

MINUTES

**Regular Board Meeting
Police Accountability Board
March 3, 2022 at 6:30 PM
Conducted Over Zoom**

Attendees

Board Members: Wilson, Brown, Harrison, Nickoloff, Setel, Perez, McIntosh, Tucker (@6:36P)
Staff: Reynolds, Pacheco-Walker

| Item | Details | Vote | Time |
|---------------------------|--|------|--------|
| Start of Meeting | <u>Welcome & Introductions:</u> Chair Wilson called the meeting to order. Pacheco-Walker completed roll-call. | N/A | 6:32PM |
| Approval of Prior Minutes | <u>Minutes:</u> Member Perez made a motion to approve the minutes of February 17, 2022. With no corrections or objections, motion passes 4-0. Member Harrison seconds. | 7-0 | 6:34PM |
| Meeting Discussion | <p><u>Staff Report:</u> Executive Director Reynolds began with an update on the Rules for Investigations, the City's Law Department has send a response. Staff will be formulating a response to Law Dept. over the next week and will be sitting down 1-on-1 to discuss them. He stated that he believes there is room for compromise and agreement in the coming days. Noted that he will make sure that the Board receives the Law Department's comments as well as the Staff response once finalized. Also noted that City Council's Liaison to the Board, Councilmember Kimberly Smith, has also been informed and that Council has been made aware of the responses as well. Reynolds thanked new staff members Duwaine Bascoe and Chenoa Maye for coordinating the response.</p> <p>With regard to training, the Board's Training Committee has been meeting regularly. On the Staff side, there has been great progress on the development of the training curriculum that will be rolled out in April-May.</p> <p>With regard to office space, there are a few final reviews of the space that the City must conduct prior to move-in. Reynolds hopes to have a finalized contract in place in the next few days so that leadership may begin staging the move. Noted that Chief of Operations Rosabel Antonetti and her division have been preparing as the move will be a major logistical challenge. PAB will be working with City security, and Environmental Services to accomplish this. Also thanked the</p> | N/A | 6:35PM |

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| | <p>Law Dept. for their hard work in negotiating the lease on PAB's behalf.</p> <p>With regard to the PAB staffing model, over the past eight to nine months the staffing model has undergone serious development. Leadership received a lot feedback from the City's Human Resources and Council Liaison Kimberly Smith. Reynolds noted that every division within PAB has been working to revise their portion of the staffing model. Some changes include making sure that there are "ladders" so that people who come into entry level positions have a clear path for internal promotion. Hopes that these revisions will be the final vision of the model that can be presented at the March Civil Service Commission meeting at the end of this month. Hoping to finalize all hires and be operational by the end of this spring. Thanked the Hiring Committees for their hard work as well.</p> <p>Reynolds noted that the Jobs Committee will be meeting next Tuesday to discuss a proposal to change the PAB's rules around hiring to ensure that leadership can hire people who have the best experience and qualifications even if they have some familial tie to law enforcement. Noted that it has disqualified some otherwise exceptionally qualified candidates and that leadership wants to be sure they are getting the best people and follow the right legal procedures in thinking about this. Reynolds welcomed questions from Board members.</p> <p>Reynolds added that when PAB moves into its new space, there will be a Meet-and-Greet held for Board members to meet Staff members. A remote option will be included. Further noted that he hopes to incorporate Board members into the formal training as well.</p> <p>Harrison noted that he has a number of comments on the Investigative Rules that he hasn't gotten back to Reynolds, but noted that he thinks there is a difference between the processing of police misbehavior and the evaluation of police procedures and processes and that the section on handling processes is "given short shrift". Further noted that while the disciplinary section is logically mainly devoted to PAB staff, that he thinks the other aspect, because of the political involvements, should have more direct and 'weighty' Board input.</p> | | |
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| | <p>Reynolds responded that the “skimpiness” on the section of the rules on policy and oversight was intentional because there is not yet a Chief of Policy and Oversight in place, but there will be one very soon and leadership wants to ensure that they play a key role in the development of these rules. Further noted that policy and systems level investigations are going to happen a little bit later and that the focus right now is on officer misconduct investigations.</p> <p>With regard to getting Board input, Reynolds noted that he believes it is very important to receive that and to make sure that the sequencing is right. Explained that he wants to create structure around where input is given and when. Further noted that he is awaiting Law Departments’ input first so that the Board can better understand the parameters that they may operate in. Stated that he believes that now that leadership has some input from the Law Department that now is the time to have Board members looking into this. Further stated that Rules Committee should meet to have a formal discussion and review of the document, and he would like to set that up in the next couple of weeks. Reynolds asked Pacheco-Walker to solicit comments from Board members and calendar the meeting for some-time in the next two weeks.</p> <p><u>Chair Report:</u> Chair Wilson began with an update from last Tuesday’s “Re-imagining Policing” event through Teen Empowerment that she attended with PABA member Theodore Forsyth. Stated that there were 15-20 teenagers in attendance who outlined what policies they would want to see changed in the Rochester Police Department, and in general, to improve public safety. Noted that it was very impressive to see their ideas and that she would love for Board members to attend future events and discuss their experiences and the importance of policy work in addressing issues with policing.</p> <p><u>Committee Reports:</u> With regard to the Training Committee, Member Setel provided an update on the Staff training. A detailed schedule coming this week. The Committee determined that Board Member training will likely fall into two buckets: skills training and ‘Diversity, Equity, and Inclusion (DEI) training. Setel explained that skills training will come first to ensure that Board members are prepared to hear cases with the understanding that members who can do some of their training along with the staff are free to do so. Once the needed topics are identified and the timing of trainings are determined,</p> | <p>N/A</p> <p>N/A</p> | <p>6:45PM</p> <p>6:46PM</p> |
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| | <p>she will get feedback from the board on the best way to schedule the trainings. Suggested using the Thursday of the 'off week' and weekends for trainings. Setel hopes to have a sense of the hourly requirement for the skills trainings by next week.</p> <p><u>Old Business:</u></p> <p><u>Disciplinary Matrix Discussion/RPD Access to Records Update:</u> Chair Wilson asked Executive Director Reynolds if information access was still needed in order to proceed. Reynolds confirmed. Wilson noted that the other item on the agenda 'RPD access to records' ties into this. Wilson asked if there were any updates on the access. Reynolds answered that the rules section outlining information access must be approved. Noted that he is planning a meeting with the City's Law Department next week to discuss their concerns as well as PAB's need to move forward with regards to information access. Reynolds explained that the deadline for this was approaching and also noted that it seems that the Law Department does not take issue with the broad access to information across the department. Wilson thanked Reynolds for the update and noted that the Board will need to be directed on how to proceed once the information access is received. Reynolds added that staff has been working nevertheless, and have been contacting other agencies across the country to learn more about the data that they used. Noted that he will have documents on that research to circulate to the board next week.</p> <p>Wilson asked what the next steps are. Reynolds responded that it will be important to figure out how to obtain public input on the matrix and that Public Affairs has been discussing that as well. Reynolds further responded that he believes that the timing is somewhat good in the sense that there will be physical space for in person meetings later this month. Reynolds explained that staff has been talking to other cities about how they obtain the same data that we are looking to have, and it is very clear that where City police forces use data management systems similar to RPD's, the City's PAB has access to that data. It is as easy as having a login for the system. Reynolds explained that the more that the team learns on this, the more they find that there should not be significant barriers both in terms of technology and in terms of best</p> | <p>N/A</p> | <p>6:48PM</p> |
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| | <p>practices. Leadership has been preparing as much as possible to anticipate possible arguments or other barriers to access.</p> <p>Member Setel noted that she had previously met with a PAB policy analyst and staff attorney and discussed restorative justice approaches. Further noted that she is excited to be modeling this for other PAB's, and that it will take some time to digest the materials and contact people who can advise on the development of the matrix. Stated that all of the facets that the board wants to see won't be there immediately but can be integrated over time. Setel noted that the team will continue to meet with groups in New York and Nation-wide who can assist.</p> <p><u>RPD Wellness Training Update:</u> Reynolds stated that he spoke with a number of City Council members, including Council President Miguel Melendez, about what the best approach would be. Reynolds noted that PAB is not in a place with staffing to begin investigating complaints, nor are we at a place where staff and board members are able to go in and observe some of the trainings that are needed. The Rules and Regulations were created in part to establish clear access to all of the trainings that are needed, once they are finalized there shouldn't be a problem. Reynolds explained that PAB staff is either currently in training or working on getting the agency to a place where we may begin investigations. Reynolds noted that right now RPD's trainers are being trained themselves and that PAB should be able to observe when they begin training other RPD staff. PAB will also have access to all training materials. Reynolds explained that he does not want to be in a situation where PAB cannot fulfill a promise due to inadequate staffing and that is why staff is moving quickly on getting the rules in place.</p> <p>Nickoloff commented that this is a great first step and approved of the article he had read about it. Asked what the long term approach for oversight purposes? Noted that it has been a year since several programs were initiated and did not yield results. Asked what sustainable long-term wellness for officers looks like, how effective it will be, who would be hired to the auxiliary unit, and what would do. Nickoloff stated that while staffing is important, he believes this is a key component. Asked if there is a plan for obtaining reports from them or following up.</p> <p>Brown noted the incident 2 years ago involving a 9 year-old and asked if we had surpassed the deadline for those citizens</p> | | |
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| | <p>to file a report with PAB. Also noted that the discipline window for officers is very narrow and asked if the deadline for that was missed.</p> <p>Setel stated that because staff time is limited right now that board members could make some observations. Added that she has not gone on a ride along and would be happy to do that. Nickoloff agreed.</p> <p>Reynolds addressed Member Setel's question first, explaining that he believes that staff attendance to these things is very useful and important, but that is the area where PAB faces the most resistance. The argument has been that non-City employees should not have access to many different things, that has been consistent, and it is important for the Rules to be established to ensure that Board members are treated appropriately.</p> <p>Setel asked if this is addressed in the charter. Reynolds replied that making sure that the rules are understood and followed has been very important work. Noted that there is now staff who have relationships within the City to help make some of these conversations progress smoothly.</p> <p>Nickoloff asked who had informed Reynolds that non-city employees should not be at trainings. Reynolds replied that the Law Department and City Council had previously stated this. Also noted that there has been a changeover in the Law Department since then.</p> <p>Nickoloff added that he understands the complications, though it feels like the Board is being 'given the run around', and that there are members of the public who will disapprove. Reynolds explained that PAB's consultants helped to write the rules and they do not give up an inch of PAB's authority as determined by the Charter.</p> <p>Reynolds addressed Member Brown's question, explaining that the timeline for reviewing major incidents like the one involving the 9 year-old is generally 18 months from the date of the incident to launch disciplinary proceedings. Typically, that discipline is in the form of filing formal charges against an Officer, and that it comes from RPD. Noted that the question is whether or not RPD has already done some of that and that PAB must find out where they are with these incidents.</p> | | |
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| | <p>Reynolds explained that even though the incidents are beyond our deadline, PAB may still look into it from a systems and policy approach to uncover information about it, what went wrong, and then discuss with the public.</p> <p>Reynolds stated that it is very important for the public to know that if an incident of Officer misconduct occurs and is criminal, there is no statute of limitations for discipline. Also stated that it is important for people to understand that there is a 90-day window from the time of an injury to file a lawsuit. It is important for PAB to inform anyone who comes to us of all the relevant deadlines so that they do not lose any rights.</p> <p>Reynolds addressed Member Nickoloff's question, explaining that while leadership has a 'big picture' vision in mind, it is important for the Board to drive where that goes. The consensus amongst PAB policy staffers is that PAB must understand how RPD is structured and how it operates. Noted that it has been eye-opening that there are many people who do not know much about RPD's system. RPD is a large organization of nearly 1,000 employees and it takes time to understand how they follow basic practices. Understanding the basic framework and identifying issue areas will be a top priority. Noted that one such issue area that will be a priority is the treatment of black and brown Officers. The oncoming Chief of Policy and Oversight has also noted problem areas which PAB will look into.</p> <p>Vice Chair Tucker noted that she was in a meeting the other day where she and others reviewed RPD data and found that many things were categorized in ways that were not expected. Stated that she would be interested to see how the incident involving the 9 year-old was categorized in the database and also how Officers were disciplined. Reynolds explained that there is a public database released by the City containing a limited set of investigations into police misconduct. From that database it became clear that incidents are not being categorized in a way that might make sense to the public. RPD's internal database is IAPro, and per the law PAB should have direct access to that database, and once it does, staff will be able to see exactly how RPD conducted their investigations on those matters.</p> <p>Tucker asked how and why the public database is different from RPD's internal system and who is responsible for keeping</p> | | |
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| | <p>the public database up to date. Reynolds answered that the Law Department updates the public database and that it is for completed investigations into current officers on the force where those investigations resulted in a finding of misconduct. Investigations involving Officers who have left the force or retired are not included. Further noted that there are a lot of open questions that PAB cannot answer until it has access.</p> <p>Tucker asked if the public database was not as accurate as RPD's. Reynolds replied that it is accurate but not as comprehensive.</p> <p>Wilson noted that if there is nothing further the Board will be adjourning into Executive Session to discuss a contract renewal. Reynolds explained that pursuant to Open Meetings Law the Board may adjourn into Executive Session for specific reasons. One such reason is when the Board is discussing any matter that could lead to the continuation or termination of contracts as personal or financial information of the involved parties may be disclosed. The Board will be going into Executive Session to discuss whether or not to continue a specific contract regarding Board support services.</p> | | |
| <p>End of meeting</p> | <p>Chair Wilson moved to adjourn meeting and enter into Executive Session. Seconded by Vice Chair Tucker All members in favor. Meeting adjourned.</p> | <p>7-0</p> | <p>7:15PM</p> |