

**Jobs Committee Meeting
Police Accountability Board
March 8, 2022 at 6:30 PM
Conducted Over Zoom**

Attendees

Board Members: Wilson, Tucker, Nickoloff, Harrison, Harvey (@6:48PM)

Staff: Pacheco-Walker

Guests:

Item	Details	Vote	Time
Start of Meeting	<u>Welcome & Introductions:</u> Wilson introduced herself & Wilson called the meeting to order.	N/A	6:44PM
Meeting Discussion	<p>Wilson began with a summary of the Executive Director’s suggested discussion topics for the meeting. Pursuant to the summary, Jobs Committee will focus their discussion on the consideration of a legislative fix to a problem that has arisen in the hiring process. Acting Associate General Counsel Chenoa Maye has concluded that the City Charter is preventing PAB from hiring qualified candidates. Her Memo noted that City Charter Section 18-6 and 18-7 pertain to a conflict of interest provision related to law enforcement affiliations of PAB staff and potential candidates should be removed. Maye noted that the sweeping language of the current section has a punitive effect on otherwise worthy candidates and employees without showing an impairment of judgment in the performance of official duties. Further noted that the language may also conflict with the collaborative agenda of PAB, which values the input and cooperation of law enforcement.</p> <p>Pacheco-Walker shared the Memorandum for Board and public review.</p> <p>Tucker asked if the memorandum was a message to City Council asking them to remove that specific section. Pacheco-Walker confirmed. Tucker stated that the thought that this could become an issue especially in light of the previous three candidates that Jobs Committee has met with and discussed.</p> <p>Tucker asked what the process is to have that section removed. If only council’s approval is needed. Pacheco-Walker responded that her understanding is that PAB would propose this as legislation in the next Council General meeting and that Council would have to vote to approve it.</p>		

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	<p>Wilson noted that public response must be considered, but that the proposal should be explored and considered because we do not want to lose out on great candidates.</p> <p>Tucker asked public response needed to be considered. Wilson responded that the public response to the removal of the clause.</p> <p>Tucker asked Wilson if she had any thoughts on the possible public response. Wilson replied that when the PABA championed this, it was an area of concern. They championed to ensure that relatives could not serve on the PAB.</p> <p>Tucker asked to what end was the cause championed. Wilson responded that she is relying on the Executive Director to explain, but she believes that the Charter is not clear and that is the reason for this Memo. It is unclear if the clause is meant to prevent people with law enforcement affiliations from serving on the board or working for the agency overall. Further explained that there is a discrepancy in what was meant, and that, along with the possibility that we are missing out on great candidates, was the reason for the Memo.</p> <p>Tucker stated that she personally believes that PAB is missing out on great candidates. Noted that she was a part of the committee that reviewed candidates who may have presented a conflict of interest. Tucker asked what was the reason that the Alliance added the clause.</p> <p>Wilson asked if Tucker had taken part of those discussions as a member of the Alliance. Tucker replied that she could not remember discussing it specifically.</p> <p>Nickoloff added that in his opinion, in order for the agency to truly be civilian-led, and to truly be able to represent the people, the Alliance wanted to make sure there is no conflict of interest given the high levels of camaraderie between people and the RPD. Noted the possibility of employees hearing about a case involving a relation and then having subsequent conversations about the case. Nickoloff further stated that it was just how he understood the matter and that he would like to have someone from the Alliance to address this as well. Nickoloff asked what kind of criteria can be used to determine what constitutes a conflict of interest. Added that the number one critique that PAB hears is that we do not understand the</p>		
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	<p>perspective of Officers. Having people with first-hand knowledge in those areas could be helpful given the right candidate. Nickoloff stated that he would be open to exploring both the original intent and seeing if the Alliance is willing to establish some criteria for situations where we find 'rock-solid' candidates with law enforcement affiliations. Suggested the possibility of bringing those candidates before the Alliance or before a sub-committee of citizens who could ask some questions.</p> <p>Pacheco –Walker mentioned that PAB’s Executive Director Conor Reynolds will be joining the meeting to provide some answers as well.</p> <p>Harvey agreed with the statements of Nickoloff, added that it would make sense to follow a tradition or culture that may be 'unwritten' but is understood for a reason.</p> <p>Nickoloff also asked if there was a method of recusal for employees who may face potential conflicts. Reynolds responded that the Charter already includes a provision that prevents people from working on cases like that. The remedy is to prevent specific people from doing the kinds of work that they would be conflicted out of.</p> <p>Nickoloff asked Reynolds if he would be aware of any job functions that would pose a potential conflict of interest causing multiple situations for recusal and if that is considered in their candidacy. Reynolds confirmed. Explained that there are some candidates who have ties to law enforcement that will be disqualifying, like a retired police chief, but that there are other people who might have a sibling or the like who works for Law enforcement in a specific way and the Boar is able to address those potential conflicts in ways that will allow them to do the work while also bringing some opposing perspectives into PAB.</p> <p>Pacheco-Walker reiterated a previous question regarding what the intent of the PABA might have been when they authored the clause. Reynolds replied that there are many different conflicts rules in the legislation, they are all a bit different for everyone, and it is not clear if it may have been a drafting error. Provided the example of the Executive Director position, stating that PAB’s Director cannot “be currently or formerly employed by RPD or any other local, State, or Federal law enforcement agency, or be the immediate family member of</p>		
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	<p>any incumbent employee of RPD...all such persons and their immediate family shall be free of any conflict of interest including but not limited to current or former employment with RPD.” Explained that there are more stringent restrictions in the law around staff than there are around the Executive Director’s position, which suggests a drafting error rather than intent to block people. Reynolds added that he had spoken to some members of PABA who were involved in the drafting and has received differing perspectives on it. Reynolds discussed some candidates with PABA members who were being considered in spite of their conflicts and they have agreed that those candidates are the type of people that they want at PAB.</p> <p>Nickoloff asked what would make a candidate so qualified and so worth pursuing that we would be willing to change the legislation. Reynolds responded that some of the candidates that the Hiring team have spoken to have previously used their perspectives on policing to help people better understand issues in policing. Reynolds also noted that if the change in legislation happened, the Jobs Committee would still vet candidates, change would make it so that rather than allowing candidates to be totally barred, they can be considered on a case-by-case basis. Reynolds noted that under the current law, if his sister were to begin working for RPD, he would have to step down as Executive Director, and that it seems very problematic that PAB could lose employees at any moment due to the decisions of their family members.</p> <p>Nickoloff asked if there would be any concerns from RPD’s side? Reynolds answered that he was not sure, but he has had multiple conversations with the President of the Locust Club Michael Mazzeo where Mr. Mazzeo expressed that he would like to see people with law enforcement experience at PAB. Noted that this is one way to bring aboard people with law enforcement experience without jeopardizing the integrity of PAB investigations. The issue is centered around relatives, which people typically have no control over, and how those relationships would prevent someone from working at PAB.</p> <p>Harvey asked what the purpose of the meeting tonight is. Reynolds answered that the purpose of tonight is to discuss this exact issue and determine if the Committee would like to recommend to the Board that this legislation go before City Council.</p>		
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	<p>Wilson added that there was previous discussion about the Memo authored by PAB General Counsel.</p> <p>Wilson stated that she believes that the committee is in agreement.</p> <p>Wilson made the motion the Jobs Committee recommend to the Board at large to review the conflict of interest clause in the charter and recommend that it be changed at the next regular meeting.</p> <p>Nickoloff noted that he wants to make sure that PABA feels heard on this issue. Stated that he is unsure if he missed it being mentioned previously but he very much wants their input before moving forward.</p> <p>Wilson stated that she can add to the motion the condition that a letter be sent to the Alliance as well notifying them. Further explained that this change is something within the Board's purview and while input from the Alliance should be considered it is the Board's responsibility to do what they feel is best.</p> <p>Wilson tabled the motion to ask for discussion if it is appropriate to include the Alliance in such decisions. Reynolds replied that when he first brought this issue to the Alliance's attention 3 months ago, there were a lot of questions about it. Explained that there is a range of views on this in the Alliance and that he does not want to deny those who might object an opportunity to weigh in, but noted that there must be the understanding that there are concrete, qualified candidates and believes what must be assured is that the board and staff have effective processes for vetting candidates with problematic conflicts.</p> <p>Nickoloff added that he has confidence in the process of the board and staff but still wants to make space for the opinions of the Alliance. Stated that he is in support but wants to ensure due process.</p> <p>Reynolds offered to ask Alliance members if they wanted to have an opportunity to speak with Board members about it in the next meeting or to reach out to key Alliance members and get their thoughts on the matter.</p>		
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MINUTES

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	<p>Nickoloff suggested sending an email to key Alliance members and if emailing is enough and they don't feel the need to speak with the board then that is fine. Asked for other members' thoughts.</p> <p>Wilson noted that the Alliance will be meeting tomorrow and suggested that the email be sent out tonight and then follow up with the Alliance tomorrow as well. Agreed that an opportunity to speak to the Board can be arranged. Nickoloff agreed.</p> <p>Wilson asked if members wanted to continue with a vote of the motion of having the Jobs Committee recommend to the Board at large to review the conflict of interest clause in the charter and recommend that it be changed at the next regular meeting. Nickoloff second. All members unanimously approved.</p> <p>Wilson asked if there was anything further to address. Reynolds stated that he would like to put forth an item to be on the agenda for the next Jobs Committee meeting but would like to do so in executive session as it involves disclosing the name of a candidate. Reynolds asked that the Committee move into Executive Session to discuss. Reynolds disclosed that pursuant to Open Meetings Law, boards are allowed to enter into Executive Session to discuss matters relation to the hiring, termination, promotion or demotion of a specific person.</p> <p>Wilson noted that the Jobs Committee will adjourn to Executive Session.</p>	4-0	7:09PM
End of meeting	Member Nickoloff moved to adjourn meeting and enter into Executive Session. Wilson second. All members in favor. Meeting adjourned.	4-0	7:10PM