Urban Village by the Bay

ALBANY CALIFORNIA

CITY OF ALBANY
1000 SAN PABLO AVENUE
ALBANY, CA 94706
www.AlbanyCA.org

DATE: February 22, 2022

MEMORANDUM

To: Albany City Council

From: Community Task Force on Policing

Re: Public Safety Reform Initiative

RECOMMENDATION: CTFP recommends that the Albany City Council review the Public Safety Reform Initiative components outlined in this memo to incorporate Albany Police Safety Department.

BACKGROUND : The Albany, California City Council created the Community Task Force on Policing on November 16, 2020 and charged it to "examine policy and practices especially those that have negatively impacted community members and relationship to include data collection to identify key racial equity challenges to prioritize," "research best practices in other jurisdictions and examine possible alternatives," "define communication pathways of various stakeholders to include community input as well as progress of the work," and "ensure an environment where members of the public feel safe calling on and interacting with the police".

The City Council further charged the Community Task Force on Policing to "make recommendations of key action steps for the City Council to consider regarding community policing, public safety and community relations".

The Community Task Force on Policing has reviewed information on other jurisdictions' best practices and alternatives, including a report from a subject area expert. The City of Albany received 393 written, separate public comments from June 15 to August 4 of 2020 regarding policing, racism, and public safety, of which at least 100 were individual people providing a verifiable Albany address and specifically calling to defund the police and reallocate that money to re-invest in social programs.

The Mayor's Town Hall held on June 14, 2020 in response to the murder of George Floyd had over 100 attendees and received several verbal testimonies of police racism in Albany, including that Albany has a reputation as being a racist place where people of color are stopped, and Board of Education Trustee Brian Doss, a Black man, testifying to his experience in Albany being repeatedly pulled over by police at least 50 times, having the police called on him for things like requesting a refund for an incorrect pizza order or for jogging, and being asked if he even lived in Albany including while he was running for office.

The July 7, 2020, City Council meeting received 20 verbal public comments during the "Good of the City" calling for the defunding and structural reform of police, including one AUSD alum testifying that in 9th grade health class an Albany police officer told them he would not hesitate to use deadly force if he thought you had a gun.

The topic of police, racism, and public safety has therefore been remarked as receiving the highest level of engagement in recent memory by the public with the City of Albany, with most voices calling for a defunding of police, reallocating of funding to social programs, and restructuring of the police and their power.

The percentage of general funds and overall funds allocated to police have steadily increased over time both nationwide and in Albany, notwithstanding the fact that there is no correlation between an increased investment in policing and reductions in crime[1].

Lexipol, the policy company that Albany Police Department along with many others utilizes for daily reinforcement of policies and procedures, is focused on reducing police liability,[2] which is not synonymous with accountability, much less with the prevention of violence and harm or with the increase of public safety.

Models for reducing police functions already exist, and many involve partnerships with community groups and providers, such as the those in San Francisco,[3] Berkeley,[4] Austin, TX,[5] and elsewhere.

Police themselves agree that they are relied upon for too many functions, such as mental health crisis response, so that reducing their overall responsibilities will allow police to improve outcomes and efficiency[6] [7].

The original formation of police in the United States of America was in service of wealthy white property-owners to re-capture enslaved Black people[8] and to bust union organization,[9] largely modeled off of occupation forces in imperialist projects such as the Philippines[10]; the protection of private property

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[1] Bump, P. (2020, June 7). Analysis | Over the past 60 years, more spending on police hasn't necessarily meant less crime. Retrieved from https://www.washingtonpost.com/politics/2020/06/07/over-past-60-years-morespending-police-hasnt-necessarily-meant-less-crime/

[2] Morris, Scott, The Appeal, Police Policy for Sale (Feb. 13, 2019(https://theappeal.org/lexipol-police-policy-company/

[3] Willetts, M. (2020, June 12). No more police for non-criminal calls in San Francisco. Who will take their place? Retrieved from https://www.sacbee.com/article243500626.html

[4] https://www.eastbaytimes.com/2020/07/02/berkeley-city-council-approves-budget-with-9-2-million-in-police-cuts/

[5] In Austin, Texas, the City Council voted to cut over $20 million from the police department's budget to open a family violence shelter and fund violence prevention programs, housing services, substance use and mental healthcare services.

and the status quo has remained the core function of the police,[11] courts have repeatedly ruled that the police have no obligation to protect the members of the public from stalking, violence, murder, or other harm[12].

The model of "community policing" historically, allows police to embed themselves at will in any program or service they wish, thereby increasing surveillance and likelihood of contact with police, while failing to reduce risk of police brutality[13].

Trainings on unconscious or implicit bias, as well as trainings on topics like appropriate response to mental health crisis, have never been demonstrated to be effective[14].

Body cameras are insufficient to reduce excessive force[15].Banning chokeholds is insufficient to reduce excessive force[16].Armed police pose a significant danger to people experiencing mental health crises: in 2015, at least 1 in 4 victims of fatal killings by police in the United States were adults with mental illness[17].

Experts have concluded the best way to decrease police violence against autistic people is to minimize interactions between police and autistic people altogether[18]. Racial disparities persist at every step in the criminal justice process,[19] with black people being more likely to be stopped by police,[20] arrested,[21] charged,[22] wrongly convicted,[23] as well as receive harsher criminal sentences.[24]

DISCUSSION

The Community Task Force on Policing asks Council to implement the following changes in service of reducing unsought police contact with the public, re-investing in the community and unbundling police functions:

1. Crisis Response Team

   a. The City shall create a Crisis Response Team within the Fire Department.

   b. The Crisis Response Team shall be unarmed.

c. The Crisis Response Team shall specialize in handling housing, mental, and behavioral health emergencies.

2. 911 Call Center

   a. Fire Department employee clinical experts will staff the call center, funneling calls to either the police department, fire department, EMS, or the Crisis Response Team based on predetermined risk-based criteria. The Crisis Response Team staff will have to undergo training.

3. Community Outreach

   a. All Neighborhood Educational Presentations, bicycle safety, child car seat safety, youth services, and other "community outreach/engagement" programs shall be conducted by unarmed city personnel.

4. End Criminalization of Poverty & Unjust Laws:

   a. Repeal or at minimum fully stop enforcement of laws criminalizing homelessness and poverty.

5. Programming/ Accountability: Remove the Chief of Albany Police's discretion to create and implement programming without approval. Require submission of detailed proposals to the City Council on the agenda with room for public comment, and directly elicit recommendations from the Social & Economic Justice Commission for insight into possible negative repercussions such as increased unsought police contact.

   a. End and prohibit subscription to Lexipol and other one-size-fits-all policing policies.

   b. Request that Albany Unified School District and all Albany schools, both public and private, end programs that bring police officers into the schools, and do everything within their power to protect undocumented students and families and to safeguard their information and prevent it from being shared with from police, including ICE (Immigration and Customs Enforcement).

   c. Campaigning: Prevent candidates for City Council from accepting funding from police unions or organizations.

   d. Suspicious person calls: Track and periodically publish reports of "suspicious person" calls, demographics involved--particularly race--and actions taken.

   e. Body Cameras:

      i. Revoke officer discretion to turn cameras off

       ii.   Require footage be stored externally where district attorneys and civilian oversight structures (such as Public Safety Accountability Commission) have direct access.

       iii.   Prevent officers from reviewing footage of an officer-involved shooting before completing initial reports, statements, or interviews about the incident.

       iv.   Prohibit use of footage in tandem with facial recognition software, as filler in photo arrays, or to create a database or pool of mugshots.

6. Invest in Community:

    a. The current proposed police budget for 2022 should be reduced by an amount of 25% or greater and funding of community programs and nonpolice city agencies, including the newly formed Crisis Response Team, will be increased by a commensurate amount. Any future budget increase will only be permitted to reflect population growth or inflation.

    b. Budgetary transparency should be fully maximized.

7. <u>Implementation</u>:

Create a <u>Public Safety Reform Implementation Committee</u> with a specific charge of implementing these Task Force recommendations. Members of the Implementation Committee should be appointed by the Oversight Commission created by Council.

SUSTAINABILITY CONSIDERATIONS

The City of Albany and the Albany Police Department to assist in the formation of strategies for community policing and for increasing public engagement and awareness, and for advising Council on budget and policy. It is critical to boldly engage in transparency efforts maintained by the Police. This committee is intended to provide a forum for discussions concerning community issues related to law enforcement activities.

SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS:

Understanding the inequalities of the organization and being truly committed to allowing diverse groups to assist in addressing fairness issues will become a lifeline and model for Community Cohesiveness. Stating this observation boldly; The removal of mechanisms that promote divisiveness and the establishment of cohesion is key to improving Police Services and better Community Engagement. Different relationships formed with our diverse community only produces a greater overall asset to the community.

CITY COUNCIL STRATEGIC PLAN INITIATIVES:
The City Council Strategic plan initiatives "Engage Our Diverse Community" speaks to creating mechanisms for two-way communication regarding equity and inclusivity. The Public Safety Reform initiative will increase transparency and encourage stronger relationships within the community.

<u>FINANCIAL CONSIDERATIONS:</u> The established committee will work with staff on the budget to review and implement changes if needed.