



Police Review Board of the City of Geneva
FINAL — Meeting Minutes
September 2, 2021 6:00pm
Geneva Housing Authority Conference Room B, and via Zoom (2 members)

Our mission is to openly, fairly, and impartially uphold City of Geneva Local Law 1-2021.

Attendance

Members attending: Ahmad Whitfield, Amaris Elliott-Engel, Brian Whitley, Charles “Rick” Barnard, Jessica Farrell (Chair), Theresa Johnson (Vice-Chair), Charles King (Secretary)

Subcommittee members attending: Carrie Corron, Andrew Spink

Absent: RJ Rapoza, Wil Wolf

City Staff/Trainers attending: Erica Collins

UPDATE ON CITY LITIGATION

The Board briefly discussed that the judge had lifted (earlier in the day 9/2/21) the injunction against processing complaints, and that the PRB may proceed with any complaints it receives.

Materials for *NYS Law Enforcement Officers Union COUNCIL 82 AFSCME AFL-CIO LOCAL 3471 et al v. GENEVA CITY et al* are available here:

<https://iapps.courts.state.ny.us/nyscef/DocumentList?docketId=8xynULHVNfpDE1MILjSv5A==&display=all>

REVIEW OF PREVIOUS MEETING MINUTES

Ms. Johnson (Seconded by Mr. Whitley) moved to approve the minutes from September.

Unanimously APPROVED by voice vote.

Mr. King mentioned that he had spoken with Councilor Noone (not present at this meeting) on the phone earlier in the day. Mr. Noone had mistakenly reported to City Council (“CC”) on 9/1/21 that the PRB had a “Public Relations” committee, when the PRB had created an “External Communications” committee. Councilor Noone offered to correct that in his next report to Council.

DISCUSSION OF ROLE OF ALTERNATES

The Board discussed how, from a legal standpoint, the Alternates have no official standing with the PRB (they are not part of the law). They have an implied recommendation from City Council because of their City Council appointments, and can participate in staff-provided trainings, but should be considered members of the public. Because members of the public can serve on Board committees per standard Rules of Order, Alternates can serve on committees.

DISCUSSION OF PRB TERMS

CC did not specify which members of the Board were to serve in which staggered terms, but invited the Board to propose its own members' terms. The PRB discussed how best to divide itself into these three groups, with the preferences of members taken into consideration where possible. The three term groups are as follows:

A) End-of-Year 2022, B) End-of-Year 2023, C) End-of-Year 2024

(CC may reappoint members to one additional term at the end of their terms.)

The PRB discussed how it could assign terms in a way that would offer CC maximum flexibility in appointing replacements given the requirements and aspirational goals in Local Law ("LL") 1-2021. These requirements and aspirational goals include:

That CC appoint individuals from the three Supervisory Districts (Wards 1&2=SD1, Wards 3&4=SD2, Wards 5&6=SD3) distributed so that one representative is in each of the three term groups.

That CC aspire to have two mental health professionals (MHP), a member of the clergy (Clergy), and an attorney in good standing (Atty) on the Board.

That the member nominated by the mayor (Myr) be in the third (EOY 2024) group.

The PRB rationalized that it could offer CC the maximum flexibility in future appointments if the Aspirational Goals appointments and the Supervisory District representatives were *different* members. In other words, if one member was serving multiple roles (for example, as a SD representative and an Atty), CC might be obliged to replace that member when their term came up with someone who fulfilled *both* of those roles—something which would be much more difficult than if the individual roles from the LL could be handled with individual appointments.

With those goals in mind and taking the individual preferences of members in consideration, Mr. Barnard (seconded by Ms. Johnson) moved that the PRB respectfully request the appointment of members to terms as follows:

EOY2022: Mr. King (SD1), Mr. Whitley (Clergy), Ms. Elliott-Engel (Atty)

EOY2023: Mr. Rapoza (SD2), Mr. Barnard (MHP), Ms. Johnson (Clergy)

EOY2024: Ms. Farrell (SD3), Mr. Wolf (Myr), Mr. Whitfield

Unanimously APPROVED by voice vote.

COMMITTEE REPORTS

(Committees generally meet in the City Hall Second Floor Conference Room and/or over Zoom.)

The Complaint Process Committee (Whitley, Wolf, King, Barnard, Farrell) has not yet met, because of scheduling difficulties. They will generally meet the second and fourth Thursdays of the month in the evening, an Open Public Meeting. They have been reviewing several complaint forms shared over email, including the two forms currently available online from the GPD, the Geneva Human Rights Commission's, and forms from other municipalities.

The Review Process Committee (Whitfield, Rapoza, Elliott-Engel, Farrell), met and chose Ms. Elliott-Engel as its committee chair. They will be meeting the second and fourth Tuesdays of each month, an Open Public Meeting. At their meeting, they discussed whether or not they felt the PRB should employ a disciplinary matrix either of their own design or a preexisting matrix. They decided that as a committee they felt a disciplinary

matrix should be used. During their report, they recommended this to the rest of the PRB. Mr. Whitley moved (seconded by Ms. Johnson) that the PRB should employ a disciplinary matrix.

Unanimously APPROVED by voice vote.

The Committee also stated that they would be prioritizing researching types of complaints generally fielded by PRB/PAB groups, and will raise this as a question when we have a training with the Rochester PAB.

They have begun thinking about which trainings the PRB should prioritize in order to enable us to most effectively, fairly, and educatedly review police investigations and are focusing on two General Orders for their next meeting.

During the Review Process Committee report, the PRB discussed a possible best time for inviting the Chief of Police to one of its meetings, both to discuss the GPD's current disciplinary matrix and to discuss the overall complaints and investigations process. The Board generally settled on inviting the Chief to the PRB's November meeting, as that would allow a fair amount of research and preparation so that a meeting with the Chief could be efficient and effective. There was some discussion as to whether the PRB wants the Chief to first come to a meeting as a staff training (initiated by staff for the benefit of the PRB) or simply as part of an open meeting (an open invitation from the PRB), and the Board decided that part of an open meeting allowed for the most transparent meeting structure.

Ms. Collins will approach Chief Passalacqua with the November 4, 2021 invitation and request a copy of the current Disciplinary Matrix. Though forming a PRB may not have been Chief Passalacqua's first choice for the city, the PRB noted statements of optimism and clear organizational understanding from the Chief, both in person at the June special Council meeting and in his affidavit in the above-mentioned litigation. The PRB hopes to build upon those mutual understandings.

The External Communications Committee (Johnson, Farrell; community members Andrew Spink and Carrie Corron) met and discussed creating a brochure about the PRB process, and brainstormed what community organizations and spaces should eventually display and make available that brochure. They are also brainstorming a list of community spaces where members of the PRB can ask to give presentations once the Board is ready to hear complaints. The External Communications Committee's schedule is not as formal yet: If it is just the Chair (Ms. Farrell) and Vice-Chair (Ms. Johnson) meeting, it can be an executive committee discussion. If members of the public (such as the Alternates) are involved, it will be an Open Public Meeting.

LIVESTREAMING DISCUSSION

The PRB briefly discussed livestreaming its meetings and decided that the Board's current approach is sufficient. Most PRB meetings bigger than 2-person discussions are publicized, advertised, and open to the public. The Board is willing to revisit this issue if the city prefers livestreaming.

TRAININGS

A. DISCUSSION OF TRAININGS CONDUCTED

Rather than take meeting minutes for all individual training sessions provided by city staff, Mr. King suggested that the PRB summarize its training experiences in this monthly Minutes document. This was met with general approval, and he will proceed accordingly:

The PRB received Public Defender training from Leanne Lapp and Paul Chambers from the Ontario County Public Defender's office, conducted 8/17/2021. Ms. Lapp gave an overview of "Criminal Procedures Basics" explaining justice system responses to various types of criminal proceedings, and Mr. Chambers discussed how to conduct fair and unbiased, objective investigations using the PLATO method (People, Locations, Actions, Times, Objects). Mr. Chambers will provide follow-up training (9/23/21 at 6pm) along with exercises through

his website:

<https://docs.google.com/forms/d/e/1FAIpQLSc6rQsMazJFLhZ911JCqHYicAMB0PWLIAT0wBzfiwvnNz5NWA/viewform>

B. UPDATES ON TRAININGS TO COME

Tuesday 9/14 ACEs (evening time TBA) training (Adverse Childhood Experiences). Ms. Farrell or Ms. Collins to provide link.

Friday 9/17 at 5:30pm conversation with Rochester PAB Chair Shani Wilson (location or Zoomlink TBA).

Thursday 9/23 at 6pm at the Welcome Center (or Zoomlink TBA). Paul Chambers: Investigations Part II.

Implicit bias training with Dr. Sim Covington Jr. will take place 9/8/21 for CC and staff. An online implicit bias portion is available, and Ms. Collins will follow up to resend the link.

November: Safe Zone training with Amy from Family Counseling Service of Finger Lakes. Some of her trainings are geared toward law enforcement, and the PRB will focus on those.

DISCUSSION OF GENERAL ORDERS

Ms. Johnson (who is also on the Policing Reform and Reinvention Collective) provided the PRB with an overview of the Use of Force Wheel and General Order 400 (Use of Force) as amended by the Collective's process.

The Board acknowledged that Use of Force is generally a highly sensitive topic and that the PRB process should be as grounded and reasonable as possible. The PRB endeavored to structure their discussion about General Order 400 around how its provisions might become important in the course of an investigation instead of having a more value-based discussion (sharing what they like, don't like, and would change) about it. The Board acknowledged that, though they have the power to make policy recommendations under the terms of LL 1-2021, at this stage it would not be productive to focus on what they feel should change about the policy.

Ms. Elliott-Engel underscored some of the legal implications of the "Reasonable" belief standard. The Board discussed escalation ideas, especially §II.G and §IV, especially §IV.F, and the "objectively reasonable person" standard.

Ms. Johnson shared how the "no-knock" provisions in §VIII.B.2. are likely to change top-down from the state level (as a result of the killing of Breonna Taylor) and were not a subject of the Collective's discussion as a result.

The PRB discussed generally the speed of reporting (§XI.C) after a Use of Force Incident, and Ms. Johnson provided some perspective from the police officers on the Collective. Report writing generally happens right away.

Mr. King discussed §III.M.1-2 (Duty to Intervene). The PRB discussed how asking "How many officers did you interact with?" and using body camera footage may be helpful in establishing if an officer allowed another to use inappropriate force with/without intervention. The Board also discussed the issue of whether the "average citizen" knows the Duty to Intervene, and how that might affect the Complaints Process/Review Process.

The PRB is generally curious as to when the new language, with the de-escalation sections added, will become policy. Ms. Collins will provide the PRB with the officially updated GO400 when it is available.

Ms. Farrell introduced the topic of high-risk vehicle stops and gave some examples of how Use of Force might be understood to be appropriate or inappropriate.

Ms. Johnson shared an ongoing perspective from the Collective experience on how much of the standard exists in each Officer's mind, how the words of the GO provide many loopholes, and how a Review Board might help stabilize the process if it becomes locally (to one person) reasonable but objectively unreasonable.

Mr. Whitley shared some of his experience with the intimidation of a hand on an officer's gun/holster, and how intimidation can begin with that gesture. Understanding when the hand-to-holster gesture is appropriate or inappropriate will be important.

MEMBERS' ASSIGNMENTS FOR NEXT MEETING

Please look ahead and email Ms. Farrell availability for (holiday month) November, especially travel plans.

Attend as many trainings as possible.

Work on subcommittee assignments, preparing for the possibility of meeting with the Chief in November.

Ms. Collins to please provide updated GO400 when available, request current disciplinary matrix from Chief, invite Chief to November 4 meeting and continue to update PRB with training links and information.

Ms. Johnson (seconded by Mr. Barnard) moved to adjourn.

Unanimously APPROVED by voice vote.

Respectfully submitted by Charles King, Secretary