

**Regular Board Meeting  
Police Accountability Board  
July 21, 2022 at 6:30 PM  
Conducted Over Zoom**

**Attendees**

Board Members: Knox, Setel, Brown, Nickoloff, Harrison, Harvey (arrived @ 6:41)

Staff: Pacheco-Walker, Bascoe, Banks

Guests: Alanna Palardy & Melanie Anania – ASL Interpreters

Item	Details	Vote	Time
Start of Meeting	<u>Welcome &amp; Introductions:</u> Chair Knox called the meeting to order, facilitated introductions, and reviewed agenda.	N/A	6:36PM
Approval of Prior Minutes	<u>Minutes:</u> Member Knox moved to approve the minutes of 7/7/22. Second by Member Brown. Motion passed unanimously with no corrections.	5-0	6:40PM
Meeting Discussion	<p><u>Staff Report:</u> Acting Manager Duwaine Bascoe stated that it has been 1 month since PAB opened to take complaints. 111 complaints were taken, they are still being reviewed, however, 54 were determined to have sufficient information to proceed. 31 complaints have been assigned to Investigators and 15 have reached the point where information must be requested from RPD. Duwaine explained that rather than having direct access to RPD's information systems, he submitted a request for the information and asked for a turn-around of 24-48 hours. RPD notified Bascoe that they could not meet that turn-around time. Bascoe stated that Staff will continue to submit their requests. Noted that Public Affairs has 5 requests submitted to RPD for data that is needed to carry out their investigations. PAB has been unable to retrieve that information as well. Bascoe stated that PAB leadership has another meeting setup with RPD for Monday, July 25<sup>th</sup> and have been asked to bring up cases where the necessary information has not been received. Due to the sensitive nature of the cases Bascoe was unable to go into detail but stated that he would provide the Board with a copy of the request that was submitted to RPD.</p> <p>With regard to training; Bascoe hand delivered the ride-along waiver forms to RPD. Noted that some Board members have yet to submit their waiver and reminded them that pursuant to the Charter all Board Members must attend at least one ride-along. Bascoe explained that he hand delivered the waivers due to the sensitive information that is asked for on the documents.</p>	N/A	6:40PM

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	<p>Bascoe explained that he had a meeting with RPD Chief David Smith, City Council Chief of Staff David Smith and Lieutenant Ince on July 15<sup>th</sup> to review additional trainings that RPD has offered for Board and Staff. Approximately 15 training items were provided, but only a handful require actual training such as the firearm prism and other tactics. Bascoe is requesting that those training documents be provided as soon as possible.</p> <p>With regard to the Case Management System; Bascoe explained that i-Sight is still not operational. Attended another meeting today to discuss access to the CMS and how the lack of access to the system has caused delays. Bascoe noted that the matter has been escalated and he hopes that it will be resolved soon. The interim system is currently holding cases at this time.</p> <p>Knox asked what the issue was causing the hold up. Bascoe replied that there are several delays with regards to programming issues that have come up. Noted that Staff was supposed to have login credentials to the system in June and they have yet to receive the credentials.</p> <p>Harvey asked if the delays in the software were causing a holdup with cases and asked what software was still outstanding. Bascoe replied that there are several different kinds of software that he could be referring to. Explained that the secure VPN from the City has been installed.</p> <p>Knox asked if that was Wi-Fi and hard lines. Bascoe explained that hard lines had been installed but Wi-Fi had not.</p> <p>Harvey explained that he had a meeting earlier this week with some citizens who follow the PAB meetings and that they were concerned that PAB could not move forward because a software was holding up progress. Harvey told them that he did not know, but that he would ask about it and follow up.</p> <p>Bascoe responded that he is not aware of any software that is holding things up. Staff is utilizing the interim system to take in and review complaints. Further noted that Staff is able to document their case log in that system as well.</p> <p>Brown asked Harvey if he could follow up with the citizens he spoke with to clarify. Noted that there is a difference between needed hardware and software and if they are referring to the software that is partially installed, but not yet operational.</p>		
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	<p>Harvey agreed that he would follow up.</p> <p>Harrison asked about having a flow chart which outlined where cases are and where the issues and bottlenecks are.</p> <p>Bascoe replied that he can produce a flow chart outlining where the cases go when they are received. Asked Harrison if he is referencing something more detailed showing where each case currently stands. Harrison responded that he would take either. Bascoe noted that cases that currently have an open investigation cannot be shared publicly. Harrison noted that if an Executive Session is needed to discuss the cases then it can be held, but he would like to know where the bottlenecks are.</p> <p>Knox suggested that he Harrison and Bascoe meet and design a report that will outline the information that Harrison is asking for.</p> <p>Setel stated that she knew Staff is working on a graphic that shows the process of a complaint and suggested using the graphic as a template for a weekly update by adding the numbers to each stage.</p> <p>Nickoloff thanked Bascoe for his work. Noted that it seems like one of the bottlenecks is the refusal of the City and RPD to provide information access, and that he will continue to reiterate that issue until it is resolved. Stated that the issue just can't be swept under the rug and that the issues that Staff are facing were preventable problems. Nickoloff asked of the 111 complaints received, how long it takes to determine if a case has sufficient information to move forward. Bascoe explained that when a complaint comes in a Casde Manager returns their call within 24-48 business hours to gather additional information. That information is input into the interim CMS and Bascoe receives a notification. Bascoe then reviews the complaint and if he finds that there is enough information to move to the next step the complaint is assigned to an Investigator and a Staff Attorney to work together on the matter. The Investigator and Staff Attorney are given 3 days to review the necessary information, determine applicable case law, pull information from any publicly available sources, and then create an investigation plan. The investigation plan outlines the details of a case, the alleged/potential misconduct, and the statute that applies to it. The investigation plan includes a source of information request that outlines the evidence that is needed from RPD.</p>		
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	<p>Bascoe or the Deputy Chief of Investigations reviews the plan and then sends the source of information requests to RPD.</p> <p>Nickoloff stated that when the public asks about why PAB needs so much staff, this is the reason why. Because in the first month of being open PAB has investigated 54 complaints and has 15 that are being held up in a way that is illegal. Noted that he hopes it is clear to the public how much work is going into these matters.</p> <p>Harrison stated that he read the transcript of the meeting that was held with RPD that was sent to the Board and wanted to make sure that he understood something correctly; asked what RPD databases are being discussed, recalled discussion about one system that began with an L. Bascoe replied that there are several but the one he is referring to is the Law Enforcement Records Management System (LERMS). Harrison asked if he understood correctly that every officer has access to LERMS. Bascoe confirmed that is correct. Harrison stated that there are over 500 police officers with access to the database, including rookies, and PAB is not allowed to have one person with access. Bascoe confirmed that is correct. Setel stated as a correction that there are actually over 850 officers in RPD.</p> <p>Knox asked about the cases that could not be investigated and that are the largest hold ups there. Bascoe replied that non-investigable cases occur when Case Managers cannot get ahold of the reporter to gather further information. Another reason that cases are deemed non-investigable are because they involve Law Enforcement agencies that are not within PAB's jurisdiction (i.e. Greece PD, Monroe County Sheriffs, etc.). In those circumstances the complaint must be referred to the proper agency, prior to doing so, Bascoe must bring the complaint to the Board so that they may formally vote to refer the matter out.</p> <p>Bascoe noted that PAB leadership has another meeting with RPD on Monday the 25<sup>th</sup> of July and a meeting with District Attorney Sandra Doorley on the 3<sup>rd</sup> of August.</p> <p>With regard to budget approvals; Bascoe explained that Staff is still having some issues with getting needed requisitions approved. Stated that he has previously reached out to City Council Chief of Staff James Smith about signage and that has been squared away. Bascoe also noted that he had a meeting setup to discuss the hiring freezes.</p>		
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	<p>Harvey asked if Bascoe could outline some of the items that he is having difficulty getting approved. Bascoe stated that signage was one, but there are payments on pre-existing contracts that are being affected by the freeze that were not supposed to be. Noted that for these contracts, they were entered into before the freeze was enacted, the work has already been done, but Staff is having some issues with getting approval to pay the associated invoices.</p> <p>Harvey asked if Bascoe could give him an idea of what the morale of the Staff was like. Bascoe replied that morale has increased as the work has increased.</p> <p>Knox asked Nickoloff to talk briefly about an idea he had to support Staff. Nickoloff explained that he met with Sr. and Jr. Staff and talked a lot about culture, and how important it is. Explained that he wants to be sure that as PAB does its work, it does so in an environment and culture based in transparency and care. Noted that primary and secondary trauma will be difficult to deal with and that there are some structures that can be put in place to alleviate that. Stated that he wishes to work more with Staff to figure out how to address the emotional, spiritual and interpersonal needs of PAB employees.</p> <p>Brown thanked Nickoloff for taking the lead on that initiative. Encouraged Harvey to stop by the office and meet personnel.</p> <p>With regard to Public Affairs; Chief of Public Affairs Natalie Banks reminded the Board that the division is comprised of a Communications team and a Community Engagement team.</p> <p>With regard to Community Engagement; The Deputy Chief of Community Engagement Mozart Guerrier started in May. One problem that Guerrier identified is that at least 75% of the community did not know what PAB was or what we do. Guerrier developed a 45-day plan from launch which included strategies to increase awareness and reporting. Banks explained that the first strategy is engagement of the Community at public hubs (libraries, R-Centers, NSCs, small businesses, etc.). The second strategy is to establish partnerships with community leaders. Banks and Bascoe have taken the lead on that by scheduling meetings with community leaders to discuss what the PAB is doing and how they can partner with PAB in its work. The third strategy is to attend community events that attract the most impacted demographics. To date, the team has distributed over 600 flyers since the June 20 soft launch. The Community Engagement team expects to attend</p>		
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	<p>and conduct outreach at a minimum of 60 events between 2022 and the end of the fiscal year in 2023. PAB Staff has participated in 8 events since launch and are on pace to attend 80 events by the end of the fiscal year. Public Affairs hopes to hire 4 more Community Engagement Specialists, conduct grassroots engagement by leveraging relationships with community leaders, and development of a community education program by the end of this year. On August 4, Staff will be attending a training on protest monitoring provided by the ACLU, Banks stated that this is another service that PAB could offer to the community. Banks explained some of the gaps that have been identified since launch, one of which is low engagement of the Latino community on the part of PAB. There is a plan to work with leaders in the Latino community to create an engagement plan specific to that demographic. Banks stated that the Community Engagement team will be working to develop a stronger partnership with the Alliance, Deputy Chief of Community Engagement Mozart Guerrier will be meeting with the new PABA Outreach Coordinator Shirley Thompson to discuss how to partner.</p> <p>With regard to the Social Media report, Banks summarized that from the time that the Digital Media Manager Michaela Cultrara started and up to today, the PAB gained nearly 6,000 new website users. Month-to-month growth averaged to 112%. Site users increased by 1,400 users since June 20. Banks stated that the report prepared by Cultrara has much more detail and that she will send a copy of it to the Board.</p> <p>Setel stated that some of the programs raised by Banks might overlap into the policy realm and should be subject to Board discussion. Explained that prior to Banks report the Board had discussion on whether or not the PAB should have a role in protests. Suggested having further conversation on that.</p> <p>Knox asked if there is a way to see how many people have begun a complaint on the website and have not finished it. Banks replied that Cultrara is able to track the traffic but is unsure if she has those details.</p> <p>With regard to the Communications update; Banks stated from the launch date to today 3 stories were pitched by the Deputy Chief of Public Information/Press Officer Vanessa Cheeks and all 3 of the stories were placed. 5 organic stories came from PAB's press releases. Upcoming work for the Communications Team includes a translation of PAB's brochures and other paper documents into</p>		
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	<p>Spanish, finalizing the logo, facilitation of media training for the Board and Staff, and the development off consistent organizational messaging.</p> <p>Knox stated that he would like the Board to be involved in the development of organizational messaging. Also asked if there was a timeframe on the launch of the new website. Banks explained that her team is not in the testing phase yet, but that the biggest hold-up on the development of the website is i-Sight access. Banks noted that she was hoping that PAB was awarded its full investigatory powers prior to the broad launch of the website, but explained that it is up to Bascoe and the Board if they wish to launch once i-Sight access is obtained or to wait.</p> <p>Brown thanked Banks for the work of her team. Commented that the Public Affairs Staff is small and encouraged the Community to contact PAB if they are having meetings and would like a member of PAB's Staff to show up and talk to their communities.</p> <p>Harrison stated that one thing that he felt was very important, and had come up last night in the Alliance meeting, was that there are other foreign-language speaking groups in Rochester and that it would be a good idea to have a positive way of identifying and including those communities. Harrison asked if he could be provided with a list of keywords used on each website page and what the number of backlinks are.</p> <p>Banks agreed with Harrison's statements that PAB needed to engage other foreign language speaking groups in Rochester and noted that it is addressed in the upcoming Language Access Plan.</p> <p>Knox asked what the process is for the public if they would like PAB to attend their community event and how they can request informational/educational materials. Banks replied that members of the public may email the PAB inbox (<a href="mailto:PAB@CityofRochester.gov">PAB@CityofRochester.gov</a>) or may make a request via PAB's website (RocPAB.org).</p> <p>Knox asked if there was a phone number that people could call. Banks replied that there is no phone line for communications and outreach at this time. Knox noted that PAB is working with the City to get phone lines in place.</p> <p>Knox noted that it is a requirement of the Charter that PAB attend events in all quadrants of the City and encouraged the public to</p>		
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	<p>reach out to request PAB presence at events and to request informational/educational materials.</p> <p>Bascoe mentioned that the Board must hold a vote to close a matter. Knox asked to hold off and address the matter in new business.</p> <p><u>Chair Report:</u> With regard to the open seats on the Board; Knox stated that there are 2 seats still open. Noted his frustration that one seat has been vacant for over 100 days. Further noted a lot of concern and interest from the Community over how to get that seat filled. Pursuant to the Charter, City Council has 60 days to fill a seat from the day that it becomes open. Knox explained that when he came onto the Board he filled a Council Seat, and that an Alliance seat was still vacant. The PABA put forth 3 candidates for the seat and one was recommended to Council by Council President Miguel Meléndez, but a vote has not yet been held. Knox emphasized that Board Members were volunteers and they had expected to share the workload, but doing that becomes harder without a full board. Knox added that he believes there has been some positive progress, but ultimately it is not acceptable. The seat must be filled and a timely process must be established for the future. Knox stated that Board Member training must be completed prior to hearing cases and that getting new members on sooner will be better so that they can complete their training and begin work. Encouraged the public to contact City Council and ask that they hold the vote for a new PAB Board Member.</p> <p>With regard to the ongoing data access issue; Knox stated that PAB leadership will be meeting with the RPD Chief and City on Monday. Noted that pursuant to the Charter, the PAB is meant to have access to RPD databases and records and that it was generally understood that PAB was meant to have its own access, not to wait for RPD to provide the records needed. Noted it has been a drawn out discussion, but in order to conduct thorough investigations in a timely way and to be able to provide detailed updates to complainants, direct access is needed. Knox stated that he understands it is not RPD who does not want to give PAB access, but the City. Hopes that being unable to have a quick turn-around on the information request will further support PAB's argument to have direct access.</p> <p>With regard to the investigation into the PAB's Executive Director, Knox stated that the investigation is still ongoing. Noted that when the Board receives correspondence related to the investigation it is</p>	<p>N/A</p>	<p>7:30PM</p>
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	<p>forwarded to their legal representation. Added that he will provide further updates when he is able.</p> <p><u>Committee Report:</u> With regard to the Policy Committee, at the last meeting the Board voted to establish the Committee and appointed Harrison as the Committee Chair. Discussed holding a work session with some of the Staff. Harrison added that nothing much has happened with the Committee yet as they are still in need of other Board Members to serve on the Committee. Knox noted that he will follow-up with Harrison on the matter.</p> <p>With regard to the Training Committee, Setel explained that she has been working with the Director of Staff Support and Development Deborah Campbell and has scheduled the next Board training session for next Thursday. Training will be on the Disciplinary Matrix and conducted by Chief of Policy and Oversight Michael Higgins and his team. The next training will be held in August with the SMK Consultants and will focus on evaluating investigative reports. Setel stated that after those sessions the Board will begin working through the other topics that they are required to train on pursuant to the Charter. Setel stated that the Board had received an email outlining upcoming trainings that are being held for the Staff and noted that Board Members may participate in those trainings if they are available. Also noted that while the trainings are in person, a hybrid ZOOM format is available.</p> <p>Harrison noted that it can be very difficult to follow discussion on ZOOM due to the low quality of the audio. Setel replied that the way that they are conducting the hybrid trainings will change.</p> <p>With regard to the Public Comment period, Knox explained that while it is on the agenda, the Boar has not officially taken a vote to approve conducting a public comment period. Noted that he would like to do that but that he wants to make sure that the correct systems are in place and that guidelines are established. Cited that there may be Open Meetings Law requirements beyond monitoring the stream chats. Stated that he will figure this out so that it can be incorporated at the next Board meeting.</p> <p><u>New Business:</u> With regard to the case cited by Bascoe, Knox stated that the Board can enter into Executive Session to discuss the matter in detail if necessary. Bascoe had previously mentioned that this case was to be closed due to it involving the Monroe</p>	<p>N/A</p>	<p>7:30PM</p>
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	<p>County Sheriff's and being outside of PAB's jurisdiction to investigate.</p> <p>Harrison suggested that as a general rule, the Board summarily approve the transfer of those types of cases as Bascoe has already given the essential details which is that it involves Monroe County Police. Noted that it only seems logical to refer the matter out to the proper agency.</p> <p>Knox stated that because this is the first time it may be prudent to allow the public to see the process and to explain the reasoning behind the decision.</p> <p>Bascoe explained that pursuant to §18-3(c) of the Charter 'Establishment and Jurisdiction', the Board shall investigate and adjudicate complaints of misconduct against the Rochester Police Department. Case Number 2022-050 involves an individual that was arrested by RPD officers, however, the individual was transferred to the Monroe County Sheriff's Office and the alleged misconduct occurred while in the custody of the Sheriffs'. Bascoe recommended that the Board vote to close the case, notify the reporter, and provide them with information on how to seek recompense with the Monroe County Sheriff's Office.</p> <p>Knox asked about joint patrols that are conducted with both RPD and the Sheriff's and what the process is should misconduct occur in that circumstance. Bascoe explained that currently the Board may only investigate matters involving RPD, while they may work in conjunction with the Sheriff's from time to time, if the allegation involves an RPD officer then PAB may pursue those matters.</p> <p>Knox noted that in joint patrol circumstances an RPD officer may be a witness to misconduct and asked if there was any kind of way to review matters like that. Bascoe replied that if an RPD Officer takes part in or witnesses misconduct and does not intervene, that constitutes misconduct that PAB may investigate. Bascoe stated that he would need specific details to determine if there is a policy angle that might allow PAB to investigate in circumstances involving other Law Enforcement entities.</p> <p>Setel asked if it was correct for the individual to be transferred from RPD to the Sheriff's custody. Bascoe explained that the incident involved the County Department of Corrections. Noted that he is unsure that he can share further details in a public meeting but</p>		
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	<p>confirmed that the alleged misconduct took place while the individual was in the custody of the Sheriffs.</p> <p>Harrison noted that one of RPD's policies is that if an Officer observes something wrong they have an obligation to intervene. Harrison asked Bascoe if he can confirm that the RPD officer did not observe the alleged misconduct. Bascoe confirmed that was the case.</p> <p>Motion by Knox to close case number 2022-050 and refer the matter to the Monroe County Sheriff's Office upon recommendation of the PAB's Acting Manager. Second by Brown. Motion carried unanimously.</p>	6-0	7:52PM
End of meeting	Knox moved to adjourn meeting. All members in favor. Meeting adjourned.	6-0	7:53PM

Recording Clerk: Marina Pacheco-Walker