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RESOLUTION NO. 2022-31

**A RESOLUTION OF THE ALBANY CITY COUNCIL AMENDING
RESOLUTION NO. 2021-100
ESTABLISHING 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 manner, generally

1 within 30 days, and being able to make statements, observations or complaints that will be taken
2 seriously and addressed promptly; and
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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 redress;
6 and
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8 **WHEREAS**, the Task Force recommended the City Council establish a public safety
9 accountability commission to provide such a mechanism.
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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 further
13 outlined in this resolution, with any aspects subject to meet and confer with the Albany Peace Officers
14 Association as determined by the City Attorney in abeyance until agreement is reached; and
15

16 **BE IT FURTHER RESOLVED**, that the Commission shall be comprised of seven (7)
17 members, with one (1) appointment who shall be residents of the City of Albany made by each City
18 Council member subject to ratification of the City Council, and two (2) appointments made by the
19 Albany School Board subject to ratification of the City Council and that School Board appointments
20 need not be residents of Albany. These appointments shall be in accordance with Section 3.23 of
21 the Albany City Charter; and
22

23 **BE IT FURTHER RESOLVED**, that the Commission shall meet on a monthly basis
24 except for the August recess period, and meetings may be cancelled or rescheduled for lack of
25 quorum or other reasonable cause; and
26

27 **BE IT FURTHER RESOLVED**, that the Commission shall receive all legally public
28 complaints from the Albany Police Department (“the Department”) in a timely manner, generally
29

1 not to exceed 30 days, review such material, request additional, legally public associated data,
2 and determine whether to recommend that such complaints be referred to an outside consultant
3 for investigation consistent with California law and independent of Albany Police Internal
4 Affairs; such recommendation will be reviewed by the City Manager, in consultation with the
5 Chief of Police and City Attorney, and put before the City Council for determination as to
6 whether the City Manager should hire an outside consultant for an investigation; and
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9 **BE IT FURTHER RESOLVED**, that the Commission shall be able to request and receive
10 from the Department in a timely manner, generally not to exceed 30 days, all legally public data on
11 police stops, deployment of weapons, use of force, and other matters as desired by the Commission
12 and allowable under State law; and
13

14 **BE IT FURTHER RESOLVED**, that the Commission shall be able to request and receive
15 from the Department in a timely manner, generally not to exceed 30 days, legally public information
16 regarding Department demographics and performance, which reports shall not contain specific
17 information regarding any individually-identifiable Department employee; and
18

19 **BE IT FURTHER RESOLVED**, the Commission shall receive regular briefings on the
20 Department's training and recruitment, policy changes, structure and budget in order to make policy
21 recommendations and report regularly to the City Council; and
22

23 **BE IT FURTHER RESOLVED**, that the Commission shall convey questions from the
24 public to the Department's representative to be answered by a Department representative at a
25 subsequent meeting, and report to the City Council on any issues that might benefit from City
26 Council attention as allowed by law; and
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1 **BE IT FURTHER RESOLVED**, the Commission should be generally reflective of the
2 community with focused efforts to encourage applications from groups that might be most
3 impacted by policing, to which end those interested in serving on the Commission should fill out
4 applications similar to those submitted by applicants to the Task Force as such would help the City
5 Council make appropriate appointment decisions; and
6

7 **BE IT FURTHER RESOLVED**, Commissioners should not (1) be an active Department
8 officer or employee, (2) have been employed by the Department within the past five years, (3) have
9 direct business interests with Department employees, or (4) have an immediate family member
10 (partner, parent, or child) who fits any of the foregoing criteria; and
11

12 **BE IT FURTHER RESOLVED**, that the Committee shall adhere to all established policy
13 and procedures as adopted by the City Council, and act in accordance with the Ralph M. Brown
14 Act, Government Code § 54950 et seq; and
15

16 **BE IT FURTHER RESOLVED**, that prior to performing any Commission duties, the City
17 shall provide Commissioners with an orientation, which may be provided via video conference or
18 utilizing written materials, and includes the Ralph M. Brown Act (Government Code § 54950 et
19 seq.), Public Safety Officers' Procedure Bill of Rights Act (Government Code § 3300, et seq.),
20 California Public Records Act (Government Code § 6250, et seq.), peace officer personnel file
21 confidentiality (Penal Code §§ 832.7, 832.8), and applicable City policies and procedures; and
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23

24 **BE IT FURTHER RESOLVED**, that the Council shall retain authority to modify the
25 composition, appointment process, scope, and/or transition or sunset the Commission if deemed
26 appropriate.
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PRESTON JORDAN, MAYOR



City of Albany

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

RESOLUTION NO. 2022-31

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

The 2nd day of May, 2022, by the following votes:

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

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 3rd
day of May, 2022.

Anne Hsu
CITY CLERK