

**A RESOLUTION OF THE ALBANY CITY COUNCIL AMENDING
RESOLUTION NO. 2021-100
ESTABLISHING ALBANY POLICING COMMISSION**

WHEREAS, the Task Force found trust in policing depends upon the community’s access to information about policing, being treated with basic human dignity and respect when engaging with police officers, ability to request and receive all legally public data in a timely manner, generally

1 within 30 days, and being able to make statements, observations or complaints that will be taken
2 seriously and addressed promptly; and
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4 **WHEREAS**, the Task Force found mistrust of and misinformation about policing in a
5 jurisdiction can spread in the absence of mechanisms for education, communication, and redress;
6 and
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8 **WHEREAS**, the Task Force recommended the City Council establish a public safety
9 accountability commission to provide such a mechanism.
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11 **NOW THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby
12 establishes the Albany Policing Commission (“the Commission”) to carry out the charges further
13 outlined in this resolution, with any aspects subject to meet and confer with the Albany Peace Officers
14 Association as determined by the City Attorney in abeyance until agreement is reached; and
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16 **BE IT FURTHER RESOLVED**, that the Commission shall be comprised of seven (7)
17 members, with one (1) appointment who shall be residents of the City of Albany made by each City
18 Council member subject to ratification of the City Council, and two (2) appointments made by the
19 Albany School Board subject to ratification of the City Council and that School Board appointments
20 need not be residents of Albany. These appointments shall be in accordance with Section 3.23 of
21 the Albany City Charter; and
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23 **BE IT FURTHER RESOLVED**, that the Commission shall meet on a monthly basis
24 except for the August recess period, and meetings may be cancelled or rescheduled for lack of
25 quorum or other reasonable cause; and
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27 **BE IT FURTHER RESOLVED**, that the Commission shall receive all legally public
28 complaints from the Albany Police Department (“the Department”) in a timely manner, generally
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1 not to exceed 30 days, review such material, request additional, legally public associated data,
2 and determine whether to recommend that ~~the Chief of Police refer~~ such complaints be referred
3 to an outside consultant for investigation consistent with California law and independent of
4 Albany Police Internal Affairs; such recommendation will be ~~considered~~ reviewed by the City
5 Manager, in consultation with the Chief of Police and City Attorney, and put before the City
6 Council for determination as to whether the City Manager should hire an outside consultant for
7 an investigation; and
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10 **BE IT FURTHER RESOLVED**, that the Commission shall be able to request and receive
11 from the Department in a timely manner, generally not to exceed 30 days, all legally public data on
12 police stops, deployment of weapons, use of force, and other matters as desired by the Commission
13 and allowable under State law; and
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15 **BE IT FURTHER RESOLVED**, that the Commission shall be able to request and receive
16 from the Department in a timely manner, generally not to exceed 30 days, legally public information
17 regarding Department demographics and performance, which reports shall not contain specific
18 information regarding any individually-identifiable Department employee; and
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20 **BE IT FURTHER RESOLVED**, the Commission shall receive regular briefings on the
21 Department's training and recruitment, policy changes, structure and budget in order to make policy
22 recommendations and report regularly to the City Council; and
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24 **BE IT FURTHER RESOLVED**, that the Commission shall convey questions from the
25 public to the Department's representative to be answered by a Department representative at a
26 subsequent meeting, and report to the City Council on any issues that might benefit from City
27 Council attention as allowed by law; and
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BE IT FURTHER RESOLVED, the Commission should be generally reflective of the community with focused efforts to encourage applications from groups that might be most impacted by policing, to which end those interested in serving on the Commission should fill out applications similar to those submitted by applicants to the Task Force as such would help the City Council make appropriate appointment decisions; and

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

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

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

BE IT FURTHER RESOLVED, that the Council shall retain authority to modify the composition, appointment process, scope, and/or transition or sunset the Commission if deemed appropriate.

PRESTON JORDAN, MAYOR