

November 18, 2020

# Albany NY Police Department Racial Bias Audit



# Introduction



# Goals of the audit

- 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 impact 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, Right to Know Identification legislation, and Citizen Police Review Board).
- Provide 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.

# Overview of the CNA approach



## Assessment topics

- Patrol operations, deployments, and traffic stops
- Complaints and civil rights lawsuits
- Use of force
- Community policing
- Recruitment, hiring, and retention
- Oversight and accountability
- Training

# Approach



# Data collection and analysis

- Data sources
  - Policies and documents
  - Administrative data
  - Interviews with APD personnel, local stakeholders, and community representatives
- Analysis
  - Policy review and gap analysis
  - Quantitative analysis
  - Qualitative analysis

# Policy analysis and document review

- 131 GOs from APD
  - Reviewed 84 GOs
    - 35 reviewed by two team members
    - 49 reviewed by one team member
- Also reviewed:
  - Past recommendations for reform
  - Strategic planning documents
  - Training topics for Academy and in-service



# Interviews

- 24 semi-structured interviews
  - 12 with APD personnel
    - 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
  - 2 with former APD personnel
  - 10 with community leaders and members
    - 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

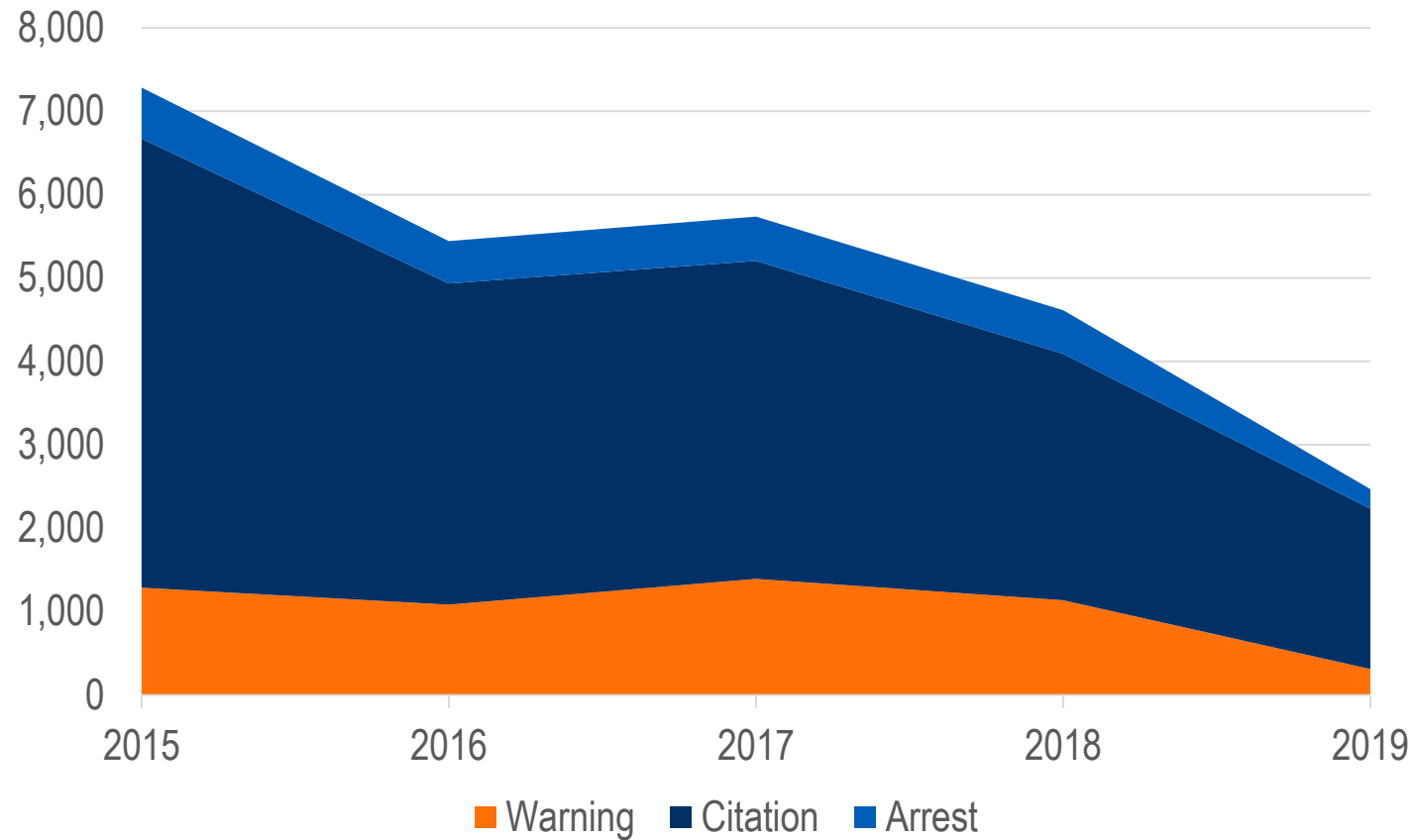
# Quantitative data

- Sources
  - Calls for service
  - Traffic stops
  - Arrests
  - Field interviews
  - Community complaints
  - Civil rights lawsuits
  - Department personnel
- Mostly from 2015-2019; some 2015-2017 and 2019-2020
- Primarily descriptive analysis, limited comparative analysis

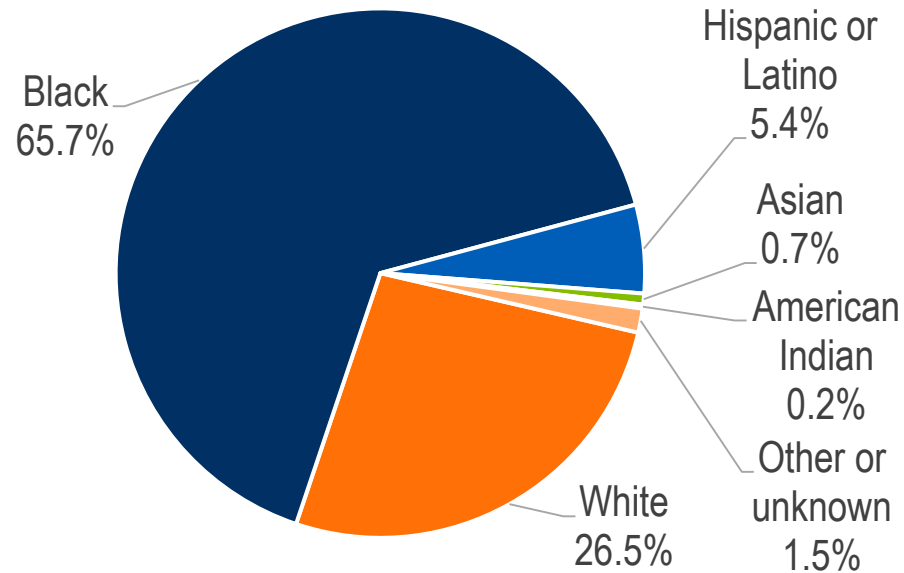
# Analytical results



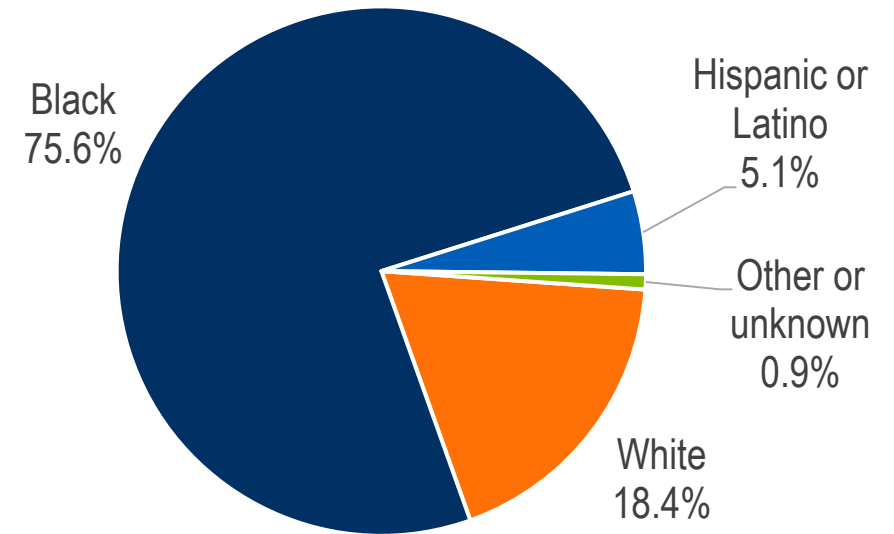
# Data highlights: traffic stops over time



# Data highlights: arrests and resisting arrest charges

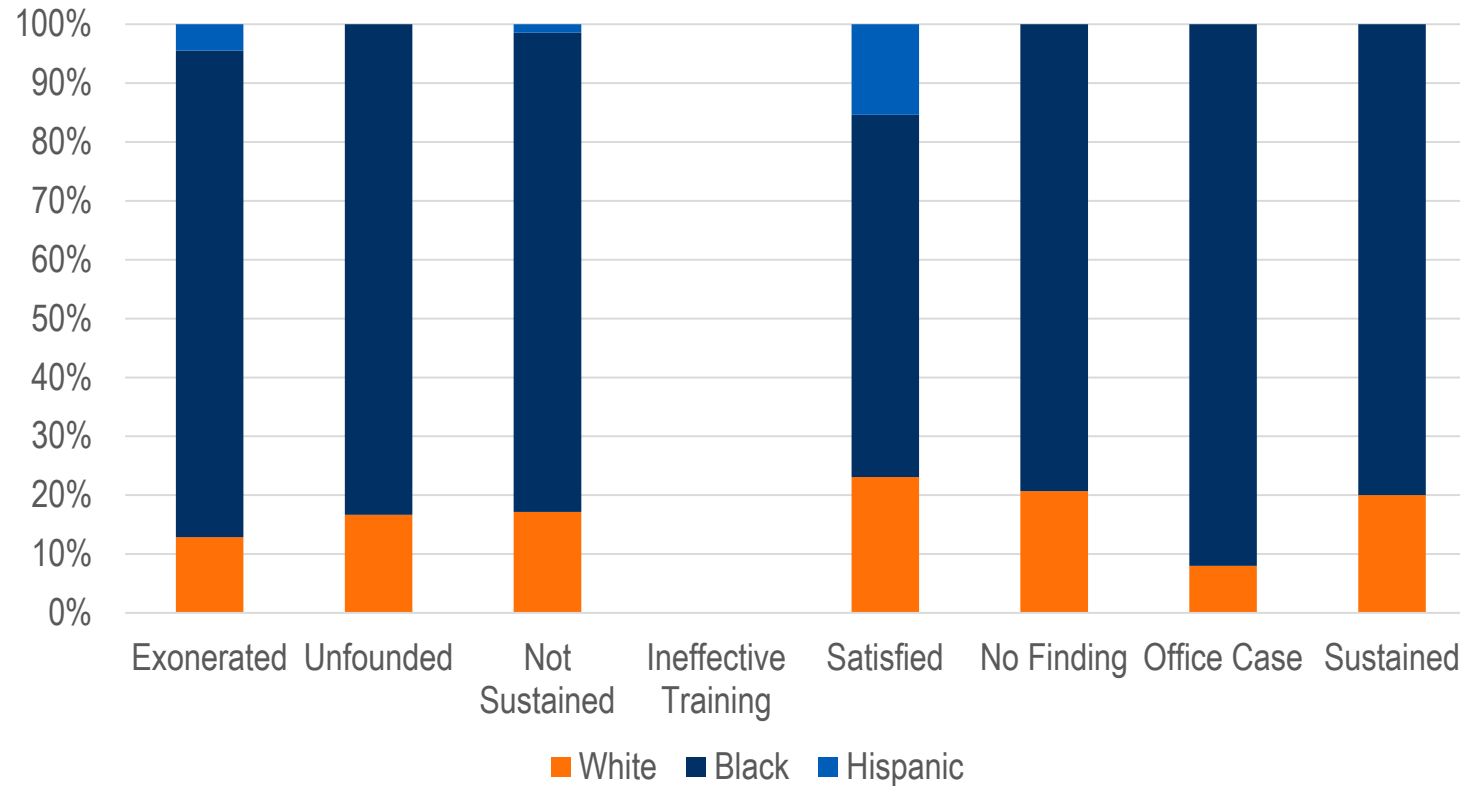


All arrests



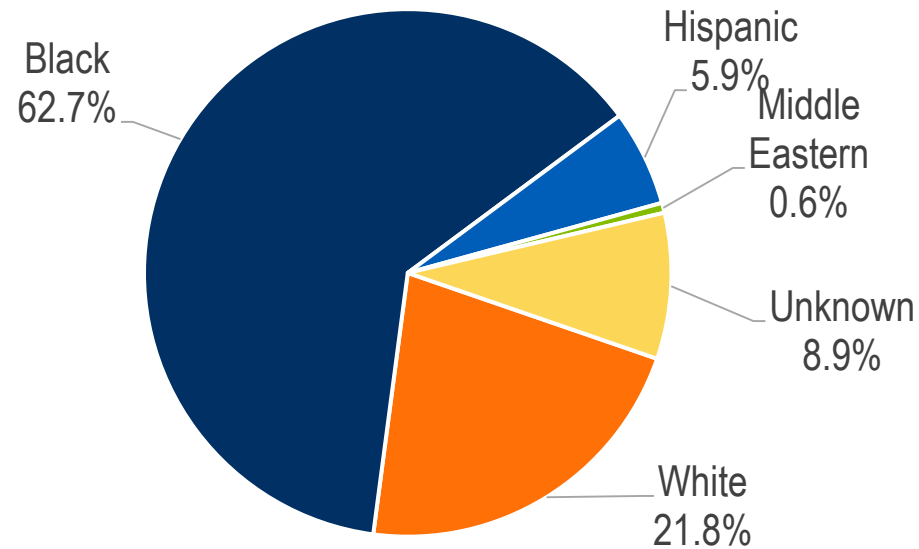
Arrests for resisting arrest

# Data highlights: complaints



No statistically significant difference in the distribution of allegation outcomes between race categories, excluding allegations where complainant race is unknown (Fisher's exact test,  $p = 0.598$ ; Pearson's chi-square test,  $p = 0.709$ ).

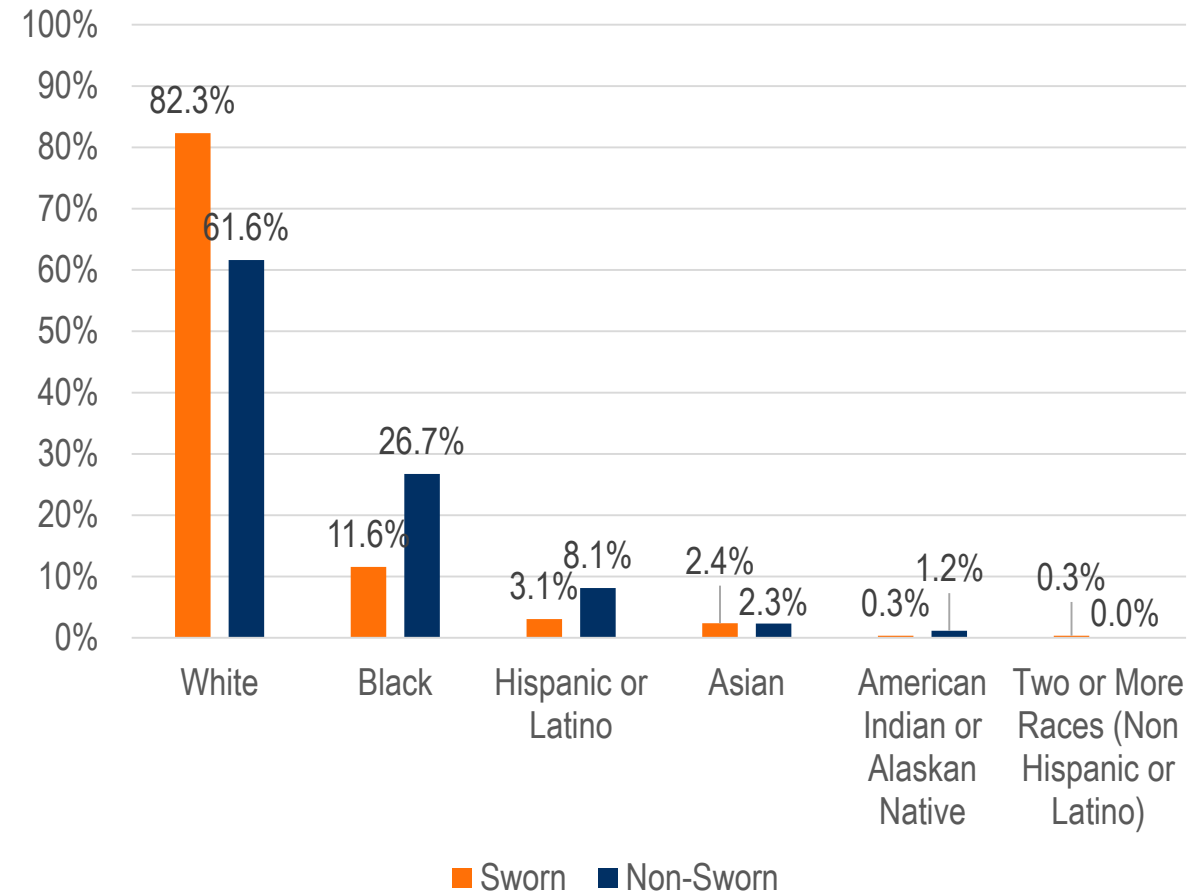
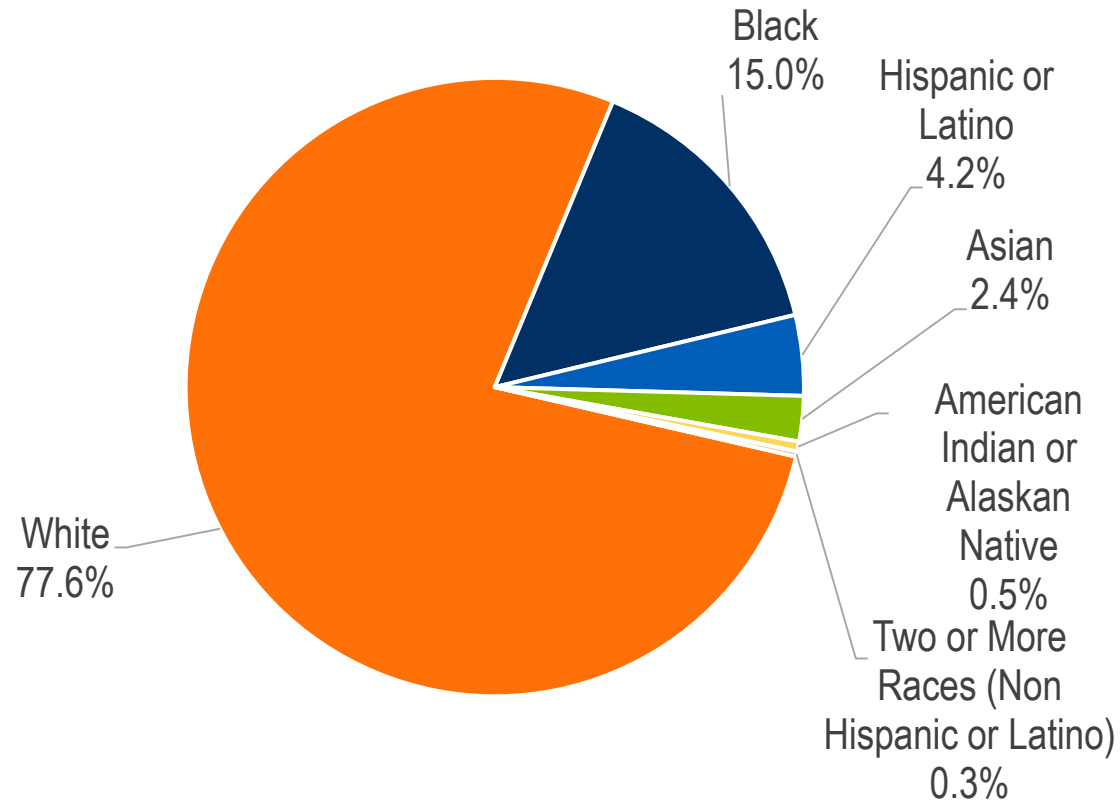
# Data highlights: use of force



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

Using arrests as a baseline, **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 than white community members

# Data highlights: personnel demographics





# Findings and recommendations



## Findings and recommendations

- The audit team produced 61 findings
- The audit team produced 114 associated recommendations
- Each recommendation is assigned a timeframe and designated by type of resources required
- An appendix includes references and suggested peer agencies to assist with implementation

# Key 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.
  - 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

# Key findings and recommendations

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

# Key findings and recommendations

- 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.
  - 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.

# Key findings and recommendations

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

## Policy findings and recommendations

- 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.
  - 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.

## Key findings and recommendations

- 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.
  - 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.



## Key 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.

# Key findings and recommendations

- 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.

# Policy findings and recommendations

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

# Key findings and recommendations

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

# Policy 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.
  - 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.

## Key findings and recommendations

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

# Key findings and recommendations

- 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.
  - 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.

## Key findings and recommendations

- 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.
  - 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.



# Questions?

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