed reforms have not been implemented, along with concerns that officers do not live in the City of Albany.

The Albany Community Policing Advisory Committee (ACPAC) was created in 2009 in response to the felt need for change within the community. The committee enables members to work with the City of Albany and the APD. In this collaboration, the committee provides a space for the discussion of community policing and helps promote partnerships in the community with the police department. The ACPAC also serves as an accountability mechanism for the department to ensure the community is receiving the information they need on a recurring basis.

### Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews and a review of APD policies.

### Findings and recommendations

**Finding 50: Several APD General Orders require annual analyses of data on internal affairs investigations, use of force, recruitment, allegations of biased policing, and others.**

Through interviews, we learned that reports on annual analyses of data are not released publicly nor are annual summary reports published. The lack of public release of reports and annual summaries shows low transparency and diminishes trust by the community in the City of Albany. It is important to increase transparency with these types of reports to follow through with APD's mission. The areas that are required to develop annual analyses are:

- Recruitment

- Internal Affairs Investigation
- Use of Force
- Bias Free Policing

**Recommendation 50.1: APD should update all relevant policies to incorporate public release of results (in whole or part) from these annual analyses.**

**Recommendation 50.2: APD should ensure that these reports are posted and maintained on the APD website so they are readily accessible to the public.**

**Recommendation 50.3: Internal Affairs Reports and annual summaries should include breakdown analysis by race, when available.**

**Finding 51: APD leads or is involved in a number of programs and policing strategies covering a range of issues such as community engagement, diversion, mental health, homelessness, drug abuse, and delinquency prevention. However, there is limited evidence regarding the effectiveness of these programs in Albany.**

During interviews and a review of policy, the audit team noted that APD leads or participates in a number of programs and initiatives, but these are not regularly evaluated. APD is involved in the following efforts that might benefit from evaluation:

- |   |   |
|---|---|
| • Equinox Chemical Dependency Counseling Center                   | • APD’s Crisis Intervention Team        |
| • Narcotics Anonymous   | • LEAD                                  |
| • The Addictions Care Center of Albany                            | • Enhanced Supervision Unit             |
| • Screening, Brief Intervention and Referral to Treatment (SBIRT) | • School Liaison Program                |
| • Albany County CART Mobile                                       | • TRaC                                  |
| • CDPC Crisis Unit  | • Persons in Need of Supervision (PINS) |
| • Equinox Mental Health Services                                  | • Youth Aide                            |
| • “Now is the Time” Project AWARE                                 | • Youth Court                           |

Community members discussed their frustrations specifically with the LEAD program and their perception of its effectiveness. Evaluations of this program and many others would allow APD to configure the appropriate resources for each program to strengthen their effectiveness.

**Recommendation 51.1: The City of Albany and APD should coordinate to budget for external evaluations of some or all of these programs, through City budget allocations or through grant applications to state or federal funders, such as the Department of Justice (DOJ), Office of Justice Programs (OJP), BJA, National Institute of Justice (NIJ), or COPS.**

**Recommendation 51.2: The City of Albany and APD should coordinate with community leaders to gain community input on each program. Community members should continue playing an important role in the evaluation and review of these programs annually.**

**Finding 52: Communication with officers after changes to General Orders, Special Orders, and Training Bulletins could be improved.**

Throughout our interviews and review of General Order 1.5.00 *Written Directive System*, we learned that officers only have to review changes to General Orders, Special Orders, and Training Bulletins and electronically sign that they completed the task. After these changes are made, it is important that supervisors explain these changes in roll-call trainings or during times when they can be available for questions. We did learn that some supervisors have taken this approach, but this may not be a standardized practice throughout the entire department.

**Recommendation 52.1: APD should enforce required roll-call trainings after updates to General Orders, Special Orders, and Training Bulletins to ensure that the mission behind the change is properly communicated to all officers in the department.**

**Finding 53: APD currently assigns research, development, and strategic planning responsibilities to the Training Unit.**

Under APD's General Order 1.1.15 *Planning and Research*, responsibility for research, development, and strategic planning lies with the Training Unit. The policy tasks the Training Unit with management planning, succession planning, strategic operational planning, policy research and development, and the establishment of department goals and objectives. The Training Unit has substantial and broad responsibilities related to its primary focus, as documented in APD's General Orders. Research, development, and strategic planning represent major responsibilities in a police department and should be prioritized as tasks unto themselves. Establishing a dedicated unit to oversee this work would likely also benefit APD by extending the responsibilities enumerated in General Order 1.1.15 *Planning and Research* to include such tasks as conducting program evaluations, establishing research partnerships with external organizations, developing a strategy for grants and other external funding, and conducting best practice and peer agency research.

**Recommendation 53.1: APD should consider establishing a dedicated Research and Planning Unit, staffed by sworn and non-sworn personnel, rather than incorporating these responsibilities into the Training Unit.**

**Finding 54: The City of Albany is prohibited by New York State law from mandating a residency requirement for public safety personnel. The City does require that applicants to APD reside in the City in order to be hired, but APD does not have a residency requirement for officers and personnel to reside in the City of Albany after they are hired.**

Knowing the community is pertinent to the daily duties of a police officer. Community members expressed concerns that many APD personnel do not reside in the City of Albany and do not have a

thorough understanding of each neighborhood because they are not as invested in the city. By creating a residency requirement, APD could ensure that officers coming to work every day are invested in the community because it holds special importance to them.

**Recommendation 54.1: APD should review their personnel requirements to determine the feasibility of requiring that sworn officers reside in the City of Albany, including considerations related to the collective bargaining agreement.**

**Recommendation 54.2: APD should review its residency incentives and determine if they could be increased or improved.**

**Finding 55: The Community Policing Review Board and other community organizations have submitted formal reports and lists of recommendations to APD and the City of Albany in the past.**

The Community Policing Review Board (CPRB) previously created a list of 10 policy reform recommendations that were sent to the Common Council and the Mayor of the City of Albany. In these recommendations, the CPRB called for the empowerment and defunding of the police department. The recommendations' common theme was to reimagine the APD to promote a reimagined society. Other community organizations, including the Center for Law and Justice, also reported sending information and recommendations to APD and the City of Albany. In addition, the Police Reform and Reinvention Collaborative is currently developing recommendations for consideration by APD and the City.

**Recommendation 55.1: APD, along with the Mayor and the Common Council, should review past recommendations provided by CPRB and other groups and provide a formal response detailing anticipated action (or lack thereof) for each recommendation.**

**Recommendation 55.2: APD, along with the Mayor and the Common Council, should institute policies that all recommendations provided in good faith from community organizations should receive a formal response, including an explanation of what actions will be taken in response to recommendations; if not all recommendations are to be implemented, an explanation should be provided.**

## Section 7: Training

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The seventh section discusses our assessment of the various policies and procedures for training in the APD. First we discuss the data we reviewed and our subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- Annual in-service training curriculum should be updated to include various topics, including but not limited to racial bias and cultural sensitivity training.
- Training is not consistent across the department, and personnel feel they need more training to sufficiently do their jobs.

### Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews, a review of APD policies, and APD's records of in-service training over the past five years as well as the APD Academy training curriculum and the New York State officer training curriculum.

### Findings and recommendations

#### **Finding 56: APD provides new supervisors with both classroom and field training within one year of promotion.**

All newly promoted sergeants must complete 24 hours of classroom training through the Municipal Police Training Council or other equivalent provider, as well as 120 hours of supervised field training with a senior sergeant officer. Newly promoted lieutenants must complete classroom training, if not already completed, as well as 40 hours of supervised field training with a senior lieutenant. Formal supervisory training helps ensure consistency in supervision techniques and strategies, and it acclimates new supervisors to their new responsibilities and the systems and procedures associated with those responsibilities.

It is important that supervisors receive the information that they need to understand their duties and responsibilities and can convey the duties and responsibilities of higher level positions to their subordinates. Additionally, it is pertinent that supervisors be trained on how to effectively complete performance evaluations that foster a positive and collaborative working environment with those they supervise.

**Recommendation 56.1:** APD should continue to offer newly promoted supervisors classroom and field training and should regularly revisit the topics covered in the classroom training to ensure they reflect current departmental needs.

**Recommendation 56.2:** Revise General Order 1.1.15 *Planning and Research* in section IV.D to state that succession planning shall occur through formal training between supervisors, in-service trainings, and meetings rather than through informal training.

**Recommendation 56.3:** Revise General Order 4.1.05 *Training: Organization and Functions* in section III to ensure that new sergeants receive training on effective completion of performance evaluations.

**Finding 57: Current training does not emphasize police racial relations and understanding.**

Both community members and APD employees expressed a need for more racial bias and cultural awareness training. It appears that officers received training in the academy and have received sporadic training within the past two–three years. In addition, no officers, when asked, indicated they received post-academy training on constitutional policing. Training in these core areas is a foundation for officers to understand implicit bias and how to police a community which often views itself as over policed. Officers also asked for more scenario-based training, specifically focused on use of force and de-escalation. Scenario-based training provides officers with realistic training situations and will enable them to hone their skills in a safe environment. These critical topics require constant reinforcement and emphasis on their importance from police and City leadership.

**Recommendation 57.1:** APD should prioritize the following topics for upcoming in-service training: implicit and racial bias, cultural sensitivity, and concepts of constitutional policing. APD should involve minority communities in the development of training curriculum.

**Recommendation 57.2:** APD should develop in-person scenario-based training for use of force and de-escalation.

**Recommendation 57.3:** APD should enforce the policy in General Order 3.1.35 *Emotionally Disturbed Persons* to ensure that refresher mental health training is occurring on an annual basis and instate auditing mechanisms to ensure future compliance.

**Recommendation 57.4:** Revise General Order 4.1.05 *Training: Organization and Functions* section IV to state that all employees of the APD, including non-sworn personnel, should receive at least the following instruction:

- Racial bias in policing
- Cultural sensitivity

**Finding 58: APD maintains an active Crisis Intervention Team program.**

As described in General Order 3.1.35 *Emotionally Disturbed Persons*, APD maintains a cadre of officers trained in Crisis Intervention Team (CIT) approaches and procedures. All officers are trained in basic

procedures for interacting with community members exhibiting signs of mental illness. CIT officers complete additional training and deploy to calls involving emotionally disturbed individuals to assist the responding officers. CIT officers are able to make referrals to social services available in Albany County.

**Recommendation 58.1:** APD should maintain language in General Order 3.1.25 *Missing Persons* emphasizing that CIT trained officers and incidents involving CIT deployment may require additional time completing the call for service, including time spent referring individuals to services.

**Recommendation 58.2:** APD should conduct an annual analysis of CIT resources and needs, based on calls for service, CIT personnel deployments, shift coverage, and other relevant factors. APD should use the results of this analysis to establish the need to recruit and train additional CIT officers, in order to ensure there is full-time CIT coverage at sufficient levels to respond to all necessary calls.

**Finding 59:** APD relies on an online platform (PowerDMS) for most trainings.

Interviewed personnel expressed that the majority of the training they receive is conducted through an online learning system known as PowerDMS. Although many departments across the country have transitioned to online learning, the impact of in-person training is crucial to an officer's knowledge and learning platform. Certain training topics including procedural justice, implicit bias, and cultural diversity are extremely important and should regularly be held in-person rather than through an online platform. It is also important to hold in-person trainings to ensure that officers can learn these concepts in a scenario-based manner through role playing.

**Recommendation 59.1:** APD should hold in-person training every two years for the following training topics:

- Procedural Justice
- Implicit Bias
- Cultural Diversity

**Finding 60:** APD's Academy training does not appear to include training on community-oriented policing or collaborative community problem-solving, and it includes only a short unit on procedural justice, though it does include a strong focus on bias and diversity.

Based on a review of the curriculum for a recent Academy program, the audit team found no mention of training on community-oriented policing or collaborative community problem-solving (e.g., the SARA model), and we found that only two hours are allocated to procedural justice topics. APD does dedicate 19.5 hours to cultural diversity, history of racism, and implicit bias, which is laudable.

**Recommendation 60.1:** APD should review the allocation of topics and time in the Academy training to ensure that all officers are trained in community-oriented policing practices and

strategies for collaborative community problem-solving including the SARA model, and that they emphasize procedural justice in all aspects of their work.

**Recommendation 60.2: APD should maintain or increase the time spent on the topics of cultural diversity, implicit bias, and history of racism.**

# Conclusion

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APD's participation in this audit and their willingness to improve their department's practices show how eager the department is to make changes and increase community trust. APD is pushing to enhance trust and transparency, and they intend to keep the city safe and treat all equally. APD is struggling to connect with all community members through the various community policing practices. The CNA team offers 62 findings with accompanying recommendations based on policy review, a review of data, interviews with personnel and community members, and a review of previous proposed reforms. APD has much work to do to enhance community trust and make space for community members to participate. APD's partnership with Common Council members, personnel from the Mayor's Office, community leaders, and the youth in the City of Albany are essential to help make the proposed changes and ensure they are institutional.

**Finding 61: An independent, objective, and ongoing assessment of APD's progress towards the recommendations in this report will be crucial to the implementation and sustainment of the proposed changes.**

To assist APD in implementing changes, the independent audit firm should provide insight over a 12- to 18-month period. During this timeframe, the firm can thoroughly document the implementation of the recommendations in this report. The activities and tasks the independent audit firm should conduct may include the following:

- Work with the APD, community leaders, and the City of Albany in prioritizing the implementation of the recommendations.
- Work with the APD, community leaders, and the City of Albany to identify the prioritization and implementation of steps for each recommendation.
- Work with the APD to identify the resources necessary to implement each recommendation.
- Track and document APD's progress towards implementing each recommendation.
- Provide technical assistance as needed (e.g., subject expertise, assistance identifying potential funding sources, website development assistance, training curriculum development, staffing analyses) to support APD in implementing recommendations.
- Work with APD, community leaders, and the City of Albany to develop and release quarterly progress updates.

**Recommendation 61.1: The City of Albany and APD should engage an independent audit firm to track and monitor progress towards implementing the recommendations in this report.**

# Appendix A: Acronyms

Acronym	Definition
APD	Albany Police Department
BWC	Body-worn camera
CIT	Crisis Intervention Team
COPS Office	Office of Community Oriented Policing Services
CPRB	Community Policing Review Board
CRU	Community Response Unit
EST	Emergency Services Team
GO	General Order
G.R.E.A.T.	Gang Resistance Education and Training
LEAD	Law Enforcement Assisted Diversion
NASRO	National Association of School Resource Officers
NEU	Neighborhood Engagement Unit
PEWS	Personnel Early Warning System
PINS	Persons in Need of Supervision
SARA	Scanning, Analysis, Response, and Assessment
SBIRT	Screening, Brief Intervention and Referral to Treatment
SNPPI	Safer Neighborhoods Through Precision Policing Initiative
SRO	School Resources Officer
TRaC	To Reach and Connect

# Appendix B: Resources

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Throughout the report, the audit team suggested various supplemental resources to aid the APD in understanding and implementing recommendations. Each of the resources listed are broken down and categorized by sections with their accompanying recommendation. Please note that this list of resources that APD should use in understanding and implementing each recommendation is not comprehensive.

## Patrol operations, deployments, and traffic stops

**To support implementation of Recommendation 1.1, the audit team recommends the following resource:**

Peer connection with the Maricopa County Sheriff's Office.

**To support implementation of Recommendation 2.1, the audit team recommends the following resources:**

Bryant, K. M., Collins, G. M., & White, M. D. (2015). *Shawnee, Kansas, Smart Policing Initiative*. Washington, DC: Bureau of Justice Assistance, Smart Policing Initiative.

Bryant, K. M., Collins, G., & Villa, J. (2014). *An evaluation of data-driven approaches to crime and traffic safety in Shawnee, Kansas: 2010-2013*. Washington, DC: Bureau of Justice Assistance, Smart Policing Initiative.

Peer connection with the Maricopa County Sheriff's Office.

Peer connection with the Kansas City, KS, Police Department regarding Project Addressing Crime Together (ACT).

**To support implementation of Recommendation 9.1, the audit team recommends the following resource:**

Peer connection with the Atlanta, GA, Police Department.

**To support implementation of Recommendations 10.1 and 10.2, the audit team recommends the following resources:**

Haug, S. (2020). Audits and compliance reviews can strengthen body-worn camera programs. Retrieved from <https://bwctta.com/resources/commentary/audits-and-compliance-reviews-can-strengthen-body-worn-camera-programs>

Wohl, E., Bryson, B., Carleton, B., & Thorkildsen, Z. (2020). Maricopa County Sheriff's Office traffic stops quarterly review: Supervisor review findings and recommendations. Phoenix, AZ: Maricopa County Sheriff's Office. Retrieved from <https://www.mcsobio.org/traffic-stop-data>

## Complaints and civil rights lawsuits

**To support implementation of Recommendations 12.1, 13.1, 18.1, 18.2, and 19.1, the audit team recommends the following resource:**

Office of Community Oriented Policing Services. (n.d.). Standards and guidelines for internal affairs: Recommendations from a community of practice. Washington, DC: US Department of Justice. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-p164-pub.pdf>

**To support implementation of Recommendations 15.1 and 15.2, the audit team recommends the following resources:**

Office of Community Oriented Policing Services. (n.d.). Standards and guidelines for internal affairs: Recommendations from a community of practice. Washington, DC: US Department of Justice. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-p164-pub.pdf>

Stephens, D. W. (2011). Police discipline: A case for change. Washington, DC: US Department of Justice, National Institute of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/234052.pdf>

**To support implementation of Recommendations 16.1, 16.2, and 16.3, the audit team recommends the following resources:**

Amendola, K. L., & Davis, R. C. (2019). Best practices in early intervention system implementation and use in law enforcement agencies. Arlington, VA: National Police Foundation. Retrieved from <https://www.policefoundation.org/publication/best-practices-in-early-intervention-system-implementation-and-use-in-law-enforcement-agencies/>

US Department of Justice. (2019). Law Enforcement Best Practices: Lessons Learned from the Field. Washington, DC: Office of Community Oriented Policing Services.

Walker, S. (2003). Early intervention systems for law enforcement agencies: A planning and management guide. Washington, DC: US Department of Justice, Office of Community Oriented Policing Services. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-w0085-pub.pdf>

Worden, R. E., Harris, C., & McLean, S. J. (2014). Risk assessment and risk management in policing. *Policing: An International Journal of Police Strategies & Management*.

Peer connection with the Los Angeles, CA, Police Department regarding their early intervention system, TEAMS II.

**To support implementation of Recommendation 19.3, the audit team recommends the following resources:**

Stephens, D. W., Scrivner, E., & Cambareri J. F. (2018). Civilian oversight of the police in major cities. Washington, DC: Office of Community Oriented Policing Services.

De Angelis, J., Rosenthal, R. S., & Buchner, B. (2016). *Civilian oversight of law enforcement: A review of the strengths and weaknesses of various models*. OJP Diagnostic Center.

## Use of force

**To support implementation of Recommendation 21.2, the audit team recommends the following resources:**

Police Executive Research Forum. (2016). Critical issues in policing series: Guiding principles on use of force. Washington, DC.

International Association of Chiefs of Police. (2017). National consensus policy and discussion paper on use of force. Alexandria, VA.

**To support implementation of Recommendation 23.1, the audit team recommends the following resource:**

Police Executive Research Forum. (2016). Critical issues in policing series: Guiding principles on use of force. Washington, DC.

## Community policing

**To support implementation of Recommendations 30.2 and 39.2, the audit team recommends the following resources:**

Ikerd, T., & Walker, S. (2010). *Making police reforms endure: The keys for success*. US Department of Justice, Office of Community Oriented Policing Services.

Diaz, A. (2019). Community policing: A patrol officer's perspective. Washington, DC: Office of Community Oriented Policing Services.

Santos, R. (2019). Community policing: A first-line supervisor's perspective. Washington, DC: Office of Community Oriented Policing Services.

**To support implementation of Recommendation 30.3, the audit team recommends the following resources:**

The Problem-Oriented Policing Center. "The SARA Model." Available online: <https://popcenter.asu.edu/content/sara-model-0>.

Eck, J. E. (2013). *Assessing responses to problems: An introductory guide for police problem solvers*. Washington, DC: Office of Community Oriented Policing Services.

**To support implementation of Recommendation 20.5, the audit team recommends the following resources:**

Peer connection to the West Memphis, AR Police Department

Peer connection to the Indianapolis, IN Police Department

**To support implementation of Recommendation 31.1, the audit team recommends the following resources:**

Office of Community Oriented Policing Services. (2014). Community policing defined. Washington, DC: US Department of Justice. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>

President's Task Force on 21st Century Policing. (2015). Final report of the President's Task Force on 21st Century Policing. Washington, DC: US Department of Justice, Office of Community Oriented Policing Services. Retrieved from [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

**To support implementation of Recommendation 35.1, the audit team recommends the following resources:**

National Association of School Resource Officers. (n.d.). Frequently asked questions. Retrieved from <https://www.nasro.org/faq/>

Office of Community Oriented Policing Services. (2019). School resource officers and school-based policing. Washington, DC: US Department of Justice. Retrieved from [https://cops.usdoj.gov/pdf/SRO\\_School\\_Policing\\_Factsheet.pdf](https://cops.usdoj.gov/pdf/SRO_School_Policing_Factsheet.pdf)

Office of Community Oriented Policing Services. (n.d.). Supporting safe schools. Retrieved from <https://cops.usdoj.gov/supportingsafeschools>

**To support implementation of Recommendations 34.1 and 34.2, the audit team recommends the following resources:**

International Association of Chiefs of Police. (n.d.). Community member feedback as an effective tool for building and maintaining trust. Retrieved from [https://www.theiacp.org/sites/default/files/243806\\_IACP\\_Community\\_Member\\_Feedback\\_p1.pdf](https://www.theiacp.org/sites/default/files/243806_IACP_Community_Member_Feedback_p1.pdf)

International Association of Chiefs of Police. (2015). IACP national policy summit on community-police relations: Advancing a culture of cohesion and community trust. Retrieved from [https://www.theiacp.org/sites/default/files/all/c/CommunityPoliceRelationsSummitReport\\_Jan15.pdf](https://www.theiacp.org/sites/default/files/all/c/CommunityPoliceRelationsSummitReport_Jan15.pdf)

Scott, W., & Lazar, D. (2018). Community policing strategic plans. *Police Chief Online*. Retrieved from <https://www.policechiefmagazine.org/community-policing-strategic-plan/>

Diaz, A. (2019). Community policing: A patrol officer's perspective. Washington, DC: Office of Community Oriented Policing Services. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-w0876-pub.pdf>

McClellan, S., & Gustafson, B. (2019). Police-community planning. *Police Chief Online*. Retrieved from <https://www.policechiefmagazine.org/police-community-planning/>

## Recruitment, hiring, and retention

**To support implementation of Recommendation 42.1, the audit team recommends the following resources:**

Office of Community Oriented Policing Services. (2009). Law enforcement recruitment toolkit. Washington, DC: US Department of Justice. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-p171-pub.pdf>

Violence Reduction Network. (2016). VRN webinar: Recruiting a diverse police department through digital outreach. Retrieved from <https://www.nationalpublicsafetypartnership.org/clearinghouse/Resource/370>

Copple, J. E. (2017). Law enforcement recruitment in the 21st century: Forum proceedings. Washington, DC: Office of Community Oriented Policing Services. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-w0830-pub.pdf>

Collaborative Reform Initiative Technical Assistance Center. (2020). Report out from Rhode Island regional roundtable on recruitment, hiring, and retention. Washington, DC: US Department of Justice. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-w0899-pub.pdf>

This report includes seven additional resources to help agencies address recruitment, hiring, and retention challenges. Please see the *Additional Resources* section on Page 5 of the above document.

Bradley, K. (2020). Recruiting and retaining officers in small and rural agencies. Washington, DC: Office of Community Oriented Policing Services. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-p426-pub.pdf>

Linow, E. (2018). More than public service: A field experiment on job advertisements and diversity in the police. *Journal of Public Administration Research and Theory*, 28(1), 67–85.

Police Executive Research Forum. (2019). The workforce crisis, and what police agencies are doing about it. Washington, DC.

Morison, K. P. 2017. Hiring for the 21st century law enforcement officer: Challenges, opportunities, and strategies for success. Washington, DC: Office of Community Oriented Policing Services.

Peer connection with the Denver, CO Police Department

Peer connection with the Arlington, TX Police Department

**To support the implementation of Recommendation 43.1, the audit team recommends the follow resources:**

Peer connection with the Swampscott, MA Police Department

Peer connection with the Burlington, MA Police Department

**To support the implementation of Recommendation 49.1, the audit team recommends the following resources:**

Bradley, K. D. (2020). Promoting positive coping strategies in law enforcement: Emerging issues and recommendations. Officer Safety and Wellness Group Meeting Summary. Washington, DC: Office of Community Oriented Policing Services.

Police Executive Research Forum. (2018). Building and sustaining an officer wellness program: Lessons from the San Diego Police Department. Washington, DC: Office of Community Oriented Policing Services.

Hill, J., Whitcomb, S., Patterson, P., Stephens, W. D., & Hill, B. (2014). Making officer safety and wellness priority one: A guide to educational campaigns. Washington, DC: Office of Community Oriented Policing Services.

Peer connection with the San Antonio, TX Police Department

## Oversight and accountability

**To support the implementation of Recommendation 51.1, the audit team recommends the following resources:**

Office of Community Oriented Policing Services grants: <https://cops.usdoj.gov/grants>

Bureau of Justice Assistance grants: <https://bja.ojp.gov/funding>

National Institute of Justice grants: <https://nij.ojp.gov/funding>

**To support the implementation of Recommendation 53.1, the audit team recommends the follow resources:**

Peer connection with the Lowell, MA, Police Department

Peer connection with the Los Angeles, CA Police Department

Peer connection with the Chicago, IL Police Department

Bond, B. J., & Gabriele, K. R. (2018). Research and planning units: An innovation instrument in the 21st-century police organization. *Criminal Justice Policy Review*, 29(1), 67–88.

## Training

No specific resources.

# Appendix C: Data Reviewed by Audit Team

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Type	Document
General Order	GO 1.1.00
General Order	GO 1.1.05
General Order	GO 1.1.10
General Order	GO 1.1.15
General Order	GO 1.1.20
General Order	GO 1.2.00
General Order	GO 1.2.05
General Order	GO 1.2.10
General Order	GO 1.2.15
General Order	GO 1.2.20
General Order	GO 1.2.25
General Order	GO 1.3.00
General Order	GO 1.3.05
General Order	GO 1.4.00
General Order	GO 1.5.00
General Order	GO 1.5.05
General Order	GO 2.2.10
General Order	GO 2.2.15
General Order	GO 2.2.20
General Order	GO 2.2.25
General Order	GO 2.3.00
General Order	GO 2.3.05
General Order	GO 2.3.10
General Order	GO 2.3.15
General Order	GO 2.3.20
General Order	GO 2.3.25
General Order	GO 2.3.30
General Order	GO 2.3.35
General Order	GO 2.3.40
General Order	GO 2.3.45
General Order	GO 2.3.55

Type	Document
General Order	GO 2.4.00
General Order	GO 2.4.05
General Order	GO 2.4.10
General Order	GO 2.4.15
General Order	GO 2.4.20
General Order	GO 2.5.00
General Order	GO 2.5.05
General Order	GO 2.5.10
General Order	GO 2.5.20
General Order	GO 2.6.05
General Order	GO 3.1.00
General Order	GO 3.1.05
General Order	GO 3.1.10
General Order	GO 3.1.15
General Order	GO 3.1.30
General Order	GO 3.1.30
General Order	GO 3.1.35
General Order	GO 3.1.60
General Order	GO 3.1.70
General Order	GO 3.2.00
General Order	GO 3.2.15
General Order	GO 3.3.00
General Order	GO 3.3.10
General Order	GO 3.3.30
General Order	GO 3.4.00
General Order	GO 3.4.05
General Order	GO 3.4.30
General Order	GO 3.5.00
General Order	GO 3.5.05
General Order	GO 3.6.00
General Order	GO 3.7.00
General Order	GO 3.8.00
General Order	GO 3.8.05
General Order	GO 3.8.20
General Order	GO 3.9.05
General Order	GO 3.9.15

Type	Document
General Order	GO 4.1.00
General Order	GO 4.1.05
General Order	GO 4.1.10
General Order	GO 4.1.15
General Order	GO 4.2.00
General Order	GO 4.2.05
General Order	GO 4.2.10
General Order	GO 4.2.15
General Order	GO 5.1.00
General Order	GO 5.1.05
General Order	GO 5.1.15
General Order	GO 5.1.20
General Order	GO 6.1.00
General Order	GO 6.1.05
General Order	GO 6.1.10
General Order	GO 6.1.15
General Order	GO 6.1.20
Training Information	Training Topics for Academy
Training Information	Training Topics for In-Service
Arrests Data	2015 - 2019
Calls For Service Data	2015 - 2019
Civil Rights Claims	2015-Present
Complaint Data	2015-2017, 2019
Personnel Data	All APD personnel, sworn and non-sworn
Traffic Stops Data	2015–2019
Use of Force Data	2015–2017, 2019

# Appendix D: Table of Findings and Recommendations

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The below table is a list of findings and recommendations noted in the report. Along with each finding, we have designated a suggested timeframe for APD to implement the recommendation(s). Each designation is defined as:

- Short-term: Implementation is to be completed within 3 months.
- Medium-term: Implementation is to be completed within 1 year.
- Long-term: Implementation is to be completed within 2 years.

Also included in the table is a designation of required resources to aid the APD in implementation of each recommendation. The categories are listed below.

- Funding
- Training
- Personnel
- Technology
- Research and analysis
- Policy
- Community outreach
- Organizational change

It is important to note that technology includes physical technology, software, and IT resources and refers to new purchases, changes, and upgrades.

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Finding No.	Finding	Recommendation	Suggested timeline	Required resources
1	APD does not collect race data for all traffic stops and does not include variables beyond date, time, address, age, sex, and sometimes race in their traffic stop databases.	<p>1.1 APD should revise their traffic stop data collection protocols to achieve the following objectives:</p> <ul style="list-style-type: none"> <li>• Consolidate all traffic stops into a single data system</li> <li>• Collect driver race data for all traffic stops, as it is collected for stops ending in warnings and arrests</li> <li>• Record stop start and end time</li> <li>• Record stop latitude and longitude</li> <li>• Record the reason for the stop in a closed response (dropdown menu) format</li> <li>• Record the reason for the citation or the arrest, as applicable, in a closed response (dropdown or checkbox menu) format</li> <li>• Record whether a search was performed during the stop, the type of search (e.g., consent search, search incident to arrest, search under plain view doctrine, inventory search during vehicle impoundment), and whether a seizure resulted from the search</li> </ul>	Medium-term	Technology
2	APD's traffic stop activity has decreased substantially in the last five years.	2.1 APD should assess why traffic stop activity has decreased by more than half in the past five years and ensure the department is being responsive to community concerns about traffic safety and enforcement.	Medium-term	Research and analysis
3	The majority of APD traffic stops result in a citation.	3.1 APD should review traffic stop policies and procedures and assess implementing an education-based approach to traffic enforcement that emphasizes warnings over citations.	Medium-term	Policy
4	APD's "other" call type category represents a substantial number of calls, and APD has 48 categories	4.1 APD should analyze calls categorized under the "other" category and determine whether these calls should have been included in existing categories and whether additional categories are needed to capture information from these calls.	Medium-term	Technology, Research and analysis

	with fewer than 100 calls over five years.	4.2 APD should consider whether relatively low use call types (representing less than 20 calls per year on average) could be consolidated with other call types, such as the "other" category.	Medium-term	Technology, Research and analysis
5	Community members have concerns about disparate arrests for quality of life issues and resisting arrest charges.	5.1 APD should review all incidents involving resisting arrest charges or allegations, including a thorough review of body-worn camera footage, with particular attention to potential racial disparities. If necessary, APD should issue additional guidance and training about the use of the resisting arrest charge to ensure it is being used correctly.	Medium-term	Research and analysis
		5.2 APD should review procedures on quality of life issues and ensure that no disparate actions are being taken against minority communities.	Medium-term	Research and analysis
6	Patrol officers are aware of policy related to high-risk stops (stops in which the officer knows or reasonably believes the driver or other vehicle occupants are armed and dangerous); however, some lack experience in these particular events..	6.1 APD should have patrol supervisors discuss high-risk stops on a regular basis at roll call to ensure that new and veteran officers are consistently receiving a refresher on protocol.	Short-term	Training
7	APD conducts evaluations when their Emergency Services Team (EST) is deployed.	7.1 APD should implement a system in which larger and more high-profile operations are evaluated by an outside evaluator who did not participate in the operation.	Long-term	Research and analysis, Funding
8	APD has fully deployed BWCs to patrol personnel and is in the process of deploying BWCs to detective personnel.	8.1 APD should continue its practices related to BWC use and activation for patrol and traffic safety personnel.	Not applicable	
		8.2 APD should roll out BWCs in the detective unit as efficiently and expeditiously as possible.	Short-term	Technology
9	No policy guidance covers how officers are to use the live stream feature on their BWCs.	9.1 APD should clearly state in General Order 3.2.15 Body Worn Cameras how and when the Axon View should be used for live streaming purposes.	Short-term	Policy

10	APD BWC policy lacks established compliance and auditing procedures.	10.1 The supervisory review of BWC footage should be a randomized process in which the supervisors are given the exact videos they are to review.	Short-term	Policy
		10.2 APD should consider adding language to their BWC policy stating that officers are to tag their videos immediately after a call before moving on to a future call.	Short-term	Policy
11	Towing and removing vehicles in the City that are abandoned are the sole responsibilities of a small unit.	11.1 APD should consider shifting duties to the traffic unit for the removal of abandoned/junk vehicles to ensure more time for the NEU beat officers to engage with their community.	Medium-term	Policy, Organizational change
12	APD personnel do not have a clear understanding of the complaint process.	12.1 APD should clearly define the process of informing department employees of complaints against them and their required actions and associated rights.	Medium-term	Training
		12.2 APD should clearly define the process for officers to deliver internal complaints when the complaint is within their chain of command.	Medium-term	Policy
13	APD would benefit from including additional fields in their complaint database to facilitate more detailed analysis of the complaint process and outcomes and allow the identification of potential disparities in complaint adjudication.	13.1 APD should add fields in the complaint database to indicate the allegation type, severity, and specific corrective action taken in response to sustained complaint allegations.	Medium-term	Technology
14	APD's policy on the investigation of complaints does not include definitions for "office case" and "satisfied" outcomes.	14.1 APD should revise General Order 2.4.05 to include definitions for the office case and satisfied outcomes.	Short-term	Policy
15	APD's policies for discipline are clearly described in its	15.1 APD should develop a discipline matrix to ensure disciplinary decisions are fair and equitable for all personnel.	Medium-term	Policy

	General Orders, include detailed processes and procedures, and include non-punitive options, progressive disciplinary consequences, and an appeals process. However, APD does not include a disciplinary matrix in the policy.	15.2 APD should regularly analyze discipline decisions in comparison with presumptive discipline options in the matrix and determine whether disparities emerge with respect to discipline based on officer ethnicity, race, or gender.	Medium-term	Research and analysis
16	APD uses a Personnel Early Warning System (PEWS) to support employees using non-disciplinary referrals to incorporate positive correction actions to address performance issues before they become critical.	16.1 APD should review the current list of five indicators included in PEWS against best practices and peer agencies and consider expanding the list to include additional indicators that are less serious and may reflect stress and mental health early indicators, such as lateness or absenteeism and assaults or injuries on the job. During this review, APD should also consider consolidating or redefining indicators that overlap; for example, citizen complaints and use of force incidents that generate an internal affairs investigation and result in a single incident being counted twice.	Long-term	Policy, Research and analysis
		16.2 APD should review the current threshold values for each indicator against best practices, internal data, and peer agencies' methods for establishing thresholds.	Long-term	Policy, Research and analysis
		16.3 APD should evaluate the effectiveness of PEWS interventions by tracking employee performance on relevant indicators after the officer receives counseling, training, or other interventions. APD should consider the use of an external evaluator to perform this analysis and the possibility of publishing the results to contribute to the knowledge base in the field regarding early intervention system effectiveness.	Long-term	Research and analysis, Funding
17	APD policy does not specify who investigates allegations of biased policing.	17.1 In General Order 2.4.00 Office of Professional Standards: Duties and Responsibilities, consider adding a statement under Section 1.B that Office of Professional Standards Detectives shall investigate allegations of biased policing.	Short-term	Policy, Personnel

18	Complaints submitted by community members and external parties go through many stages throughout the investigations process.	18.1 APD should review and revise the procedures for intake, investigation, and disposition of community complaints to streamline the process.	Medium-term	Policy
		18.2 APD should publicize the complaint process widely so that the community is fully informed about how complaints are handled.	Medium-term	Community outreach
19	Community members are mistrustful of the APD complaint process.	19.1 APD should work with community leaders to revise the community complaint process to foster an environment in which community members feel safe filing a complaint and know that they will receive regular updates as well as notice of the final disposition of the complaint.	Medium-term	Community outreach
		19.2 APD should follow up on "office case" and "satisfied" dispositions carefully to ensure that the community member who submitted the complaint is notified of that disposition and its definition, and does not expect further action.	Medium-term	Policy, Community outreach
		19.3 The City of Albany should review the roles, responsibilities, and authority of the CPRB, including considering the implementation of independent investigative authority and associated powers.	Medium-term	Policy
20	All personnel should exhibit professional behavior at all times.	20.1 Change the language in General Order 2.2.15 Harassment in the Workplace to remove the requirement that a co-worker must be present.	Short-term	Policy
21	APD's Use of Force Core Principles lacks specificity on whether force is justified when an officer or bystander's life could be in danger.	21.1 APD should consider revising General Order 1.3.00 Use of Force – Lethal Weapons with the following changes: <ul style="list-style-type: none"> <li>• Under Section I.A.1.a, "The suspect is acting or threatening to cause death or serious physical injury to the officer or others."</li> <li>• Under Section I.A.1.a, "The suspect has the means or instrumentalities to injure an officer or others."</li> <li>• Under Section I.A.1.a, "The suspect has the opportunity and ability to use the means of instrumentalities to cause death or serious physical injury."</li> </ul>	Short-term	Policy

		<ul style="list-style-type: none"> <li>Under Section I.A.b.i, "Felony offense involving the infliction of serious physical injury or death."</li> <li>Add language to Section I.A.c to include the suspect threatening to cause death or serious injury to the officer or others, with the means to do so.</li> </ul>		
		21.2: APD should review General Order 1.3.00 Use of Force – Lethal Weapons to ensure it is clear when deadly force is authorized and to specify it is prohibited in all other circumstances.	Short-term	Policy
22	APD's current policies allow for the use of orthochlorobenzal malononitrile (CS gas) in response to unlawful assembly and for the purposes of crowd dispersal, with approval from the incident commander overseeing response, after an audible warning of intended use, and with Emergency Medical Services on-site.	22.1 APD should review and revise their policy on the use of CS gas in response to unlawful assembly and for crowd dispersal purposes to align with emerging recommended practices regarding maintaining community trust during protest events. At a minimum, APD should expand this section of policy to clearly enumerate the specific circumstances in which CS gas can or cannot be used for these purposes.	Short-term	Policy
		22.2 APD should ensure that all officers and incidents are compliant with current policy regarding the use of CS gas, particularly related to required notification, presence of Emergency Medical Services, and disposal of expired CS gas canisters.	Short-term	Training, Research and analysis
23	APD's policies on use of force do not currently include an explicit sanctity of life statement.	23.1 APD should revise GO 1.3.00 Use of Force – Less Lethal Weapons and 1.3.05 Use of Force – Lethal Weapons to include a sanctity of life statement presented clearly under such a header at the beginning of the policy.	Short-term	Policy
24	APD does not publish annual reports on their use of force incidents.	24.1 APD should produce a summary report annually on the use of force within the department that is publicly available to the entire City of Albany, New York.	Medium-term	Research and analysis, Community outreach
		24.2 APD should revise General Order 1.3.05 Use of Force – Lethal Weapons, section V.A. to include language stating that a summary report for the public on use of force incidents will be available on an annual basis.	Medium-term	Policy

25	APD codes use of force incidents so that the specific combination of incident, involved officer, type of force, incident of force, and involved community member can be discerned from standardized data fields.	25.1 APD should maintain its practice of documenting use of force incidents at the level of the incident plus the involved officer plus the involved community member.	Not applicable	
26	APD codes only one assessment of community member mental status for use of force incidents, even for incidents involving multiple community members.	26.1 APD should assess each involved community member's mental status individually using current policy for making these assessments and note each separately in the use of force report.	Medium-term	Training, Technology
27	APD includes an "other" category for use of force type.	27.1 APD should review use of force incidences coded as "other," including interviewing involved officers for clarification if necessary, and add new use of force type categories necessary to eliminate the "other" category.	Long-term	Research and analysis, Technology
28	Some use of force incident narratives are difficult to understand because of vague pronoun references, use of first person, and the lack of officer status designation in the APD use of force database.	28.1 APD should establish guidance for officers writing use of force incident reports, including avoiding the use of pronouns (he or she) in favor of names and eliminating the use of first-person narratives.	Medium-term	Training
		28.2 APD should implement a field in the use of force database to designate each officer by their status as related to the use of force (e.g., involved officer vs. witness).	Medium-term	Technology
29	For use of force incidents in which multiple officers are on the scene, APD's current policy is for a single officer to submit an incident narrative, with other officers on the	29.1 APD should revisit its policy of requiring only a single use of force incident narrative submission and consider requiring each officer who used force during the incident to submit an independently generated narrative. Officers involved in the incident as witnesses should co-sign these narratives to indicate they reflect the incident accurately.	Short-term	Policy

	scene co-signing that narrative.			
30	Since 2009, the APD has committed to a community policing and engagement philosophy and culture. However, this commitment is not present throughout the agency, and the community does not feel APD genuinely connects with community members in a substantive manner. There is a clear disconnect between APD's intentions, policy, and leadership and the experience of the community.	<p>30.1 APD should ensure adequate staffing to prioritize officers' attendance at community engagement activities.</p> <p>30.2 APD should move towards a philosophy on community policing and engagement that is encouraged and embraced by all department personnel, rather than being conducted only by the NEU.</p> <p>30.3 APD should continue current community policing and engagement efforts with an emphasis on coordinating and prioritizing proactive problem-solving for quality of life issues. APD should ensure officers are trained in and actively implement the SARA model regularly as part of their engagement with the community.</p> <p>30.4 APD should increase community policing and engagement training for the entire department. APD should use a combination of in-house and outside contractors to ensure a wide sample of best practices.</p> <p>30.5 APD should develop new community policing strategies beyond pop-up cookouts, Coffee with a Cop, etc., offering a more formal presence in the community to create rapport with the community. These new efforts should be intertwined with community leaders' efforts to create a collaborative working environment.</p>	<p>Long-term</p> <p>Long-term</p> <p>Medium-term</p> <p>Medium-term</p> <p>Medium-term</p>	<p>Personnel</p> <p>Training</p> <p>Training</p> <p>Training, Funding</p> <p>Community outreach</p>
31	APD's Vision, Mission, and Core Values, as documented in General Order 1.1.00, do not include an explicit commitment to community policing.	31.1 APD should incorporate community policing philosophy and associated principles explicitly into their Vision, Mission, and Core Values.	Short-term	Policy
32	APD has a strong commitment to recognizing officers for outstanding achievements.	32.1 APD should continue giving out these two achievement awards to continue working towards positive engagements with the community.	Not applicable	

33	The community is under the impression that the NEU is understaffed and has been reduced in staffing and resources recently.	33.1 When staffing levels allow, APD should reassign officers back to the NEU to ensure the unit can fully reach all neighborhoods within the city and deploy NEU officers seven days a week.	Long-term	Personnel
		33.2 APD should consider combining NEU officers, SROs, and Community Service Officers into a combined unit that focuses on Community Policing and Engagement under the command of a senior leader and that incorporates non-sworn personnel such as case workers, outreach personnel, and victims' advocates. This would provide a pool of officers and additional staff for engagement activities and allow increased assignments outside of the Monday through Friday day shift.	Long-term	Personnel, Organizational change
34	The selection process for officers assigned to the NEU lacks a formal structure.	34.1 APD should explore changing the NEU selection process (within the requirements of the collective bargaining agreement) to include community member input, since community members best understand what characteristics they would like to see in their assigned NEU officers.	Medium-term	Personnel, Community outreach
		34.2 APD should review officers currently assigned to the NEU to ensure that all exhibit a clear community orientation and a problem-solving attitude, and are endorsed by the community members they serve.	Short-term	Personnel
35	APD assigns SROs to the local school district, but this program is under-resourced. Stated SRO roles, per policy, do not include counseling and mentoring or emergency planning and critical incident response.	35.1 APD should ensure that GO 1.2.10 Diversion Programs and other SRO guidance are updated to reflect SROs' commitment to community policing, youth engagement, and recruiting, and to acknowledge SROs' role in emergency planning and critical incidents.	Short-term	Policy
		35.2 APD should develop a plan to expand, over time, the number of SROs to meet NASRO's recommended officer-to-student ratio in served schools.	Long-term	Personnel
		35.3 APD should reconfigure the assignments of officers to assign them according to geographic areas so that some officers can serve multiple schools.	Medium-term	Personnel

36	SROs do not contribute to the "school-to-prison" pipeline.	36.1 APD should continue to encourage SROs to develop innovative programs to encourage positive student behavior and to minimize their contribution to the school-to-prison pipeline.	Medium-term	Personnel
37	APD engages in formal youth engagement programs and activities but would benefit from gathering community input on the effectiveness of these programs and engaging in informal youth engagement outside of official programs.	37.1 APD should maintain and, in some cases, revitalize existing youth engagement programs, based on community input.	Short-term	Personnel
		37.2 APD should develop policies to support officers engaging informally with youth, including opportunities out of uniform and in venues naturally used by youth in the community, such as after-school community center recreation programs.	Medium-term	Policy, Personnel
38	Current LEAD policies and procedures leave the decision to refer eligible individuals to LEAD at the officer's discretion.	38.1 APD officers should refer all individuals meeting the eligibility criteria and not falling in an exclusion category to LEAD.	Short-term	Policy
		38.2: APD should collect data about LEAD referrals and non-referrals and regularly analyze this data to understand the reasons for non-referrals and the impact of specific exclusion criteria, particularly the criteria that the complainant is willing to decline prosecution.	Medium-term	Research and analysis
39	Patrol officers recently started conducting 20 minutes of foot patrol on each shift.	39.1 In General Order 3.1.00 Patrol Function under section II, APD should add letter D. A 20-minute foot patrol is required on each shift, as permitted, to engage with the community and strengthen relationships.	Short-term	Policy
		39.2 APD must increase buy-in from officers about this patrol activity to ensure that officers are interacting with the community in a positive way.	Short-term	Personnel, Training
40	APD has a clear explanation of the difference between protests and civil disturbances and demonstrates a strong emphasis on connecting with leaders of groups planning these events.	40.1 APD should add language to General Order 3.9.05 Pre-planned/High Risk Situations section IV.C.2.a that personnel shall attempt to ascertain the identity of leaders of the protests or civil disturbances.	Short-term	Policy
		40.2 APD should add language to General Order 3.9.05 section IV.C.2.a that states, "Supervisor shall attempt to open lines of communication with the leader of the group to ensure it remains a	Short-term	Policy

		peaceful protest." APD should make this change in section III for high-risk situations as well.		
41	APD has a website embedded within the City of Albany's landing site; however, APD would benefit from a more modern website.	41.1 Depending on IT infrastructure, APD should consider creating its own website. If this is not possible, APD should reconstruct the current landing page on the City of Albany's site.	Long-term	Technology
		41.2 APD should make the following website content changes: <ul style="list-style-type: none"> <li>• On the home page, move the mission and vision to the very top to ensure it is the first information that community members see when they visit the website.</li> <li>• Under the Administration landing page, APD should include a current organizational chart with names and positions.</li> <li>• Add information about the complaint process, preferably including the option to submit complaints online or via a digital form sent by email.</li> <li>• Add pages to host publicly released reports, such as annual use of force reports, complaint analysis, etc., so they are easily accessible to the public.</li> </ul>	Medium-term	Technology
		41.3 APD should review all data and information on the website and ensure it is up to date and reflects current practices.	Short-term	Technology
		41.4: APD should make all General Orders available on their website publicly.	Short-term	Technology
42	APD maintains a documented recruitment plan for full-time sworn personnel, which includes a focus on recruiting individuals from underrepresented demographics and a goal for APD personnel demographics to reflect the community.	42.1 APD should continue to maintain and regularly update their strategic plan for recruitment, with particular attention to the effectiveness of its recruiting strategies.	Medium-term	Research and analysis
		42.2 APD should develop a similar recruitment plan for full-time non-sworn personnel.	Medium-term	Policy
		42.3 APD should develop a publicly releasable version of the annual recruitment plan analysis and make this report available to the community.	Medium-term	Community outreach
43	Though APD's recruitment plan emphasizes recruiting	43.1 The City of Albany should explore options locally and at the state level to implement a diversity preference for hiring, including	Long-term	Policy

	members of racial or ethnic minority groups, personnel demographics do not reflect community demographics. This lack of representation may be partly due to disparities in the hiring process.	the possibility of moving away from the civil service hiring system and petitioning for a change in state legislation.		
		43.2 APD should implement a system or database to track applications and applicant progress through the hiring process and analyze this data annually to identify racial, ethnic, or gender-based disparities at each stage of the hiring process. If such disparities are identified, APD should investigate the root causes and, if possible, implement programs to ameliorate those disparities. In particular, community members expressed concerns about applicants from ethnic or racial minority groups failing to meet the physical fitness requirements at a disparate rate. APD could address this proactively by providing additional training or other options to prepare applicants for the test.	Short-term	Technology, Policy
		43.3 APD should disclose the diversity of the department to the public on an annual basis to promote transparency.	Medium-term	Community outreach
44	APD does not currently track data on promotion applications or applicants and promotion decisions in a formal system or database.	44.1 APD should establish a system to collect and retain data about the promotional process, including applicants, applicants' demographic information, relevant data considered for promotion decisions (e.g., Civil Service Exam results), and outcomes.	Short-term	Technology, Policy
		44.2 APD should analyze promotion data annually to identify racial, ethnic, or gender-based disparities in the promotion process. If such disparities exist, APD should investigate the root causes and, if possible, implement programs to ameliorate those disparities.	Medium-term	Research and analysis
45	Relationships between supervisors and their officers are very positive.	45.1 APD should continue working towards positive relationships between supervisors and officers, while looking for opportunities for daytime sergeants to interact more with their officers.	Not applicable	
		45.2 Supervisors should continue to routinely review officers' work and provide constructive feedback.	Not applicable	
46	APD's performance evaluation process for sworn and non-sworn personnel remains	46.1 As part of General Order 2.3.05 Performance Evaluations and Career Development, APD should institute a specific procedure for ensuring all employees receive evaluations	Medium-term	Policy

	unclear and does not currently operate according to policy.	annually (e.g., officers receive reviews on their date-of-hire anniversary or all performance evaluations take place at the end of the fiscal year) with a designated command officer responsible for auditing. This will ensure all employees receive a current evaluation. This policy should also address procedures for employees who changed supervisors shortly before performance evaluations take place.		
		46.2 APD should include a designated time period for evaluations of non-sworn full-time employees in General Order 2.3.05 Performance Evaluations and Career Development.	Medium-term	Policy
		46.3 On the Performance Evaluation Form, APD should include descriptions of all five choices (Outstanding, Excellent, Good, Needs Improvement, and Unsatisfactory) in the overall performance rating section.	Short-term	Policy
47	APD personnel are mistrustful of the promotional and specialty assignment process and feel it lacks transparency. This mistrust contributes to difficulty retaining sworn personnel.	47.1 APD should develop a completely transparent and open promotional process. If an interview board is used, a clear explanation of topics covered and evaluation criteria used should be posted in advance. Any selection that deviates from the current ranking should require a written explanation be supplied to the person(s) skipped over.	Medium-term	Personnel
		47.2 To avoid the appearance of favoritism, APD should consider delegating the oral interview component to a neutral law enforcement agency of similar demographics. Detail this change in General Order 2.3.10 Promotional Process in section I.F.3.a.	Long-term	Policy
		47.3 APD should develop a completely transparent and open specialty assignment process that is disseminated in advance. APD should post the ranking of candidates, and individual evaluations should be supplied to applicants. APD should update General Order 1.2.15 Specialized Assignments as necessary to reflect these procedures.	Medium-term	Personnel
		47.4 APD should consider announcing all openings that occur in specialized units, even if it is not required as part of the Collective Bargaining Agreement.	Short-term	Policy, Personnel

		47.5 If not already a standard practice, APD should engage in exit interviews with departing personnel. APD should analyze information gathered during exit interviews annually to ascertain whether recurring themes are present in personnel departures, and whether these can be addressed.	Short-term	Policy, Personnel
48	APD offers educational reimbursements for post-secondary educational expenses to eligible personnel.	48.1 APD should continue to offer educational reimbursements for post-secondary educational expenses.	Not applicable	
		48.2 APD should investigate the possibility of revising the Collective Bargaining Agreement to indicate that the educational assistance program can be used to assist employees in obtaining a degree.	Long-term	Policy
49	Officers are concerned about their safety and wellness.	49.1 APD should review its health and wellness offerings and update them, as required.	Medium-term	Policy
		49.2 APD should ensure that all employees are aware of the health and wellness offerings provided by the department, including the Employee Assistance Program.	Medium-term	Personnel
		49.3 In General Order 2.3.30 Employee Fitness and Wellness Program, APD should revise policy in section II.C to allow employees to access the wellness facility at times other than just their meal period.	Medium-term	Policy
50	Several APD General Orders require annual analyses of data on internal affairs investigations, use of force, recruitment, allegations of biased policing, and others.	50.1 APD should update all relevant policies to incorporate public release of results (in whole or part) from these annual analyses.	Long-term	Policy, Community outreach
		50.2 APD should ensure that these reports are posted and maintained on the APD website so they are readily accessible to the public.	Long-term	Community outreach
		50.3 Internal Affairs Reports and annual summaries should include breakdown analysis by race, when available.	Medium-term	Policy
51	APD leads or is involved in a number of programs and policing strategies covering a range of issues such as	51.1 The City of Albany and APD should coordinate to budget for external evaluations of some or all of these programs, through City budget allocations or through grant applications to state or federal funders, such as the Department of Justice (DOJ), Office	Long-term	Funding

	community engagement, diversion, mental health, homelessness, drug abuse, and delinquency prevention. However, there is limited evidence regarding the effectiveness of these programs in Albany.	of Justice Programs (OJP), BJA, National Institute of Justice (NIJ), or COPS.		
		51.2 The City of Albany and APD should coordinate with community leaders to gain community input on each program. Community members should continue playing an important role in the evaluation and review of these programs annually.	Medium-term	Research and analysis
52	Communication with officers after changes to General Orders, Special Orders, and Training Bulletins could be improved.	52.1 APD should enforce required roll-call trainings after updates to General Orders, Special Orders, and Training Bulletins to ensure that the mission behind the change is properly communicated to all officers in the department.	Medium-term	Training
53	APD currently assigns research, development, and strategic planning responsibilities to the Training Unit.	53.1 APD should consider establishing a dedicated Research and Planning Unit, staffed by sworn and non-sworn personnel, rather than incorporating these responsibilities into the Training Unit.	Long-term	Organizational change
54	The City of Albany is prohibited by New York State law from mandating a residency requirement for public safety personnel. The City does require that applicants to APD reside in the City in order to be hired, but APD does not have a residency requirement for officers and personnel to reside in the City of Albany after they are hired.	54.1 APD should review their personnel requirements to determine the feasibility of requiring that sworn officers reside in the City of Albany, including considerations related to the collective bargaining agreement.	Medium-term	Personnel, Policy
		54.2: APD should review its residency incentives and determine if they could be increased or improved.	Medium-term	Policy
55	The Community Policing Review Board and other	55.1 APD, along with the Mayor and the Common Council, should review past recommendations provided by CPRB and	Short-term	Research and analysis,

	community organizations have submitted formal reports and lists of recommendations to APD and the City of Albany in the past.	other groups and provide a formal response detailing anticipated action (or lack thereof) for each recommendation.		Community outreach
		55.2 APD, along with the Mayor and the Common Council, should institute policies that all recommendations provided in good faith from community organizations should receive a formal response, including an explanation of what actions will be taken in response to recommendations; if not all recommendations are to be implemented, an explanation should be provided.	Short-term	Policy, Community outreach
56	APD provides new supervisors with both classroom and field training within one year of promotion.	56.1 APD should continue to offer newly promoted supervisors classroom and field training and should regularly revisit the topics covered in the classroom training to ensure they reflect current departmental needs.	Not applicable	
		56.2 Revise General Order 1.1.15 Planning and Research in section IV.D to state that succession planning shall occur through formal training between supervisors, in-service trainings, and meetings rather than through informal training.	Medium-term	Policy, Personnel, Training
		56.3 Revise General Order 4.1.05 Training: Organization and Functions in section III to ensure that new sergeants receive training on effective completion of performance evaluations.	Medium-term	Policy, Personnel, Training
57	Current training does not emphasize police racial relations and understanding.	57.1 APD should prioritize the following topics for upcoming in-service training: implicit and racial bias, cultural sensitivity, and concepts of constitutional policing. APD should involve minority communities in the development of training curriculum.	Long-term	Training
		57.2 APD should develop in-person scenario-based training for use of force and de-escalation.	Long-term	Training
		57.3 APD should enforce the policy in General Order 3.1.35 Emotionally Disturbed Persons to ensure that refresher mental health training is occurring on an annual basis and instate auditing mechanisms to ensure future compliance.	Medium-term	Training, Policy
		57.4 Revise General Order 4.1.05 Training: Organization and Functions section IV to state that all employees of the APD, including non-sworn personnel, should receive at least the following instruction:	Medium-term	Policy

		<ul style="list-style-type: none"> <li>• Racial bias in policing</li> <li>• Cultural sensitivity</li> </ul>		
58	APD maintains an active Crisis Intervention Team program.	<p>58.1 APD should maintain language in General Order 3.1.25 Missing Persons emphasizing that CIT trained officers and incidents involving CIT deployment may require additional time completing the call for service, including time spent referring individuals to services.</p> <p>58.2 APD should conduct an annual analysis of CIT resources and needs, based on calls for service, CIT personnel deployments, shift coverage, and other relevant factors. APD should use the results of this analysis to establish the need to recruit and train additional CIT officers, in order to ensure there is full-time CIT coverage at sufficient levels to respond to all necessary calls.</p>	Not applicable	
59	APD relies on an online platform (PowerDMS) for most trainings.	<p>59.1 APD should hold in-person training every two years for the following training topics:</p> <ul style="list-style-type: none"> <li>• Procedural Justice</li> <li>• Implicit Bias</li> <li>• Cultural Diversity</li> </ul>	Long-term	Training
60	APD's Academy training does not appear to include training on community-oriented policing or collaborative community problem-solving, and it includes only a short unit on procedural justice, though it does include a strong focus on bias and diversity.	<p>60.1 APD should review the allocation of topics and time in the Academy training to ensure that all officers are trained in community-oriented policing practices and strategies for collaborative community problem-solving including the SARA model, and that they emphasize procedural justice in all aspects of their work.</p> <p>60.2 APD should maintain or increase the time spent on the topics of cultural diversity, implicit bias, and history of racism.</p>	Long-term	Training
61	An independent, objective, and ongoing assessment of APD's progress towards the recommendations in this report will be crucial to the	61.1 The City of Albany and APD should engage an independent audit firm to track and monitor progress towards implementing the recommendations in this report.	Short-term	Funding

	implementation and sustainment of the proposed changes.			
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