

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

Attendees

Board Members: Harrison, Nickoloff, Knox, Setel, Tucker, Brown, Cadet, Harvey (@ 6:42P)
Staff: Pacheco-Walker, Bascoe
Guests: Alanna Palardy & Melanie Anania – ASL Interpreters

Item	Details	Vote	Time
Start of Meeting	<u>Welcome & Introductions:</u> Chair Knox called the meeting to order, completed roll call.	N/A	6:36PM
Approval of Prior Minutes	<p><u>Minutes:</u> Member Brown moved to approve the minutes of 9/15/22. Second by Member Nickoloff. Motion passed unanimously with one correction: Knox called for the motion to adjourn at the close of the meeting.</p> <p>Knox asked where the public is able to find copies of the Minutes once approved. Ms. Pacheco-Walker explained that Minutes are posted to the PAB website, RocPAB.org, under the News & Events section in the Our Events and Meetings item. In that section there are links to all meeting minutes as well as links to the meeting videos.</p>	7-0	6:39PM
Meeting Discussion	<p><u>Staff Report:</u> Acting Manager Duwaine Bascoe provided an update from the Investigations Division; 197 reports have been taken in to date. 80 have been assigned to Investigators. 49 have had information requests sent to RPD. RPD has provided responses to 32 of the Source of Information (SOI) requests that PAB has sent out. Bascoe noted that the last response from RPD came in on 9/28/22. Bascoe also noted that today RPD provided notification that PAA has begun a new investigation, this investigation is not included in the 197 reports that PAB has taken in.</p> <p>Knox asked if that was the first time that PAB has been notified of a PSS investigation. Bascoe confirmed that as the case.</p> <p>With regard to RPD ride-alongs Bascoe explained that due to the State of Emergency issued because of the violence in the City, that ride-alongs will continue to be conducted with RPD leadership despite requests to do them with average patrol officers. The next upcoming dates for ride-alongs are October 11, October 20, and</p>	N/A	6:40PM

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	<p>November 1. Bascoe reminded Board Members to turn in their waivers if they have not already.</p> <p>PAB staff will continue to attend RPD trainings this week. Bascoe stated that Staff has attended two of the five training sessions so far and that the next regularly scheduled training has been moved from October 11 to October 12.</p> <p>Pursuant to the decision of Judge Valleriani, the Board is required to attend Open Meetings Law Training and Bascoe is currently working with the Assistant Director of the NYS Committee on Open Meetings Law to conduct the training on October 18.</p> <p>Knox asked if the training would be recorded and if watching the recording would count as attending the training. Bascoe answered that the training will be virtual, and that he did request that it be recorded. Noted that he will check to ensure that attending a pre-recorded session complies with the order.</p> <p>Setel noted that the Board has set aside every fourth Thursday of the month for Board trainings and asked if the training could be scheduled for one of those dates.</p> <p>With regard to OML, Harrison noted that he had read somewhere about Executive Sessions that while the discussions are held in closed session the voting is meant to be done in the public view.</p> <p>Bascoe replied that the voting can be done in Executive session but the nature of the vote, the count of the vote, and how each member voted, must be reflected in the minutes.</p> <p>With regard to the Language Access Plan, Bascoe explained that the plan had been re-written and submitted and is currently awaiting Board approval.</p> <p>With regard to the i-Sight Case Management System, Bascoe noted that the CMS provider still intends to go through with the soft launch on October 10 despite recent additional difficulties. Stated that there were some trainings scheduled for this week that i-Sight had backed out of and that leadership is working to address.</p> <p>Knox asked if i-Sight backing out of the trainings made the launch date less likely to achieve. Bascoe stated that he felt that it did, but hopes to be able to launch Tuesday at the latest as Monday is a holiday.</p>		
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	<p>With regard to Policy and Oversight, Bascoe stated that the division has published a report on RPD's data transparency and that is open to receive public comment on the report through October 26. Bascoe also noted that the Disciplinary Matrix has been drafted and has been put to the public for comment as well. The matrix has also been sent to RPD and the Locust Club for their comments. Focus groups have been organized to further collect public comment on the matrix.</p> <p>With regards to Operations and hiring, Bascoe explained that PAB received approval for a few new hires and that interviews have been set up. He hopes that those positions will be filled quickly.</p> <p>Knox noted that PAB is still facing issues with direct information access from RPD and asked what the turn-around times are for information requests and the staff's impression on how quickly the data is received.</p> <p>Bascoe responded that the last two batches of information received came in a while after the requests were made and noted that the initial request were made prior to the appointment of the liaison that they are currently working with. By the second batch of requests, the liaison was in their position and it still took several weeks to receive the information. Bascoe explained that the process that was agreed upon was that PAB would make its request, the liaison would gather the information to the best of their ability and it is sent to PAB. Currently, once the information is gathered it is sent to the Law Department for analysis prior to releasing to PAB. Bascoe noted that the Law Departments' involvement was not previously discussed and should not be happening.</p> <p>Brown asked what can be done to rectify and inquired that if information goes through the Law Department first how will they know what has been redacted or changed.</p> <p>Bascoe answered that staff has updated the Source of Information requests to include an area for RPD to notate why the information was not turned over for each element requested. Bascoe noted that the explanations range but that staff wants to keep track of the rationale for not turning information over, besides not having it at all.</p>		
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	<p>Knox asked if the Law Department’s involvement constituted a conflict of interest. Bascoe replied that he and staff felt as though it was a conflict of interest for the Law Department to act as arbiters of information. PAB is a City agency staffed with City employees despite the Board being made up of volunteer activists. The Law Department represents entities when disputes arise against PAB, if they are also representing PAB in those disputes then it constitutes a conflict.</p> <p><u>Chair Report:</u> Knox began by noting the settlement that was reached between the City of Rochester and the family of Daniel Prude. Knox noted that the settlement was a result of wrongdoing, and that a lot of work has been done to come to that point. Also noted that this unfortunate event in particular led to the legislation that created our Board. Knox went on to note that it is a powerful but sad reminder to all that the work of the PAB is vital.</p> <p>With regard to the investigation involving the Executive Director, Knox explained that the investigation is coming to a close but was unable to provide further updates.</p> <p>Harrison asked what the rationale was that allowed Knox to receive information to give updates on the investigation but not the rest of the Board.</p> <p>Knox responded that the agreement that the PAB has with City Council is that 3 members of the Board and 3 members of Council would all receive updates from the Investigator via email at the same time. It was established so that no one party had to ask another for updates as all the information would be received by them simultaneously.</p> <p>Harrison asked what Council’s role in the investigation was.</p> <p>Setel noted that the investigation is being paid for by PAB itself.</p> <p>Knox replied that Council hired the investigator, but cannot dictate the Board’s role coming out of the investigation. Once the matter is concluded it is the Board’s responsibility to make a decision on leadership, Council will not determine anything.</p> <p>Tucker noted that when the investigation first started, it was negotiated that they would receive updates on the investigation and to receive the report at the conclusion.</p>	<p>N/A</p>	<p>6:56PM</p>
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	<p><u>Committee Report:</u> With regard to the Training Committee, Setel noted that she met with John Pavlack and that they are working to schedule their final SMK training on how to interpret investigative reports. Setel added that she did not have specific dates yet.</p> <p>Knox asked about the status of staff trainings and asked for more detail on how the RPD trainings were going.</p> <p>Bascoe replied that the first lesson covered the history of the organization and then went into the function of each officer as well as recruitment and hiring practices. The second module focused on domestic violence, issue reports, and de-escalation and defensive tactics.</p> <p>Knox asked what the next training topic will be. Pacheco-Walker replied that the next training topics will be on PRISM, emotionally disturbed persons, traffic stops, and firearms safety and less lethal options.</p> <p>Knox noted that he is glad that the trainings are finally happening as they are required by the charter.</p> <p><u>Old Business:</u> Knox explained that the Board and Staff are still fighting to have the access that was described in the Charter.</p> <p>Knox asked for a motion to enter into executive session. Bascoe explained that the session was to discuss specific employees and concerns hiring, termination, or disciplinary matters that should not be publicized.</p>	N/A	7:09PM
Executive Session	Motion by Knox to enter into Executive Session to discuss personnel matters. Second by Harrison. Motion carried 7-1 with Setel voting no.	7-1	7:14PM
End of meeting	Member Harrison moved to adjourn meeting. All members in favor. Meeting adjourned.	8-0	8:51PM

Recording Clerk: Marina Pacheco-Walker