

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

Attendees

Board Members: Knox, Nickoloff, Setel, Harrison, Brown, Harvey, Tucker
Staff: Pacheco-Walker, Bascoe, Higgins
Guests: ASL Interpreter

Item	Details	Vote	Time
Start of Meeting	<u>Welcome & Introductions:</u> Chair Knox called the meeting to order, facilitated introductions, and reviewed agenda.	N/A	6:35PM
Elections	Setel opened the floor for nominations for Board Chair. Harvey nominated Larry Knox for Board Chair. No other nominations were had. Motion by Harvey to elect Larry Knox as Board Chair. Second by Brown. Motion carried unanimously.	7-0	6:40PM
	Setel opened the floor for nominations for Vice Chair. Harvey nominated Arlene Brown for Vice Chair. No other nominations were had. Motion by Harvey to elect Arlene Brown as Vice Chair. Second by Tucker. Motion carried unanimously. Knox thanked Danielle Tucker for her service as Vice Chair since the beginning of PAB. Noted that she and Shani Wilson put in a lot of time and effort to get the agency to where it is now. Brown stated that it has been a pleasure working with Tucker and watching her grow. Tucker thanked Knox and Brown. Thanked former Board Member Dr. Celia McIntosh for serving as a role model. Thanked the other members who have come before her. Due to an emergency situation Harvey had to leave the meeting.	7-0	6:41PM
Approval of Prior Minutes	<u>Minutes:</u> Harrison moved to approve the minutes of March 13, 2022 – April 19, 2022. Second by Knox. Motion passed unanimously with no corrections.	6-0	6:59PM

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	Knox moved to approve the minutes of May 18, 2022 – June 16, 2022. Second by Nickoloff. Motion passed unanimously with no corrections.	6-0	7:00PM
Meeting Discussion	<p><u>Staff Report:</u> Acting Manager Duwaine Bascoe gave an update on complaint receipt since the PAB soft launch; 50 complaints received in the first week, 32 in the second week. Bascoe noted that there are still obstacles to PAB being able to investigate those complaints. He explained that he is still working with the Mayor and Corporation Counsel to determine how PAB may have direct access to needed information. Explained that he tried some back channels to facilitate those negotiations, and while those have failed Staff will continue to move forward. Bascoe noted that a second meeting with RPD has been set up for July 25. City Councilmember and PAB Liaison Kim Smith, Council President Miguel Meléndez and members of the City’s Law Department will be in attendance.</p> <p>With regard to RPD trainings, Bascoe explained that he had received a listing of trainings that were previously available to members of the CRB. Staff is reviewing those materials now and Bascoe has requested a sit-down so that he and a member of RPD can review the trainings and get additional details.</p> <p>Bascoe reminded Board Members to drop off their Ride-Along waivers to the office if they have not done so already. Due to the sensitive nature of the information asked he is requesting that Board Members submit the physical waiver.</p> <p>Bascoe stated that the interim Case Management System is coming along and that investigations will receive a briefing on the CMS tomorrow. Once complete, they will begin assigning cases to investigators to begin investigations with the information that they have.</p> <p>Bascoe explained that PAB has been meeting with City Council and that some restrictions on PAB with regards to hiring and spending have been lifted. Further stated that he is working on creating procedure around the bi-monthly updates that Council has suggested with regard to approving and reaching PAB’s benchmarks.</p>	N/A	7:00PM

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	<p>With regard to the main Case Management System, staff is still working with i-Sight to ensure that the CMS is ready on time and that the transition to it from the interim system goes smoothly.</p> <p>Knox asked if the CMS would still be up and running by August. Bascoe explained that the original projection was to have the CMS up and running by mid-August and that they were still on schedule to meet that.</p> <p>Harrison thanked Bascoe for his report and asked if he had a racial breakdown of reporters. Bascoe answered that he did not have that information readily available and noted that there is an option on the Complaint form to self-identify.</p> <p>Harrison asked if the secure VPN had been installed in the building yet in light of Bascoes' mentioning that complaint information was to be distributed amongst investigations staff tomorrow. Asked what the status of PAB's computer security is. Bascoe replied that the interim CMS is very secure and noted that it is there same one that is being utilized by RPD and several other agencies to house data. Further noted that that system is on the City's secure network. With regard to the VPN, Bascoe noted that today IT personnel were in the building and the landlines should be fully installed by tomorrow. Noted that this was a further delay as the landlines were supposed to be installed last week.</p> <p>Harrison asked if Bascoe could give a breakdown on the receipt of complaints by race in his next report. Bascoe agreed.</p> <p>Nickoloff thanked Bascoe and the staff for all of their work. Nickoloff explained that some may not have been around long enough to understand the issues that PAB have been having with regards to access to essential information and asked what reason the Mayor and Law Department had given for not acting in accordance with the legislation. Asked what Bascoe is being told is the reason for the delay in access. Bascoe replied that he cannot disclose specific details but noted that the rationale that has been provided by the Law Department has not been supported by any case statute or law journal. The Law Department has made their case explicitly without any supporting evidence that legal analysis would have provided. Bascoe noted the article published recently in the Democrat and Chronicle where Judge Geraci called into question the rationale of the Law Department indicating that the City makes some incomplete and unsupported arguments. Bascoe continued to explain that their reluctance to provide rationale</p>		
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	<p>seems to be a standard in the way that they operate and not just specific to PAB.</p> <p>Nickoloff stated that he hopes the Public understands that no good reason has been provided for these delays in information access. Implored members of the public with ties to the Mayor or Council to reach out to them. Nickoloff added that the delays are completely unacceptable and that the matter should be brought up again and again until it is rectified.</p> <p>Knox stated that in the Charter §18, page 3, it states that “RPD and the City shall provide to the Board as requested, access to all documents and evidence including but not limited to RPD personnel files, IA Pro database, all other RPD databases, PSS investigator files, criminal and civil case files, discipline hearing records, video and audio recordings from body worn cameras or other sources, all RPD policies, procedures and practices, the general manual and any other documents that pertain to policy, tactics, complaints, or charges against RPD Officers, and their subsequent investigations and adjudication, or other sources of information deemed appropriate by the Board.” Knox emphasized that the paragraph begins with PAB having “access to all”. Added that there are other PAB’s in the nation that have that direct access. Bascoe noted that IA Pro is utilized by the Police oversight agency in Denver, CO and technicians from IA Pro state that giving access is as easy as ‘flipping a switch’.</p> <p>Harrison noted that the delays could cause PAB to become susceptible to lawsuits along with Council. Knox agreed and added that taxpayers have voted to make PAB happen and that no one from the City should want to put PAB or themselves in that position. Noted that he and Board Members will have continued conversations with Council on the matter. Knox noted that PAB is an investigative body with powers outlined in the Charter and that he does not want to rely on the body that they would be investigating to dictate PAB’s access to information and that the precedent on access must be established now.</p> <p>Knox asked Bascoe if he could provide an update on the Community Engagement work of the Public Affairs division. Bascoe explained that Public Affairs has created a 45-day plan where they have identified several different organizations that PAB will be visiting and attempting to partner with to provide the public more information on how to fill out a complaint form, what misconduct looks like, and to introduce them to the work of the</p>		
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	<p>PAB. Bascoe explained that the Community Engagement team has been out at events and that there will be expansions to that team as the hiring freeze was lifted.</p> <p>Knox noted that if there are any members of the public who would like PAB to be present at their events, via ZOOM or in person, to please contact the agency and ask.</p> <p>Knox asked Bascoe if he had any other matters to report. Bascoe recommended that a subcommittee for policy be voted upon even if it cannot be fully staffed at this time, to review policy investigations.</p> <p>Knox asked what the difference between the sub-committee and the panels would be and if they are connected. Bascoe explained that outside of the Policy Division, when a complaint is received staff first identifies if there is enough information or not to proceed with an investigation or if the matter needs to be held until that information can be gathered. Once that is determined, it is Bascoe's understanding that the Board wishes to become involved at that point and receive an update on whether or not the Staff will be pursuing the investigation. This process is separate and apart from once the investigation has been completed. Upon the completion of an investigation a report is submitted to the Board for members to evaluate whether or not the complaint is substantiated. The difference is that the subcommittee will receive an update at the onset and the panel will deliberate the investigative report at the close.</p> <p>Brown asked what the timeframe once a complaint is submitted to when the Board receives it. Bascoe answered that when a complaint comes in, the necessary information is gathered from the reporter, and from there the information is sent to himself, in matters where policy is called into question, it is sent to the Chief of Policy and Oversight Division. Next Bascoe and his Deputy Chief review the information and disseminate to investigators so that they can compile further information for the Board. The Board then determines if the matter is to be further investigated.</p> <p>With regard to Officer discipline, Brown asked if there is a timeframe from the time that an incident is reported to the time that an Officer is disciplined. Bascoe replied that there is no timeframe from the time of an incident to discipline, however, the timeframe for the public to report an incident with PSS and have it</p>		
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	<p>investigated is 18 months. PAB has a goal of 3 months to investigate any matter, 5 months in extenuating circumstances.</p> <p>Brown thanked Bascoe and noted that she appreciated the opportunity to let the community know that if they have a matter to take it to PAB staff as soon as they can. Community members should not bypass any part of the process by reaching out to the Board directly, because once the investigation is concluded and it comes before the Board, that member would likely have to recuse themselves on the matter.</p> <p>Harrison stated that a flow-chart would be helpful in visualizing what Bascoe had described. Bascoe responded that he does have one and he will send it to the Board. Knox asked Bascoe to share any other written materials that may be helpful.</p> <p>With regard to the Policy and Oversight Division, Chief of Policy and Oversight Michael Higgins explained that this discussion is a continuation of the one that they began in the last board meeting about how the Board would direct the work of the Policy Division. Previously the Board had indicated that they want to make decisions on what matters go forth at the outset of all proposals for change or oversight investigations. Different models were discussed, Higgins believes that the best model is one he expressed previously for the Board to form a sub-committee that can deliberate and decide what to pursue, then their decision will be referred to the full board for a vote.</p> <p>Setel explained that she had a different model in mind, certainly the Board could create a sub-committee to field matters, but in terms of the Board setting priorities, she would like to hold a work session. Staff has put forth a list of matters they believe should be looked into at a policy level, the Board has a similar list, and Setel suggested using the work session to identify main categories and prioritize matters within them. Further noted she would like to see it as a process between the Board and the Policy Division as there will likely be ongoing philosophical and practical discussions.</p> <p>Knox asked if she intended to hold that work session in the next month or two. Setel agreed, stating it could be an annual or semi-annual meeting.</p> <p>Harrison stated that he liked the sub-committee idea as he felt it would be helpful to be in contact with the Policy Division on an almost weekly basis as there is so much to be done. Secondly, he</p>		
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	<p>noted that the ranking of issues, which the Board might consider as an intellectual exercise, may be different from the ranking that a community member might rank matters. Harrison stated that however the matters are prioritized that he would want input from the community on what they believe is most important. Knox replied that he hopes that something that would come out of the work session would be an avenue by which they can conduct community outreach.</p> <p>Nickoloff agreed with the statements of Harrison and stated that he believes they are both good idea and would like to see a marriage of the two.</p> <p>Higgins agreed. Explained that he is open to holding a work session but still believes that the committee is necessary partially to respond to complaints that the Division receives where they are asked to conduct a particular oversight investigation or to make a particular proposal. The Division must respond to those requests in a timely and appropriate way. Higgins recommended that the Board create the committee and that he would be happy to participate in a work session as well. Higgins also noted that the Policy Division is working and hopes to formalize this process so that they can continue moving forward.</p> <p>Knox stated that he agreed with holding a work session and establishing a committee. Noted that due to being down 2 Board Members, they might not wish to completely fill out the committee so that oncoming members may have an opportunity to participate. Knox asked Setel if she wished to formulate the committee.</p> <p>As a point of order Setel explained that the typical procedure is for the Board Chair to appoint a Committee chair and then the recruitment of members for the Committee can be handled by them, but a vote is not needed to establish a committee.</p> <p>Knox stated that he agreed with the establishment of a Policy Committee, asked Board Members who would be interested in serving as Chair. Harrison offered to Chair the committee. Knox stated that if any other members are interested to please let him know. While he does not want to fill out the committee, it will need members to ensure that the Policy Division's work can continue moving. Invited community members to submit their requests for oversight investigations and proposals for change.</p>		
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	<p>Knox asked if there had been any updates with regard to the Protest Policies released by RPD on the 4th. Higgins stated that he was pleased to see that they had released their written policy. Noted that upon review of the written policy, some of the recommendations that the Policy Division made in their report were consistent. Noted bans on teargas and flash-bangs during protests. Other parts of the policy were only partially consistent or not consistent at all. One partially consistent recommendation seems to be the adoption of a tiered response approach to protests which include explicit directions about communication where possible. Outlined a limited use of the SWAT team and establishing law enforcement staging in a separate location. Higgins noted that he looks forward to watching this issue and seeing how the policy is actually implemented through training and if the policies are effective in future protests.</p> <p><u>Chair Report:</u> Knox began by thanking his fellow Board Members for their support in his run for Chair. He looks forward to continuing the good work of the Board.</p> <p>Knox noted that today the Mayor appointed a new Police Chief, David Smith. Extended his congratulations to Chief Smith. Stated that though there have been some ups and downs in PAB's relationship with RPD, they have given some of what the Board has asked for and the holdup is elsewhere. Knox stated that he looks forward to continuing to work with Chief Smith and his team going forward.</p> <p>With regard to Board membership, Knox stated again that PAB is in need of a full 9-member Board. Stated that with the resignation of Shani Wilson a new alliance seat had opened. Also noted that the alliance seat that opened when Dr. Celia McIntosh resigned has remained open for over 60 days. Knox stated that it is a real disappointment that the seat has not been filled. Noted that the Staff and Board have worked very hard to get where they are. When each member agreed they did not understand the commitments or the workload but at least had the assurance that they would be working with a full board. Knox stated that when there is an opening, there is a process to fill it, and under the law when there is a vacancy on the Board, it is to be filled by City Council within 60 days. He filled the seat previously held by Member Perez, and Member McIntosh's seat remains vacant. Explained that Council was presented with candidates and interviews were held. Knox stated that Council President Meléndez had urged his fellow Councilmembers to make an appointment, but</p>	<p>N/A</p>	<p>7:43PM</p>
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	<p>that has not happened yet. Knox noted that this is not acceptable, the law is very clear and Council must be held to that standard. The Alliance has done their part by putting forth candidates. A candidate to fill Wilson’s seat has not yet been determined. Knox noted that he hopes they will come to a decision quickly as PAB is now open and preparing to expand the roles of Board Members.</p> <p>With regards to some of the concerns that Harrison had mentioned, Knox stated that he and other members of the Board had received calls, texts, and emails expressing concern that the vote for Chair and Vice Chair was held while two of the Alliance seats are vacant. Knox explained that he told the Alliance that he understands their concerns, but it states under PAB’s bylaws that elections are to be held at the first regular board meeting of July. Council not doing their part does not constitute an excuse for the Board to not do theirs. Knox stated that the Board should not delay just because Council has, and that to do so would be an invitation to chaos. Further stated that he believes that President Meléndez has recommended a good candidate and would like to invite members of the Board and the public to ask Council to hold a vote to appoint the candidate next week.</p> <p>Brown commented that it is disheartening that some Councilmembers were so concerned about when PAB would begin its work, and now that the Board is at the point where Council has asked them to be, Council is not giving the Board the support it needs. Further stated that she would like to see Council take the next step in completing their due diligence. With regard to the vote for Chair and Vice Chair, Brown noted that it was held in spite of Alliance concerns because of the importance to continue moving forward. Further noted that the Board is laying the foundations for the agency and must do so correctly for the Board Members who will come after them.</p> <p>Nickoloff added that the public must realize what is put out on media is meant to serve certain interests, but it does not serve the publics’ interest. Stated that the public has more power than they know and urged community members again to reach out to the Mayor and members of Council.</p> <p>Knox stated again that a letter will be sent to City Council tomorrow.</p> <p><u>Old Business:</u></p>	N/A	7:55PM
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	<p>With regard to RPD information access, Knox stated that Bascoe had explained the status of that issue in his report. Stated that he and the Board will continue working with the Mayor, Law Department, and City Council to push for the access that PAB is promised in the Charter.</p> <p><u>New Business:</u></p> <p>Knox explained that the ask to have a public comment period has been brought up by a few Board Members. Further explained that while they do not need to decide upon it tonight he would like to begin discussion on what the process for engaging the public during meetings would be. Noted that streaming will likely be a permanent element of Board meetings and that the Board must be cognizant of anonymous questions submitted to them via social media. Knox asked Board Members their thoughts on what a productive and accessible model might look like.</p> <p>Brown stated that when she first joined that Board they took public comment during meetings. Noted that the public engaged with the Board through chat and things moved along well. Also noted that this was done prior to Board Secretary Marina Pacheco-Walker coming on board so she was not given all of the information and was not aware of how it worked. Brown encouraged the Board to re-establish a process as soon as possible, and if it becomes cumbersome it can be streamlined.</p> <p>Nickoloff stated that it would be great to engage the Public Affairs team in this discussion as they may have ideas. Suggested holding a work group with Public Affairs similar to the one they are seeking with the Policy Division. Knox agreed. Brown stated that how Staff engages the community is a little bit different and she did not see the need to involve them when the Board can simply open the floor for discussion.</p> <p>Harrison agreed stating that the Board could agree to hold a 5-minute session at the end of the meeting to allow for questions. Knox noted that it may be cumbersome to hold a comment period after every agenda item, and that to hold a comment period at the beginning of the meeting may lead to the public feeling as though they are unable to engage with the discussion at hand. Knox agreed that a comment period at the conclusion of the meeting would be best. Knox asked Pacheco-Walker if she could explain what she has access to.</p>	<p>N/A</p>	<p>7:56PM</p>
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	<p>Pacheco-Walker explained that PAB uses a system that allows the meeting to be streamed to Facebook, Twitter, and YouTube simultaneously and that she is able to see comments as they are submitted in real time.</p> <p>Knox asked Pacheco-Walker how she might go about handling the comments and questions received, which questions to field, and how to determine if someone is a 'troll'. Pacheco-Walker answered that she could work with Public Affairs on this matter, but that she would use discretion to 'whittle down' some of the bigger comments and find a question within them that is appropriate to ask in a public format. Further answered that she would not relay comments that are disrespectful, hate related or general trolling. Pacheco-Walker added that she suggests involving Public Affairs as they intend to provide "media training" to the Board and Staff members and a similar training may be helpful in this situation as well.</p> <p>Knox asked Brown if she could take the lead to get the process figured out for the next meeting. Brown agreed.</p>		
<p align="center">End of meeting</p>	<p>Harrison moved to adjourn meeting. All members in favor. Meeting adjourned.</p>	<p align="center">6-0</p>	<p align="center">8:06PM</p>

Recording Clerk: Marina Pacheco-Walker