

Council Member Robinson, Hoey, and Romero introduced the following:

LOCAL LAW D OF 2024 (*Pending Amendment 07/15/2024 – B version*)

A LOCAL LAW AMENDING ARTICLE XLIV (GENERAL PROVISIONS) OF PART 33 (COMMUNITY POLICE REVIEW BOARD) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO TRANSITIONING THE COMMUNITY POLICE REVIEW BOARD INTO THE CITY OF ALBANY

Be it enacted by the Common Council of the City of Albany as follows:

Section 1. Article XLIV (General Provisions) of Part 33 (Community Police Review Board) of Chapter 42 (Departments and Commissions) of Part I (Administrative Legislation) of the Code of the City of Albany is hereby amended to read as follows:

§ 42-332 Legislative findings; purpose.

- A. The Common Council hereby finds and declares that abuse of authority, incivility, rudeness, prejudice or discrimination based upon race, gender, color, national origin, economic status, religion, age, sexual orientation, marital or domestic partner status, or mental or physical ability has no place in the actions, customs, practices, policies or procedures of the City of Albany Police Department.
- B. The Common Council further finds and declares that it is in the public interest of the City of Albany to have an independent mechanism to fairly review the conduct of law enforcement officials.
- C. The Common Council further finds and declares that the conduct of law enforcement officials is subject to public, departmental and executive scrutiny and accountability.
- D. The Common Council further finds and declares that an effective program to improve the relationship between the community and the Albany Police Department requires certain independent authority and power to review the handling of complaints of police misconduct.
- E. The purpose of this Part 33 is to create an independent review body with respect to complaints of misconduct by officers of the Albany Police Department. The remedies created by this Part 33 are in addition to any others provided by common law or statute. Its goals are to improve communication between the Police Department and the community, to increase police accountability and credibility with the public and to create a complaint review process that is free from bias and informed of actual police practices.
- F. The Common Council recognizes that, since November 1, 2000, the CPRB has operated under a model in which it has solely contracted with outside entities in performance of its statutorily mandated powers and duties bestowed by this chapter.

G. It has become necessary, for practical, budgetary, and good governance reasons to ensure that the CPRB and its members are incorporated into the formal structure of the City of Albany as a separate agency under the oversight of the Common Council with independent day-to-day operations under the direction of the CPRB.

§ 42-333 Definitions.

For purposes of this Part, the following words and phrases shall have the meanings described in this section:

~~ADMINISTRATIVE AGENCY~~

~~The agency responsible for administration of the CPRB pursuant a request for qualifications (RFQs), as described in § 42-352.~~

APD

The City of Albany Police Department.

CHIEF

The Chief of Police of the Albany Police Department.

COMPLAINT

A statement concerning police conduct which is either submitted to the Community Police Review Board for filing with the Albany Police Department or filed directly with the Albany Police Department.

CPRB

The Community Police Review Board.

EMPLOYEES

Within this Part, employees shall mean individuals hired by the Albany Common Council, or their designee, who shall be responsible for performing tasks assigned to them by the Program Director and as within their responsibilities per the determination of the Civil Service Commission, but shall not mean the members of the Community Police Review Board.

GENDER

Shall have the same meaning as set forth in § 48-25 (Definitions) of Article III (Omnibus Human Rights Law) of Chapter 48 (Equal Opportunity Protections) of this Code.

MEDIATION

A structured dispute resolution process in which a neutral third party assists the disputants by facilitating a nonbinding intervention.

OFFICER

Any sworn police officer of the City of Albany Police Department affected by an individual's complaint.

PROFESSIONAL STANDARDS

The Professional Standards Unit of the City of Albany Police Department.

PROGRAM DIRECTOR

An individual hired by the Albany Common Council, or their designee, to act as the director of the day-to-day operations of the Community Police Review Board to serve at the pleasure of the Common Council and at the direction of the Community Police Review Board.

§ 42-334 CPRB establishment; appointment of members; funding.

- A. There is hereby established a Community Police Review Board (CPRB) comprised of nine members, five of whom shall be appointed by the Common Council and four of whom shall be appointed by the Mayor.
- B. Members shall be appointed for three-year terms; provided, however, that:
 - 1. Of members initially appointed by the Common Council: one shall be for a term of one year; two shall be for a term of two years; and two shall be for a term of three years.
 - 2. Of members initially appointed by the Mayor: one shall be for a term of one year; one shall be for a term of two years; and two shall be for a term of three years.
- C. No member of the CPRB shall serve for a period which exceeds two full consecutive terms; provided, however, that a member may be considered for reappointment to the CPRB after one year of non-membership; and provided, further, that an appointment to fill a vacancy in an unexpired term shall not apply to the limitations in terms of service otherwise applicable under this subsection.
- D. Members shall continue to serve on the CPRB until their successors have been appointed.
- E. Annually, the members of the CPRB shall elect from their membership a member to serve as Chair.
- F. Upon submission to the Common Council, the annual proposed City of Albany operating budget shall include a separate appropriation to fund CPRB operations in an amount which is not less than 1% of the total proposed budget of the Albany Police Department.
- G. The Corporation Counsel shall advise and represent the Board as it would other public boards in accordance with applicable state and local law(s). Additionally, the CPRB may seek and retain separate legal counsel, whether on staff or contract, for any purpose otherwise authorized under this Part 33 in addition to utilization of the services of the Corporation Counsel at the CPRB's discretion.
- H. The CPRB shall annually adopt an operating budget within amounts available which, upon adoption, shall be transmitted to the Mayor and members of the Common Council. All

contracts for outside services (legal or other) shall be procured in accordance with applicable procurement requirements.

- I. The CPRB shall have access to all services and resources granted to all city departments and offices, including but not limited to: office space; budgetary, purchasing, and payroll services; IT services; human resource services; and security services; as well as those specifically authorized by this Part; and as needed for the conduct of its operations.
- J. By operation of law and the City of Albany Charter, the CPRB is incorporated into the City of Albany under the oversight of the Common Council, and shall have its day-to-day operations directed independently by the Program Director.

§ 42-335 Functions and Duties of the Program Director

- A. The Common Council shall, upon consultation with the CPRB, and by resolution of the Common Council, hire a Program Director of the CPRB. The Program Director shall serve under the supervision and at the pleasure of the Common Council.
- B. The day-to-day administrative operations of the CPRB shall be under the control of the Program Director.
- C. The Program Director shall be responsible for ensuring the proper functioning of the CPRB and shall coordinate with the Chair of the CPRB to perform such duties as are needed for the performance of the duties of the CPRB and its members. The Program Director shall prepare and present such reports enumerated herein and as required by resolution, ordinance, or local law duly enacted by the Common Council.
- D. The Program Director shall have the authority to recommend to the Common Council that the Common Council, or their designee, hire and/or terminate such additional employees as may be authorized by the CPRB's annual budgetary appropriations, and any amendments made thereto by the Board of Estimate and Apportionment, but the authority to hire and terminate employees authorized by such appropriations rests with the Common Council.
- E. The Program Director shall have the authority to direct such employees pursuant to all applicable laws, rules, and contracts.

§ 42-335~~6~~ Removal of members; filling of vacancies.

CPRB members may be removed at any time for cause by a two-thirds vote of the Common Council. Any vacancy occasioned by resignation, death or removal of a member shall be filled within 60 days in the same manner as the predecessor to fill the unexpired term.

§ 42-336~~7~~ Qualifications of members.

- A. Members of the CPRB shall reside in the City of Albany and possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service.
- B. The Common Council and the Mayor shall endeavor to reflect community diversity in their appointments, including income level, race, ethnicity, age, gender, sexual orientation and experience, and shall, in their appointments, solicit recommendations from the community. Officers (as defined in the City of Albany Charter), current employees of the City of Albany and the immediate relatives of officers and employees shall not be eligible for appointment.
- C. Members of the CPRB and their immediate family shall not be former employees of APD.

§ 42-3378 Quorum.

Five members of the CPRB shall constitute a quorum. Five votes shall be required for any action.

§ 42-3389 Bylaws and rules.

The CPRB, ~~with the advice and assistance of the Administrative Agency,~~ shall adopt, and the Common Council shall approve, rules and bylaws for the transaction of CPRB affairs, including the manner of calling and giving notice of special meetings and the appointment and duties of any special committees.

§ 42-33940 Training and orientation of members; employees

~~The Administrative Agency shall coordinate and conduct training and orientation of CPRB members and recommend for adoption by the Common Council written standards for orientation of appointees and continuing training of all CPRB members.~~

- A. The Department of Administrative Services shall provide standard onboarding training to employees.
- B. The Program Director shall designate an individual or firm to collaborate on an orientation that shall contain two training programs, which shall be approved by the Common Council, one training which shall be for CPRB members and the other shall be for employees. CPRB members shall complete the complete the orientation program concerning the goals, powers and procedures of the CPRB is required before a member may participate as a voting member and employees, including the Program Director, shall complete such training within two months of the start of their employment. In addition, graduation from the Albany Police Department's Community Police Academy (the curriculum of which shall include training in the laws applicable to public record concerns, internal affairs investigations, confidentiality issues and liability statutes; training in police procedures; participation in ride-alongs; defensive tactics training; firearms familiarization; and emergency vehicle operations) within six months of the start of the member's term is required at the soonest available opportunity shall be required for continued service on the Board, unless the Program Director certifies to the Common Council that a member is unable to be present due to extraordinary circumstances, including, but not limited to: disability; illness; quarantine order; the death of an immediate family member where such term is defined to include a spouse, parent, sibling, child, domestic partner, or individual for whom the member is the designated guardian; caregiving responsibilities for an

immediate family member; or any other significant or unexpected factor that may preclude attendance, and in such case the member shall attend the next available opportunity. Further, an ~~Administrative Agency~~ individual or firm, to be selected by the Program Director, shall provide to CPRB members, and the members shall undergo, continuing education on issues related to the interaction between civilians and police officers from the perspectives of both the complainant and the police officer and shall additionally include a review and update of relevant federal and state statutory amendments and case law. Further, at least one member of the CPRB shall be designated to become a member of the National Association of Civilian Oversight of Law Enforcement, and at least one member shall attend its annual conference.

§ 42-3401 Recommendations, reports, data collection and analysis.

- A. The CPRB may make recommendations to the Common Council and the Mayor regarding police policies and practices relevant to the goals of community policing and the exercise of discretionary authority by police officers.
- B. The ~~Administrative Agency~~ Program Director, on behalf of the CPRB, shall file ~~quarterly~~ and ~~biannual~~ reports with the Common Council and the Mayor which contain statistics and summaries of complaints, including a comparison of the CPRB's findings with the final determinations of the Department. The Program Director shall also file such other reports as requested by the Common Council with the Common Council and the Mayor. The ~~Administrative Agency~~ CPRB shall ~~contract~~ work with one or more local colleges, universities or research institutions to conduct surveys of complainants concerning the level of their satisfaction with the process and to conduct surveys of the community to get feedback concerning the CPRB and the Police Department. The results of those surveys shall be reported to the CPRB, the Chief and the Common Council. In addition, the ~~Administrative Agency~~ CPRB shall collect data concerning alleged offenses and offenders and report this data to the Chief. The Chief shall analyze and use the data concerning repeat alleged offenses and offenders to implement an “early warning system” to track repeat alleged offenses and offenders reported to CPRB and the Police Department.
- C. The Chief shall issue a quarterly report to the CPRB on disciplinary investigations and action taken within the Department and resolutions thereof. Such reports shall include both individualized information about specific cases and aggregate information. Additionally, the CPRB is authorized to request a report from the Chief on whether disciplinary action was taken in any specific case.
- D. The CPRB may perform, or cause to be performed, an audit to assess the investigation and adjudication of civilian complaints.

§ 42-3412 Member responsibilities.

CPRB members shall:

- A. Maintain absolute confidentiality with respect to confidential or privileged information they receive and maintain a thorough knowledge of the legal protection accorded to police records, including the penalties imposed for violations.
- B. Obey all laws respecting individuals' rights of privacy and confidentiality of records.
- C. Not remove any Police Department, Professional Standards, personnel or other confidential files, records or tapes from City offices except as authorized under this article.
- D. Excuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest.
- E. Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality and integrity of the CPRB and refrain from making any prejudicial comments with respect to the CPRB, complainants or police officers.
- F. Participate in orientation and training programs in accordance with § ~~42-339~~40 of this Part.

§ 42-3423 Initiation of complaints.

- A. Complaints may be received directly by the CPRB, or upon referral from OPS, the Mayor, the Common Council, any Council Member, the City Clerk, or the Chief. Any complaint received and accepted by the CPRB shall be transmitted to OPS, and any complaint received and accepted by OPS shall be transmitted to the CPRB. Complaints shall be filed within 180 days of the date of the incident giving rise to the complaint.
- B. The CPRB shall receive complaints by telephone, in person, by mail, email or web form. Complaints shall be received and considered, whether submitted under signature or anonymous. Efforts to simplify the procedure shall be made to encourage filing. Professional standards of confidentiality with regard to the written release of information and informed consent shall apply to all complaints filed. With respect to the confidentiality of all interested parties, the CPRB shall comply with all local, state, and federal laws.
- C. Before proceeding with the complaint process, the CPRB shall make the complainant aware of and provide a referral to organizations that advocate for people who have experienced police misconduct and can explain the process of the CPRB and other options that exist beyond the CPRB's jurisdiction.
- D. The CPRB shall have full access to information about any officer involved in the events that are the subject of a complaint, including information about prior complaints involving that officer and any action taken in response to those complaints. It shall be within the discretion of the CPRB whether to discuss in a public meeting, or include in the CPRB's findings, or otherwise make public, such information that is not otherwise subject to confidentiality standards.

- E. When a complaint is filed, and OPS is in the possession of any audio or video footage pertaining to the incident (including, but not limited to, body camera footage and dashboard camera footage), OPS shall make such footage available for any members of the CPRB upon request. If OPS fails to make the footage available within 14 days of the request, it shall forward a notice to the CPRB and the Common Council explaining the delay. Upon request of the CPRB, the Common Council may, after consideration, direct the release of such footage to the CPRB notwithstanding the requested delay. It shall be within the discretion of the CPRB whether to discuss in a public meeting, or include in the CPRB's findings, or otherwise make public, such information.
- F. When a complaint is filed, the Chief or their designee and the CPRB shall, pursuant to § 42-3478, determine whether the mediation is appropriate.

§ ~~42-3434~~ Powers and duties.

- A. The CPRB shall have the power to conduct independent investigations as it deems warranted, even in the absence of a complaint being filed with either OPS or CPRB; the power to issue subpoenas to compel testimony and the production of evidence, and the power to discipline officers if a complaint of misconduct is sustained subject to due process procedures and findings.
- B. The CPRB shall establish a disciplinary matrix in conjunction with the Chief. Such matrix shall include clearly delineated penalty levels with ranges of sanctions which progressively increase based on the gravity of the misconduct and the number of prior sustained complaints. The CPRB, in consultation with the Chief, shall review the disciplinary matrix annually, and consider any recommended changes. The CPRB shall also seek input from the public while establishing and reviewing disciplinary matrices. The Chief shall decide the final version of the disciplinary matrix to be used after public input facilitated with the CPRB.
- C. The CPRB shall periodically review and assess APD policies, procedures, patterns, practices and training and may recommend changes to the APD. Written acknowledgment of receipt of recommendations will be sent to the Chair of CPRB from the Chief within 60 days with a detailed listing of what items are and are not being implemented.
- D. The CPRB and the Chief shall establish a cooperative relationship to ensure the orderly and efficient flow of information.
- E. Accessibility.
 - 1. The CPRB shall provide or arrange language access for limited- or non-English proficient complainants and witnesses at all stages of the investigative and adjudicative process. Language access shall be available during all operating hours of the CPRB.

2. The CPRB shall provide reasonable accommodations in accordance with federal, state and local law to individuals with disabilities at all stages of the investigative and adjudicative process. Such accommodations shall be available during all operating hours of the CPRB and shall include but not be limited to: accessible means of egress, accessible means of communication via auxiliary aids or services giving primary consideration to preferences of the individual deserving such services, and access to ASL interpreters.

F. Investigation of complaints.

1. The CPRB may interview complainants, witnesses and APD officers, and gather relevant evidence. OPS shall provide the CPRB with written notice of the commencement of any investigation, and likewise, the CPRB shall provide the OPS with written notice of the commencement of any investigation.
2. The CPRB shall have the power to investigate any and all conduct, acts or omissions by any APD officer independent of any investigation conducted by OPS.
3. Subpoenas may be issued by the CPRB at any time during the review and adjudication processes. Such subpoenas may compel the attendance of witnesses, APD officers, APD employees, and/or persons, and require the production of records and other materials, including records of the APD, other persons or other agencies. A copy of any subpoena served upon an APD officer or employee shall also be delivered to the Chief. CPRB subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules.
4. Upon receipt of a complaint, within the time frame allotted in accordance with any applicable police collective bargaining agreement, OPS shall provide to the CPRB its entire investigative case file related to the complaint. Thereafter, OPS shall send any newly acquired evidence to the CPRB within five business days of the acquisition of the evidence. If OPS makes any findings with respect to the complaint, they shall send all such findings to the CPRB within five business days.
5. One police officer holding the rank of Captain or higher shall be made available by the Chief to the CPRB at the CPRB's request to serve as a consultant or advisor should questions arise from members of the CPRB regarding specific police practices, policies, or general orders. The officer so assigned shall be neither from OPS nor the commanding officer of the officer(s) involved in the case being reviewed.
6. A complainant may, at any time, decline to have their complaint investigated and reviewed by the CPRB. Such declination must be made in writing.
7. Statements made by complainants, APD officers or employees, or witnesses are subject to the CPRB's determinations of weight and credibility. Participation or lack

of participation in the hearing process may be considered by the CPRB as one factor in their determination of credibility.

8. The Chief shall take no final action on a complaint, whether received directly by the APD or by the CPRB, until receipt of the CPRB's findings and decision, or notice that the CPRB has determined no disciplinary action is appropriate. Nonetheless, the Chief shall retain the authority to suspend an APD officer during the investigation and adjudication of a complaint against the APD officer, as well as the authority to impose any additional discipline for an officer above and beyond that recommended by the CPRB. Any documentary information that the Chief discusses in public or with the media must be made available to the CPRB.

§ 42-3445 Findings of the CPRB.

- A. The CPRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the case:
 1. Sustained: where the review discloses sufficient facts to prove the allegations made in the complaint.
 2. Not Sustained: where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.
 3. Exonerated: where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.
 4. Unfounded: where the review shows that the act or acts complained of did not occur or were misconstrued.
 5. Ineffective Policy or Training: where the matter does not involve guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.
 6. No Finding: where, for example, the complainant failed to produce information to further the investigation; or where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; or where the complainant withdrew the complaint; or where the complainant is unavailable to clarify the complaint.
- B. If the CPRB fails to render a finding referenced above within 60 days of its receipt of the preliminary report of the Department's findings, the complaint file shall be returned to the Chief for disposition of the matter, unless the CPRB shall advise the Chief, the complainant and the affected officer in writing of the reason for the delay in rendering its finding. In such case, the CPRB shall provide the Chief, the complainant and the affected officer with monthly updates on the status of the complaint. In any event, if the CPRB fails to render a finding referenced above within 120 days of its receipt of the preliminary report of the

Department's findings, the complaint file shall be returned to the Chief for disposition of the matter.

§ 42-3456 Final determination.

At the conclusion of its review, the CPRB shall make its finding known to the Chief, the affected officer and the complainant within 30 days. The Chief of Police shall review the Department's preliminary report in light of the CPRB's finding and then make the Department's final determination known to the CPRB, the affected officer and the complainant. In the event that the Department's final determination is inconsistent with the CPRB's finding, the CPRB may request that the Chief provide a written explanation of the Department's final determination.

§ 42-3467 Mediation process.

- A. A mediation process shall be established and coordinated by the ~~Administrative Agency~~ APD and CPRB in accordance with this section and Part 3 of this chapter.
- B. Mediation shall be conducted at no cost to the complainant or officer by highly trained and experienced mediators selected from a list compiled by the ~~Administrative Agency Program Director and the Chief of Police, or their respective designees~~, and approved by the Common Council and the Mayor. The ~~Administrative Agency Program Director~~, the Common Council and the Mayor shall endeavor to reflect community diversity in this list of mediators. The ~~Administrative Agency Program Director~~ shall develop an appropriate training curriculum which each mediator shall be required to complete. Each mediator shall be a graduate of the Albany Police Department's Community Police Academy. In addition, the ~~Administrative Agency~~ mediators shall undergo continuing education on issues related to the interaction between civilians and police officers from the perspectives of both the complainant and the police officer.
- C. Upon receipt of complaint, unless the case involves an allegation of excessive force, an alleged violation of civil rights or an allegation of criminal conduct against an officer, or the complaint is a result of an incident that involves an arrest, or if there was an injury to either party, or if there was property damage by an officer, the complaint will be considered appropriate for mediation.
- D. An eligible complaint shall be reviewed for potential recommendation for mediation by the Board and by the Chief or his designee. Five members of the Board, ~~selected by lot, will shall be contacted by the Administrative Agency and a decision made~~ decide, on behalf of the Board, as to the appropriateness for mediation by a majority of those five members. A decision regarding mediation shall be made within two business days by both the Board and the Chief. If either the Board or the Chief finds a complaint inappropriate for mediation, then the matter shall be referred to OPS for investigation consistent with this article.
- E. If the Board and the Chief recommend a complaint for mediation, both the complainant and the officer will have the option of electing to continue with the mediation process. If

either party declines mediation, ~~or fails to participate in the mediation within 30 days~~ then the matter shall be referred to OPS for investigation consistent with this article.

- F. If the parties agree to mediate, then the complaint will not be investigated by the Police Department regardless of the outcome of the mediation, unless such complaint is subsequently referred back to OPS pursuant to §§ 42-347(F) and (J).
- G. If the parties agree to mediate, the process shall follow the mediation protocols adopted by the Board.
- H. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.
- I. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties. If the parties cannot agree upon a time and place to mediate within one month of the recommendation for mediation, the matter shall be referred to OPS for investigation consistent with this article and the case will proceed as if mediation was declined and referred back to OPS for investigation.
- J. In conducting the mediation, the mediators may not impose an outcome on the parties.
- K. Mediation sessions shall be closed to the public. Matters discussed shall be confidential.
- L. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding, and mediators may not be compelled by a subpoena to give testimony or produce anything related to the mediation.
- M. Upon the completion of the mediation process, the CPRB shall issue a finding of "Mediated," and the allegations shall be deleted from the officer's CPRB history.

§ 42-3478 Meetings.

- A. The CPRB shall hold its first meeting within 30 days after a quorum of its members has completed the orientation program. At that meeting, the CPRB shall fix the time and place for its regularly scheduled meetings.
- B. The CPRB may conduct both public and closed meetings as allowed or required by the Open Meetings Law.
- C. The Chief shall designate a representative from Professional Standards to attend meetings of the CPRB and to provide information and advice to the CPRB. The representative shall not be viewed as a member of the CPRB.
- D. Officers and complainants may attend meetings of the CPRB.

~~E. The Administrative Agency shall provide all staff services to the CPRB, including the maintenance of CPRB files and records. Furthermore, the Administrative Agency shall be responsible for the preparation of CPRB reports and review findings and recommendations referenced in this Part.~~

§ 42-3489 Suspension of proceedings.

Upon the written recommendation of the Corporation Counsel, the Common Council and the Mayor concurrently may suspend the CPRB review of any complaint where a separate criminal investigation is underway or where a civil action against the City is underway or pending. Upon the conclusion of such separate proceedings, the CPRB may resume or undertake its review.

§ 42-34950 Information sharing.

The CPRB shall forward, in writing, to the Chief any new case-specific information it obtains during the course of an investigation concerning an incident or practice subject to a complaint. Similarly, during the course of a CPRB review, the Chief shall forward to the CPRB, in writing, any new case-specific information the Chief obtains after the conclusion of the Professional Standards investigation and the submission of the Department's preliminary report to the CPRB referenced in § 42-3434 of this Part concerning an incident or police practice subject to a complaint.

§ 42-3501 Community outreach.

~~The CPRB, with the assistance of the Administrative Agency, shall inform the public about the CPRB and its duties. It shall develop and administer an ongoing program for the education of the public as to the mission and purposes of the CPRB process and the law established by this Part, which shall include the use of informational pamphlets and seminars.~~

~~§ 42-350.1 Retention of Administrative Agency.~~

~~In consultation with the CPRB and the Common Council, the Administrative Agency shall be retained pursuant to a request for qualifications (RFQ), periodically issued by the Corporation Counsel, to undertake the administrative functions of such agency as set forth in this Part 33. Such agency shall have the capacity to undertake legal and other research as necessary, development of administrative procedures, and statistical and report compilation in addition to such other functions set forth in this Part.~~

§ 42-351.1 Construction of Part.

The purposes of this Part favor resolution of ambiguity toward the goal of promoting public documentation and openness in the resolution of complaints of misconduct by police officers. This Part shall be deemed to supersede and repeal any and all provisions of local laws or local administrative orders which are inconsistent or conflict with any provisions of this Part. No report, finding or determination made pursuant to this Part shall in any way conflict with or abridge the rights of complainants or officers guaranteed by the United States Constitution, the New York State Constitution or any federal or state law, rule, regulation or administrative order.

§ 42-352 Severability.

If any clause, sentence, paragraph, sections or part of this Part shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect,

impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, sections or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon passage, public hearing and filing with the New York Secretary of State, but shall not take effect earlier than January 1, 2025.

**APPROVED AS TO FORM THIS
12TH DAY OF JULY, 2024**

Corporation Counsel

To: Shaniqua Jackson, City Clerk
From: Jake Eisland, Research Counsel
Re: Common Council Legislation
Supporting Memorandum
Date: April 3, 2024
Sponsors: Council Members Robinson, Hoey, and Romero

LOCAL LAW D OF 2024 (*Pending Amendment 07/15/2024*)

TITLE

A LOCAL LAW AMENDING ARTICLE XLIV (GENERAL PROVISIONS) OF PART 33 (COMMUNITY POLICE REVIEW BOARD) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO TRANSITIONING THE COMMUNITY POLICE REVIEW BOARD INTO THE CITY OF ALBANY

GENERAL PURPOSE OF LEGISLATION

To separate the CPRB from an administrative agency and incorporating it into the city, allowing it to hire its own full-time employees, organize and utilize its budget with standard oversight, and share services with other City of Albany departments to improve its operational efficiency.

The Common Council recognizes that, since November 1, 2000, the CPRB has operated under a model in which it has solely contracted with outside entities in performance of its statutorily mandated powers and duties bestowed by this chapter. It has become necessary, for practical, budgetary, and good governance reasons to ensure that the CPRB and its members are incorporated into the formal structure of the City of Albany, while at the same time maintaining its absolute independence so as to allow the CPRB to provide for objective and independent police oversight in the City of Albany.

By operation of this law, the CPRB shall be incorporated as an office under the Albany Common Council with access to such services and resources granted to all City departments as necessary for the conduct of its operations.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXSITING LAW

At the end of 2024, the CPRB's contract with the Government Law Center at Albany Law School will end. Currently, the operation of the CPRB is required by law to be dependent on the existence of an administrative agency such as the Government Law Center. This legislation will permit the CPRB to operate independently, as a part of the City, under the supervision of the Albany Common Council in place of an external administrative agency.

FISCAL IMPACT(S)

TBD