



*Center for  
Law & Justice*

*Pathway to Change:*

***AFRICAN AMERICANS AND  
COMMUNITY POLICING IN ALBANY***



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**The Center for Law & Justice, Inc.**

“If there is no struggle, there is no progress” –Frederick Douglass

# Pathway to Change: African Americans and Community Policing in Albany

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## **PATHWAY TO CHANGE: AFRICAN AMERICANS AND COMMUNITY POLICING IN ALBANY**

At six o'clock in the evening on a sweltering Tuesday in July, nearly 150 people gathered at the public library for a “Forum on Community Policing” conducted by the Albany Community Policing Advisory Committee (ACPAC). Police Chief Steven Krokoff and about a dozen police officers (nearly all of them white), a dozen ACPAC members (a mix of white and black), and scores of community members (predominantly black) met to discuss police/community relations. Less than seventy-two hours before the meeting, a jury in Florida had pronounced George Zimmerman, a white man, “not guilty” of any crimes despite the fact that he had admittedly shot and killed an unarmed, seventeen-year-old African American boy, Trayvon Martin, as he walked home from 7Eleven.

After the verdict was announced late Saturday night, disbelief and despair and anger gripped those who yearned to believe that the nation had entered a “post-racial” period with the election of the first African American president in 2008. But the Zimmerman verdict confirmed what many already knew to be true: that our criminal justice system is not fair to African Americans. Peaceful demonstrations of support for Trayvon’s family and demands for systemic change were heard all across the country. At eight o'clock that Monday morning nearly a hundred people of all colors attended a vigil on the steps of the State Capitol in Albany, singing “We who believe in freedom cannot rest, we who believe in freedom cannot rest until it comes.”

At the end of the vigil that Monday morning, flyers were distributed inviting people to attend the previously-scheduled Forum on Community Policing Tuesday evening. The flyer stated that “APD Chief Krokoff, neighborhood officers, and members of the Albany Community Policing Advisory Committee will be there to hear your ideas, concerns, and questions.” At the bottom of the flyer was written “Justice 4 Trayvon.”

Against this backdrop of national disbelief and despair and anger over the injustice of a “not guilty” verdict for the killing of an African American boy in the twenty-first century in America, 150 people gathered on a scorching summer evening to engage in a dialogue about the police and the community in Albany. What emerged from that meeting in a city plagued by decades of racial tensions between the police department and the community it serves could never have been predicted a mere four years ago: mutual respect, tentative trust and, most importantly: hope.

## **EXECUTIVE SUMMARY**

Steven Krokoff has been the Chief of Police in Albany, New York for three years. His selection was the first police chief appointment in history to require the approval of the city’s governing body, the Albany Common Council. Krokoff’s predecessor, James Tuffey, had retired abruptly after allegations that he had uttered a racial epithet; Tuffey’s departure capped decades of racial tensions between the police department and the community it serves. An extensive search process that relied heavily on community input culminated in the recommendation that Krokoff, the acting chief of the department who had proclaimed his complete commitment to community policing during the selection process, be appointed to the position. This report examines the extent to which the community’s expectations have been met thus far.

This document follows three reports published by the Center for Law and Justice (CFLJ) in 2012, documenting the disparate effects of the criminal justice system on people of color in the Capital Region. Two of those reports describe the manner in which local minorities are arrested, detained, convicted and incarcerated in proportions far greater than their representation in the general population. The third report depicts the impact of the “war on drugs” in Albany, resulting in the sentencing of scores of Albany’s young African-American men to more than 600 years in prison for non-violent offenses. This report examines the current relationship between the police department and African Americans in Albany.

Though racial tensions between the police department and African Americans date back to World War II, most observers point to the 1984 police killing of Jesse Davis in his Arbor Hill home as the catalyst for calls for change in the department. Davis, an unarmed, mentally ill black man was shot several times by police, including once in the back and once in the top of the head. The police officers claimed they had to shoot Davis because he came at them with a knife in one hand and a fork in the other. Though a grand jury cleared the police of any wrongdoing, a police department photograph uncovered years later showed Davis’ lifeless body clutching only a key case in one hand and a toy truck in the other. Despite the public outrage that followed this disclosure, racial incidents involving the police and citizens persisted throughout the 1990’s and into the twenty-first century.

Given their first opportunity to provide input into the selection of a police chief in 2010, community members demanded a chief dedicated to “true” community policing; the department had made a few false starts down the community policing road in previous years. This report examines the performance of the Albany Police Department under the leadership of Steven Krokoff in six key areas: community policing; transparency; public protection and law enforcement; cultural competency; leadership and communication; and political independence.

CFLJ concludes that although much progress has been made and there is now a palpable path to a mutually-respectful police/community partnership in Albany, there remains much work ahead before community policing is an everyday reality for African Americans in the city. Recommendations are made for action by the police department, by the Albany Common Council, and by members of the community.

## **Introduction**

In light of two law enforcement milestones in Albany --- the three-year anniversary of the city’s first-ever Common Council approved police chief, and the approaching thirty-year anniversary of the killing of Jessie Davis by the Albany Police Department --- this report examines police/community relations in Albany, New York. July 2013 marked the third anniversary of Steven Krokoff’s tenure as Chief of Police. Krokoff was nominated for the position by Mayor Jerry Jennings in June 2010, and unanimously approved by the Albany Common Council in July 2010. His appointment followed the abrupt retirement of Krokoff’s predecessor, James Tuffey, amid reports that Tuffey had uttered a racial epithet. After decades of poor police/community relations tinged by racial tensions dating back to World War II, Krokoff promised a police department responsive to the community’s needs. In this report, the Center for Law and Justice examines the current status of police/community relations under Krokoff’s leadership.

The Center for Law and Justice (CFLJ) was founded in Albany in 1985 in direct response to the police shooting of Jessie Davis, an unarmed, mentally challenged African American man in Arbor Hill in 1984. Since then, CFLJ has been at the forefront of most major criminal justice issues of concern to residents of New York State. To address historical racial, ethnic, and economic disparities that exist throughout the criminal justice system, it is CFLJ’s primary mission to promote a fair and equitable criminal justice system devoted to public safety and social justice. Not only has CFLJ advocated strenuously for the rights of the poor and people of color, but also has worked closely with key players in local and state criminal justice systems. CFLJ has helped to develop policing and training policies, crime prevention programs and strategies, and legal rights advocacy and education programs.

Most recently, in 2012 CFLJ published three reports documenting the disparate effects of the criminal justice system on people of color in the Capital Region. Two of those reports, “The Disproportionate Impact of the Criminal Justice System on People of Color in the Capital Region” and “The Disproportionate Impact of the Juvenile Justice System on Children of Color in the Capital Region,” describe the manner in which local minorities are arrested, detained, convicted and incarcerated in proportions far greater than their representation in the general population. The third CFLJ report in 2012, “What Have We Done? Mass Incarceration and the Targeting of Albany’s Black Males by Federal, State and Local Authorities,” depicts the impact of the “war on drugs” in Albany, resulting in the sentencing of scores of Albany’s young African-American men to more than 600 years in prison for non-violent offenses. (All CFLJ reports are available at [www.cflj.org](http://www.cflj.org)).

In this report, CFLJ takes a look at the relationship between the Albany Police Department and the community it serves. The information in this report is based on local news media reports; interviews with Chief Krokoff on June 10, 2013 and August 6, 2013; a June 19, 2013 “focus group” of minority and white men and women from the community; a “Forum on Community Policing” conducted by the Albany Community Policing Advisory Committee (ACPAC) on July 16, 2013; a post-Zimmerman verdict youth summit held at the African American Cultural Center on July 18, 2013; and a review of the minutes of all meetings conducted by the Albany Citizens' Police Review Board in 2012.

### **A History of Police/Community Relations in Albany**

Though the Albany Police Department’s poor relationships with minorities can be documented much further back in history, modern-day police/community tensions are best understood with an appreciation of police/community relations since the killing of Jessie Davis in July 1984. The police shooting of Davis, an unarmed, mentally ill black man in Albany’s Arbor Hill neighborhood, ignited police/community tensions that had been building for years. As described by *New York Times* columnist Bob Herbert:

On July 8, 1984, police officers in Albany invaded the apartment of a 35-year-old mentally ill man named Jessie Davis. The officers were responding to a report of a disturbance at the third-floor apartment on Clinton Avenue in the city's predominantly black Arbor Hill neighborhood. Mr. Davis lived alone. According to the police, when the cops confronted him in his bedroom, he came at them with a knife in one hand and a fork in the other, and therefore they had to shoot him. He was shot several times, including once in the back and once in the top of the head, and he died as he was being taken to a hospital. There were five officers at the scene and three of them fired. All of the officers were white and Mr. Davis was black. The shooting angered many residents of Arbor Hill, where complaints have been made for years about the mistreatment of neighborhood residents by the police.

It turned out that in this particular case there was much to get upset about. When the shooting was reviewed by a grand jury the officers insisted that Mr. Davis had been greatly agitated and they were unable to subdue him. When he tried to attack them with the knife and a long-tined serving fork, they had no choice but to open fire, they said.

The grand jury cleared the officers of any wrongdoing.

Enter Lewis B. Oliver Jr., an attorney who represented Mr. Davis's family in a pair of lawsuits against the officers. Mr. Oliver, who pursued the case for years, eventually came up with a photograph of Mr. Davis, mortally wounded, lying on his bedroom floor. The photo was taken by Police Officer George Venter, who arrived at the scene just minutes after Mr. Davis had been shot. The photo shows clearly that the dying Mr. Davis was indeed clutching an item in each of his hands, but there was no knife and no fork. He held a key case in his left hand and a toy truck in his right.

"All he had were his keys and one of those little Matchbox trucks," said Mr. Oliver in an interview last week. "And it was claimed all along that he had rushed the police with a big fork." The photograph of Mr. Davis came to light as a result of the lawsuits, but not until 1993. It was published on the front page of *The Times Union*.<sup>1</sup>

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The years following the 1984 shooting and prior to Steven Krokoff’s appointment in 2010 were characterized by continuing conflict between the nearly all-white police force and Albany’s minority neighborhoods. Soon after Davis’ death, the Department put into effect new procedures for responding to calls involving those with mental handicaps and emotional problems. A mobile crisis unit was established to allow mental health experts to be available on the scene to advise police on the handling of disturbed people.

In 1985, Mayor Thomas Whalen III ordered an in-depth assessment and evaluation of the management, structure, and operations of the Albany Police Department. After much delay, *The Management Study of the Albany Police Department* was released in February 1987. Among other things, the study cited a need to develop a comprehensive training and staff development program and to recruit and retain college-educated police officers. The study also recognized the problem of police stress and recommended the establishment of an employee assistance program.

Although it commended the Mayor for commissioning the study, the local chapter of the National Association for the Advancement of Colored People (NAACP) criticized the report as:

[I]ncomplete, misleading, and dishonest...No mention is made of the context surrounding the establishment of the Study Committee or community concerns over existing police-community relations. Major issues such as affirmative action, racism, brutality, or police brutality are completely ignored.<sup>2</sup>

Following the Davis shooting, some community activists had called for the establishment of an independent citizen review board. Instead, in late 1984 Mayor Whalen established the Albany Community-Police Relations Board. Working with representatives of groups such as the Urban League, the NAACP, the Alliance for the Mentally Ill, and the Capital District Gay and Lesbian Community Center, agreement was reached to establish the 15-member volunteer board that would receive citizen complaints against police and work to improve community-police relations.

These changes failed to significantly improve what some saw as a deteriorating relationship between the police and communities of color. Due to the declared “war on drugs” of the 1980’s and the alleged use of drug courier profiles by the police, there were increased charges of police harassment, mistreatment, and abuse of black and Latino citizens. These charges were independently corroborated in 1989 when defense attorney Terence Kindlon hired a private investigator to secretly monitor police activity at the Albany Greyhound bus station over a period of several weeks. In their report, the investigators noted that, “not a single white person was stopped, or questioned, and not one black or Latino had gotten through the bus station without being stopped.”<sup>3</sup> In addition, a number of those stopped were strip searched.

Several well-publicized lawsuits during the late 1980’s and 1990’s added to citizen mistrust of their police. Albany paid out nearly a million dollars, either in out-of-court settlements or by court order, for violating the civil rights of plaintiffs including Greg Baity, Daniel Amlaw, Ronald Grier, James White, and James Lunday.

Following a string of lawsuits and the increasing availability of federal and state funding, in 1991 the Department looked to change its style of policing and embraced parts of a new

concept --- “community policing.” Under community policing, the police would assist neighborhood groups in preventing crimes and solving problems. Albany’s first black police chief, John Dale (appointed to the position by Mayor Whalen) had been sworn in on November 3, 1989. Chief Dale had been the department's first black detective and first black supervisor. Dale initiated the department’s original implementation of elements of community policing, stating, ““We have to listen to people in all of our activities.”<sup>4</sup> Community policing efforts Dale operationalized in the Arbor Hill, West Hill, and South End neighborhoods were well-received and applauded by community residents and civic groups. Stated a Times Union article:

Essentially a more institutionalized version of foot patrols, community policing puts officers back on the beat but, in theory at least, also is aimed at connecting them to the neighborhoods they walk. Nine officers, including a sergeant, were put on the detail and the city opened three community outreach centers, staffed by 65 volunteers who take complaints and give them to officers. On those counts, the program is being hailed by many as a success both inside the South End, Arbor Hill and West Hill neighborhoods and outside them.<sup>5</sup>

However, these measures were met with opposition from sources internal to the police department, most notably Detective James Tuffey, president of the Albany Police Officers Union. Tuffey claimed that before community policing could take hold, the department needed manpower to conduct clean sweeps of some neighborhoods.<sup>6</sup> At the same time community policing was first initiated in the early 1990’s, sentiment had been growing for the appointment of an independent civilian review board to monitor and address police misconduct; civil rights and civil libertarian groups organized to push for the city’s adoption of a civilian review board. In 1994, Capital District Citizen Action, a local affiliate of a statewide political action group, called for the creation of an independent civilian review board. In that same year, the Capital District Chapter of the New York Civil Liberties Union (NYCLU) issued a report, *The City of Albany: The Need for All-Civilian Review of Police Misconduct to Ensure Accountability and Fair Law Enforcement*.<sup>7</sup> In the report, NYCLU called for an all-civilian review of police misconduct to replace the existing internal investigations unit of the Albany Police Department.

Also in 1994, Alderman Keith St. John, an African American representative on the Albany Common Council, independently introduced legislation to establish a citizen review board that would have subpoena powers and police representation.<sup>8</sup> The measure was defeated by two votes.

Following the defeat of St. John’s proposal, several widely publicized police encounters with African Americans contributed to increased community/police tensions and prompted calls for a citizen review board. In one such case, three young African American men, 19-year-old Adrian Moore, his younger brother Jason, 16, and Radcliff Angus, 19 were arrested by police during a street disorder outside the Albany Domino Club on Washington Avenue in August 1997. The men maintained that they were not involved in the disorder and that police hurled racial slurs, beat them, and unleashed a police dog on them outside the club. They were charged with ten felony counts, including inciting a riot and assault, but later pleaded guilty to disorderly conduct, a violation. After community members initiated several protest marches, the police



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department began an internal investigation into the actions taken during the incident. No report was publicly released.

In October 1997, another highly charged incident outraged the black community and, as many believe, prompted an administrative shake-up in the Albany Police Department. The incident involved a young African American college basketball star, Jermaine Henderson. He was arrested after an alleged altercation with two off-duty police officers in an Albany bar. Taken into custody after being arrested by the officers, Henderson, while handcuffed, was allegedly beaten by the two white officers in the Division 2 police station garage. Acting swiftly, Deputy Police Chief Robert Grebert took the unprecedented steps of suspending the officers for 30 days without pay and filing assault charges against them. Mayor Jerry Jennings (first elected in 1993) ordered that video cameras be placed in the police station garage and booking rooms.

In response to renewed calls in the late 1990’s for civilian review of police misconduct, in 2000 the Albany Common Council passed legislation to establish the “Citizens’ Police Review Board.” According to *Metroland*:

Citizens of Albany have clamored for the city to establish a civilian review board since the ’80s; when the city’s Common Council finally began to seriously debate the creation of the board in the wake of alleged police misconduct and abuse in Albany’s Arbor Hill neighborhood in 1999, citizens flocked to meetings to demand an independent, objective body that would be able to investigate complaints of police brutality, civil rights violations and incivility. In short, they wanted a board with “teeth.” What they got was a compromise legislation: In July 2000, the Common Council created the Citizens’ Police Review Board, which has the power to “review” and “comment on” investigations of police behavior, which are investigated internally by the Albany Police Department’s Office of Professional Standards [OPS].<sup>9</sup>

Several community advocacy groups, among them the New York Civil Liberties Union, criticized the legislation for its lack of the very “teeth” demanded by the public:

... there are still “significant impediments” to the board’s ability to provide the effective, independent oversight of police that the public has clamored for. According to Louise Roback, director of the New York Civil Liberties Union’s Capital Region Chapter, the ideal police review board would have had the power to perform its own investigations of police misconduct; instead, the city gave it the power to appoint a special monitor to oversee the internal investigation performed by the APD—but only when complaints allege that officers used excessive force or violated civil rights. But ... the board has the power only to review the APD’s investigations after they are completed. “The board has no power to interview complainants, witnesses or the police officer,” the report indicates. “While several complainants have attended CPRB meetings and addressed the board, no witnesses or police officers have addressed the board. The board is limited to reviewing OPS investigations after the fact.”<sup>10</sup>

Additionally, the Albany NAACP stated that the legislation “does not appear to be what the people were asking for,” ... “People testified that they wanted a board that is independent of the Police Department. This is not it.”<sup>11</sup> The Center for Law and Justice echoed the concerns of the NYCLU and NAACP and added that the legislation created a board that lacked the independence needed to earn the community's respect, and did not have a budget for the board or a residency requirement for members.

In 2002, the NYCLU released an evaluation of the first year of operations of the Albany Citizens Review Board, finding that of the 25 complaints filed by the end of 2001, “the Board accepted the findings made by OPS with respect to every complaint reviewed.”<sup>12</sup> The evaluation suggested several modifications that would, among other things, grant the Board the power to conduct investigations, and to increase the openness and information available to the public. Despite modifications to the legislation made in 2004, criticisms regarding the Board’s lack of independence from the Albany Police Department persist to this day.

The deterioration of police/community relations continued into the 21<sup>st</sup> century, under the leadership of Chief Krokoff’s immediate predecessor, James W. Tuffey. The former president of the Albany Police Officers Union, who had criticized community policing efforts implemented by Chief John Dale in the 1990’s, had been appointed to the position of Chief of Police by Mayor Jennings in December 2005. Tuffey slowly replaced the few community policing elements in place with a decidedly more “law enforcement” approach. He announced a “reorganization” of the department in 2006 --- a reorganization that was widely opposed by community activists. In a Times Union op-ed on October 7, 2006, the Executive Director of the Center for Law and Justice warned:

Police Chief James Tuffey misleads the public with his campaign to present his "policing plan" to Albany. He is slowly unraveling an unwritten plan that not only appears to be decided upon already, but threatens to dramatically change the philosophy and nature of policing in Albany. Initially camouflaged as a proposal to close two police stations, the plan presented to the Common Council last week is now described as a major reorganization of the police department. While changes in the department may very well be in order, Mr. Tuffey has not given the public critical information about or justification for making such changes or what the impact might be. Basically, Mr. Tuffey's "proposal" as now offered will put more police officers in cars armed with more statistical data and new communication and paramilitary technology. With closer supervision, police action will be focused on "high-risk crime areas" and "problem people."

First, the chief's approach reverses Albany's earlier commitment to community policing which is an approach designed to reduce and prevent crime by increasing interaction and cooperation between police and residents. Community policing, at its best, is based on a philosophy that values a constructive police/community partnership where power is shared for the purpose of improving the community they both share.

Second, we can't ignore the great likelihood that, as in Giuliani's New York City, even more police power will be directed toward less affluent communities of

color. "Crime," "high risk communities" and "problem people" are really code words for black. In Albany, blacks now make up 33 percent of the population. No one disputes that some of our neighborhoods experience more serious crime than others and that there are troubled people who need specialized supervision and attention. What we must also recognize is that increased police operations and data-driven surveillance in the hard-core impersonal style of Giuliani brings with it additional opportunities for community conflict and violations of constitutional rights, particularly of people with conviction records such as probationers and parolees; increased stereotyping and racial profiling; and a concomitant deterioration of community trust and confidence in its police department.

Finally, a concentrated area approach devoid of a strong community policing strategy not only leaves more affluent communities feeling less safe, but also causes targeted minority communities to view it as another racist harassment tool. If the proposal is put into effect, Albany can expect a jump in community conflict, citizen complaints and costly lawsuits. In addition, public safety will be compromised for residents throughout the city.<sup>13</sup>

Police/community relations continued to deteriorate during Tuffey's administration, culminating with his early retirement in September 2009 after having been accused of using a racial epithet. Community discontent with Tuffey had been mounting for years; many believed that the chief operated with complete disregard for the wishes of the community. By late 2009 community/department relations had become severely strained, characterized by a sentiment that the department had turned away from the community and a perception that Albany streets were actually less safe, despite statistical declines in violent crime. Additionally, there was widespread belief that the former chief was too close to the Mayor, resulting in an inability to take leadership stances that might offend political sensibilities. As described by the Times Union:

For weeks, a controversy boiled inside the city police department over Chief James W. Tuffey's alleged use of a racial slur while he discussed the unsolved killing of a white University at Albany student. Anonymous letters were mailed — purportedly by a group of concerned officers claiming to have formed a "Coalition against Racism and Bigotry" — to Mayor Jerry Jennings, several members of the Common Council, District Attorney David Soares, the Times Union and others. The letters alleged the 56-year-old chief, while in a stairwell at police headquarters, told Assistant Chief Anthony Bruno, "This wasn't just some spook that was killed," referring to the October slaying of UAlbany senior Richard Bailey.

One of his first major acts was to embark on a controversial reorganization of the police department, closing two of four stations and increasing police reliance on new technology and computer-aided policing. While the moves were accompanied with drops in violent crime — some 19 percent since 2005 — they also came with community concerns that residents and business owners were losing touch with officers.<sup>14</sup>

Following Tuffey’s retirement, Mayor Jennings appointed a search committee to find a new police chief, resulting in the appointment of Steven Krokoff in July 2010. In interviews with officials and meetings with the community during the search process, Krokoff had voiced a clear, forceful commitment to community policing, the desire for which was just as clearly and forcefully conveyed by the community during the search process.

In the next section of this report, CFLJ examines the extent to which the three-year tenure of Steven Krokoff as Chief of Police has affected police/community interactions and relations in the city of Albany. In a November 13, 2009 Albany Times Union op-ed, “A police chief for all of Albany,” CFLJ summarized what was needed in a new chief:

At a minimum, the new chief should be one who values true community policing; observes transparency in law enforcement policies and practices; is dedicated as much to public protection as to law enforcement; values the lives of all residents equally; is competent and willing to listen; and remains independent from partisan politics.<sup>15</sup>

### **Police/Community Relations in Albany Today**

On this three-year anniversary of Chief Krokoff’s appointment, it is appropriate to assess the extent to which the performance of the police department has met the community’s and the Chief’s expectations. As a member of the search committee, the Executive Director of CFLJ had devised a rating instrument for assessing the final candidates selected for interviews for the Chief position. The criteria in the rating instrument were based on input provided during the community forums: community policing experience/knowledge; community policing commitment; urban policing experience; cultural competency; social justice commitment; youth development; management experience; articulated vision; communication skills; demonstrated leadership skills; experience with unions; transparency in department operations; political independence. For the purposes of this report, these criteria are collapsed into six categories: community policing; transparency; public protection and law enforcement; cultural competency; leadership and communication; and political independence. Each of these six categories is examined in light of local news media reports; CFLJ’s interviews with the Chief; the comments of a CFLJ-organized focus group; the ACPAC July 16, 2013 “Forum on Community Policing;” a July 18, 2013 post-Zimmerman verdict youth summit; and a review of the minutes of the Albany Citizens' Police Review Board meetings conducted in 2012.

#### *Community Policing*

A return to community policing had been the focus of several groups in the community even before the Mayor’s announcement appointing the search committee. The Council of Albany Neighborhood Associations (CANA) had conducted community policing informational sessions, and the Inner City Youth and Family Coalition had formed a Community Policing Workgroup. Albany’s college student population had become vocal regarding policing issues, calling for police officers to be retrained in community policing, for the establishment of Community Justice Councils, and for a pay structure that compensates officers for excellence in community policing and peace-keeping. During the police chief search process these groups, along with individual citizens, made their wishes known at three community forums and at public comment sessions before the Albany Common Council and its Public Safety Committee.

Subsequent to Krokoff’s appointment, the department indicated that it had implemented several operational and support mechanisms in its community policing model. Department members were to be trained in the SARA model (*Scanning, Analysis, Response and Assessment*) of problem solving, and officers were to make presentations to community partners regarding what resources they can provide. The department stated it was also working with the National Coalition Building Institute to help break down barriers between youth and police officers.

The department has identified a lead officer for each area of the city. These areas are organized by Neighborhood Association and have a member of the “Neighborhood Engagement Unit” (NEU) as the main point of contact. This department representative attends all neighborhood association meetings and is charged with keeping the neighborhood association up to date on all crime trends, and working to establish “walk and watch” programs. In his June 2013 interview with CFLJ, Krokoff stressed that the NEU should NOT be viewed as a Community Policing Unit. To create a Community Policing Unit, the Chief says, would be a mistake because it would compartmentalize community policing into one unit; the whole

department would not be responsible for community policing. According to Krokoff, this is a mistake the department made in implementing community policing in the 1990’s; it is important that the *entire force* embrace community policing.

All department members are now trained in SARA, the problem-solving technique that involves scanning, analysis, response and assessment, and the department is about to move into team policing. It has created “beats” that are within the motorized zones. According to the Chief, this gets rid of the “8-hour” focus (which does NOT support a problem-solving approach) and creates a geographic focus rather than a temporal one. As an example, Krokoff suggested: suppose there is a complaint of loud music at a party. The department needs to deal with the complainant(s) at night, but with the Codes department during the day. This necessarily involves more than one shift of the police department. All people have to invoke the SARA process --- this gives the police ownership of the problem, along with the community.

Chief Krokoff stated that the police are also trying to engage the community outside of police settings (for example, at block parties), and he expressed appreciation for a community resident telling the Chief that the community needs the police to be an advocate for them. According to the Chief, the goal is “to become part of the community we are policing.”

To further this end, the department has developed a new strategic plan. According to the Chief, the previous strategic plan created 15 or 20 years ago had the core values of “SIR” --- service, integrity, respect. These were not very meaningful to the department OR the community; there was no “buy-in” from rank and file officers. The vision of the new strategic plan, created by a cross-section of the department, focuses on “empowering” and “inspiring.” The new vision statement reads as follows:

**The Albany Police Department will strive to eliminate crime and the fear of crime by inspiring and empowering our community to work together to improve our quality of life and make Albany the safest community in America.<sup>16</sup>**

The accompanying mission statement declares:

**We are dedicated to protecting the community we serve by proactively improving the quality of life. We will inspire confidence through a collaborative effort to problem solving and enforcement of laws. We are committed to this mission and the direction it guides us.<sup>17</sup>**

The Chief described the department’s four strategic goals:

1) “Take back our streets.” This goal relates to public safety for vehicles, bicycles and pedestrians on the city’s streets. According to Krokoff, attention to the enforcement of VTL laws (Vehicle and Traffic) had declined, resulting in an increase in traffic incidents. As part of the strategic plan, the department intends to bring traffic decorum back to the city in an attempt to “re-evaluate our shared spaces.” Subsequent to the interview in which the Chief described this goal, a June 18<sup>th</sup> car/pedestrian accident claimed the life of 7-year-old Qazir Sutherland

on South Pearl Street. Residents expressed appreciation for the installation of new signs and planned crosswalks initiated by the City in the weeks following the accident.

2) “Healing wounded communities.” According to the Chief, “wounded” communities are caused in part by police actions in that community, but poverty is the primary cause of wounded communities. The causes of poverty are such things as lack of education, inability to access services, and a lack of physical and mental health services. To heal wounded communities, the root causes of poverty need to be attacked. The police can help accomplish this by, for example, calling in experts in mental health, substance abuse services, PTSD treatment or other treatment services that seem appropriate on a domestic violence call.

Also in conjunction with this goal, the department is re-instituting and expanding the TRAC program (To Reach And Connect). This program takes a two-pronged approach, one geared for those age 15 and younger and the second, to those age 16 and older. The program’s purpose is to reintegrate youth and adults returning to the community from juvenile institutions and prisons. According to the Chief, if we can remove the barriers to reintegration, a successful return to the community can be facilitated.

3) “Developing our families.” This goal refers to the department’s internal “family.” The department is attempting to improve the internal environment and communication. In the past, it has been abysmal, according to Krokoff. Barriers to communication have caused internal and external problems, including tensions between the department and the union. According to the Chief, he now has a very positive relationship with the union, through a willingness to work together; the department and union have their ups and downs, their dysfunctions, but they deal with it. “If we don’t care about each other, how can we care about the community we serve?”

4) “Winning over a generation.” The department seeks to create relationships with youth that are long-lasting and real; the YPI (Youth Policy Institute) is a part of this initiative. This program is a two-week institute for referrals from the Lasalle Institute, the probation department, and other places. In the second week, the police officers interact with the youth, resulting in improved relationships between the two. Krokoff would like to change the image kids have of police, and the image police have of kids. (It should be noted here that the department apparently faces a challenge in winning over Albany’s youth. At a post-Zimmerman verdict youth summit conducted on July 18, 2013, the Chief and one of his deputies observed from the back of the room as most of the fifty youth reported being hassled by the police. When asked who among them had heard of “community policing,” not a single hand was raised.)

The Chief emphasizes that the new strategic plan is just in its initial stages of implementation. Indeed, across the city, people differ in the extent to which they perceive community policing at work in their neighborhoods. During a June 2013 Center for Law and

Justice focus group that included two minority females, four minority males, and one white male, all participants expressed enthusiasm for the *concept* of community policing, including a focus on community partnership and problem-solving. However, with the exception of one focus group member, participants indicated that they had rarely observed either partnership or problem-solving in action on the streets of Albany. Positive comments regarding the Albany department’s community policing were expressed by a focus group member who had identified himself as representing one of the Neighborhood Associations. This participant (a white male) stated that when people come to the Neighborhood Association meetings with concerns, there is always a beat officer there to address them. While this may not seem “earth-shattering,” it is important to the community. This participant gave as an example the case of a woman who had expressed fear of a dangerous dog in the neighborhood, and the beat officer was able to resolve the problem. From a neighborhood association perspective, the beat officer pulls the neighborhood together. Community members see him on a bike, he is at meetings, and this fosters awareness of different issues in the neighborhoods. According to this focus group member, the police-sponsored “Nixel” program (a text-message communication process regarding crimes in progress, soon to be implemented city-wide) allows the community to assist in solving crimes. This involvement gives a sense of empowerment; community policing has been well-received in his neighborhood.

Minority focus group members, however, were less enthusiastic. While acknowledging that community policing in theory creates a different dynamic, and that when the police officer knows the people in your family interactions with the police are not likely to be as “aggressive,” most minority focus group members stated they have not observed substantial evidence of either partnership or problem-solving. Said one: “I have not seen community policing in action. I have not seen the police do problem-solving.” Said another, “On my street, I only see police officers driving by in a car.” While it was acknowledged that “you see community policing here and there --- cops on bikes,” it was also stated that “there’s rarely any eye contact.” There was general consensus that “some cops apparently haven’t transitioned into community policing ---- they need to be taught.”

Attendees at the July 16<sup>th</sup> ACPAC community policing forum also expressed concern that the tenets of community policing espoused by the Chief were not being fully operationalized on the city’s streets. For example, several community members reported that young, black males were routinely stopped by the police on such dubious grounds as “being in a high crime area.” Though the Chief reassured those at the meeting that department policy is to stop people only upon “reasonable suspicion,” citizens stated that some officers were apparently not following that policy. Though the meeting was characterized by a tone of mutual respect, and community members often told Krokoff that they believe *he* believes what he is saying, they stated there are still far too many instances of rude and even abusive treatment by the police. Attendees also voiced concerns about the lack of African Americans on the police force; a need for training in cultural diversity; and officer ignorance regarding such matters as developmental disabilities and mental illness.



Transparency

Historically, one of the most often-voiced complaints against the Albany Police Department has been the lack of transparency in the development and implementation of policing policies, as well as the failure of the department to provide the community with information regarding specific incidents. In stark contrast to previous police administrations, Chief Krokoff and his staff have responded in an informative and timely manner to requests for information and data for CFLJ reports. Transparency includes not merely sharing information and data, but communicating with city residents following notable incidents. On December 29, 2011 when Nah-Cream Moore, 19, died in front of 441 South Pearl Street after being shot three times in the torso by Albany Police Department officers, police did not explain the death for hours. Chief Krokoff, in an attempt to provide “utmost transparency,” held a press conference open to the general public on Friday, December 30 ---- just one day after the incident and apparently before the Chief had had a chance to receive all information related to the matter. According to an Albany Times Union account:

"These are difficult times. Please don't rush to judgment," Krokoff said at the unorthodox forum that drew some 100 people, including Moore's family and friends, political leaders and the woman who was driving the SUV in which Moore was a passenger. The shooting happened on the 400 block of South Pearl Street around 10:20 p.m. Thursday. Patrol officers recognized the driver as a relative of Moore's. Moore was wanted for a parole violation and was a suspect in a robbery on Alexander Street, police said. Krokoff, promising "utmost transparency," provided the following account of how the incident unfolded:

Officers Jason Kelley and Gregory Mulligan pulled up to a Range Rover sport utility vehicle in front of 441 South Pearl St. Officers suspected Moore was in the vehicle. They found him in the backseat and got him out. A struggle began.

"Nahcream went to lift his handgun that he had in his possession, and the officer's partner, who had disengaged at that point, witnessed it and had no choice but to use deadly physical force," Krokoff said. Mulligan fired three shots, hitting Moore in the torso, he said. A loaded .22-caliber handgun was recovered.

He said the shooting would be investigated by the department's Office of Professional Standards and reviewed by the district attorney. Krokoff said Mulligan, with five years' experience, and Kelley, a six-year veteran, are assigned to the South Station. He said both have exemplary records.

...

At a noon gathering outside police headquarters, residents and officials said tension was high. Dozens of people — including Common Council members Barbara Smith, Ron Bailey, Lester Freeman and Dominick Calsolaro — aired their concerns. "The community is so angry and eager, I don't want us to miss the truth. Whatever it is, go from there," said Jacqui Williams, a community organizer and South End resident. Freeman, who represents the South End, said police must release as many details as possible.<sup>18</sup>

An Albany County grand jury investigation into the incident concluded on March 21, 2012 that "the use of deadly physical force was, in fact, justified by the Albany Police Department and that no criminal liability would be assessed onto members of its department."<sup>19</sup> The findings were announced by Albany County District Attorney David Soares at a March 23, 2012 press conference. In a statement issued after the press conference, Chief Krokoff stated that the department's internal investigation confirmed the grand jury's findings. Essentially, the grand jury's decision found that the police officer had "no choice but to use deadly physical force" because Moore tried to lift a loaded handgun next to his partner.<sup>20</sup> Some in the community had alleged that Moore was unarmed. In accordance with their long-standing policy, the police department has not released their internal investigation report.

Following the press conference, some residents expressed skepticism regarding the findings of the grand jury and called for another investigation. However, Albany Common Councilman Lester Freeman, who represents the South End (where the shooting occurred) and had called for an independent probe of the shooting, said it was time for the city to move forward.

During his interviews with CFLJ, Chief Krokoff reiterated that the department's internal investigation confirmed the District Attorney's findings and that, in accordance with long-standing department policy, the internal investigation report would not be released to the public. He expressed disappointment that the incident had been "politicized" when it initially occurred, and satisfaction that the truth had been revealed by the grand jury report. The Chief stated that although he may have misjudged the "raw emotion" that still enveloped the community when he addressed them soon after the shooting, he felt an obligation to replace the lies that were circulating with truth.

Among those not satisfied by the grand jury report were those who voiced concern that the police department's audio and video equipment did not record the incident. Although cameras in the police car captured the stop there was no audio, and the shooting was not included on the video due to the camera's angle. Repeated failures of the department's audio and video equipment to capture interactions with the public call into question the department's commitment to transparency.

CFLJ's review of the minutes of all of the Albany Police Citizen Review Board meetings conducted during 2012 revealed multiple incidents in which Albany citizens claimed that members of the police department had treated them with discrimination, abuse, or disrespect. In an inordinate number of these incidents, the Board dismissed charges against the officer as "unfounded" or "not sustained" because, due to equipment malfunctions or failure of the officer to engage the equipment, there was no recording of the incident. At the May 17, 2012 meeting the Board Chairman, Reverend Edward B. Smart made a motion to "send a letter to Police Chief Krokoff inquiring as to which APD vehicles have audio and video equipment and whether that equipment has experienced any issues," but the motion was defeated.<sup>21</sup> During the public comment period of the October 11, 2012 meeting, the Capital Region Chapter Director of the New York Civil Liberties Union "stated that in tonight's meeting, there were four (4) out of seven (7) complaints related to sound and audio failures. This is an ongoing issue that needs to be addressed even further."<sup>22</sup> Additionally, a representative of the Center for Law and Justice indicated that the audio and video equipment problems need to be addressed.

In an August 2013 interview with CFLJ, Chief Krokoff stated that he had, in fact, been contacted by the Review Board regarding the adequacy of the department’s recording equipment. He explained to CFLJ that the equipment referenced in the Review Board meeting minutes was aging equipment that has been replaced. Previously, there was only one microphone per vehicle and to maintain the battery, the microphone had to be placed in the charger inside the vehicle. During a stop, the officer would often forget to take the microphone from the charger and, therefore, the encounter would not be recorded. Today, each vehicle has two microphones --- one is always in the charger and one is always with the officer. Additionally, the new equipment will provide “crisper” audio. The Chief also stated that he believed a new mediation program soon to be implemented would help address the issue of officer “rudeness.”

### *Public Protection and Law Enforcement*

Since the killing of Jesse Davis in 1984, community advocates have fielded many complaints regarding law enforcement policies and practices that appear to disproportionately target minorities for *enforcement* of the law, while failing to provide adequate *public protection* in minority communities. CFLJ’s three reports in 2012 documented the disproportionate numbers of minority adults and juveniles arrested in Albany, and a recent New York Civil Liberties Union report indicated that in Albany, 68 percent of the police use of Tasers involved a black person.<sup>23</sup> (It should be noted that the lack of information regarding the specific circumstances of each Taser use makes it difficult to accurately assess the role of racial bias.) Minority community members report, however, that when they need the services of the police, those services are frequently inadequate.

Among focus group participants, comments from minority community members indicated that they believe the police concentrate too much on enforcing minor matters such as “broken taillights,” while ignoring major crime in the neighborhood. Additionally, they indicated that calls to the police for assistance are not handled in a timely matter. One woman, for example, indicated that it took the police 30 minutes to respond to a potentially life-threatening domestic violence call, and that police officers dismissed her request that they enforce a restraining order she presented to them.

The minority focus group participants also reported that they believe minorities are treated differently by the police. All minority males indicated that they believe that if they make one false move in front of the police, they will be arrested --- that they believe the police are just waiting for them to make a misstep. One man reported looking for his ten-year-old daughter at an Albany High School basketball game at which a brawl had broken out.

I was at a basketball game at the Pepsi Arena, there was a big fight, the cops circled out the area where the kids were fighting. I came up to the circle looking for my ten-year-old daughter, I was wearing a shirt and tie, 5 cops pushed me out. I went in and found my daughter and when I left, the cops were staring at me. They told me if I had a complaint to go to the police department. When I did, I was accused of lying. The officer pointed to his shirt and said, “Here’s my name --- if you can read.” The cops pushed at every step of the situation.

One minority woman stated that even when nobody is arrested, some police exhibit disdain for community members. Voicing a complaint heard often by CFLJ, she stated that in one incident, she and a group of friends (all minorities) had eight police cars pull up on them, and the officers’ guns were drawn. All in her group were searched --- nobody had a weapon that the police said had been reported to them. Though all in the group were released, one officer said to another, “I would have tased them all.” The woman wondered aloud in the focus group, “Why would anybody say that?”

During his June 2013 interview with CFLJ Chief Krokoff indicated there is no “stop and frisk” program (such as that in New York City) in Albany because there is no need for it. The Chief stated that the department gets good cooperation from the community, and there is little to be gained from “low-value” arrests ---- those that lock up people who may be the main caregivers for their family, while providing no help for drug abuse or mental health problems. He states that more and better resources are needed to increase the use of pre-arrest diversion.

Regarding department policy on drawing weapons, the Chief stated in an August 2013 interview that it is somewhat subjective; an officer may draw his/her weapon whenever he/she believes that his/her own life or another’s is in danger. Krokoff said that he believed that the department needed to do a better job of explaining to the specific citizens involved in an encounter precisely why they had been approached in the manner in which the police engaged them.

When asked why the department has never formally issued a policy on racial profiling, the Chief stated that “it could be done tomorrow.” He stated that the department is already working on policy updates toward obtaining accreditation from CALEA (the *Commission on Accreditation for Law Enforcement Agencies*), and that this would be an opportune time to issue a racial profiling policy.

### *Cultural Competency*

The city of Albany’s 30,110 African Americans represent 30.8% of its total population of 97,856. However, a 2011 department report to the state indicated that the police department’s 312 officers included only 26 (8%) African Americans. In an effort to make the composition of the police department more closely reflect that of the city, the department launched a community-based effort to recruit minorities by raising awareness of the 2011 police exam within Albany’s minority community, and providing exam preparation support.<sup>24</sup> As a result of that exam, among the 31 new recruits sworn in on January 12, 2012 were an additional 4 African Americans (three males and one female) --- bringing the representation of African Americans to 9%. The department expressed disappointment that its recruitment efforts did not result in a greater number of minority officers, and expected to continue its minority recruitment efforts.

In his interviews with CFLJ, the Chief expressed regret that although about 25% of the next class is female, only one member is African-American. He indicated that he had examined the results of the 2011 recruitment effort and discovered that among all the stages of the candidacy process, the agility test is the stage at which most minorities (like most unsuccessful non-minority candidates) are eliminated from the process. The Chief stated that in the 2013 recruitment process the department plans to provide a training program to assist successful

written-test candidates in preparing for the agility test. In response to a question regarding the lack of African Americans among promotions, the Chief indicated that sometimes those who are offered the opportunity for promotion do not want to take it at this particular time citing, for example, that it would take too much time away from their family to do so.

One focus group member postulated that because minority children do not see minorities on the force, they do not believe that is an opportunity open to them. Several minority focus group members indicated that cultural competency training was needed for all members of the police department. Additionally, a review of the minutes of the 2012 Albany Police Citizens Review Board meetings revealed that while there were very few instances of claims of racial epithets being used by the police, many complainants believed that they were treated differently because of their race. Some used the term “racism,” indicating that they had been stopped/arrested because of their race, or that a similarly-situated white person had not been stopped/arrested. Others indicated that officers treated them unprofessionally, using undue force, and/or profanity, and/or rude language and behavior.

Chief Krokoff believes the police force is rapidly changing when it comes to cultural competency, stating that when he arrived as Chief the department was ready for change and all he had to do was remove the barriers. As part of the department’s international accreditation through CALEA (the *Commission on Accreditation for Law Enforcement Agencies*), the force is taking a more objective look at the department. CALEA accreditation is based on community policing, and promotes “best practices” based on the most current benchmarks possible.

Though formal cultural competency training is being conducted systematically department-wide, the Chief stresses the importance of informal training. Krokoff believes that regarding cultural competency, “preaching” has very little impact on officers. LISTENING and DOING makes change stick. When people come to the right conclusions on their own, change endures. By interacting with the community, officers are learning by doing.

#### *Leadership and Communication*

When searching for a new police chief, leadership and communication skills were considered important. It is the Chief’s responsibility to set an example for his officers, and to communicate appropriately with both the force and the community. One focus group member suggested that the Chief should reinforce positive things and reward “those things that are good.” The department could, for example, provide public recognition of officers that contribute to a positive relationship between the force and the community. A second participant offered that it would be helpful if the officers could work on some community service projects in the neighborhoods they serve.

According to some focus group members, negative messages are often communicated to the minority community by the police force through actions rather than words. One woman noted, for example, that there are no officers at the Greek Festival, but for African American events “they send twenty cops --- in riot gear.” Subsequent to the focus group meeting, there was a heavy police presence --- including the imposing mobile police unit --- at this year’s predominantly minority-attended Fourth of July celebration in Lincoln Park. During a CFLJ

interview, the Chief stated that while he could certainly understand the feelings expressed regarding police presence at cultural gatherings, he believes it is a matter of perception rather than reality. Decisions about police presence at public functions are based on prior instances of violence. Addressing the specific events mentioned during the focus group, the Chief explained that the Greek Festival is a function conducted on private, not public, property, and there have been no prior instances of violence at the Greek Festival. The department deploys police officers to public functions at which there has been a history of violence, including events populated by a majority of non-minorities; the Chief cited Larkfest, the Tulip Festival, and St. Patrick’s Day celebrations as examples.

The Chief also addressed the issue of the mobile police unit, stating that it was not intended to be imposing or intimidating but, rather, welcoming to the community. He said that it was used for a variety of purposes, including “safe child ID” and recruiting efforts. The Chief envisions the mobile police unit as a “community partnership table.” Krokoff allowed that, if community members find it “imposing,” perhaps a redesign of the unit would be in order.

During the course of Chief Krokoff’s June 2013 interview, CFLJ discussed the March 2013 training exercise conducted by the department at the Ida Yarbrough Homes, operated by the Albany Housing Authority. According to the Albany Times Union:

What happened at Ida J. Yarbrough Homes Thursday during a police training exercise was unacceptable, said residents and community advocates at a lively meeting of the Arbor Hill Neighborhood Association on Monday night at the Arbor Hill/West Hill Library. Albany Police Department’s SWAT team conducted a hostage rescue drill in a vacant apartment at the public housing complex, just a few yards away from occupied homes. Residents heard gunfire, flash grenades and breaking glass, and said they had no idea it was a training exercise. “It looked like a small military operation complete with fatigues and full gear,” said Ida Yarbrough resident Lauren Manning, who said her 4-year-old child is still shaken up. “Children should not be exposed to that, not on television, not on radio and definitely not in real life.” On Saturday, Police Chief Steven Krokoff said it was “insensitive” to conduct a drill near the occupied apartments. Deputy Police Chief Brendan J. Cox, who attended Monday’s neighborhood meeting, said there was a breakdown in communication.<sup>25</sup>

The Chief expressed embarrassment regarding this incident, stating that the department handled this inappropriately all the way around and he apologized to the community. He explained that the Ida Yarbrough training exercise was designed by line officers as a test for the supervisors, and it will not happen this way again.

To facilitate ongoing, two-way communication between the APD and the community, the Albany Community Policing Advisory Committee (ACPAC) was created in 2009. ACPAC is comprised of fifteen community members and several APD members, with each of the fifteen Common Council members responsible for appointing a representative from his/her ward. ACPAC meets monthly to discuss community policing matters, and each calendar quarter one of those meetings is open to the public. Additionally, ACPAC hosts quarterly “community policing forums” specifically designed to elicit community input; the police chief and several APD

deputies, officers, and other staff attend the forums. According to a flyer (see Attachment A) distributed at the July 16, 2103 ACPAC meeting:

ACPAC is committed to improving the relationship between the residents of the City of Albany and the Albany Police Department. In recognition of the importance of individual dignity, mutual respect, trust, community safety, and quality of life as components of positive citizen and police interactions, the Committee will implement activities which will improve communications between Citizens and Members of the Police Department.

The announcement of the July 16<sup>th</sup> community policing forum encouraged city residents to “Bring your questions, concerns, compliments, friends and neighbors,” and stated that “Albany Police Chief Steven Krokoff, neighborhood beat officers and members of the ACPAC will provide a brief presentation and then open the floor for questions and comments.” According to ACPAC, Chief Krokoff attends all public ACPAC meetings. Approximately a dozen APD representatives, a dozen citizen ACPAC members, and about one hundred twenty city residents attended the July 16<sup>th</sup> meeting.

Attendees at the ACPAC community policing forums are encouraged to complete a two-page “Survey on APD Community Policing Efforts” (see Attachment B) that presents twelve questions covering police/community relations, issues of concern to residents (e.g., animal control, gang activity, loud parties, etc.), traffic safety, and other public safety matters. When asked if he has reviewed community members’ evaluation forms, the Chief stated that he purposely does not know what the results of those evaluations are, to create distance between the officers and himself in their relationship to the community; he suggested CFLJ contact ACPAC to learn the results of the surveys. CFLJ requested summaries of the evaluations and were provided with data that, for the most part, reflected forums that occurred nearly two years ago. The evaluation summary of only one recent meeting --- a March 2013 community policing forum conducted in the Eagle Hill neighborhood --- was provided; no summaries of recent forums conducted in other neighborhoods (e.g., Pine Hills, Sheridan Hollow, the South End) were available. The ACPAC representative explained to CFLJ that analysis of community policing forum data has lagged since the departure of the analyst originally responsible for the surveys.

Krokoff explained in a CFLJ interview that the department is participating in a research study funded by the National Institute of Justice, and conducted by the University of Chicago and the National Police Research Platform (NPRP). The focus of the study is two-fold: to elicit information from all members of the department regarding policing in Albany, and to elicit information from the community regarding their interactions with the police. The purpose of the study is to improve the policing industry; it is expected that the results will be available in 2015.

*Political Independence*

As stated by CFLJ’s Executive Director in a 2009 Times Union op-ed regarding the search for a new police chief:

Perhaps one of the most troubling characteristics of [former Chief] Tuffey's tenure was the too-close relationship between the chief and the mayor, who were thought to protect each other politically and professionally. A truly effective police chief must be unconcerned with, and unaffected by, political influence.<sup>26</sup>

There have been no indications thus far that Chief Krokoff is unduly influenced by political considerations. In the most public test of his political independence to date, the Chief declined to bend to political pressure from the Governor and the Mayor to arrest Occupy Albany protestors in Academy Park in October 2011. According to the Albany Times Union:

In a tense battle of wills, state troopers and Albany police held off making arrests of dozens of protesters near the Capitol over the weekend even as Albany's mayor, under pressure from Gov. Andrew Cuomo's administration, had urged his police chief to enforce a city curfew. The situation intensified late Friday evening when Jennings, who has cultivated a strong relationship with Cuomo, directed his department to arrest protesters who refused to leave the city-owned portion of a large park that's across Washington Avenue from the Capitol and City Hall. At the Capitol, in anticipation of possibly dozens of arrests, a State Police civil disturbance unit was quietly activated, according to officials briefed on the matter but not authorized to comment publicly. But as the curfew neared, the group of protesters estimated at several hundred moved across an invisible line in the park from state land onto city property. "We were ready to make arrests if needed, but these people complied with our orders," a State Police official said. However, he added that State Police supported the defiant posture of Albany police leaders to hold off making arrests for the low-level offense of trespassing, in part because of concern it could incite a riot or draw thousands of protesters in a backlash that could endanger police and the public. "We don't have those resources, and these people were not causing trouble," the official said. "The bottom line is the police know policing, not the governor and not the mayor."<sup>27</sup>

Although Occupy Albany protestors were ultimately arrested by the Albany Police Department on December 22, 2011, the arrests came in reaction to a confrontation between some protestors and some police officers --- not upon the direction of any political entity.



## **Summary and Recommendations**

A common theme was discernible among the comments of residents who voiced their opinions to the search committee tasked with finding a new Chief of Police for the city of Albany: everybody wanted a police chief committed to community policing. After an extensive search process Steven Krokoff, a deputy chief within the department and acting chief since former Chief Tuffey’s departure, was appointed by Mayor Jerry Jennings. Krokoff was unanimously approved by the Albany Common Council --- the first time in the history of the city that such approval was required. The new chief had previously proclaimed his commitment to community policing and, upon his swearing in in July 2010, Albany residents had high hopes for improvement in the strained police/community relations --- fueled by racial tension --- that had plagued the city for decades.

Upon this, the three-year anniversary of Chief Krokoff’s swearing-in, the Center for Law and Justice has examined the Chief’s tenure in terms of the department’s implementation of community policing; the Chief’s transparency in dealing with the community; the department’s commitment to providing both law enforcement and public protection to *all* of its citizens; cultural competency --- the extent to which the department is sensitive to the racial and cultural diversity of the community it serves, and is aware of and addresses individual personal biases that may affect officer activities; the Chief’s leadership skills and ability to communicate effectively with the community; and the Chief’s independence from political influences. After reviewing media reports regarding the department’s activities over the past three years, conducting interviews with the Chief, eliciting feedback from a focus group of white and minority men and women residents of the city of Albany, and examining the minutes of all Police Citizens Review Board meetings held in 2012, CFLJ concludes that although progress has certainly been made since 1984, improvement is warranted in several areas.

Chief Krokoff has certainly demonstrated his understanding of, and commitment to community policing. His efforts at transparency are laudable, though the mechanisms for transmitting information to the community are in need of improvement, as evidenced by the Chief’s press conference following the Nah-Cream Moore shooting. Chief Krokoff’s accessibility is beyond reproach; he attends ACPAC (Albany Community Policing Advisory Committee) community policing forums, and he typically responds quickly and informatively to requests made to him and the department.

However, while the elements of community policing are being implemented in Albany, some in the community are unaware of these efforts. Within the focus group, none of the participants were aware of the periodic community policing meetings conducted by ACPAC. Two key themes appear to permeate the shortcomings of the department’s community policing efforts: there has been inadequate *education* of the community regarding their roles and responsibilities in community policing; and the department has neglected to fully engage the community in the *problem-solving* aspect of community policing.

### *RECOMMENDATIONS*

CFLJ makes the following recommendations to improve police/community relations in Albany, enhance the quality of life for the city’s residents, and promote social justice for all:

1) The Albany Police Department must re-examine and improve its mechanisms for engaging the community, including making better use of ACPAC to reach more citizens, more frequently. In a true partnership, both parties have responsibilities. The roles of community members are not clearly understood by a sizeable portion of the city’s population, and the APD and ACPAC must find ways to communicate the tenets of community policing more effectively. (Perhaps analyzing current ACPAC meeting evaluation forms from minority communities would provide some direction.)

2) The Albany Common Council must ensure that all of Albany’s neighborhoods have representation on ACPAC (the Albany Community Policing Advisory Committee), to maximize the success of community policing efforts.

3) The Department should devise mechanisms to engage the community in specific problem-solving efforts. For example, while the Department launched a robust minority recruitment effort in 2011, the Chief reports that many minority recruits were eliminated from consideration after failing the physical agility test. Perhaps the community could assist in solving this problem.

4) The Chief should publicly and quickly release department policies related to the reported experience of minority residents that they are treated differently. APD policies regarding racial profiling, “stop and frisk,” the use of Tasers, the deployment of police personnel at cultural events, and police officer display of weapons in encounters with citizens should be released to the public as soon as possible.

5) The Albany Police Department must ensure that all video and audio equipment carried by officers and units is in working order and deployed properly, in order that residents may be assured that their encounters with police are conducted in a lawful and respectful manner.

6) The police department and the community it serves cannot engage in an effective problem-solving partnership without explicit efforts by city government to create and sustain an environment that supports such a partnership. In light of the fact that a federal judge in August ruled “that the stop-and-frisk tactics of the New York Police Department violated the constitutional rights of minorities in the city,”<sup>28</sup> the Albany Common Council should issue a ban on “stop and frisk” programs and all racial profiling by the Albany Police Department.

*The Center for Law and Justice*  
*“Pathway to Change: African Americans and Community Policing in Albany”*

7) In accordance with the Chief’s recognition of the need to “heal wounded communities,” the City of Albany should develop and promulgate policies that transcend the criminal justice system. Specifically, city government leaders should declare that in Albany:

- a) the proliferation of drugs is to be treated as a *health* issue, rather than a criminal justice issue;
- b) *pre-arrest diversion* is the preferred intervention for all initial police encounters;  
and
- c) city government is committed to the successful *reentry* of people returning to our community from a period of incarceration, and accomplishing that objective is to be a priority for all city departments.

8) The Chief should provide an annual “State of the Albany Police Department” report to the Albany Common Council. This report should include a description of each police department policy, program, and practice implemented during the year, including a racial impact analysis of each new policy, program and practice implemented.

After more than a half century of poor police/community relations fueled by racial tensions, the City of Albany now finds itself on the cusp of a true police/community partnership. Since the killing of Jessie Davis in 1984, Albany has experienced police/community interactions ranging from instances of outright racism to “false starts” at community policing. With the 2010 appointment of Steven Krokoff, a Chief truly committed to community policing, there is hope for a mutually-respectful police/community partnership. There is, however, much work ahead for both the police department and the citizens it serves before community policing is an everyday reality for African Americans in Albany, New York.

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- <sup>1</sup> Bob Herbert, “In America; The Comfort Zone,” The New York Times, 6 January 2000.
- <sup>2</sup> National Association for the Advancement of Colored People, Albany Chapter, Response to: The Management Study of the Albany Police Department (1987).
- <sup>3</sup> John R. Probst Investigations, Inc., Report to Terrence Kindlon (1989) 3.
- <sup>4</sup> Catherine Clabby, “1<sup>st</sup> Black Sworn in as Chief Whalen Says Skill Won Police Post, Albany Times Union, 4 November 1989.
- <sup>5</sup> Jay Jochnowitz, “Community Policing Helps Residents Feel Safe,” Albany Times Union, 12 July 1992.
- <sup>6</sup> Jay Jochnowitz, “Albany Civic Forum Panel Backs Community Policing,” Albany Times Union, 22 December 1993.
- <sup>7</sup> New York Civil Liberties Union, Capital District Chapter, The City of Albany: The Need for All-Civilian Review of Police Misconduct to Ensure Accountability and Fair Law Enforcement (1994).
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- <sup>10</sup> Sullivan.
- <sup>11</sup> Elizabeth Benjamin, “Advocacy Leader Critical of Police Review Plan,” Albany Times Union, 9 May 2000.
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29 July 2013.

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- <sup>20</sup> Robert Gavin, “Legal End to Lethal Case,” Albany Times Union, 23 March 2012.
- <sup>21</sup> City of Albany Citizens’ Police Review Board, “5-17-12 Meeting Minutes,”  
<http://www.albanylaw.edu/glc/about/expertise/police/Documents/5%2017%2012%20meeting%20minutes.pdf>  
29 July 2013.
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29 July 2013.
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## **ATTACHMENT A**

### **Albany Community Policing History and Mission**

#### **History**

In the fall of 2009 the Albany Police Department’s administration recognized that there was a need for a philosophical change on how the department fulfills its mission in serving the citizens of Albany. With the combined perceptions of an unsafe city, and disconnect between citizens and the police, it was determined that the police department and the city alike would be better served to move to a community police based philosophy. It was determined that the police administration would seek the assistance of the Common Council. The Common Council members were elected to represent the 15 wards of the City ensuring complete representation of all areas of the City. The Common Council supplied the department with names of appointees from each ward, which became the Albany Community Policing Advisory Committee (ACPAC). The Committee provided the police department with suggestions that can be addressed in reinvigorating the department through a community police based philosophy.

#### **Albany Police Department Mission Statement**

It is the mission of the Albany Police Department to serve all people with integrity and respect, while enhancing the quality of their lives. The department is committed to the service of the community through efficient and effective policing, maintaining the highest level of integrity, ethics and honesty while promoting the professionalism of departmental personnel and treating the public with respect and dignity regardless of an individuals demographic background.

#### **ACPAC Mission Statement**

ACPAC is committed to improving the relationship between the residents of the City of Albany and the Albany Police Department. In recognition of the importance of individual dignity, mutual respect, trust, community safety and quality of life as components of positive citizen and police interactions, ACPAC will implement activities which will improve communication between the Citizens and Members of the Albany Police Department.

#### **ACPAC Purpose**

- Improve communication between the Citizens and Members of the Police Department.
- Encourage participation by Citizens and Members of the Police Department in Committee Activities.
- Provide a forum for discussions of community healing and community building.
- Promote partnerships between Community Organizations, Businesses and the Police Department.
- Serve as a catalyst for organizational change within the Albany Police Department.
- Support the Community Policing Model of Law Enforcement in the City of Albany.

## ATTACHMENT B



### Albany Community – Police Advisory Committee Survey on APD Community Policing Efforts

In conjunction with the Albany Community – Police Advisory Committee, we are requesting your assistance in evaluating the community policing efforts of the Albany Police Department. All responses will be kept confidential. No identifying information will be collected from you. Your answers will help the Albany Police Department serve you and your community better.

**Section I.** Please circle the phrase that best describes your feelings about the following statements.

- |  |       |                |            |                   |          |
|--|-------|----------------|------------|-------------------|----------|
| 1) The relationship between the community and APD has improved within the last year.       | Agree | Somewhat Agree | No Opinion | Somewhat Disagree | Disagree |
| 2) Since January 2011, I feel safer in my community.                                       | Agree | Somewhat Agree | No Opinion | Somewhat Disagree | Disagree |
| 3) The Albany Police Department is serving my community well.                              | Agree | Somewhat Agree | No Opinion | Somewhat Disagree | Disagree |
| 4) Since January 2011, I have seen APD officers in my neighborhood more often than before. | Agree | Somewhat Agree | No Opinion | Somewhat Disagree | Disagree |
| 5) The police try to provide the services we want in our neighborhood.                     | Agree | Somewhat Agree | No Opinion | Somewhat Disagree | Disagree |

**Section II.** Please answer the following questions.

1) Below is a list of common concerns throughout the city. Think about your neighborhood, and please circle your top 3 concerns.

- |                  |                          |                          |
|------------------|--------------------------|--------------------------|
| Animal Control   | People Acting Suspicious | Landlord/Tenant Problems |
| Gang Activity    | Prowlers                 | Abandoned Buildings      |
| People Loitering | Selling Drugs            | Graffiti                 |
| Fireworks        | Cars Speeding            | Domestic Violence        |
| Loud Music       | Public Urination         | Loud Parties             |
| Neighbor Trouble | Garbage                  | Cars Blocking Driveways  |

2) Do you have any concerns about traffic safety in your neighborhood?      Yes      No

a) Is your concern about:      Speeding      Accidents      Running traffic lights/signs

Other: \_\_\_\_\_

b) What is the name of the street or intersection you are most concerned about?

\_\_\_\_\_

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*“Pathway to Change: African Americans and Community Policing in Albany”*

**Section III.**

1) In the last year, what kind of interaction have you had with the Police Department? (Circle all that apply.)

- |                          |                    |                            |
|--------------------------|--------------------|----------------------------|
| Traffic Enforcement      | Traffic Accident   | Crime Victim/Report        |
| Witness                  | G.R.E.A.T. Program | Neighborhood Watch/Liaison |
| Disabled Vehicle         | Bike Patrol        | Arrested                   |
| Observed from a distance | None               | Other                      |

2) If you had any kind of contact with the Albany police in the last year, were you satisfied? (Circle yes or no, and then explain your answer below.)

Yes  No

Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) In your opinion, what should the Albany Police Department do to help your community be a safer, cleaner, and better place to live?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) Do you know the name of the Neighborhood Engagement Unit (beat) officer who walks in your neighborhood?

Yes  No

What is his/her name? \_\_\_\_\_

5) What is the name or number of the Beat Office where you filled out this survey? \_\_\_\_\_

~ Thank you for your participation! ~



# PATHWAY TO CHANGE

- AFRICAN AMERICANS AND COMMUNITY POLICING IN ALBANY

September 2013 The Center for Law and Justice, Inc. Dr. Alice Green

## PUBLIC COMPLAINTS UP AGAINST ALBANY POLICE

Times Union 04/04/1986

## POLICE TO PROBE BRUTALITY CHARGES

Times Union 04/06/1986

## OFFICER FACES BRUTALITY CHARGE

Times Union 10/22/1986

## NAACP PANEL CALLS FOR INDEPENDENT STUDY OF ALBANY POLICE

Times Union 04/09/1987

## ALBANY POLICE DENY BRUTALIZING POOR AND HOMELESS

Times Union 03/02/1988

## PUTTING 'COMMUNITY' INTO POLICING

Times Union 09/10/2001

## COPS ACCUSED OF SAVAGE BEATING

Times Union 06/30/2005

## COUNCIL ENCOURAGES REPORTS OF POLICE ABUSE

Times Union 02/22/2006

## GIRL, 14, FILES SUIT AGAINST POLICE

Times Union 03/11/2006

## ALBANY OFFICER GUILTY IN BRUTALITY CAST

Times Union 02/28/2008

## A TOUGH STRETCH FOR ALBANY'S CHIEF OF POLICE

Times Union 03/07/2008

## REPLACE TUFFEY, FOR ALBANY'S SAKE

Times Union 04/06/2009

## POLICE OFFICERS RETURNING TO BEATS IN ALBANY

Times Union 12/15/2009

## KROKOFF PLACES FOCUS ON COMMUNITY

Times Union 07/13/2010

## KROKOFF IS ALBANY'S PICK FOR POLICE CHIEF

Times Union 07/20/2010

## POLICE PLAN A SHIFT IN TACTICS

Times Union 10/22/2010

## PASSIONATE VIEWS AT POLICING FORUM

Times Union 09/28/2011

## CONSIDER INVESTING IN COMMUNITY POLICING

Times Union 07/07/2013

