

# MINUTES

**Regular Board Meeting  
Police Accountability Board  
September 1, 2022 at 6:30 PM  
Conducted Over Zoom**

**Attendees**

Board Members: Knox, Brown, Harrison, Setel, Nickoloff, Cadet (@ 7:01PM)

Staff: Pacheco-Walker, Bascoe

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.	N/A	6:39PM
Approval of Prior Minutes	<u>Minutes:</u> Member Harrison moved to approve the minutes of August 18, 2022. Second by Member Nickoloff. Motion passed unanimously with no corrections.	5-0	6:41PM
Meeting Discussion	<p>Knox noted that Acting Manager Duwaine Bascoe had not yet arrived and so the Board held off on the Staff Report until Bascoe arrived.</p> <p><u>Chair Report:</u> Chair Knox began with a report on the Ride-Along. Stated that it went well, was very informative, and a good opportunity for both RPD and PAB to ask questions. Reminded Board Members that Ride-Alongs are required pursuant to the Charter.</p> <p>With regard to the Investigation involving the Executive Director, Knox explained that the investigation is ongoing, but more than halfway complete. Knox was unable to provide any further detail. Once the investigation is complete a report of the findings and recommendations will be made.</p> <p>Nickoloff stated that he understands the frustration of the public that the Board is not talking about the investigation, however, the Board Members are required not to discuss it in order to respect the integrity of the investigation. It is part of standard procedure not to comment until they have all of the information, as they don't want to say something wrong.</p> <p>With regard to RPD information access, Knox noted that there has been some progress. Noted that it has taken too long and that the PAB should have direct access itself, but there have been cases that are able to move with the information that has come in.</p>	N/A	6:42PM

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	<p><u>Committee Report:</u> There were no Committee Reports, however Knox did note that Board Member Brown has agreed to be Chair of the Policy Committee and that the Board is still working on the formation of that committee and determining how it will interact with Staff.</p> <p>Brown stated that the Board may not actually form a committee for this, though the Board should be working very closely with the Staff to establish policy priorities. Added that she is glad to hear of the progress in getting information from RPD. Noted that the community has been very patient and that she thanks Council and the Mayor for doing their part in helping PAB get the information that it has gotten so far.</p>	N/A	6:48PM
	<p><u>Old Business:</u> With regard to the Public Comment period, Knox noted that the board is still working out how to facilitate that. Added that he is hoping to return to in-person meetings soon and have people attend in person. Knox explained that part of the reason that the Board cannot meet in person at this time is due to security reasons and that the Board is working on that as well. Knox stated that any member of the public can reach out and someone will follow up with you.</p>	N/A	6:50PM
	<p><u>New Business:</u> With regard to case closures, Knox explained that the Board would have to revisit closures when Bascoe arrives.</p> <p>With regard to Board Member nominations and the remaining open seat; the Alliance has made its recommendations to Council and they are expecting a quick turn-around for a vote. Knox stated that it took far too long to fill the seat that is now occupied by Board Member Cadet and that he thanked the Alliance for putting forth more recommendations to Council.</p> <p>Brown added that she would like to encourage members of the community to participate more with the Board, as it is here for you. Stated that the more people that are willing to serve on the Board the stronger it will be. Brown added that the Board is meant to represent all areas of the Community and noted that there is no representative from the Hispanic community on the Board at this time. Brown encouraged everyone with concern and some time to spare to apply and noted that she herself was rejected 4 times, so don't be offended if you do not make it onto the Board the first time around.</p>	N/A	6:51PM

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	<p>Knox encouraged members of the community to reach out to Council and ask them to call a vote. Knox turned control of the meeting over to Harrison to give a presentation regarding Board independence.</p> <p>Harrison explained that the he and some other Members who were the first to be named to the Board have identified that a continuing issue is the Board's independence. Stated that he felt that the authors of the law were very subtle on the importance of independence, but that it appears several times throughout the legislation. The opening text of the Charter reads that "<i>There is hereby established an independent office of municipal government to be known as the Police Accountability Board.</i>" And that "<i>It shall be an autonomous office of the City.</i>" Harrison stated that these sentences were unambiguous.</p> <p>With regards to PAB's budget, Harrison explained that although PAB has its own budget, it must go through an approval process where PAB needs permission from Council to spend its money. Harrison stated that with those provisions, "it is not a budget but an allowance".</p> <p>With regards to PAB's access to RPD information. He stated that once again the law seems pretty clear but the City's Law Department "uses a different language" as they cannot seem to agree with PAB's legal interpretations of the law.</p> <p>Harrison stated that his last point is that when it comes to the management of the Executive Director, the law states that the E.D. serves at the discretion of the Board. The Board may conduct a performance review and remove the E.D. for good cause, but it does not mention any other entity that manages the E.D. or has the powers to remove. Council has the power to approve the E.D. upon appointment but nothing other than that.</p> <p>Due to legal provisions above Harrison put forth a motion to restore the Executive Director to active duty without restrictions and upon reinstatement to ensure that the E.D. holds individual meetings with every Staff Members to ensure that their concerns are heard and addressed, then to report back on them to the Board at the regular board meetings in Executive Session.</p> <p>Bascoe asked that any discussion regarding personnel be had in Executive Session, particularly matters that are already in litigation.</p>		
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	<p>After some discussion on the appropriateness of the motion Member Setel noted that there was no second and asked for a second and a vote.</p> <p>With regard to a motion by Harrison to restore the E.D. with the provisions outlined above. No second received. Motion was denied.</p> <p>Knox stated that the conversation could be re-visited in Executive Session and asked if Harrison had anything else to present with regard to Board independence. Harrison did not.</p> <p><u>Staff Report:</u> With regard to the Ride-Alongs, Bascoe explained that he and Chair Knox rode with Captain Swetman and Lieutenant Bello. Bascoe stated that he has only received waivers from 2 Board Members and encouraged them to get them submitted as Ride-Alongs will be continuing next week. For those who are concerned due to the sensitive nature on the form Bascoe asked that Board Members either drop off the physical form or make accommodations with him for pick-up.</p> <p>Bascoe noted that during the Ride-Along he had the opportunity to gain a better sense of how they respond to calls and their interactions with the public. He and Knox agreed that they would like to see more of how RPD interacts with the public, but noted that they got a sense of differences in interactions between officers who are seasoned and those who are new recruits.</p> <p>With regard to Investigations, currently PAB has received 148 complaints, of those, 65 have been submitted to investigations for further review. Bascoe added that he met with the Mayor and the Law Department on Tuesday and on Wednesday PAB Staff was provided with information on 5 of the 35 cases that were submitted to RPD for additional information. Noted that a limited of number of staff could view the documents which caused a delay, but as of today the permissions to view had been extended to the rest of the investigations team. RPD is still working to provide information on the second batch of requests. Of the 65 submitted, 56 are still under current review. Bascoe added that PAB is still required to notify RPD when it commences an investigation. Bascoe has reviewed that next batch of notices and will be conducting individual meetings with the investigations team beginning tomorrow morning.</p>	<p>N/A</p> <p>N/A</p>	<p>7:05PM</p> <p>7:06PM</p>
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	<p>Bascoe stated that the PABA has reached out to leadership in regards to interviewing of past staff members. Bascoe and Knox will be meeting with them at 9AM tomorrow to discuss their concerns. Added that they will not discuss any personnel matters that are restricted.</p> <p>Knox asked if Bascoe could explain the difference between the 65 cases overall and the 56 of them under review. Bascoe explained that there were 3 matters in particular that were reviewed by Policy and Oversight because of the questions that were raised in them. 5 matters were submitted to Investigations needed to be referred to an outside agency because they involve Law Enforcement other than RPD. 1 matter did not have sufficient information to proceed, a video was submitted but Staff was unable to follow up with the Reporter.</p> <p>Setel asked of what has been received, what percentage is of that is what the Staff actually needs at this point. Bascoe replied that RPD has responded to the first batch of requests with Body Worn Camera footage, personnel files, and arrest records. Bascoe is still reviewing the material as substantial amounts were provided. Until today only he and the Forensic Analysts had permission to view the files. Bascoe noted that it seems that RPD is complying with the requests but there are still “holes” and cases that need additional information. Bascoe noted that with regard to disciplinary records, those are going to be based upon substantiated claims against Officers and not complaints made.</p> <p>Knox asked if anything has been received from the Professional Standards Section (PSS). Bascoe answered that nothing has been received from PSS but he spoke with Captain Swetman about RPD turning over that information and will continue discussion about it. Bascoe was told that that information would be turned over tomorrow or Monday at the latest.</p> <p>With regards to Public Affairs, leadership is still reaching out to community based agencies and holding meetings. Public Affairs had a “Key Performance Indicator” (KPI) requirement to attend 60 community engagement events this year and the Division has surpassed that benchmark. Some agencies that PAB leadership has met with include the YWCA and the Empire Justice Center.</p> <p>Knox asked if the Public Affairs Division was short staffed. Bascoe confirmed that as the case and that he is continuing to reach out to</p>		
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	<p>City Council about fulfilling the positions that were approved for Public Affairs prior to the hiring freeze.</p> <p>Knox noted that Ms. Pacheco-Walker had sent out an email earlier in the week outlining community events which PAB would be attending over the weekend and asking if Board Members can sign up.</p> <p>With regard to case review, Bascoe explained that Case Managers and the Forensic Analysts have been working to develop and organize a SharePoint group specifically for the Board so that case materials can be securely stored and disseminated for review. Stated that he will authorize Board Members to access the group and asked that members sign up for training on the system if they have not already so that they can begin adjudicating matters at the next regular board meeting.</p> <p>Knox encouraged Board Members to follow up with Ms. Pacheco-Walker and schedule a time for training. Stated that it is very important now that things are moving and it's important that the Board has that access. Bascoe added that the SharePoint site is secure.</p> <p>With regard to issues about equipment. Requisitions to purchase forensic equipment have been submitted and Staff should be receiving approval shortly. Bascoe noted that there are other contracts for things like signage and security that are being held up in MUNIS<sup>1</sup> due to the need for approval by Council. Bascoe stated that Staff is working on those issues.</p> <p>Nickoloff noted that the need for the previous presentation about Board independence was due to these issues. There are things that are a part of the Charter that have not been provided and he stressed to the public that these are basic things that are needed and asked the public to continue to advocate for PAB.</p> <p>Bascoe noted that the Board and public often hears numbers about metrics that PAB has achieved without perspectives. Stated that when it comes to complaints received, Staff is at a pace of 1.3 times the amount that they were scheduled to receive. In investigations, 2.5 times the amount of investigations that should have been completed have been completed. This work is being</p>		
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<sup>1</sup> MUNIS refers to the City of Rochester's electronic finance system.

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	<p>achieved at 57% of staff that PAB is supposed to have. While it is commendable, it is not sustainable.</p> <p>Knox added that he does not want the Staff to get burned out and also noted that he agreed that the issue of independence is important at this time as the Board must set itself up for success in the future and not just rely on being helped out by the current Administration.</p> <p>Nickoloff commended the staff for their work and challenged all to imagine what PAB could accomplish if given the support and independence that it was supposed to have. Encouraged Council to give PAB the means to excel.</p> <p>With regard to “New Business”; Knox asked if Bascoe had any case closures that the Board needed to vote on at this time. Bascoe explained that the Staff was working to organize cases into batches so that the Board may vote on several cases at once. Those matters will be provided to the Board for review shortly.</p> <p>Knox asked if those cases would be ready for review at least a week or so before the next regular Board meeting. Bascoe replied that he could have them ready for review by then. Knox also asked if a sample case could be put into the SharePoint in the meantime so that Board Members can review and prepare themselves.</p>		
Executive Session	Motion by Knox to enter into Executive Session. Second by Brown. Motion carried unanimously.	6-0	7:33PM
End of meeting	Knox reported that no votes were taken in Executive Session. Member Knox moved to adjourn meeting. All members in favor. Meeting adjourned.	6-0	9:00PM

Recording Clerk: Marina Pacheco-Walker