

**Regular Board Meeting
Police Accountability Board
April 7, 2022 at 6:30 PM
Conducted Over Zoom**

Attendees

Board Members: Wilson, Tucker, Nickoloff, Setel, Harvey, Harrison

Staff: Dwyer Reynolds, Pacheco-Walker

Guests: Elisa Mlynar & Candy Daviton – ASL Interpretation Team

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	6:36PM
Approval of Prior Minutes	<u>Minutes:</u> Vice Chair Tucker moved to approve the minutes of March 24, 2022. Second by Member Harrison. Motion passed 5-0-1 with abstention by Harvey.	5-0-1	6:37PM
Meeting Discussion	<p><u>Staff Report:</u></p> <p>Dwyer Reynolds presented Staff level updates to the Board. Began with a presentation regarding the finalized staffing model, requests made by the PABA, and an overview of the short and long term PAB Board work.</p> <p>With regard to the staffing model, finalized model will create 20+ more jobs at PAB, creating an agency of 57 employees. To help increase the diversity of the team, PAB leadership eliminated degree requirements and Civil Service exam requirements for all investigator, policy, and case management positions. City's Civil Service Commission approved of Staffing Model today, NYS must still approve of the absence of exams. Dwyer Reynolds thanked the Board for pushing for these changes over the past 6-7 months, noting that it has been a priority of the Board to eliminate barriers to employment with PAB, particularly for Black and Brown Rochesterians. Also thanked the Evans Administration for their help in this accomplishment.</p> <p>With regard to Board Member duties, Dwyer Reynolds attended the Police Accountability Board Alliance (PABA) general meeting last night and informed them about the Board's ongoing discussions regarding a potential change to the Charter to allow people with familial ties to RPD a way to work for PAB. PABA members will be submitting their feedback on the matter, which will be passed along to the Board.</p>	N/A	6:38PM

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	<p>Dwyer Reynolds explained that the PABA is also doing work regarding interviewing candidates for the open alliance seat this weekend. Explained that PABA wishes to give candidates details around Board member responsibilities and the needed time commitment. They have asked that Board members provide a job description that is more specific than the one issued by the City a few years ago. Also requested that Board members begin formally tracking their hours to allow the PABA to have a better sense of the time commitments.</p> <p>The Board had asked Staff to conduct 2 different kinds of research into the short and long term work of the Board. Dwyer Reynolds outlined 'short-term' work of the Board that must be completed prior to hearing cases. The first being the review and finalization of the Investigations Rules and the Disciplinary Matrix. The second being the establishment of rules and structure for Board work and governance. The final item being completion of Board training needed in order to hear cases.</p> <p>Dwyer Reynolds explained that the Staff estimated that the Board will have to conduct between 10-15 hours of work on the Disciplinary Matrix. A rough draft of the Matrix will be ready in the next two weeks and will go to PAB's SMK consultants for review and input prior to going to the Board. Board member input will be needed on everything from classifying misconduct to creating consequences.</p> <p>With regard to the Investigative Rules, Dwyer Reynolds explained that Staff estimated that the Board will need approximately 5-10 hours to dedicate. Noted that the Investigative Rules will take less time as it is less generative. A draft of the Rules will be ready tomorrow. Dwyer Reynolds stated that input from the City's Law Department was incorporated, Board Member input will be needed on how determinations are made, the extent of PAB's on-scene response, and the deadlines for information transfers. Noted that the deadlines set will determine how quickly PAB's investigations will operate.</p> <p>With regard to the establishment of Board rules and structures for governance, it is estimated that the Board will need to dedicate 7-15 hours. This work will include establishing Rules of Order for board Meetings, outlining the responsibilities of the Chair and Vice Chair, clarifying the Board's relationship with City Council and PAB's liaison to Council, and consideration of changing the Board's committee structure.</p>		
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	<p>With regard to Board training, it is estimated that 8-12 hours will be needed. A draft will be ready to present to the Board in 2 weeks. Dwyer Reynolds noted that the Training Committee will present more information on Board training.</p> <p>Dwyer Reynolds estimated that approximately 20-50 hours of work to complete these projects.</p> <p>With regards to the long term work of the Board, Dwyer Reynolds explained that this work will fall into 3 categories; the first category will be related to hearing cases, reviewing materials, and making determinations regarding misconduct and making recommendations on how they should be handled. The second category of work relates to reviewing policy and looking at systemic issues in RPD. The Board will review policy proposals made by PAB Staff. The final category of work relates to Board governance and community engagement work.</p> <p>Dwyer Reynolds explained that PAB Staff looked at 20 different Police Accountability agencies across the county, reviewed the duties of their Boards and determined that range of time commitments that could be considered. Staff sought out direct advice on the time commitments from people who served on these Boards. Dwyer Reynolds presented direct quotes by Board members from other Police Accountability agencies across the Country.</p> <p>Dwyer Reynolds explained that Staff research suggests that Board Members may expect anywhere from 10 to over 40 hours of work each week. Noted again that from the data collected, the range of time commitments is anywhere from 2 hours per week to 50 hours per week, that is partly in due to the differing roles and responsibilities of each agency. Explained that for larger agencies with staff support, Board Member time commitments average about 10 hours per week on agency related work.</p> <p>Of the categories of work, Staff estimated approximately 2 – 20 hours per week will need to be dedicated to case review. Police review and engagement will take approximately 5 – 20 hours per week. Approximately 2 – 5 hours per week would be dedicated to agency oversight.</p>		
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	<p>With regard to hearing cases, Staff reviewed a few agencies which had public information on how much time they committed to case review. Found that the average for most agencies outside of Rochester is 2.5 – 3.5 hours per case.</p> <p>Noted that data from the Rochester Civilian Review Board found that the average time for a case review took between 5-7 hours.</p> <p>In current proposed framework, Board members will sit on 3 member panels, which means the Board may hear 3 cases at once at any time. If the Board were to hear 1 case per week, they would average about 150 cases per year. Dwyer Reynolds explained that the number of cases that the Board expects to receive each year is an open-ended question. Noted that it is likely that there will be a flood of complaints when PAB opens which means that the Board will be starting out with a major caseload.</p> <p>Wilson asked if they could discuss the help available to the Board and that she would like to hear about that. Dwyer Reynolds responded that a major issue in figuring out how much time the Board will take in reviewing a case is staff support. Having more support can mean less work and time spent on case by Board Members, however, the more complex a case is and the more resources that an agency has to address them, means that case review can become lengthy. Our PAB has more Staff support than the average Police Accountability agency. Despite Staff size and available resources, there will be difficult questions and situations that the Board will have to deal with, and it is very hard to say how much time those instances will require. Dwyer Reynolds noted that the average amount of time they can expect could be less than these averages, but it is the best information that the Staff has to help guide the Board's decision making.</p> <p>Harrison commented that the information Dwyer Reynolds has provided is totally speculative, there is no process in place to critique. Noted that he has asked before that Staff put together a mock case for the Board to work on to get a feel for what the Staff will produce. Further stated that the research is impressive, but speculative.</p> <p>Setel stated that she wished to strongly push back against what she felt is a false sense of urgency. Explained that she doesn't agree that all of this work must be completed prior to hearing cases. Further explained that she believes the only thing that needed to be completed to hear cases is the Disciplinary Matrix</p>		
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	<p>and the Board training. Long-term governance decisions about the Board do not need to be completed prior to that. Noted that she wished to be very careful and deliberate about what is and is not urgent. Further noted that the Board has already voted on the rules.</p> <p>Setel stated that pursuant to the Charter the PAB must request input from the Police Chief, the Locust Club President, and the PABA on the Disciplinary Matrix, and asked to hear more about that piece of the process. Setel stated that she feels the Board does not have the expertise to make decisions regarding governance and structure at this time.</p> <p>Dwyer Reynolds answered that Staff cannot approach the other entities for input on the Matrix until the Board decides what it wants. Explained that the work that the Staff has put into the framework is to be presented to the Board first and that is the sequence.</p> <p>Wilson stated that she understands the sense of urgency, as there is a lot to do and stated that the points that have been submitted are valid. Asked if there is a way to have what Harrison has asked for; a mock case to run through and see how the process will work. Also asked what other things were being worked on to get investigations running.</p> <p>Dwyer Reynolds responded that some of this information is being presented so that the Board can determine how much involvement they want to have in these cases. Noted that PAB's consultants from SMK are working on pulling together examples of cases for the Board. Agreed with the point made by Harrison, that it is impossible to know things for sure until the Board gets into the work. Noted that ideally, the PAB would have more information from RPD to base their estimates from, but do not have that information at this time. In further response to Harrison, Dwyer Reynolds explained that it is important to get the Board's input on the Rules, the process for the Board's work is outlined there and if the Board is comfortable with that then leadership can begin planning how to move forward.</p> <p>Nickoloff thanked Dwyer Reynolds and Staff for their research, noted that he would like to know what the ranges of Board member time commitments are and how they impact the staff, that he would like to know the trade-offs in that aspect.</p>		
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	<p>Dwyer Reynolds responded that from his discussions with Board members there is a wide range in current availability. Some Board Members have flexibility to give more hours in crisis moments than others, but most Board Members cannot. Assuming that the average PAB with less than or as much power as our own, typically spend 10 hours per week. 10 hours is the max for most Board Members of this PAB. Dwyer Reynolds explained that the primary purpose of this discussion is to identify that there is the potential for the Board to do a lot of things, but the capacity to do so is limited. Case review will likely take up all of the Board's time, and there will still likely be a backlog. Dwyer Reynolds noted that the urgency might not be justified, but that he wishes to get ahead of this.</p> <p>Nickoloff thanked Dwyer Reynolds, noted that having a visual representation of the information is helpful to him. Nickoloff stated that he appreciates Dwyer Reynolds forethought and consideration for the future, but also agreed with Setel in that he would like to see how the first few cases go, and make sure that the public has confidence in the process before increasing the volume and pace of the work.</p> <p>Dwyer Reynolds responded that the Oakland Police Commission is a 9-Member board with similar powers to PAB's and explained that they do not hear cases, their Board is only engaged in policy review and supervision of their Executive Director. They lay out all of the duties of their Board Members in their job descriptions and expect volunteers to commit 15-20 hours per week to those tasks.</p> <p>Setel replied that 9 unpaid people cannot be expected to work a part-time job at 20 hours per week. Noted that some Board Members were able to re-arrange their schedules and commit their time to PAB's work, but that it shouldn't be an expectation to serve. Noted that there must be agreement between the Board, the Community, and City Council about what is realistic. Setel stated that a 10-hour weekly commitment is a lot of time, and that she has had to let go of many other commitments in order to devote spare time to PAB. Suggested that they begin by determining how much time each Board Member can commit and work towards a standard from there.</p> <p>Wilson commented that when she speaks to people about joining the Board, she is honest with them about the expectations that they have encountered so far, and it has been a deterrent. Stated</p>		
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	<p>that there needs to be an honest conversation with council about expectations, and the potential for a significant caseload.</p> <p>Wilson asked how much members of the CRB were paid. Dwyer Reynolds responded that he would have to look it up as the rate changed over time.</p> <p>Harrison noted that it has been recognized, but not acknowledged, that the Board has been going about its business in a haphazard way and that the Board should spend a little more time getting themselves organized for Board business.</p> <p>Steel stated that she would be interested to know the time commitments that other City Boards have and the pay rates as well.</p> <p>Dwyer Reynolds stated that the Chair of the CRB was paid \$30/hr. for review, and everyone else on the CRB was paid \$22.50/hr. for review. Noted that at the time, CRB Members felt that compensation was inadequate.</p> <p>Harvey noted that he has just gotten used to the time commitment and that he is trying to figure out how 10 hours would fit into the week, as most logically it would look like the Board meeting every day for 2 hours. Harvey stated that he believes it's very important to benchmark other Boards and have discussions about hourly commitments and pay.</p> <p>Dwyer Reynolds noted that the Board of Assessment is paid \$25/hr. up to \$200 per day. The City does pay other Boards. Further noted that Staff can provide a Memo on pay for other PAB's across the country and their structures.</p> <p>Harvey asked if anyone knew the time commitments of City Council. Dwyer Reynolds replied that he can obtain that information for the Board as well.</p> <p><u>Committee Reports:</u></p> <p>Rules Committee – Rules Committee Chair Harrison explained that the committee approved the Rules of Order with one change regarding facilitation of the meeting.</p> <p>Setel stated that the Committee cannot actually make the change as the language is taken from the Charter.</p>	N/A	7:30PM
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	<p>Harrison noted that the change is inappropriate pursuant to the Charter and moved that the Rules of Order be approved with no amendments. Second by Setel. Motion carried unanimously.</p> <p>Dwyer Reynolds stated that he will have the rules translated into a training session for Board Members.</p> <p><u>Old Business:</u></p> <p>The Board had previously discussed making changes to a conflict of interest clause that prevents candidates with familial ties to RPD from being hired. Dwyer Reynolds explained that the authors of the rule can be available at the next Board meeting to discuss their original intentions when the clause was added and to answer questions from the Board Members. Recommended tabling the discussion to the next meeting.</p>	6-0	7:32PM
	<p>Wilson moved to table the discussion to the next meeting. Motion passed unanimously.</p> <p><u>New Business:</u></p> <p>Harrison noted that it had been previously discussed but not formally moved to ask the Executive director to prepare a few scenarios of how cases would be processed. Setel noted that the Training Committee would be working on this with SMK Consultants.</p> <p>Wilson presented a proposal to send a letter to the Mayor, City Council, and the PABA regarding interviewing candidates selected by City Council and the PABA. Stated that the letter had been circulated to all Board Members and opened the floor for questions.</p> <p>Harrison asked if the letter had already been sent. Wilson responded that it had not.</p>	6-0	7:34PM
	<p>Motion by Setel to approve sending the letter once it is proof-read and finalized. Second by Nickoloff. Motion carried unanimously.</p>	6-0	7:38PM
	<p>With regard to new business, Setel explained that the Board had sent a letter to the Mayor asking that PAB be a part of the group charged with interviewing and selecting the new RPD Chief. Second by Wilson. Motion carried unanimously.</p>	6-0	7:40PM

MINUTES

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	Harrison recalled that pursuant to Open Meetings Law (OML) Board Members are not allowed to vote by phone. Asked if the Staff could verify that information. Dwyer Reynolds replied that he will reach out.		
End of meeting	Chair Wilson moved to adjourn the meeting and enter into Executive Session to discuss a personnel matter. All members in favor. Meeting adjourned.	6-0	7:43PM

Recording Clerk: Marina Pacheco-Walker