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RESOLUTION NO. 2021-100

**A RESOLUTION OF THE ALBANY CITY COUNCIL ESTABLISHING
AN ALBANY POLICING COMMISSION**

WHEREAS, democratic government depends upon checks, balances, and public accountability; and

WHEREAS, the government of the City of Albany includes citizen advisory bodies appointed by the Albany City Council (“the City Council”) to recommend policies and practices in a wide range of areas, including parks, planning, transportation, and zoning; and

WHEREAS, no advisory body currently exists pertaining to policing in Albany; and

WHEREAS, the City Council created the Community Task Force on Policing (“the Task Force”) on November 16, 2020 and charged it with examining “policy and practices especially those that have negatively impacted community members and relationships to include data collection to identify key racial equity challenges to prioritize;” researching “best practices in other jurisdictions and examine possible alternatives;” defining “communication pathways of various stakeholders to include community input as well as progress of the work;” and ensuring “an environment where members of the public feel safe calling on and interacting with the police”; and

WHEREAS, the Task Force reviewed information on other jurisdictions’ measures in these regards and received a report from a subject matter expert; and

WHEREAS, the Task Force found trust in policing depends upon the community’s access to information about policing, being treated with basic human dignity and respect when engaging with police officers, ability to request and receive all legally public data in a timely

1 manner, generally within 30 days, and being able to make statements, observations or
2 complaints that will be taken seriously and addressed promptly; and
3

4 **WHEREAS**, the Task Force found mistrust of and misinformation about policing in a
5 jurisdiction can spread in the absence of mechanisms for education, communication, and
6 redress; and
7

8 **WHEREAS**, the Task Force recommended the City Council establish a public safety
9 accountability commission to provide such a mechanism.
10

11 **NOW THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby
12 establishes the Albany Policing Commission (“the Commission”) to carry out the charges
13 further outlined in this resolution, with any aspects subject to meet and confer with the Albany
14 Peace Officers Association as determined by the City Attorney in abeyance until agreement is
15 reached; and
16

17 **BE IT FURTHER RESOLVED**, that the Commission shall be comprised of seven (7)
18 members, with one (1) appointment made by each City Council member, subject to ratification
19 of the City Council, and two (2) appointments made by the Albany School Board and that
20 School Board appointments need not be residents of Albany; and
21

22 **BE IT FURTHER RESOLVED**, that the Commission shall receive all legally public
23 complaints and associated data from the Albany Police Department (“the Department”) in a
24 timely manner, generally not to exceed 30 days, review such material, determine whether to
25 recommend referral of such complaints to an outside consultant recommended by the
26 Commission for investigation consistent with California law and independent of Albany Police
27 Internal Affairs and the Chief of Police and recommend discipline if warranted, receive and
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29

1 review the consultant’s report, and determine whether to refer the issue to the City Council for
2 its consideration and possible action; and

3
4 **BE IT FURTHER RESOLVED**, that the Commission shall be able to request and
5 receive from the Department in a timely manner, generally not to exceed 30 days, all legally
6 public data on police stops, deployment of weapons, use of force, and other matters as desired
7 by the Commission and allowable under State law; and

8
9 **BE IT FURTHER RESOLVED**, that the Commission shall be able to request and
10 receive from the Department in a timely manner, generally not to exceed 30 days, legally
11 public information regarding Department demographics and performance; and

12
13 **BE IT FURTHER RESOLVED**, the Commission shall receive regular briefings on
14 the Department’s training and recruitment, policy changes, structure and budget in order to
15 make recommendations and report regularly to the City Council; and

16
17 **BE IT FURTHER RESOLVED**, that the Commission shall convey questions from
18 the public to the Department’s representative to be answered by a Department representative
19 at a subsequent meeting, and report to the City Council on any issues that might benefit from
20 City Council attention as allowed by law; and

21
22 **BE IT FURTHER RESOLVED**, the Commission should be generally reflective of
23 the community with focused efforts to encourage applications from groups that might be
24 most impacted by policing, to which end those interesting in serving on the Commission
25 should fill out applications similar to those submitted by applicants to the Task Force as such
26 would help the City Council make appropriate appointment decisions; and
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1 **BE IT FURTHER RESOLVED**, Commissioners should not have an immediate
2 family member (partner, parent, or child) who is an active Department officer or employee,
3 has been employed by the Department within the past five years, is an active-duty police
4 officer or sheriff's deputy in another department, or has direct business interests with
5 Department employees; and
6

7 **BE IT FURTHER RESOLVED**, that the Committee shall adhere to all established
8 policy and procedures as adopted by the City Council, and act in accordance with the Ralph
9 M. Brown Act, Government Code Section 54950 et seq; and
10

11 **BE IT FURTHER RESOLVED**, that the Council shall retain authority to modify the
12 composition, appointment process, scope, and/or transition or sunset the Commission if deemed
13 appropriate.
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18 _____
19 GE'NELL GARY, MBA - MAYOR
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City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2021-100

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 4th day of October, 2021, by the following votes:

AYES: Council Members Jordan, Nason, Tiedemann and Mayor Gary

NOES: Council Member McQuaid

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

5th day of October, 2021.

Anne Hsu
CITY CLERK