Community Safety and Restorative Justice

Chair
Dr. Brenda Robinson

City of Albany Support Staff
Deputy Chief Brian Hogan
Brian Shea

Working Group Members

Hon. Stephen Herrick
Brendan McCann
Hon. Jahmel Robinson
Hon. P. David Soares
Dr. Robert Worden

Introduction

This Community Safety and Restorative Justice Working Group examined both existing programs and strategies utilized by the Albany Police Department related to Community Safety and Restorative Justice as well as strategies utilized in other communities. During the course of this review, the Working Group met with community-based organizations, personnel from the Albany Police Department, and members of the public to solicit input. The Working Group reviewed written recommendations from local and state-wide organizations and advocacy groups, and reviewed publications from organizations at the forefront of policing reform and accountability in the United States.

Organizations that the Working Group met with include Equinox, VOCAL-NY, and CAHOOTs personnel operating out of Eugene, Oregon.

The Working Group Mission Statement and Vision that guided this work are as follows:

Mission Statement:

1. To review and assess existing policing and criminal justice strategies and programs currently utilized inside the City of Albany by the Albany Police Department and other law enforcement agencies. This includes but is not limited to Law Enforcement Assisted Diversion (LEAD), harm reduction, problem-oriented policing, hot spot policing, and crime prevention.

2. To review and assess restorative justice actions taken by the Albany Police Department in efforts to build the trust and legitimacy with the community.

3. To review and assess the promise of strategies and programs for possible adoption by the Albany Police Department and other law enforcement agencies inside the City of Albany. This includes but is not limited to restorative and procedural justice models and other evidence-based strategies.

Vision:

We are committed to a restorative and balanced approach to policing, crime and conflict that promotes justice and resolution for victims, reparation for the community, accountability, and re-integration of the offender into productive community life - with respectful treatment for all involved. We acknowledge harm caused by systemic racism and police brutality. We are committed to amplifying positive police strategies and practices that promote community safety.

Findings and Recommendations:

A. Law Enforcement Assisted Diversion (LEAD)

The 2021 Albany Police Department Prospectus describes LEAD as a "harm reduction strategy" that "allows police officers to use their discretion when responding to low-level incidents and assist individuals by getting them essential services rather than making an arrest."[1]

The Working Group reviewed and affirmed certain findings and recommendations from the Center for Law and Justice (CLJ) in its *Pathways to Reformative Change Report* and the CNA Racial Bias Audit of Albany Police Department commissioned by the City of Albany Chief City Auditor. Both reports cited the need for stronger data collection for LEAD.[2] In addition, CLJ stressed the need for greater community awareness and strengthened community outreach. Both CLJ and the CNA Audit raised concerns about the slower than expected rate of diversions occurring in the City of Albany. The Working Group agrees that the Albany Police Department needs to increase their diversion efforts.

Working Group Findings and Recommendations:

- LEAD needs greater community awareness. The City of Albany though the Albany Community Development Agency (ACDA) awarded the Center for Law & Justice $100,000 in Community Development Block Grant (CDBG) funds to increase community awareness of LEAD and the efforts of CLJ fell significantly short as outlined in CLJ's own report. In the future, the City should exercise greater oversight over any funds distributed

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[1] United States, City of Albany, Albany Police Department. (n.d.). *Albany Police Department 2020 Prospectus Report*. Retrieved January 14, 2021, from https://albanyny.gov/DocumentCenter/View/1394/2020-Prospectus-Report-PDF?bidId=

[2] Green, D. (n.d.). Pathways to Reformative Change. Retrieved January 14, 2021, from http://www.cflj.org/cflj/CFLJ-Pathways-to-Reformative-Change-2019.pdf

for the purposes of community outreach, and any organization awarded funding for this purpose should be subject to strict reporting requirements, especially for important harm reduction initiatives like LEAD.

- LEAD outreach should be focused on groups and entities that can be most impactful with regard to driving an increase in diversion - such as shelters, loss prevention offices, etc.

- Much of the attention to LEAD in Albany has focused on referrals by officers to the program, and the (unknown and unknowable) extent to which suspected offenders who could be referred to LEAD are not. (It is feasible to identify arrestees who are, based on the charges and other criteria, not ineligible for LEAD, but it is not feasible to identify in available data who among those arrestees have behavioral health issues that would make them eligible and suitable for LEAD.) The effectiveness of LEAD, however, turns also on post-intake engagement with LEAD clients and the delivery of services. Insofar as LEAD case managers are completing needs assessments of clients on a periodic basis, as the original plans for LEAD provided, then it would be feasible to describe the immediate outcomes of LEAD at the individual client level, that is, changes over time in housing, substance use, emotional and mental problems, and emergency room visits. In addition to offering an overall portrait of LEAD outcomes, analyses of such data might serve to identify categories of clients for whom LEAD is particularly effective, and further, offer clues about elements of LEAD services that leave room for strengthening. This type of analysis should be pursued.

- The Working Group recognizes, however, that a credible impact evaluation of LEAD may not be feasible. The construction of a comparison group – offenders with similar histories and behavioral health issues – poses formidable challenges, and even if a comparison group could be specified, forming valid outcome measures for both LEAD clients and the comparison group would be equally difficult. Needs assessments are completed only for clients. Even a measure of recidivism, based on arrests, is unlikely to be informative because they are discretionary decisions that are probably influenced by LEAD status (as a process evaluation of Seattle's program demonstrated – see Engel et al., *The Power to Arrest*[3], chapter 4). Be all that as it may, if needs assessments have been completed as

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[3] Engel, et al. (2019). Chapter 4. In *The Power to Arrest*. Springer International Publishing.

planned, then existing data could support analysis that would better inform efforts to maximize the social benefits of LEAD.

- LEAD should implement community referrals inside the City of Albany. In 2020 Law Enforcement Assisted Diversion added a direct community referral component known as **L**et **E**veryone **A**dvance with **D**ignity. This component allows jurisdictions to have a pathway into LEAD services that de-centers the police as the gatekeepers by providing the community a direct link to LEAD project managers who accept the referrals and ensure an appropriate response. This approach should be adopted inside the City of Albany.

- The Let Everyone Advance with Dignity component of LEAD provides community members a direct line to LEAD project managers without having to rely on the police. The project managers, rather than the police, conduct outreach to determine the appropriateness of LEAD for the individual, and work with case managers to offer LEAD to the individual. If LEAD is not an appropriate response the project managers work with other community providers to ensure the person has access to more appropriate services.

- This new pathway allows for people with unmet behavioral needs, who are living in extreme poverty, or are homeless, and at risk of continued contact with the criminal legal system, to obtain the benefits of long-term, street based, harm, reduction case management, without needing to engage police services. This serves to reduce unneeded/unnecessary criminal legal system contact, allows criminal legal actors up to address more violent criminal actions, and provides more community involvement and ownership of LEAD.

- Community oversight of LEAD needs to be strengthened and reinvigorated. Members of the Community Leadership Team must take an active role in monitoring LEAD's outcomes inside the City of Albany and holding personnel assigned to the program accountable. It is not clear that that has occurred in a manner that has maximized LEAD's potential impact inside the City of Albany.

B. TRaC (To Reach and Connect)

The 2021 Albany Police Department Prospectus describes TRaC as a program "designed to assist at risk juveniles between the ages of 12-16 in unique and multi-faceted ways." The goal of the program "is to keep the city's most at risk children from entering the Juvenile Justice System."[4] Using a case management approach, TRaC collaborates with outside organizations including The Albany School District, Albany County Probation, Equinox, Department of Social Service and a vast array of other private, government and nonprofit organizations."

Working Group Findings and Recommendations:

- One of the tenets of community policing is to encourage positive interactions between police and community. TRaC does this and has received an overwhelmingly positive response from the community. Sworn officers assigned to TRaC maintain a positive presence in the community and have interactions with youth that reflect the types of interactions the community has asked for. The CNA Racial Bias Audit of the Albany Police Department Commissioned by the City of Albany Chief City Auditor states "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 a 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."[5] TRaC promotes these types of interactions and has the added benefit of exposing sworn officers of the Albany Police Department to community members and young people outside of the TRaC caseload.

- During interviews with officers assigned to this program and after reviewing the resources assigned to this program, the Working Group recommends that TRaC receive both a budget line for outreach and additional full time positions to increase the casehold of youth engaged in TRaC. The two sworn officers assigned to this program are spread thin and

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[4] United States, City of Albany, Albany Police Department. (n.d.). *Albany Police Department 2020 Prospectus Report*. Retrieved January 14, 2021, from https://albanyny.gov/DocumentCenter/View/1394/2020-Prospectus-Report-PDF?bidId=

[5] Thorkildsen, Z., Bryson, B., & Taylor, W. (n.d.). *CNA RACIAL BIAS AUDIT OF THE ALBANY, NEW YORK POLICE DEPARTMENT*. Retrieved January 14, 2021, from https://albanyny.gov/DocumentCenter/View/3099/Albany-NY-Police-Department-Racial-Bias-Audit-FINAL-PDF?bidId=

while they perform exceptionally well, the Working Group believes at least two additional full time positions should be assigned to this program.

- While assigning sworn officers to the additional roles will encourage the types of positive interactions between police and community that will increase trust and legitimacy of the police department and help to drive the vision of this Working Group, the Working Group acknowledges that non-sworn personnel can also carry out these duties and assist with an increased TRaC caseload.

C. Problem Oriented Policing

- The Albany community has made it clear that it wants APD to practice community policing, but since community policing is difficult to define in concrete terms, the translation of public support and demands for community policing into practice is often imperfect. Problem-solving is not only a key component of community policing, but also makes it more concrete and focused. APD seems to have taken some strides recently toward a more robust practice of problem-solving, with NEU officers directed to addresses that have generated multiple calls for service. This development deserves recognition, but room for further development and institutionalization remains. Problems are not confined to clusters of incidents at the same location; they can be defined in terms of substantive public safety issues – types of crimes or disorders – across the city. The integration of problem-solving into APD's community policing should be a continued focus of APD command staff moving forward. Patrol officers and first-line supervisors should be trained in problem-oriented policing, and problems and problem-solving efforts should be regularly tracked and reviewed by command staff.

D. Hot Spot Policing

- According to the National Institute of Justice, evaluations of hot spot policing indicate that crime strategies focused on a specific area "...do not inevitably lead to the displacement of crime problems" and "have crime-prevention benefits associated with the hot spots policing programs."[6] Studies on the topic indicate that "crimes depend not just on

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[6] National Institute of Justice, "Hot Spot Policing Can Reduce Crime," October 13, 2009, nij.ojp.gov: https://nij.ojp.gov/topics/articles/hot-spot-policing-can-reduce-crime

criminals, but on policing in key places and other factors such as the placement of fences, alleys and other environmental features."

- The use of Hot Spot Policing strategies needs to occur in an environment of trust and legitimacy. According to the Community Policing Dispatch, "Overly aggressive and indiscriminating police crackdowns tend to produce some undesirable effects, such as increased resentment and fear of police, in targeted hot spot areas. The potential for negative effects needs to be drawn into our broader analysis of hot spots policing initiatives precisely because community reactions to police practices have normative significance to wider society."[7]

- When APD deploys additional resources to "hot spots" that are experiencing a spike in crime in the City of Albany, significant community outreach needs to occur in tandem in order to build and maintain trust. Residents need to know what to expect. In addition, APD should consult with other City departments and community leaders and organizations to determine what additional environmental factors may be helping to drive the increase in crime, or allowing the area to be more hospitable to crime. Investments to improve environmental conditions, in the context of problem-solving, will help as police and community work together to address spikes in crime.

- The Working Group would like to acknowledge the public input from residents who live in neighborhoods that have experienced spikes in crime, especially gun violence. When a spike occurs, it is the expectation of residents that additional police resources will be deployed to help control the spike.

E.   Focused Deterrence

APD and its partners adopted and implemented the Group Violence Intervention (GVI) of the National Network for Safe Communities several years ago.[8] GVI is a form of focused deterrence that is demonstrably effective in reducing gun violence associated with street gangs and other violent groups. The fidelity to the program model with which APD implemented GVI was less than complete, and the pandemic has surely limited the capacity of every jurisdiction in

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[7] Weisburd, D. L., & Braga, A. A. (2013, September). The Importance of Legitimacy in Hot Spots Policing. *Community Policing Dispatch*, *6*. Retrieved January 14, 2021, from https://cops.usdoj.gov/html/dispatch/09-2013/the_importance_of_legitimacy_in_hot_spots_policing.asp

[8] See https://www.nnscommunities.org/strategies/group-violence-intervention/.

effecting GVI operations. Further, the effectiveness of GVI in the context of New York State's criminal justice reforms is unknown. APD should consider a renewed effort to implement GVI when circumstances permit.

Additional Findings and Recommendations:

A. Adopt CAHOOTS Model for Mental Health Calls

- The Working Group believes that local government should be engaged in proactive ways to reduce negative community-police interactions while adequately addressing mental health crises. This involves investing in proven models that prioritize effective, trauma-informed care through social and human services rather than deploying law enforcement to respond to issues that are fundamentally not police issues.

- The City of Albany should adopt a model similar to the CAHOOTS model employed in Eugene, Oregon for non-emergency calls that do not require police deployment. The CAHOOTS model "mobilizes two-person teams consisting of a medic (a nurse, paramedic, or EMT) and a crisis worker who has substantial training and experience in the mental health field. The CAHOOTS teams deal with a wide range of mental health-related crises, including conflict resolution, welfare checks, substance abuse, suicide threats, and more, relying on trauma-informed de-escalation and harm reduction techniques. CAHOOTS staff are not law enforcement officers and do not carry weapons; their training and experience are the tools they use to ensure a non-violent resolution of crisis situations."[9] Bringing a program like this to the City of Albany will serve to expand the scope of the existing Mobile Crisis Unit in Albany, which responds to certain mental health calls under a much narrower scope of services.

- Albany County recently launched the Albany County Crisis Officials Responding and Diverting (ACCORD) Pilot Program modeled after CAHOOTS. In the short term, this pilot program should be expanded to the City of Albany and the process to determine the resources necessary to execute on this strategy inside the City of Albany should begin as soon as possible.

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[9] What is CAHOOTS? (2020, November 08). Retrieved January 14, 2021, from https://whitebirdclinic.org/what-is-cahoots/

- The Working Group would like to acknowledge that this may impact budget allocations to APD as well as other city and county agencies.
- The Working Group would like to acknowledge the overwhelming community feedback that suggested this reform.

B. Community Reparation - Reinvest All Civil/Drug Forfeiture funds into Community Programming

- The Working Group calls for all civil and drug forfeiture funds and assets currently controlled by any law enforcement agency providing service in the City of Albany to be released and invested into community programming. Relevant authorities should establish a Community Reinvestment Task Force to provide appropriate oversight and help to determine funding priorities. These funding priorities should involve community input and should be directed to neighborhoods and organizations with the greatest need, working in historically underserved areas. One potential source of investment in the West Hill Community Center that is slated to be designed in the City of Albany during the 2021 fiscal year.
- The Working Group would like to acknowledge VOCAL-NY for suggesting this reform.
- The Working Group would like to acknowledge that the use of forfeiture funds is restricted under State law and federal guidelines which may require amendments in order to undertake this change.

C. Better Community Organization Coordination

- The Working Group has received significant feedback that community-based organizations and service providers do not appropriately coordinate to maximize their respective efforts and impact inside the City of Albany. These organizations should convene regularly in order to establish stronger relationships that can improve the reach to those they serve and thus enhance community safety. At minimum, the City of Albany and Albany County should require this type of coordination from groups funded through the Albany Community Development Agency, Albany County Legislature, and other municipal and county agencies as a condition of receiving funding. Better coordination will help programs like TRaC to improve the important services they provide.

- The Working Group would like to acknowledge public input that requested better coordination from community based organizations.

D.   Implement Contact Surveys for APD Contacts

- Contact surveys are a useful tool to help measure how communities perceive interactions with the police, and can help to inform corrective action and changes in police policy. Contact surveys involve using information from police records to follow up with people who had police contact to inquire about their judgments about how police performed in that incident – how they were treated, and how well police handled the situation. Contact surveys can focus on only one type of contact (such as only calls for police service) but can also sample from multiple types of contacts, including calls for service, stops, and arrests. This type of survey instrument can be very useful to measure perceptions.

- Contact survey results should be published, with appropriate redactions to protect privacy.

- APD should undertake contact surveys on a regular basis for continuous improvement.

- For this and other purposes, APD should institute procedures by which officers record information on all officer-initiated enforcement contacts – i.e., "stops," of either vehicles or pedestrians. The report should capture contact information, including the phone number of the individual contacted. (Uniform Traffic Tickets do not include phone numbers, and information about the individuals stopped is not captured unless a ticket is issued or a field interview card is completed.)

- This will likely require an ongoing budget appropriation.

E.   Explore Civil Service Reform

- One way to build trust and legitimacy between community and police is to have a police department that resembles the community it serves. While the Albany Police Department has implemented a number of reforms over the last several years to increase awareness about the policing profession in the community, those efforts continue to fall short with regard to breaking down civil service barriers that exist in both the hiring and promotions process.

- In recent years, cities across the United States have begun to solicit authorization to implement hiring processes outside of the existing local and state civil service systems. For example, the City of Framingham, Massachusetts recently received state authorization to

withdraw completely from the state civil service system - thus allowing the City of Framingham to establish its own hiring preferences, such as education, as well as to set its own promotion and disciplinary standards. The Framingham Police Chief stated of this change, "This change allows the Framingham Police Department to expand our ability to recruit, attract a larger pool of candidates, with the goal of creating a workforce that is reflective of the community we serve, while preserving a commitment to veterans, and establishing a Cadet program in the future."[10]

- The City of Albany could explore pursuing a similar approach if existing efforts at increasing diversity continue to be hampered by a convoluted and difficult civil service system.

- The Working Group would like to acknowledge the efforts of APD command staff at increasing diversity within the Department, including the establishment of a cadet program.

F.   Police Technology

- The Working Group recommends that police technology education be incorporated into community outreach efforts undertaken by the Albany Police Department. Various police technologies are important tools for community safety and critical to solving crime. However, significant mistrust exists over what technologies are used and how they are utilized.

- The Working Group would like acknowledge public input that recommended this type of community education as well written input from the Albany Chapter of the NAACP which stated, in part, "The NAACP recommends the development of a community presentation outlining the technology and systems available to police with a description of how it will be used in the protection and investigation of the community."

G.   Data Collection

- The Working Group recommends enhanced data collection across all APD programs and initiatives – including but not limited to demographic information and year to year trends.

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[10] Miller, N. (2020, December). Framingham Police Dept. is officially leaving Civil Service. *MetroWest Daily News*. Retrieved January 14, 2021, from https://www.metrowestdailynews.com/story/news/2020/12/24/framingham-police-dept-officially-leaving-civil-service/4043325001/

Improved data collection is extremely important for accuracy and transparency. It will also play a critical role in building trust and legitimacy with the community and is important in determining the efficacy of APD programs. While APD currently uses openAlbany.gov to share certain types of data including arrest data and calls for service, a lack of data collection over programs restricted the ability of the Working Group to provide analysis and understand the effectiveness of APD's various programs.

- The Working Group acknowledges that addition resource, such as a Data Analyst position, may be necessary in order to undertake this work. Ideally, a baseline level of data relevant to APD programs would be included in the yearly APD prospectus.

- The Working Group would like to acknowledge the significant community input that led to this recommendation.