

April 2021

FUNDING ACCOUNTABILITY

**FISCAL YEAR 2021-2022
BUDGET PROPOSAL**

**CITY OF ROCHESTER
POLICE ACCOUNTABILITY BOARD**

The annual proposed budget of the Police Accountability Board shall provide for sufficient funding to carry out the powers and duties set forth in the Police Accountability Board article, including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within 90 days.

Rochester City Charter Section 18-13(A)

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INTRODUCTION: WHY A PROPERLY FUNDED PAB MATTERS

After a year in national headlines over the conduct of its police force, Rochester is facing an unprecedented crisis. Our citizens are increasingly losing faith in their public safety system. Our government is facing a wave of police misconduct lawsuits. Most importantly, our community is suffering at the hands of a policing system that is crying out for fundamental change.

“We need to build the Rochester Police Accountability Board into a national model. With the right resources, we can make it happen.”

PAB Board Chair Shani Wilson

Unlike so many other cities facing similar crises, Rochester has a powerful tool for delivering the lasting, community-led public safety reform its citizens are demanding. That tool is the Police

Accountability Board. Hailed as a potential national model for reimagining public safety, the PAB is unique among civilian oversight boards thanks to its remarkable powers, degree of community control, and breadth of purpose.¹

This document does two things. First, by explaining the nature the PAB, it shows that – despite temporarily lacking disciplinary powers – the agency retains investigatory abilities, oversight capacities, and other tools that can provide real accountability and spark systemic, community-led change. Second, by detailing the staffing, equipment, and services necessary to exercise the agency’s current powers, this proposal reveals that translating the PAB’s transformative potential into reality will take one thing more than any other: a sufficient budget.

Section 18-13 of the City Charter requires the Police Accountability Board to submit a “proposed budget, along with appropriate financial documentation, to the Mayor and Council during the City’s annual budgetary process.” Section 18-13 also says that the “proposed budget of the Police Accountability Board shall provide for sufficient funding to carry out the powers and duties set forth in the Police Accountability Board article, including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within 90 days.” This document outlines a budget proposal that provides the level of “sufficient funding” described in the Charter.

The City Charter requires the PAB to fulfill a host of legal obligations in service of three core duties. The first duty is to hold individual RPD officers accountable for wrongdoing. The second duty is to create systemic change within the RPD as a whole. The third duty is to perform the administrative tasks necessary to achieve these two primary goals.

The City Charter further defines what steps the PAB must take to achieve these goals:

- **To hold individual officers accountable**, the City Charter requires the PAB to accept a wide array of “complaints,” “investigate” allegations of misconduct rigorously, and “adjudicate” allegations fairly.
- **To create systemic change**, the City Charter requires the PAB to “review” and “make transparent” all of RPD’s work, craft “proposals” to reshape that work, and create “procedural rules” and a “disciplinary matrix” that will allow PAB to change officer behavior.
- **To ensure the success of these two primary missions**, the City Charter requires the PAB to “conduct outreach,” obtain “input from the community,” create “educational programs,” perform a host of “daily

administrative work,” and ensure the agency “compl[ies] with all local, state, and federal law.”

This proposal details the staffing levels and operating expenses that, in the City Charter’s words, would be “sufficient” to allow PAB to fulfill its legal duties. This document attempts to set staffing and expense figures to ensure all complaints can be resolved in a 90 day timeline. The proposal follows this 90 day timeline, in part, because that is the case processing framework established in the Charter. Yet 90 days is more than just an abstract goal. It is a concrete aim that reflects a fundamental truth: justice delayed is justice denied. This truth is what should drive the PAB to use all means necessary to adhere to a ninety day timeline in processing complaints. To enable this push toward justice, this document creates a structural framework that will allow the PAB to organize its staff into discrete offices tasked with fulfilling the core goals set out by the Charter. This organizational framework is described in Figure 1 below.

“Oversight programs must have adequate funding and spending authority to complete the work outlined in the enabling legislation and to be effective in their efforts.”

Barbara Attard, Former President, National Association for Civilian Oversight of Law Enforcement

Figure 1: Structural Framework for a Sufficiently Funded PAB

Figures in brackets denote number of staff

Bureau of Officer Accountability \$2,277,797 (31)	Bureau of Systemic Change \$887,821 (12)	Bureau of Administration \$969,796 (13)
<p><u>Complaints Division</u> \$296,948 (4) <i>Accept & Manage Complaints</i></p> <p><u>Investigations Division</u> \$1,756,559 (24) <i>Investigate Allegations Rigorously</i></p> <p><u>Adjudication Division</u> \$224,290 (3) <i>Adjudicate Allegations Fairly</i></p>	<p><u>Oversight Division</u> \$445,557 (6) <i>Oversee RPD & Make Its Work Transparent</i></p> <p><u>Policy Division</u> \$221,132 (3) <i>Craft Policies to Reshape RPD's Work</i></p> <p><u>Rulemaking Division</u> \$221,132 (3) <i>Create Rules to Govern PAB & Officer Behavior</i></p>	<p><u>Executive Director</u> \$72,231 (1) <i>Organize and Lead the PAB's Staff</i></p> <p><u>Education & Engagement Division</u> \$369,741 (5) <i>Educate & Engage All Rochesterians</i></p> <p><u>Operations Division</u> \$448,715 (6) <i>Perform Necessary Administrative Tasks</i></p> <p><u>Legal Division</u> \$79,109 (1) <i>Ensure Legality of PAB's Day-to-Day Work</i></p>
<p align="center">Services and Other Non-Personnel Costs</p> <p align="center">\$850,600</p> <p align="center"><i>Training expenses, public engagement costs, translation services, rent, etc.</i></p>		

Despite this extensive body of research, there are uncertainties in any attempt to create an entirely new organization.² Rochester has never had a police accountability agency like the PAB before. While this proposal's estimates are justified by experience and evidence from civilian oversight boards across the country, there is room to question its assumptions about complaint rates, relationships between staffing levels and investigation durations, policymaking difficulty, and requisite administrative support. However, the uncertainty cuts both ways. While requesting a significant increase in funding for PAB, this proposal relies on a range of conservative estimates about complaint rates and other figures. There is a chance this proposal overestimates the necessary resources. But there is an equal, if not substantially greater, chance that this proposal underestimates those resources.

To account for this uncertainty, this proposal frames its funding figure in terms of probability. Using the best evidence available, this proposal suggests that roughly \$5 million in annual funding will ensure that the PAB

“. . . an oversight procedure that is underfunded will not only have difficulty achieving its objectives, it also may create more controversy surrounding police accountability than it resolves.”

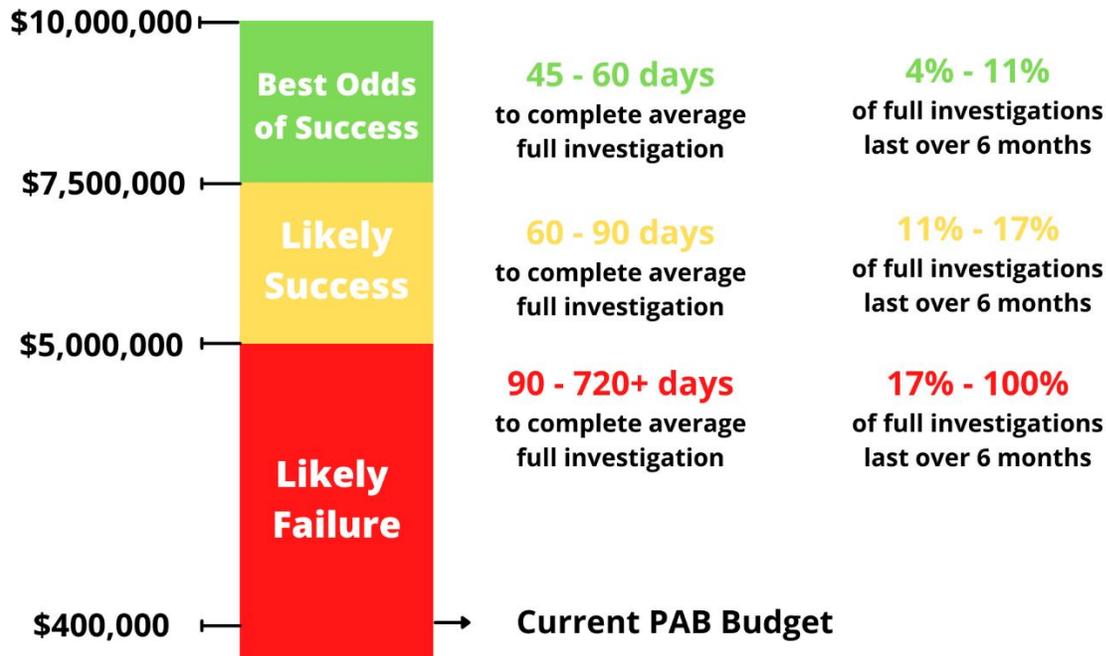
Citizen Review of Police: Approaches & Implementation (Department of Justice Report, 2001)

is more likely than not to succeed in providing the swift and fair accountability reflected in the Charter's 90 day framework. On the one hand, what this means is that, for every dollar over \$5 million, the odds of the PAB's success increase. On the other hand, what this also means is that, with less than \$5 million, the PAB is more likely than

not to fail in its attempt to realize the Charter's vision.

Figure 2 below depicts this probabilistic picture of success in concrete terms. Using case processing and staffing data from other civilian review boards, it breaks PAB funding levels into three categories. The Green category is for funding levels between \$10 million and \$7.5 million dollars. In this category lies the best odds of PAB successfully meeting the Charter framework, with the average full investigation likely taking between 45 and 60 days and between 4% and 11% of all such investigations likely lasting over 6 months. The Yellow category is for funding levels between \$7.5 million and \$5 million. In this category, PAB is somewhat more likely to succeed than not, with the average full investigation likely taking between 60 and 90 days and between 11% and 17% of all such investigations likely lasting over 6 months. Finally, the Red category is for funding levels beneath \$5 million. In this category, the PAB is likely to fail to meet the Charter's 90 day goal, with the average full investigation likely taking between 90 and at least 720 days and between 17% and 100% of all such investigations likely lasting over 6 months.

Figure 2: Funding Levels & Chance of Meeting 90 Day City Charter Framework

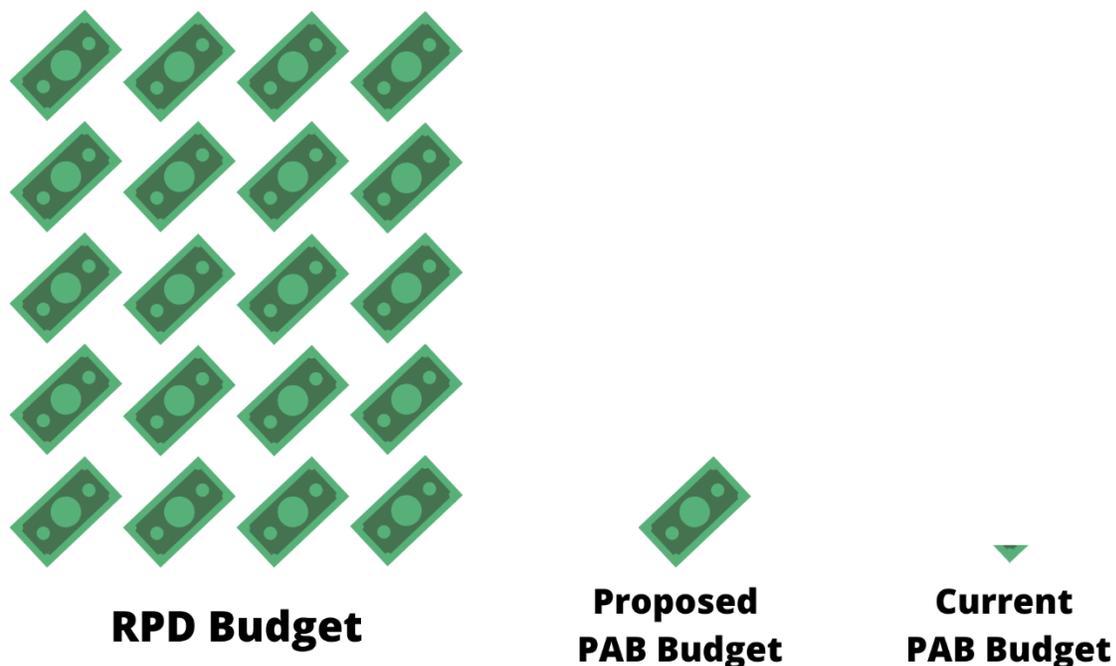


It is useful to put this \$5 million figure in context. This funding level represents:

- **A landmark investment that makes Rochester a national model for police oversight** in terms of funding for civilian review boards³
- **The salaries of the 34 most highly paid RPD officers**, according to publicly available salary data from 2020⁴
- **20% of what Minneapolis spent to settle legal claims over George Floyd’s death**, a settlement figure that looms large in the Daniel Prude case⁵

- Less than what the City spends on garages & parking enforcement⁶
- Roughly \$1 for every \$20 spent on policing – a figure that Campaign Zero, a national police reform campaign, has found to be the bare-minimum level necessary for adequate police accountability board funding⁷

Figure 3: Current & Proposed Police Oversight Spending



Some may suggest that, as a new agency created in a time of financial strain, the PAB must spend its early years proving itself on a minimal budget so that – in future, easier times – it can justify an increase in funding. This suggestion should be questioned. As a recent *Bloomberg* report noted, other cities across the country “want to boost oversight funding as coronavirus-related budget concerns likely will require funding cuts elsewhere” in municipal budgets.⁸ Another reason is that the investment it takes to create an effective PAB is likely to be an exceptionally strong cost-saving measure. Evidence shows that well-funded police accountability boards reduce officer

misconduct and increase faith in the public safety system, meaning that investments in oversight agencies, to quote one criminologist, “saves money” for cities.⁹ Given the \$2.65 million Rochester spent on policing-related protests in the last year, the millions it will likely spend to defend and settle policing-related lawsuits, and the millions in damages its citizens will suffer if police misconduct continues, funding the PAB at the requested levels is likely to relieve, rather than increase, the city’s financial strain.¹⁰ With the City currently calling for federal oversight, it is worth noting that the federal monitor overseeing Oakland’s police department has cost that city over \$28 million in recent years.¹¹ Funding a community-led alternative dedicated to systemic oversight may prevent the need for this kind of expensive and invasive form of oversight.

Most importantly, as leaders of other police accountability boards have repeatedly informed PAB, a new civilian review agency cannot *ever* hope to prove itself if it begins with a “doomed to fail” budget.¹² For example, the troubles with Oakland’s Police Commission were traced in

“The problem that most civilian-oversight bodies face is that, once they are created and the crisis passes, governments tend to ignore their need for adequate resources . . .”

Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of Police Should Function and How it Fails (2009)

a recent audit to that city’s refusal “to support the Commission from its inception.”¹³ Underfunding leads to case delays, inadequate investigations, and insufficiently thorough policy reviews. As the experience of prior civilian review boards in Rochester suggests, these troubles stain an agency with a taint of failure and mistrust that forever undermines the agency’s legitimacy and utilization.¹⁴ As one Department of Justice report put it, “an oversight procedure that is underfunded will not only have difficulty

achieving its objectives, it also may create more controversy surrounding police accountability than it resolves.”¹⁵

A major barrier faced by most police accountability agencies is inexperienced, overworked staff who quickly leave the agency for other opportunities. As one report about New York City’s agency stated, “Constant turnover forces the agency to divert resources to train new hires

“Lack of resources can undermine the thoroughness and timeliness of investigations. When agencies accumulate significant case backlogs, complainants and officers alike become frustrated.”

Sharon Fairley, University of Chicago law professor

brought in to replace a constant flow of departing investigators. And rookie investigators are far less productive than experienced ones, [agency] data show, slowing case processing times.”¹⁶ To address this barrier, this proposal uses a relatively flat pay scale that allows high-quality line-level staff to be recruited and

retained.¹⁷ While this pay scale should work to reduce turnover and inexperience that plague other agencies, it does not result in an agency defined by bloated salaries. Indeed, under this proposal, the average RPD officer will have a salary 33% higher than that of the average PAB employee.¹⁸

* * *

This proposal begins by outlining the three Bureaus that would constitute a properly funded PAB, along with the divisions and staff that would populate those Bureaus. In the first of these sections, which describes the Bureau of Officer Accountability, the proposal estimates a crucial figure for the PAB: the number of complaints it should expect to accept for

investigation. After these sections on staffing, the proposal turns to the continuing expenses and one-time staff onboarding costs necessary to support the PAB's staff operations. The proposal concludes with job descriptions for each position to be hired.

First, however, it is worth providing two notes of caution. This proposal only includes funding to allow the PAB to exercise its current powers that, at the moment, exclude the power to discipline officers. If the PAB were to regain its disciplinary powers, the organizational structure of the agency would not drastically change. There is little functional difference between recommending discipline and imposing it. However, there is a broad consensus among civilian oversight researchers and staff that complaint rates are heavily depressed when an agency cannot impose discipline on officers. If the PAB regains its disciplinary powers, it will likely receive a dramatic increase in the number of complaints. To manage these additional complaints effectively, the PAB would need significantly more resources than those described in this proposal.

The second and final cautionary note has to do with onboarding. In the current moment, it is rare for a government agency to be built from the ground-up, let alone for that agency to attempt to build itself while performing its mandated duties. The experience of the most notable example of such an agency is the federal government's Consumer Financial Protection Bureau. From its creation date in August 2010, it took the Bureau five months to onboard its first sixty staff.¹⁹ Given that the Bureau had the full powers and resources of the federal government behind it, the PAB should expect to use this timeframe as a highly optimistic baseline for onboarding. For that reason, any unspent funds in its 2020-2021 Fiscal Year budget, along with any new short-term funding from state, federal, or private sources, can and should be used to ensure that staff are hired, oriented, and trained as quickly as possible.

BUREAU OF OFFICER ACCOUNTABILITY

Figure 4: Staffing Detail for Bureau of Officer Accountability

	Staff Count	Salaries
<u>Bureau of Officer Accountability</u>	<u>31</u>	<u>\$2,277,797</u>
<i>Complaints Division</i>	4	\$296,948
Deputy Director of Complaints	1	\$75,816
Complaint Dissemination Officer	1	\$75,816
Complaint Administrator	2	\$145,316
<i>Investigations Division</i>	24	\$1,756,559
Director of Investigations	1	\$79,109
Supervising Attorneys	2	\$151,632
Investigating Attorneys	19	\$1,380,502
Evidentiary Investigators	2	\$145,316
<i>Adjudication Division</i>	3	\$224,290
Deputy Director of Adjudication	2	\$151,632
Stenographer	1	\$72,658

The Bureau of Officer Accountability is dedicated to fulfilling the City Charter’s mandate that the PAB “fairly investigate and make determinations respecting complaints of misconduct involving sworn officers of the Rochester Police Department.” The Bureau fulfills this obligation through its three divisions, each of which addresses a different task the City Charter requires the PAB to perform. The Complaints Division is responsible for the reception, tracking, and physical distribution throughout the city of complaints of officer misconduct. The Investigations Division is responsible for investigation all allegations and instances of officer misconduct. Finally,

the Adjudication Division is responsible for assisting Board Members in conducting charging procedures, evidentiary hearings, and appeals.

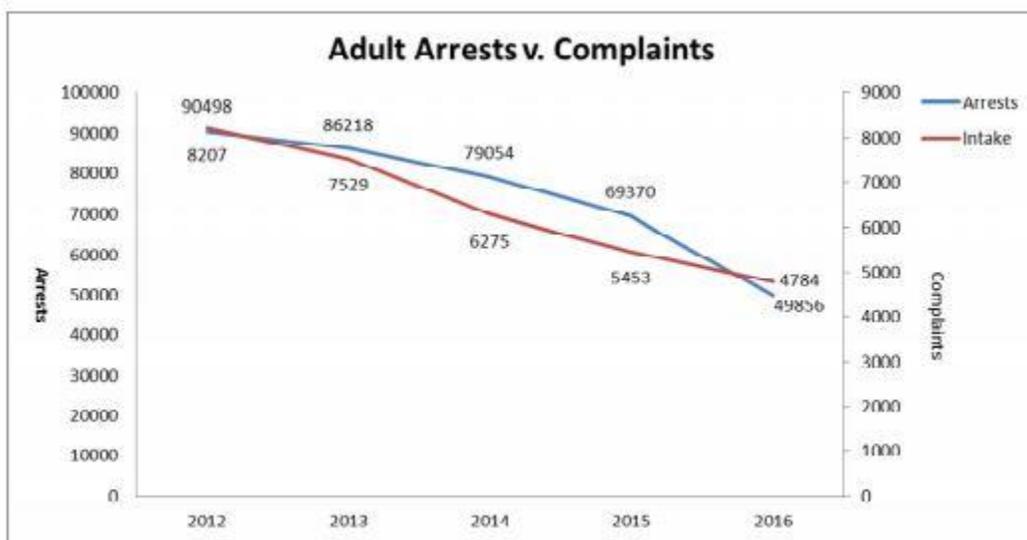
Before describing the work of these divisions and their staff, this proposal addresses a crucial question faced by any new police accountability board: how many complaints it will accept annually. Many factors determine how many complaints a police accountability board receives. Complaints increase when a community is widely educated about the agency, when the agency is trusted to resolve complaints quickly and fairly, and when the agency has the power to impose (rather than merely recommend) discipline. Some factors, like the ability to impose discipline, are fixed features of an agency's existence. Other factors, however, are dependent upon funding. The speed and rigor of the agency's investigations are linked to staffing levels, while community knowledge of the complaint process is strongly influenced by outreach efforts.²⁰ In other words, the more funding an agency receives and the better it utilizes that funding, the more complaints it can expect to take in.

With all of these factors in mind, it is worth turning to the civilian complaint rates that exist in Rochester's current police oversight system. Together, the RPD and the Civilian Review Board accept roughly 40 complaints each year. Given the factors that define this system, however – such as a lack of trust, minimal powers, absence of independent civilian review, minimal funding, and a low level of community knowledge – there is good reason to think this complaint rate is of little use in estimating the PAB's likely complaint load.²¹

Data from other agencies, however, can help establish an accurate estimate of what PAB's complaint load may look like. This data suggests that police behavior itself may be the strongest determinant of complaint rates. When examining the three most well-established investigative agencies in the country – those in Chicago, New York, and San Francisco – the variable that has the strongest relationship to complaint figures is arrests.²² In the longest

periods for which data is available for various iterations of civilian review agencies in each city, the correlation coefficient between arrests and complaints ranges from +0.69 to +0.94. This data supports a common sense view that how often police interact with citizens is likely the largest driver of how many citizens complain about the police.

Figure 5: Relationship Between Arrests & Complaints in Chicago²³



What this data shows is that, over the last decade in New York City, there have been an average of roughly five complaints filed per 100 adult arrests. During a similar time period in San Francisco, there have been an average of four complaints filed per 100 adult arrests.¹ In Chicago, the figure stands at about eight complaints filed per 100 arrests.

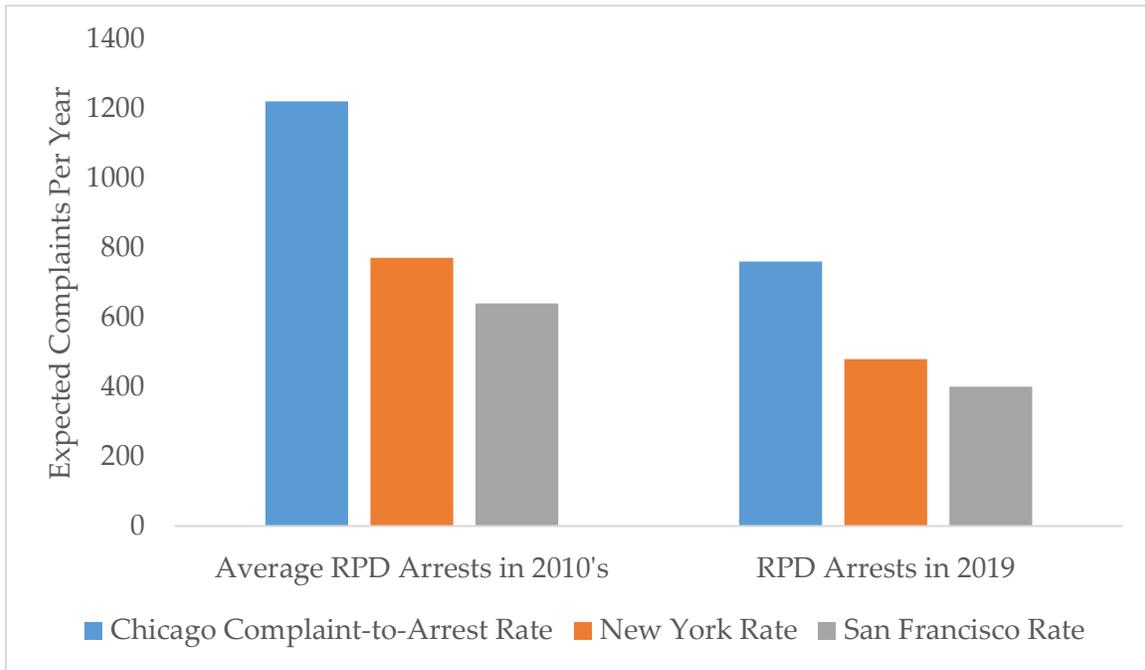
¹ The arrest data for San Francisco includes all arrests made in San Francisco County, including those made both by the San Francisco Police Department and the local county sheriff. This means that San Francisco’s complaint-to-arrest rate is, to some degree, higher than the rate described here. Estimates using this rate are likely too low.

Applying these ratios to recent RPD arrest figures can help generate an estimated complaint figure. For the last decade, RPD has released figures on arrests made by its patrol division, which contains the bulk of RPD officers.² During the 2010's, RPD's patrol division made an average of 16,000 arrests per year. In 2019, however, the patrol division made 10,000 arrests, its lowest figure in the entire decade.

Figure 6 below shows a range of estimated complaint figures using the arrest figures and complaint-per-arrest rates described above. Using the average complaint-per-arrest rate in Chicago and the average annual RPD arrest figure for the 2010's produces a high estimate of roughly 1,200 complaints per year. Alternatively, the complaint-per-arrest rate from New York and the RPD arrest figure for 2019 produces a low estimate of roughly 400 complaints per year.

² This figure includes juvenile arrests, unlike the baseline figures of most other cities. However, it also excludes arrests made by RPD units beyond the patrol division. Thus, it likely remains useful in this estimating process.

Figure 6: Estimating Annual Complaints



Using the most conservative estimate of annual complaints (the gray bar on the far right in Figure 6), we can assume that the PAB will receive – at minimum – 400 complaints per year.³

There is an additional reason to think the PAB will receive far more than 400 complaints in its early years. The lack of faith in Rochester’s current police complaint system strongly suggests that there are many Rochesterians who would have filed a complaint in recent years but chose not to. Some percentage of these Rochesterians will likely file complaints once the PAB opens its doors. Assuming that roughly 400 complaints could have been filed annually in Rochester, and acknowledging that just a handful of those

³ While this figure was generated using data from cities with larger police departments, real-world data from cities with similarly sized departments suggests its accuracy. In 2020, the police accountability board in Oakland, a city with the same number of police officers as Rochester, received 500 complaints. Email from Oakland Community Police Review Agency Executive Director John Alden, February 15, 2021.

potential complaints were filed in the current system, there is likely a waiting backlog of hundreds of cases. A single year's worth of complaints is a reasonable estimate of this backlog, especially given the many complaints that could have been filed from the 2020 protests. Assuming the agency will amortize these backlogged complaints over roughly five years, the PAB should expect to receive a total of roughly 480 complaints filed per year.

Yet the difference between a complaint *filed* and a complaint *accepted* is significant in the world of police accountability agencies. This is because all police accountability agencies can only accept complaints that are within their jurisdiction. This is important for the many agencies that have extremely limited jurisdiction. For example, New York City's agency can only accept complaints about discourtesy, offensive language, abuse of authority, and use of force.²⁴ Similarly, Chicago's agency can only investigate a specific set of complaints that exclude allegations of things like criminal misconduct, operational violations, and planting of drugs.²⁵ The limited jurisdictions of these agencies means that they reject between 50% and 70% of all complaints they receive each year.²⁶

While the PAB will reject some portion of the complaints Rochesterians file, that percentage is likely to be significantly smaller than that in New York City or Chicago. This is because the PAB has a perhaps unprecedented jurisdictional range. The PAB is allowed to investigate complaints that allege conduct by an RPD officer that violates *any* departmental rule, breaks *any* law, or is deemed "otherwise inappropriate." This broad subject-matter jurisdiction means that the PAB may only end up rejecting complaints that are either time-barred or involve people other than RPD officers. Beyond its broader subject-matter jurisdiction, PAB's ability to accept anonymous complaints and its lengthy statute of limitations means it will likely reject far fewer complaints on procedural grounds. Given this uniquely large

jurisdiction, a reasonable estimate might say that PAB will reject 25% of all complaints, leaving it to accept 360 complaints per year.

Complaints Division

“An effective intake system assists in improving the efficiency and effectiveness of investigations. The primary goal of intake is to collect detailed, accurate information to facilitate assignment and prioritization of investigations and/or referral. Intake is the first line of review and can screen out investigations that are out of jurisdiction or otherwise do not require further investigation. Because intake is crucial to complaint-based investigations, it should be sustainably and effectively staffed.” – Oakland City Auditor²⁷

The Complaints Division is responsible for performing the tasks required of the PAB by the City Charter related to complaints. These tasks include:

- **Ensuring complaint forms are available across the city**, including from 700+ RPD officers and at all government buildings (*City Charter Section 18-7(B)(2)*)
- **Operating an in-person complaint process and a complaint intake hotline** (*City Charter Section 18-5(F)(2)*)
- **Maintaining an online complaint intake form** (*City Charter Section 18-5(F)(2)*)
- **Facilitating complaint referrals** from RPD and other city officials (*City Charter Section 18-5(F)(1)*)
- **Referring complainants** to support organizations and legal aid (*City Charter Section 18-5(F)(3-4)*)
- **Gathering and compiling aggregate data** on use of force allegations and other complaint characteristics (*City Charter Section 18-11(C)*)

In addition to these Charter-required tasks, police accountability experts say agencies like the PAB “must have funding to purchase and utilize databases to track all aspects of the [complaint] process.”²⁸ Complaint intake staff must determine whether complaints fall within the PAB’s jurisdiction, enter accepted complaints into the relevant database, and assign those complaints to investigators for resolution.²⁹

The experience of police accountability boards, at least those that have intake rates similar to the one predicted in Rochester, suggests how many staff are needed to properly administrate complaints. San Francisco has about five administrative staff to manage its roughly 700 annually accepted complaints.³⁰ Oakland has about three administrative staff to manage its roughly 250 annually accepted complaints.³¹ New Orleans has a single administrative staffer tasked with managing the 100 or so complaints it receives each year.³² These figures suggest that the PAB needs one complaint administrator for every 80 – 120 complaints it plans to accept.

Given the estimated 360 complaints PAB will accept each year, along with the unusual responsibility to distribute complaint forms in every government building in Rochester, this proposal gives the PAB four administrative staff dedicated solely to complaint-related work. This team includes a Director of Complaints, a Deputy Director of Complaint Access dedicated to distributing complaints, and two complaint administrators.

Investigations Division

“. . . having the power to investigate complaints does not automatically make external-investigative agencies the most independent or strongest form of civilian oversight. Limited resources can rapidly undermine the effectiveness of external investigative agencies because they need the staff, resources, and expertise to conduct investigations.” – Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of the Police Should Function and How it Fails³³

The Investigations Division is responsible for performing the tasks required of the PAB by the City Charter related to investigating allegations and instances of officer misconduct. These tasks include:

- **Interviewing complainants** (*City Charter Section 18-5(G)(1)*)
- **Identifying and interviewing witnesses** (*City Charter Section 18-5(G)(1)*)
- **Identifying and interviewing officers** (*City Charter Section 18-5(G)(1)*)
- **Gathering relevant evidence**, which may include, at minimum: “RPD personnel files, IA Pro database, all other RPD databases, PSS investigative files, criminal and civil case files, disciplinary hearing records, video and audio recordings from body cameras or other sources, all RPD policies, procedures, and practices, the General Manual, and any other documents that pertain to policies, tactics, complaints, or charges against RPD officers and their subsequent investigation and adjudication” (*City Charter Sections 18-3(H) & 18-5(G)(1)*)
- **Compelling the attendance of witnesses or production of records by drafting subpoenas** (*City Charter Section 18-5(G)(3)*)

- **Writing investigation reports and charging (or “reasonable cause”) recommendations** (*City Charter Section 18-5(H)*)
- **Presenting charging recommendations to Board for review** (*City Charter Section 18-5(H)*)
- **Presenting evidence and soliciting testimony during Board hearings** (*City Charter Section 18-5(I)(8)*)

In addition to these charter-mandated tasks, the Investigations Division will have to perform the many duties that form the best practices among civilian oversight agencies. These include: immediate response to scenes of alleged wrongdoing; collection and analysis of forensic evidence; and creation of “clean” and “dirty” teams to ensure integrity of parallel investigations regarding allegations of potential criminal wrongdoing.

The question at the heart of the staffing level for the Complaints Division is this: *How many investigators will the board need to resolve all complaints in 90 days?* This question comes from the City Charter, which requires the Board’s “annual proposed budget” to have “sufficient funding to carry out the powers and duties [of the Board], including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within 90 days.”³⁴ This 90 day framework is ambitious. It sets a higher goal than simply resolving the *average* complaint in 90 days. The goal is to resolve *all* complaints – including those of significant complexity – in 90 days.

Complaints taken in by police accountability boards with investigatory powers are broken down into two basic categories: *fully investigated complaints* and *non-investigated complaints*. Non-investigated complaints are those that either (1) fail to fall within the agency’s jurisdiction or (2) are deemed to be minor enough to best be resolved through mediation. Fully

investigating a complaint takes significantly more time and resources than not doing so. In 2017, for example, New York City's police accountability board took under 60 days to resolve the average non-investigated complaint; fully investigated complaints, on the other hand, took an average of nearly 180 days to resolve.

Complaints also vary in complexity based on their subject matter. Between 2009 and 2017, Chicago's police accountability board took an average of 100 days to resolve complaints alleging verbal abuse. During the same time period, it took the agency an average of nearly 900 days to resolve allegations of a police shooting.³⁵ This variation reflects a truth captured in a great deal of literature about the criminal prosecution: the more serious the crime, the more intensive the relevant investigation and adjudication processes.

What these facts suggest is that following the City Charter's "resolving all complaints within 90 days" guideline requires a focus on more than just resolving the average complaint. It requires, at bare minimum, a focus on resolving the average *fully investigated* complaint. From 2008 to 2017, New York City's police accountability board fully investigated roughly a third of the complaints it accepted.³⁶ Oakland's police accountability board, on the other hand, fully investigated between 50% and 60% of the complaints it accepted in 2020.³⁷ Applying the more conservative figure to Rochester results in an estimated annual caseload of 120 complaints that need full investigation each year.

Beyond these conservative assumptions, there are other reasons this figure likely underestimates PAB's workload. Unlike many other agencies, PAB does not need a complaint to launch an investigation.³⁸ For example, if a review into policies, practices, and procedures uncovers evidence of officer wrongdoing, the PAB can independently launch its own investigation. While it is unclear how many additional investigations this kind of review will generate, data on misconduct discovered (and referred out to the police

department) during civilian-led investigations in New York City suggests that these kinds of cases will add significantly to PAB's caseload.³⁹

Just as arrest and complaint data from other jurisdictions can help provide an estimated annual complaint figure, case processing and budgetary data from other police accountability boards can suggest an appropriate staffing figure. This is largely because of a strong correlation between agency funding and average time to fully investigate complaints. New York City's police accountability board appears to be the only agency that provides publicly available, comprehensive case processing data. Comparing that agency's case processing time for all available years with the per-complaint spending figures provides a correlation coefficient of -0.87, suggesting a strong inverse relationship.⁴⁰ In other words, as the agency receives more resources for staffing, the quicker the agency resolves complaints. If you double an agency's staff, there is good reason to think you will cut its case processing times in half.

No police accountability agency processes the average fully investigated complaint in as short a timeframe as 90 days. However, during the period of 2017 to 2008, New York City's agency cut its average fully investigated case processing speed from a high of 377 days to a low of 174 days.⁴¹ It did so thanks to a doubling of its inflation-adjusted per-complaint staff spending.⁴² This budget boost also allowed the agency to cut its investigators' caseloads in half, dropping from roughly 20 cases fully investigated per year to about 10 such cases per year. Assuming that it takes a similar doubling of staff resources to cut its case processing speed down to 90 days, New York City's data suggests similar agencies need one staff member for every five cases fully investigated per year to meet the Charter's 90 day goal.

Applying this staff-to-case ratio to Rochester's estimated annual caseloads of complaints that need full investigation each year, the PAB can expect to need roughly 24 full-time staff in the Investigations Department. This staff

includes, along with sufficient Investigating Attorneys, a Director of Investigations and two Deputy Directors to supervise the line-level attorneys. It also includes funding for two forensic evidence specialists.

There are many reasons this staffing estimate is certain to significantly underestimate the number of investigators needed to meet the 90 day goal. First, it relies on an accepted complaint figure that likely underestimates the number of actual complaints accepted by PAB each year. Second, by interpreting the Charter's "resolving *all* complaints within 90 days" as "resolving *a subset* of complaints in *an average* of 90 days," it adopts a less stringent goal that undermines the Charter's aim of ensure *all* complaints, even complicated ones like those involved in officer-involved shootings, are resolved in 90 days. Third – and most importantly – the figures above only capture the resources necessary to *investigate* complaints, not resolve them. To understand this third reason fully, it is necessary to turn to the Adjudication Division.

Adjudication Division

For some agencies, resolving a complaint often means doing nothing more than fully investigating it. In San Francisco, for example, a completed investigation resolves a complaint unless a party or the agency requests a hearing in front of an administrative judge.⁴³ Likewise, in Oakland, a completed investigation resolves a complaint unless the Director of Police disagrees with the disciplinary determination, in which case a panel of board members conducts a paper review of the case and makes a final disciplinary decision.⁴⁴ In Rochester, *every* complaint accepted for investigation must be reviewed by the full Board after the investigator concludes their preliminary report. If the entire Board believes there is reasonable cause to hold a hearing, a three-member panel must preside over an in-person disciplinary hearing; after that hearing, the parties may request an appeal review by the entire Board.

Few civilian review boards require this level of rigorous post-investigation review. Yet data from other jurisdictions suggests that PAB's post-investigation process will have a significant impact on its ability to resolve cases quickly. Chicago's Police Board only reviews a tiny fraction of the complaints investigated by that city's police review agency. For the nine cases the Board heard in 2020, the average time between the Board beginning its review to issuing a decision is nearly 13 months.⁴⁵ The uniqueness of PAB's post-investigation review process makes it impossible to say exactly how many additional staffers it will take to ensure that process does not cause extreme delay in resolving cases, let alone ensuring that process concludes in less than 90 days.

This Proposal attempts to partially account for this unusual hearing process in two ways. First, it requires that all investigators be attorneys to ensure that those who draft reports can also engage in the administrative procedure

necessary to navigate hearings with the Board. To do so, the proposal brings investigator pay in line with that received by local public defenders.

Second, it creates an Adjudication Division responsible for performing the tasks required of the PAB by the City Charter related to adjudicating allegations of officer misconduct. These tasks include:

- **Facilitating charging determinations by the Board** (*City Charter Section 18-5(H)*)
- **Drafting subpoenas in preparation of hearings** (*City Charter Section 18-5(I)(2)*)
- **Recording and transcribing hearings** (*City Charter Section 18-5(I)(4)*)
- **Ensuring proper evidentiary, witness, and cross-examination procedures during hearings** (*City Charter Section 18-5(I)(7-8)*)
- **Drafting panel decisions** (*City Charter Section 18-5(I)(10)*)
- **Facilitating appeals** (*City Charter Section 18-5(I)(10)*)
- **Drafting appeal decisions** (*City Charter Section 18-5(I)(10)*)

The Adjudication Division is staffed by two mid-level attorneys who are dedicated solely to assisting the Board in all hearings activities. (Other civilian review agencies use such staff to assist in hearing-intensive work.⁴⁶) Along with these Deputy Directors of Adjudication is a full-time stenographer, who is also responsible for recording the audio for hearings.

The Adjudication Division's work will likely have the largest impact on the PAB's ability to resolve cases quickly. The PAB's unusually rigorous and unusually frequent hearings may become a bottleneck that, due to the

required involvement of the nine unpaid Board Members, may be impossible to resolve using additional staff. In sum, it is likely that average complaint resolution times may significantly exceed the 90 day goal embraced in the City Charter, even with the staffing levels present across the Bureau of Officer Accountability.

BUREAU OF SYSTEMIC CHANGE

Figure 7: Staffing Detail for Bureau of Systemic Change

	Staff Count	Salaries
<u>Bureau of Systemic Change</u>	<u>12</u>	<u>\$887,821</u>
<i>Oversight Division</i>	6	\$445,557
Director of Oversight	1	\$79,109
Deputy Director of Data	1	\$75,816
Oversight Investigators	4	\$290,632
<i>Policy Division</i>	3	\$221,132
Deputy Director of Policy	1	\$75,816
Policy Analyst	2	\$145,316
<i>Rulemaking Division</i>	3	\$221,132
Deputy Director of Rulemaking	1	\$75,816
Rulemaker	2	\$145,316

The Bureau of Systemic Change is dedicated to fulfilling the City Charter’s mandate that the PAB “ensure public accountability and transparency over the powers exercised by sworn officers of the Rochester Police Department.” The Bureau fulfills this duty through its three divisions, each of which addresses a different task the City Charter requires the PAB to perform. The Oversight Division is responsible for reviewing, assessing, and making transparent all of RPD’s patterns, practices, and policies. The Policy Division is responsible for crafting proposals to reshape the RPD’s work. Finally, the Rulemaking Division is responsible for creating the procedural rules and disciplinary rules that allow the PAB to change officer behavior.

Oversight Division

“Many experts believe that one of the most important functions of citizen oversight is to provide information to the public about the police department and the complaint process. By itself, this information serves as a form of oversight and accountability, providing voters, elected officials, and the news media with relevant information about police activities. Information serves to ‘open’ police departments to the public.” – Eileen Luna & Samuel Walker, police accountability scholars⁴⁷

The Oversight Division is responsible for performing the investigatory tasks required of the PAB by City Charter Section 18-5(K), which requires the PAB to consistently “review and assess RPD policies, procedures, patterns and practices” with an eye toward creating change “with . . . the community.”

The Rochester Police Department uses many policies and procedures to govern and guide its work. Among these governing rules are a host of written directives, including the roughly 300 general orders, rules and regulations, and training bulletins available on the RPD’s Open Data Portal. However, these publicly available written directives likely represent a mere fraction of those that actually govern the RPD’s work. The non-public RPD written directives include: *administrative orders*, which provide “source[s] of reference to procedural matters”; *division, section, and unit orders*, which “establish policies or procedures affecting a particular Division, Section, or Unit”; *special orders*, which “implement procedures or policies which are needed to govern an objective or event that is specific and short-term in nature”; and *information updates*, which “[d]isseminat[e] information via the Departmental email system to all Sections, Units and employees.”

In sum, PAB is responsible for obtaining and assessing hundreds, if not thousands, of written directives. Assessing these written directives requires more than simply reading documents. Research shows that written directives in police departments can be overridden by “unwritten policies”

enforced by police management.⁴⁸ Assessing any specific RPD policy requires an in-depth assessment of both formal directives and informal procedures.

Currently, PAB relies on its all-volunteer board and a single staff member to review policies and procedures. The experience of Oakland's Police Commission in recent years shows what can be expected of a policy review system with this kind of staff assistance. The Commission is a nine-member volunteer body much like the Police Accountability Board. Like the PAB, it is tasked with overseeing the local police department by reviewing policies, procedures, practices, and patterns. Unlike the PAB's board members, who must spend a significant time in various disciplinary hearings and meetings, the Police Commission's board members are primarily tasked with policy review (and, to a lesser extent, policy creation). For its initial years, the Police Commission conducted this policy review work with a single policy staffer, whose job is to assist the Commission in both reviewing policies and generating new proposals. Their productivity in these years gives a useful baseline for what a single policy staffer could produce in conjunction with the broader Board.

In 2018, the Oakland Police Commission reviewed three policies, one regarding internal affairs investigations, one regarding searches of individuals on parole, and another regarding uniforms and equipment. In 2019, the Commission reviewed two policies, one regarding searches of individuals on parole and another regarding police documentation of use of force. In 2020, the Commission reviewed two policies, one regarding use of force and another banning chokeholds.⁴⁹ In sum, with a single staff member partially dedicated to oversight, the PAB can expect to review just two policies and procedures per year.

Yet review of policy and procedure represents just half of the PAB's oversight work. PAB must also examine the broader systems that structure

policing in Rochester, including the RPD's "patterns," "practices," and "training." Understanding these systems requires generating, gathering, and assessing both qualitative and quantitative data through a host of research tools. For example, assessing whether RPD uses discriminatory enforcement patterns would require gathering stop-based data, analyzing that data using statistical software, conducting interviews with RPD officers and Rochesterians subject to arrest, and examining memos, emails, and other written materials that may capture RPD attitudes and practices. To understand police training, PAB would have to attend 26 weeks of police academy training, 12 weeks of field training, and review over 40 in-service courses.

As the Brennan Center explained in its proposal for body to conduct reviews of NYPD patterns and practices, this kind of systemic oversight can only be conducted with a critical mass of highly trained staff with expertise in auditing and organization-level (rather than individual-level) investigations.⁵⁰ These staff are more than policy analysts; their primary job is to investigate, assess, and present data, rather than generate novel proposals or PAB-specific policies. In other words, to fulfill its Charter obligations to conduct systemic oversight of RPD, PAB will need more than investigatory or policy staff. It will need staff specifically dedicated to conducting oversight investigations. As a whole, the oversight staff will be responsible for:

- Obtaining documents, data, and other information from RPD
- Reviewing written directives
- Conducting interviews with RPD staff & citizens
- Analyzing aggregate data on RPD practices
- Holding oversight hearings to gather public testimony
- Issuing subpoenas to obtain evidence
- Drafting reports on systemic issues within RPD

Systemic oversight of police departments is, to some degree, conducted by many police accountability agencies. However, as many agencies lack dedicated oversight staff, the systemic oversight coming from most agencies is unsophisticated, conducted by policy analysts who focus primarily on surface-level review of written directives.⁵¹ A small handful of agencies are dedicated solely to conducting rigorous systemic oversight of the police. Their staffing levels and output are instructive in guiding PAB's creation of an oversight unit.

The Office of Inspector General for the New York City Police Department is responsible for "investigating, reviewing, studying, auditing and making recommendations relating to the operations, policies, programs and practices" of NYPD.⁵² Its staff consists of roughly 40 investigators, attorneys, analysts, auditors, and support staff.⁵³ In the last five years, the Office has conducted roughly two to three systemic investigations annually, with most investigations resulting in reports 30-50 pages long.⁵⁴ These reports have covered issues like: specific protests; officer wellness; biased policing; lawsuits against the police; sex crimes investigations; force reporting; police procedures regarding transgender people; treatment of undocumented immigrants; internal complaints; mental crisis training; political activity; low-level violation enforcement; use of force; body-worn cameras; and chokeholds.

The Los Angeles Police Commission's Office of the Inspector General has an Audit Section devoted to systemic review of the LAPD.⁵⁵ Its staff consists of roughly 10 auditors in addition to support and supervising staff. In the last five years, the Office has conducted roughly three systemic investigations annually, with most investigations resulting in reports 30-50 pages long.⁵⁶ These reports have covered issues like: stops; national best practices; police ethics; data-driven policing; gang and suspicious activity enforcement;

enforcement of specific laws; jails; tasers; police radios; prisoner transport; and SWAT.

Adjusting for the amount of activity coming out of these departments, these agencies' staffing and output levels suggest that one to two oversight staff in Rochester could release two to three systemic reviews each year. However, this analysis forgets that, when it comes to systemic oversight, a critical mass of staff is necessary to perform the job well. Given this, a better model might be a systemic oversight agency that reviews a police department with roughly the same level of arrest activity as RPD. Such a model agency exists in Seattle, which has a police department that – while roughly twice the size of Rochester's, and based in a city over three times Rochester's size – conducted slightly fewer arrests than RPD during the 2010's.⁵⁷

Seattle's Office of Inspector General for Public Safety provides systemic oversight by through both oversight investigations and policy work. Each year, the Office conducts between roughly 6 and 12 oversight investigations, 5 to 8 policy projects, and an assortment of other analyses and administrative work.⁵⁸ The Office has a staff of twelve, split roughly in half between audit/investigation teams and policy and data analysts. In 2020, this staff has produced at least one oversight report, policy report, or memorandum each month.⁵⁹ This prodigiousness is paired with a level of rigor reflected in the Office's recent 42 page report on canine teams.⁶⁰

In conducting oversight investigations, the PAB's Oversight unit must perform about half of the work done by Seattle Office of Inspector General for Public Safety. (For reasons explained below, the PAB's policymaking work must be done by a separate set of staff also devoted to rulemaking). Given the PAB's systemic oversight duties listed in the Charter, along with the experience of other police accountability agencies, this Proposal suggests a six-member Systemic Oversight team for the PAB. The team would be led

by a Director of Oversight, who would supervise a mid-level data analyst along with four line-level oversight investigators. With this level of staffing, the PAB could conduct one oversight investigation per month on average.

Policy Division

“Although it is not widely publicized, many experts regard the policy review function as an extremely important aspect of citizen oversight. Policy review is designed to serve a preventive function by identifying problems and recommending corrective action that will improve policing and reduce citizen complaints in the future.” – Eileen Luna & Samuel Walker, police accountability scholars⁶¹

The Policy Division is responsible for complementing the Oversight Division’s work. It does so by performing the tasks required of the PAB by the City Charter involving policy generation and implementation tracking. Specifically, City Charter Section 18-5(K) requires the PAB to “recommend changes” on an annual basis, “publish” its proposals for change, and track the “implementation” of all its proposals.

These policy-generating functions are “very time consuming,” as suggested by the Oakland Police Commission’s policymaking experience.⁶² The Police Commission has the power to create binding rules that govern police practices. However, the Commission has – until this year – been provided with only a single policymaking staffer. Without staff assistance, the Commission has been able to create three rules in its first three years of existence: a rule on searches of people on parole; a rule on use of force reporting; and a rule that changed the overall use of force policy. The Commission itself believes that it takes at least “a year’s worth of work” to come up with a single significant policy change with one staffer.

Given this, the Board likely needs a team of analysts to help the Board craft a significant number of proposals to reimagine public safety in Rochester. The Board has to create broad “proposals” that may take many forms beyond internal rules to govern PAB processes, such as policy documents, training materials, and budget proposals. While many of these proposals will flow from the investigations conducted by the Board’s systemic

oversight unit, investigators in that unit will lack the expertise and time to develop affirmative policy proposals on their own. Moreover, the Board may wish to make proactive policy proposals, rather than recommendations that react to negative findings coming from systemic investigations.

Given the policymaking and rulemaking requirements within the Charter, along with the experience of other police accountability boards, this Proposal suggests a three-member policy team. With this level of staffing, the PAB could develop three to five major policy proposals per year, along with a host of other subsidiary proposals. This policy team could also perform a range of community-based work, such as leading people's budgeting exercises in an effort to reimagine public safety in conjunction with Rochesterians.

Rulemaking Division

“Rulemaking has become a highly resource-intensive process for agencies. Part of this is the human capital involved in performing analyses, reviewing comments, etc., especially for agencies that have seen their regulatory workforce shrink while their regulatory workload expands.” - Rulemaking 2.0: Understanding and Getting Better Public Participation⁶³

The Rulemaking Division is responsible for conducting the rulemaking tasks required of the PAB by the City Charter. Specifically, Charter Section 18-6(A) requires the Board to “establish rules of procedure” to govern general Board operations, while Section 18-5(B) requires the Board to create and regularly update a set of disciplinary rules (known as a “disciplinary matrix”) to govern officer conduct. While the Board will work to establish the basic procedural and disciplinary rules necessary to perform its work as soon as possible, the Board will still have to perform in-depth rulemaking throughout its lifespan to ensure that its internal processes and disciplinary matrix are rigorous.

Conducting rulemaking in the context of civilian oversight is resource intensive, as a brief examination of disciplinary matrices reveals. In other cities, the process of creating these matrices has involved data gathering, policy analysis, and extensive stakeholder engagement.⁶⁴ It took New York City nearly two years to generate a draft matrix containing roughly 200 disciplinary rules.⁶⁵ In Portland, it took an entire working group of at least 10 people months to draft a matrix.⁶⁶ Unlike these other cities, which relied heavily or exclusively on the police department to create the disciplinary matrix, Rochester’s process places the burden of developing the matrix primarily on a police accountability board. This fact alone means that Rochester will need policy and rulemaking staff dedicated solely to the process of creating an initial matrix.

The process of creating a matrix, however, is just part of the disciplinary rulemaking duties of the PAB. After creating the matrix, the PAB must “review” the matrix’s disciplinary rules each year, along with any “recommended changes” proposed by the public, the RPD, and the Locust Club. This continuing revision process will require regular rulemaking from the Board – and, thus, require dedicated rulemaking staff throughout the Board’s existence. A similarly resource intensive process of creating and updating rules applies in the context of the Board’s procedural rulemaking as well. With a dedicated regulatory team devoted solely to rulemaking, the Board can expect to, within one year:

- Revise any preliminary disciplinary matrix into a comprehensive one
- Revise any preliminary procedural rules to ensure fair, rigorous investigative and hearings procedures
- Conduct regular updates to the disciplinary matrix and procedures
- Assist the policymaking team in its work, boosting the capability of the PAB to produce quality proposals for change

BUREAU OF ADMINISTRATION

Figure 8: Staffing Detail for Bureau of Administration

	Staff Count	Salaries
<u>Bureau of Administration</u>	<u>13</u>	<u>\$969,796</u>
Executive Director	1	\$72,231
<i>Education & Engagement Division</i>	5	\$369,741
Director of Education & Engagement	1	\$79,109
Public Engagement Officer	3	\$217,974
Communications Officer	1	\$72,658
<i>Operations Division</i>	6	\$448,715
Director of Operations	1	\$79,109
Deputy Director of Training	1	\$75,816
Deputy Director of Technology	1	\$75,816
Translator	1	\$72,658
Administrator	2	\$145,316
<i>Legal Division</i>	1	\$79,109
General Counsel	1	\$79,109

Police accountability boards require significant administrative support to function properly. Board meetings, disciplinary hearings, and outreach events must be coordinated, scheduled, and facilitated. Staff must be recruited, hired, and trained. For these and many other reasons, every

functional police accountability board devotes significant resources to administration.

Section 18-6 of the City Charter recognizes the need for the Board to perform a wide range of “daily administrative work.” It places the responsibility for this need on the Executive Director, who leads the PAB’s administrative section. This section is dedicated to three kinds of work: education & engagement, operational tasks, and legal support.

Education & Engagement Division

“An active program of community [engagement] is critically important to the effectiveness of any citizen oversight mechanism. First, it is essential that citizens be fully informed about the complaint process. This facilitates the filing of complaints by individuals who feel aggrieved, and it contributes to the openness that builds public confidence in the complaint and the oversight procedures. Second, the outreach process is a mechanism for bringing community concerns to the police department and the oversight procedure, both of which may then respond by considering changes in police department policies.” - Eileen Luna & Samuel Walker, police accountability scholars⁶⁷

The Education & Engagement Division is responsible for performing the tasks required of the PAB by the City Charter related to investigating allegations and instances of officer misconduct. These tasks include:

- **performing “outreach to community members, groups, and nonprofit organizations”** (*City Charter Section 18-7(B)*)
- **obtaining “input from the community” in all aspects of PAB’s work** (*City Charter Sections 18-5(K) & 18-7(B)*)
- **creating “educational programs”** to inform the public about the PAB’s complaint processes and other activities (*City Charter Section 18-7(B)*)
- **conducting “surveys”** to gauge community sentiment on police accountability (*City Charter Section 18-7(B)(6)*)
- **taking special steps to educate and engage specific communities, including youth, people with disabilities, and those in the Limited English Proficiency community** (*City Charter Section 18-7(B)(4)*)

In addition to these statutory tasks, the PAB must also manage the many hundreds of media requests it will receive each year. All of these tasks require extensive experience in community engagement, communications, public relations, and building relationships in the Rochester community.

Many police accountability boards split their education and engagement work across two units: communications and community outreach.⁶⁸ New York City's police accountability outreach team focuses exclusively on giving presentations on the agency's work, citizen rights when it comes to policing, and police department policies. In New York City, a six-member outreach team conducted roughly 50 presentations on an annualized, per-staffer basis in Fiscal Year 2021.⁶⁹ The public affairs team in Chicago's police accountability board – on an annual, per-staffer basis – conducts roughly 40 meetings, connects with roughly 3,500 people,⁷⁰ and issues one release per month.⁷¹

These figures suggest that a five-member education & engagement team will be able to connect with roughly 10% of all Rochesterians each year while indirectly informing and engaging many more. This proposal creates a Division led by a Director of Education & Engagement, a Communications Officer, and three education and engagement staffers.

Operations Division

The Education & Engagement Division is responsible for performing the tasks required of the PAB by the City Charter related to ensuring the Board operates effectively as an agency. These tasks include:

- **Creating and maintaining an online accountability clearinghouse** of videos, reports, educational materials, and forms regarding police accountability (City Charter Section 18-7(B)(5))
- **Running orientation and training programs** in a “broad range” of topics to educate all board members and staff (City Charter Section 18-7(A))
- **Publishing statistical reports** on a monthly, quarterly, and annual basis (City Charter Section 18-11)
- **Providing language access, ASL interpretation, and disability accommodations** in all aspects of the PAB’s work (City Charter Sections 18-5(E) & 18-7(B)(1))
- **Preparing and submitting an annual budget** (City Charter Section 18-13)

Along with these Charter-mandated tasks, the PAB will also have to devote significant time to working with City human resources, procurement, and purchasing staff to ensure the basic daily needs of the PAB are met.

The experience of police accountability boards across the country suggests that performing these operational tasks requires general-service administrators paired with staff devoted specifically to running specific operational tasks. For example, Chicago’s agency has “administrative

support staff” paired with information technology staff, data analysts, and training analysts.⁷² New York City’s agency pairs “operations” staff with training leaders and human resource officers.⁷³

Given these experiences, the estimated staffing size of PAB, and specific operational requirements laid out in the Charter, this proposal creates an eight-member Operations Unit led by a Director of Operations.⁷⁴ This unit includes two general-purpose operations managers to assist in all human resources, procurement, and purchasing tasks. The unit also includes a dedicated translator to ensure Spanish language translation is available on-call for all PAB operations. In addition, the unit includes a Deputy Director of Training to create and facilitate all necessary training programs and a Deputy Director of Technology to maintain the PAB’s internal databases and external websites.

Legal Division

“City and county counsel offices, who represent the larger jurisdiction and may be defending the law enforcement agency against law suits, often have a conflict of interest and do not independently represent the oversight agency—particularly in times of controversy. Inadequate legal representation can result in decisions being made without all of the relevant issues being vetted.” - Barbara Attard, oversight and accountability consultant ⁷⁵

The Legal Division is responsible for performing the tasks required of the PAB by the City Charter that can only be done by a lawyer. These tasks include:

- **Screening all hearing panels for conflicts of interest** to ensure that PAB disciplinary decisions hold up in court (City Charter Section 18-9)
- **Enforcing subpoenas** (Section 18-5(G)(3))
- **Redacting, as required by law, all evidence released by PAB** (City Charter Sections 18-5(I)(6) & 18-11(C)(4))
- **Conducting legal compliance training** for all board members and staff (Section 18-7(A)(1))
- **Ensuring compliance with confidentiality and disability laws** (Sections 18-5(G)(3) & 18-7(B)(1))

In addition to this Charter-mandated work, the PAB will likely need a great deal of other legal assistance, ranging from the day-to-day legal questions

that plague any administrative agency to the crafting of disciplinary rules that will hold up in court.⁴

The City Charter does not require these legal tasks to be performed by legal counsel dedicated solely to supporting the PAB. In fact, City Charter Section 18-10 states that the City's Corporation Counsel is the default legal advisor to the PAB. However, the same section of the Charter gives the PAB total discretion on when to actually use Corporation Counsel, empowering the PAB to retain its own lawyers "for any purpose."

One reason for the PAB to have its own legal counsel is the appearance and reality of a conflict of interest with any lawyer who defends individuals and entities who may fall under PAB investigation. Such lawyers include those in the City's Law Department, which is tasked with assisting and defending the RPD. Another justification for dedicated legal counsel is that the PAB's work demands intensive, day-to-day legal support. The easiest way to provide this support is through in-house counsel located within the PAB itself. Indeed, the use of in-house counsel is a best practice among the leading civilian oversight agencies. Agencies in Chicago, New York City, Oakland, and San Francisco all have one or more dedicated in-house counsel.⁷⁶ For these reasons, this proposal includes funding for a General Counsel position.

⁴ This fact will become acutely clear if the PAB regains disciplinary power. In addition to defending disciplinary decisions on appeal in court, the PAB will need to have each disciplinary decision vetted for legality before being issued.

SERVICES AND OTHER NON-PERSONNEL COSTS

Figure 9: Detail for Non-Personnel Costs

	<i>Total Cost</i>
<u>Non-Personnel Costs</u>	<u>\$850,600</u>
<i>Annual Costs</i>	<i>\$615,400</i>
Cell Service	\$22,400
Public Affairs Budget	\$100,000
Website / IT Services Budget	\$80,000
Training & Membership Budget	\$32,000
Equipment & Supply Budget	\$56,000
Office Space (Rent)	\$195,000
Legal Services	\$50,000
Interpretation Services	\$80,000
<i>Onboarding Costs</i>	<i>\$235,200</i>
Computers & Related Equipment	\$74,200
Telephones & Cell Phones	\$26,500
Furniture (Individual)	\$79,500
Furniture (Office)	\$55,000

Effective oversight agencies require more than just staff to operate well. They require professional services provided by people like consultants, trainers, and translators. They require expenses like those spent on equipment, utilities, and rent. Newer agencies like the PAB also require onboarding costs to ensure that the organization as a whole is properly established.

Data from other oversight agencies can illuminate how much entities like the PAB must spend on non-personnel costs (not including benefits, which are not addressed in this proposal). In recent years, New York City’s agency has

incurred non-personnel costs that represent between 24% and 28% of its staffing budget.⁷⁷ During the same period, Chicago's agency incurred non-personnel costs that represent between 19% and 23% of its staffing budget,⁷⁸ while San Francisco's agency incurred similar costs representing between 24% and 31% of its staffing budget.⁷⁹ In sum, PAB should expect to spend roughly 20% - 25% of its staffing budget on ordinary, year-to-year non-personnel expenses.

Significant non-personnel expenses incurred by other agencies include:⁸⁰

- Rent (paid privately and through chargebacks to city)
- Translation services (in-person, over the phone, text)
- Legal services (subpoena service, legal databases, etc.)
- Publicity (advertising, mailers, media campaigns)
- Information technology services (webhosting, consulting, etc.)
- Expert witness fees
- Training (for staff and board members)
- Materials and supplies (including cell service)
- Membership fees

The above Services & Expenses budget provides line-items for all of these costs. In addition, the budget funds one-time onboarding costs that will provide computing equipment, telephones, cell phones, and furniture for all new staff.

JOB DESCRIPTIONS

This section lists job descriptions for each position described earlier in the proposal. These job descriptions are brief drafts that can serve to illuminate, rather than fully define, the potential responsibilities and roles of each person working for the PAB. The job descriptions often borrow from those issued by other agencies. To ensure that the entirety of PAB's work is accessible, in addition to a full-time translator position, at least one position in each Bureau will be marked as requiring fluency in languages other than English, including Spanish and American Sign Language.

Administrator

Job Title	Administrator
Department	Police Accountability Board
Bureau	Administration
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Bachelor's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Substantial experience living in Rochester and interacting with its communities, institutions, and government.</p> <p>Commitment to the Board's mission of community control over local government and policing, antiracism, and challenging other forms of systemic oppression.</p>
General Description	Administrators are responsible for ensuring that a specific part of the Board is well-coordinated and effective. Administrators will serve as the liaison between each Board section and the City Administration, ensuring that all Board Members and Board staff receive the administrative support they need.
Typical Work Activities	<ul style="list-style-type: none"> • Drafting meeting minutes for the Board. • Preparing and submitting legal filings for the General Counsel. • Coordinating and maintaining interdepartmental calendars. • Coordinating with City Departments to ensure PAB's procurement, purchasing, and other operational needs are met • Publishing the Board's rules and regulations on eCode.

Communications Officer

Job Title	Communications Officer
Department	Police Accountability Board
Bureau	Administration
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Master’s degree; applicants without this credential may still be well-qualified if their relevant work experience is more substantial than that described below.</p> <p>Significant experience living in Rochester and interacting with its communities, institutions, and government, along with substantial experience with effective and cutting-edge social media use, developing or implementing communications strategies, and working with members of the press.</p> <p>Experience facilitating community meetings, public participation, or other forms of democratic engagement with organizations or government.</p> <p>Demonstrated commitment to the Board’s mission of community control over public safety through maximum transparency, the necessity of accountable government, and the importance of the free press.</p> <p>Commitment to antiracism and challenging other forms of systemic oppression.</p> <p>Preference may be given to candidates fluent in Spanish or American Sign Language.</p>
General Description	Communications officers are responsible for ensuring the public at large is educated about the PAB’s work.
Typical Work Activities	<ul style="list-style-type: none"> • Prepares news releases related to PAB programs and services, and the results of PAB investigative activities • Updates and creates content for PAB’s website • Monitors and disseminates daily media clips for senior leadership team • Monitors and creates content for PAB’s social media platforms • Represents the department at public hearings and community meetings to explain and promote PAB services, programs and activities • Oversees the dissemination of information regarding PAB programs, services and events to the public • Directs the collection and distribution of information about on PAB’s community organization meetings • Reviews and prepares activity reports for use by senior management

Complaint Administrator

Job Title	Deputy Director of Complaints
Department	Police Accountability Board
Bureau	Officer Accountability
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Bachelor's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Substantial experience living in Rochester and interacting with its communities, institutions, and government.</p> <p>Commitment to the Board's mission of community control over local government and policing, antiracism, and challenging other forms of systemic oppression.</p>
General Description	<p>Complaint administrators are responsible for ensuring that the Board's complaint intake system is efficient, open, and widely known. Administrators must review all complaints from both the public and the Rochester Police Department before forwarding completed complaints to the Board's prosecution division. Administrators must also work with other Board staff, community organizations, government institutions, and the Rochester Police Department to make complaint forms are widely used.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Receiving complaints via email, telephone, walk-ins, referrals from the Department or other organizations, and online forms. • Reviewing complaints for completeness and working with complainants to finish any incomplete complaints. • Submitting complaints into the Board's internal databases and forwarding complaints to the Board's prosecution division. • Canvassing neighborhoods to ensure communities have plenty of on-the-ground tools for filing complaints. • Holding community feedback sessions and working with other Board staff to constantly review and improve the complaint intake system. • Ensuring the Bureau is making complaint forms available and widely known through its officers and facilities. • Reporting to the Deputy Director of Complaints and work closely with the rest of the Investigations Division.

Complaint Dissemination Officer

Job Title	Complaint Dissemination Officer
Department	Police Accountability Board
Bureau	Officer Accountability
Min Salary	66,732
Max Salary	87,990
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Substantial experience living in Rochester and interacting with its communities, institutions, and government.</p> <p>Commitment to the Board's mission of community control over local government and policing, antiracism, and challenging other forms of systemic oppression.</p>
General Description	The Complaint Dissemination Officer is responsible for ensuring that complaint forms for the PAB's investigation process are widely distributed across the city in accordance with the City Charter's requirements. The Officer is responsible for ensuring that all buildings and persons who must have complaint forms and proper training receive these resources.
Typical Work Activities	<ul style="list-style-type: none"> • Canvassing neighborhoods to ensure communities have plenty of on-the-ground tools for filing complaints. • Monitoring RPD officers to ensure they have complaint forms available • Partnering with local organizations to ensure that they assist in disseminating complaint form • Report to the Deputy Director of Complaints and ensure the work of the Complaints Division is thorough, fair, and accessible

Deputy Director of Adjudication

Job Title	Deputy Director of Adjudication
Department	Police Accountability Board
Bureau	Officer Accountability
Min Salary	66,732
Max Salary	87,990
Minimum Qualifications	<p>Juris doctor from an accredited U.S. law school, awarded with distinction or other mark of high academic success (such as law review membership); applicants without this credential may still be well-qualified if their relevant work experience is more substantial than that described below.</p> <p>Comprehensive knowledge of either criminal or civil procedure.</p> <p>Two years of experience litigating or managing civil cases, criminal cases, or investigations; this experience may have been obtained through clerkships or summer associateships.</p> <p>Demonstrated commitment to the Board's mission of community control over public safety and holding law enforcement accountable; public interest work; restorative or transformative justice; and both antiracism and challenging other forms of systemic oppression.</p> <p>Preference may be given to candidates fluent in Spanish or American Sign Language.</p>
General Description	<p>The Deputy Director of Adjudication is responsible for developing, managing, and refining the Board's hearings and appeals procedures. The Deputy Director works with the Division of Administration to ensure Board Members, investigators, and other parties are equipped to participate in hearings. The Deputy Director works closely with the Director of Investigation in developing procedural rules.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Overseeing Board Hearings and Appeal Reviews. • Working with the Division of Administration to train Board Members and investigators on procedures regarding hearings and appeals. • Examining other court procedures to ensure the Board's hearings reflect best practices. • Adjudicating charges by helping the Board call witnesses, accept evidence, examine witnesses, cross-examine witnesses, enforce hearings procedures, and understand the nature of the case against the officer. • Assisting the Board in conducting any appeals of misconduct determinations. • Report to the Director of Investigations. • Ensuring that victims of misconduct are empowered and respected during the adjudication process.

Deputy Director of Complaints

Job Title	Deputy Director of Complaints
Department	Police Accountability Board
Bureau	Officer Accountability
Min Salary	66,732
Max Salary	87,990
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Substantial experience living in Rochester and interacting with its communities, institutions, and government.</p> <p>Commitment to the Board's mission of community control over local government and policing, antiracism, and challenging other forms of systemic oppression.</p>
General Description	The Deputy Director is responsible for ensuring that the Board's complaint intake system is efficient, open, and widely known. Administrators must review all complaints from both the public and the Rochester Police Department before forwarding completed complaints to the Board's prosecution division. Administrators must also work with other Board staff, community organizations, government institutions, and the Rochester Police Department to make complaint forms are widely used.
Typical Work Activities	<ul style="list-style-type: none"> • Ensuring complaints can be received via email, telephone, walk-ins, referrals from the Department or other organizations, and online forms. • Creating processes to review complaints for completeness and working with complainants to finish any incomplete complaints. • Creating and maintaining the Board's internal databases and forwarding complaints to the Board's prosecution division. • Holding community feedback sessions and working with other Board staff to constantly review and improve the complaint intake system. • Ensuring the Bureau is making complaint forms available and widely known through its officers and facilities. • Reporting to the Director of Investigations and work closely with the rest of the Investigations Division.

Deputy Director of Data

Job Title	Deputy Director of Data
Department	Police Accountability Board
Bureau	Systemic Change
Min Salary	66,732
Max Salary	87,990
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Substantial knowledge of database systems, coding, and data analysis.</p> <p>Experience translating data into easy-to-understand reports or public documents.</p> <p>Commitment to the Board's mission of community control over local government and policing.</p> <p>Commitment to antiracism and challenging other forms of systemic oppression.</p>
General Description	<p>The Deputy Director of Data is responsible for helping the Board's Director of Oversight ensure the Board collects, reports, and assesses data accurately. The Deputy Director must provide or help to provide information on-demand as it is requested by Board Members, Board staff, the media, and the public. The Deputy Director must also help develop and maintain the databases and web forms the Board needs to collect complaints and public feedback.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Aggregating the data necessary for the Board's reports and working with policy staff to write those reports. • Responding to requests during hearing proceedings for data on misconduct. • Working with other Board staff to develop and deploy public surveys. • Surveying Board staff to determine what their data needs are and how to meet those needs effectively. • Report to the Director of Operations and work closely with the rest of the Systemic Change Bureau.

Deputy Director of Policy

Job Title	Deputy Director of Policy
Department	Police Accountability Board
Bureau	Systemic Change
Min Salary	66,732
Max Salary	87,990
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Expansive knowledge of administrative law, government oversight, police accountability, or other similar policy area.</p> <p>Two years' experience writing policy documents on behalf of governments, nonprofits, or business organizations.</p> <p>Commitment to the Board's mission of community control over local government and policing.</p>
General Description	The Deputy Director of Policy is responsible for leading the Policy Division's efforts to develop proposed practices, policies, and procedures for the Rochester Police Department.
Typical Work Activities	<ul style="list-style-type: none"> • Reviewing, as necessary, the Rochester Police Department's policies, practices, and procedures, as well as any periodic investigation of officer conduct or City public safety systems. • Researching alternative policies, practices, and procedures that reflect the priorities of ordinary Rochesterians. • Facilitating community budgeting exercises to reveal public priorities regarding Rochester's public safety budget. • Supervising other staff in the Policy Division

Deputy Director of Rulemaking

Job Title	Deputy Director of Rulemaking
Department	Police Accountability Board
Bureau	Systemic Change
Min Salary	66,732
Max Salary	87,990
Minimum Qualifications	<p>Master’s degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Expansive knowledge of administrative law, government oversight, police accountability, or other similar policy area.</p> <p>Two years’ experience writing policy documents on behalf of governments, nonprofits, or business organizations.</p> <p>Commitment to the Board’s mission of community control over local government and policing.</p>
General Description	<p>The Deputy Director of Rulemaking is responsible for leading the Rulemaking Division in drafting disciplinary rules that define misconduct and appropriate punishment. The employee must also lead the Rulemaking Division in drafting procedural rules that define how the Board operates its investigations and other internal processes.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Developing disciplinary rules in ways that ensure ordinary Rochesterians help define what counts as misconduct and how misconduct should be responded do. • Working with other Board staff to produce the Board’s annual and quarterly reports. • Create policies that make the work of both the Board and the Rochester Police Department open and transparent. • Overseeing any policy interns, clinical students, or other outside policy workers. • Reporting to the Director of Oversight while supervising staff in the Rulemaking Division.

Deputy Director of Technology

Job Title	Deputy Director of Technology
Department	Police Accountability Board
Bureau	Administration
Min Salary	66,732
Max Salary	87,990
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Five years of experience managing information technology systems.</p> <p>Substantial experience addressing racism and other forms of systemic oppression.</p> <p>Commitment to the Board's mission of community control over local government and policing.</p>
General Description	The Deputy Director of Technology is responsible for running all of the PAB's information technology services, ranging from the maintenance of internal databases to the updating of PAB's website.
Typical Work Activities	<ul style="list-style-type: none"> • Provide specialized technical support to the PAB's employees • Serve as the liaison to the City's IT department • Manage and operate all PAB servers, databases, and equipment • Assist other PAB employees in updating online materials • Assist PAB investigators with technological questions that arise during investigatory processes

Deputy Director of Training

Job Title	Deputy Director of Training
Department	Police Accountability Board
Bureau	Administration
Min Salary	66,732
Max Salary	87,990
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Two years of experience training employees, students, or members of the public.</p> <p>One year of experience designing training programs.</p> <p>Substantial experience addressing racism and other forms of systemic oppression.</p> <p>Commitment to the Board's mission of community control over local government and policing.</p>
General Description	The Deputy Director of Training is responsible for ensuring that the Board and its staff are properly trained. The Deputy Director must develop and implement all training required by law. The Deputy Director must also work with other Board staff to develop and implement job-specific training necessary for the Board to do its work effectively in an environment of equality and openness.
Typical Work Activities	<ul style="list-style-type: none"> • Working with local experts to develop training programs for the Board and Board staff in policing, government oversight, antiracism, and other subjects. • Developing, with Board staff, to develop job-specific training programs that will allow new staff to onboard quickly and effectively. • Conducting all relevant training sessions or contracting with outside groups to do so. • Report to the Director of Operations and work closely with the rest of the Administrative Bureau.

Director of Investigations

Job Title	Director of Investigations
Department	Police Accountability Board
Bureau	Officer Accountability
Min Salary	69,630
Max Salary	91,810
Minimum Qualifications	<p>Juris doctor from an accredited U.S. law school, awarded with distinction or other mark of high academic success (such as law review membership).</p> <p>Comprehensive knowledge of either criminal or civil procedure.</p> <p>Three years of experience litigating in the public interest.</p> <p>Three years of experience supervising other attorneys, law students, or other legally trained personnel.</p> <p>Commitment to antiracism and challenging other forms of systemic oppression.</p> <p>Preference may be given to candidates with fluency in Spanish or American Sign Language.</p>
General Description	<p>The Director of Investigations is responsible for creating and overseeing the Police Accountability Board’s investigations of Rochester Police Department officers accused of misconduct. The Director must create rules of procedure that allow for the investigation of potential officer wrongdoing, interview of officers, protection of due process rights, and conduct of disciplinary hearings overseen by Board Members. The Director must oversee (and participate in) the investigations process they create and manage investigators. The Director must ensure that the prosecutorial process is fair, just, and transparent.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Create and/or update procedures for the preliminary investigation of complaints and other allegations of misconduct the Board wishes to address. • Create and/or update procedures for the interview of police officers that will guarantee those officers all due process rights they are entitled to. • Create and/or update procedures for producing written reports that summarize preliminary investigations. • Create and/or update procedures for evaluating reasonable cause and charging officers with misconduct. • Create and/or update procedures required by law or deemed appropriate for conducting disciplinary hearings, such as rules that allow for witness testimony, entering and evaluation of evidence, direct examination, cross examination, enforcement of procedural rules, and questioning of witnesses by Board Members. • Create and/or update procedures for appeal review of board disciplinary decisions. • Hire, train, and oversee staff who will investigate and prosecute misconduct cases. • Investigate misconduct cases. • Work with law school faculty to organize student investigation of cases. • Evaluate the investigatory process on a regular basis. • Work closely with the Executive Director to develop other policies and procedures, including disciplinary rules, as necessary.

Director of Operations

Job Title	Director of Operations
Department	Police Accountability Board
Bureau	Administration
Min Salary	69,630
Max Salary	91,810
Minimum Qualifications	<p>Master's degree or equivalent; applicants without this credential may still be well-qualified if their relevant work experience is more substantial than that described below.</p> <p>Three years of experience conducting day-to-day organizational work such as managing budgets, supporting managers, hiring and contracting, producing reports, coordinating across teams, and supervising other staff.</p> <p>Significant experience with: facilitating community meetings, public participation, or other forms of democratic engagement with organizations or government; ensuring an organization complies with laws, rules, and regulations; and database software and statistics (or ability to oversee someone with that experience).</p> <p>Demonstrated commitment to the Board's mission of community control over local government and policing.</p> <p>Commitment to antiracism and challenging other forms of systemic oppression.</p>
General Description	The Director of Operations is responsible, either directly or through the Administration Bureau staff, for creating and overseeing the basic internal processes that will allow Board Members and Board staff to do their work. The Director must work with the Executive Director and other Board Directors to create strategies, policies, and work cultures that will allow the Board to work effectively, fairly, and transparently.
Typical Work Activities	<ul style="list-style-type: none"> • Scheduling and facilitating all Board meetings. • Managing the Board's budget, overseeing contracts, and working with the City's Office of Management and Budget. • Ensuring the Board follows all laws relating to confidentiality, ethics, open meetings, and freedom of information. • Facilitating the training of the Board and its staff in compliance with Board Law. • Formally publishing reports required by Board Law, aggregating the data necessary for those reports, and working with policy staff to write those reports. • Creating and maintaining the Board's internal databases, websites, and social media accounts. • Overseeing recruitment and hiring of Board staff. • Communicating with press and otherwise informing the public about the Board's work. • Creating systems for measuring performance and ensuring the Board complies with all relevant human relations rules and laws. • Working with the Executive Director to create an internal culture that is fair, equitable, supportive, and transparent. • Working with the Director of Investigation to create and oversee a complaint intake system.

Director of Oversight

Job Title	Director of Oversight
Department	Police Accountability Board
Bureau	Systemic Change
Min Salary	69,630
Max Salary	91,810
Minimum Qualifications	<p>Juris doctor from an accredited U.S. law school or doctoral degree; applicants without this credential (such as applicants with a master’s degree) may still be well-qualified if their relevant work experience is more substantial than that described below.</p> <p>Comprehensive knowledge of public health, administrative law, government oversight, or police accountability, with a focus on restorative, transformative, and democratic systems of justice.</p> <p>Three years conducting investigations, audits, or other oversight activities.</p> <p>Demonstrated commitment to the Board’s mission of community control over local government and policing.</p> <p>Commitment to antiracism and challenging other forms of systemic oppression. Three years of experience supervising staff, students, or interns.</p>
General Description	<p>The Director of Oversight is responsible, either directly or through the Division’s staff, for helping the Board conduct all its investigations outside of those into allegations of specific instances of officer misconduct, which are managed by the Board’s investigations team. These investigations include those into the Rochester Police Department’s practices, policies, and procedures. The Director is also responsible for drafting disciplinary rules that define misconduct and appropriate punishment. Finally, the Director is responsible for ensuring that the priorities of the Board and the Rochester Police Department reflect those of ordinary Rochesterians.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Conducting annual investigations into the Rochester Police Department’s policies, practices, and procedures, as well as any period investigations of officer conduct or City public safety systems. • Researching alternative policies, practices, and procedures that reflect the priorities of ordinary Rochesterians. • Facilitating community budgeting exercises to reveal public priorities regarding Rochester’s public safety budget. • Developing disciplinary rules in ways that ensure ordinary Rochesterians help define what counts as misconduct and how misconduct should be responded do. • Creating, with the Director of Investigations, just and fair complaint intake procedures. • Working with the Director of Operations to produce the Board’s annual and quarterly reports. • Soliciting outside research support from nonprofits & academia for the Board’s work. • Creating policies that make the work of both the Board and the Rochester Police Department open and transparent.

Director of Public Education & Engagement

Job Title	Director of Public Education & Engagement
Department	Police Accountability Board
Bureau	Administration
Min Salary	69,630
Max Salary	91,810
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their relevant work experience is more substantial than that described below.</p> <p>Significant experience living in Rochester and interacting with its communities, institutions, and government, along with substantial experience with effective and cutting-edge social media use, developing or implementing communications strategies, and working with members of the press.</p> <p>Experience facilitating community meetings, public participation, or other forms of democratic engagement with organizations or government.</p> <p>Demonstrated commitment to the Board's mission of community control over public safety through maximum transparency, the necessity of accountable government, and the importance of the free press.</p> <p>Commitment to antiracism and challenging other forms of systemic oppression.</p> <p>Preference may be given to candidates fluent in Spanish or American Sign Language.</p>
General Description	The Director of Public Education & Engagement is responsible for ensuring Board's work is both transparent and driven by the priorities of ordinary Rochesterians. The Director serves to facilitate public participation in the Board's work, make the Board's work publicly accessible and open to the media, and ensure the Board complies with rules regarding confidentiality and information access.
Typical Work Activities	<ul style="list-style-type: none"> • Ensuring the Board stays in constant communication with community advocacy groups, especially those who are members of the Police Accountability Board Alliance. • Developing public surveys, public budgets, and other tools to assess Rochesterians' public safety priorities. • Maintaining the Board's website content and social media presence in ways that are innovative and effective. • Developing a deep understanding of the Board's work and mission so that those things can be communicated clearly to the public. • Communicating with press and otherwise informing the public about the Board's work, powers, and limitations. • Ensuring that Board staff are available to the press. • Working with the Executive Director and staff to ensure that the public participates substantially in as many aspects of the Board's work as possible.

Evidentiary Investigator

Job Title	Evidentiary Investigator
Department	Police Accountability Board
Bureau	Officer Accountability
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Bachelor's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Substantial experience living in Rochester and interacting with its communities, institutions, and government.</p> <p>Commitment to the Board's mission of community control over local government and policing, antiracism, and challenging other forms of systemic oppression.</p>
General Description	Evidentiary investigators are responsible for assisting the Investigations Division with the collection and analysis of physical and digital forensic evidence during investigations.
Typical Work Activities	<ul style="list-style-type: none"> • Record observations of the crime scene with photographs and sketches • Catalog and preserve evidence for transfer to crime labs • Perform chemical, biological, and microscopic lab tests and analyses on evidence taken from crime scenes • Consult with experts in specialized forensic science fields as needed • Prepare and explain detailed reports that explain findings and investigation methods

General Counsel

Job Title	General Counsel
Department	Police Accountability Board
Bureau	City Council
Min Salary	69,630
Max Salary	91,810
Minimum Qualifications	<p>Juris doctor from an accredited U.S. law school, awarded with distinction or other mark of high academic success (such as law review membership).</p> <p>Comprehensive knowledge of local government law, public safety law, or government oversight.</p> <p>Three years of experience litigating in the public interest, advising non-profits, or conducting other legal work relevant to the Board's work.</p> <p>Three years of experience advising other attorneys, law students, or other legally trained personnel.</p> <p>Commitment to antiracism and challenging systemic oppression.</p>
General Description	<p>The General Counsel is the in-house legal counsel for the Board, working to ensure the Board's ambitious work is just and legally sound. The General Counsel has three primary responsibilities. The first is to give the Board legal advice. The second is to give the Executive Director and all Board staff legal advice. The final responsibility is to partner with Corporation Counsel or outside counsel in representing the Board in legal proceedings and drafting proposed legislation for consideration by either City Council or the New York legislature.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Answering legal questions posed by Board Members. • Attending Board meetings and reviewing their actions to ensure their legality. • Consulting other Board staff on due process concerns regarding interviewing and hearing processes. • Partnering with other Board staff to ensure that Board staff are properly trained in relevant law. • Assisting prosecutors in managing the appeals process. • Working with Corporation Counsel and/or outside law firms to defend the Board in litigation. • Aiding the Executive Director in crafting legal strategy for the Board.

Investigating Attorney

Job Title	Prosecutor
Department	Police Accountability Board
Bureau	Bureau of Officer Accountability
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Juris doctor from an accredited U.S. law school, awarded with distinction or other mark of high academic success (such as law review membership); applicants without this credential may still be well-qualified if their relevant work experience, such as that of a paralegal, is more substantial than that described below.</p> <p>One year of experience litigating civil cases, litigating criminal cases, or conducting investigations; this experience may have been obtained through clerkships or summer associateships.</p> <p>Demonstrated commitment to the Board’s mission of community control over public safety and holding law enforcement accountable; public interest work; restorative or transformative justice; and both antiracism and challenging other forms of systemic oppression.</p> <p>Preference may be given to candidates fluent in Spanish or American Sign Language.</p>
General Description	<p>Investigating Attorneys are the primary tool the Board uses to hold individual officers of the Rochester Police Department accountable for misconduct. Investigators are responsible for investigating complaints, recommending to the Board whether an officer should be formally charged with misconduct under the Board’s disciplinary rules, and prosecuting charged officers during disciplinary hearings. An investigator’s job is to discover the truth about misconduct allegations and do justice for the community, those harmed by officers, and officers themselves. Justice, in the context of the Board’s work, does not mean incarceration; instead, it may mean sanction, retraining, firing, restitution, restorative practices, or transformative justice.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Investigating complaints assigned by the Director of Prosecution to determine whether reasonable cause exists for the Board to conduct a disciplinary hearing by reviewing evidence provided by the Department about an instance of misconduct and, when necessary, supplementing that evidence through interviews and evidence collection. • Writing investigation reports, along with a charging recommendation, that will allow the Board to determine whether an officer should be formally charged with misconduct. • Drafting and serving subpoenas the Board may need to fairly investigate an instance of misconduct. • Investigating a charged officer by helping the Board call witnesses, accept evidence, examine witnesses, cross-examine witnesses, enforce hearings procedures, and understand the nature of the case against the officer. • Assisting the Board in conducting any appeals of misconduct determinations. • Report to the Director of Investigations. • Ensuring that victims of misconduct are empowered and respected during the investigatino process. • Working on-call duty to respond to developing incidents and high-profile cases.

Oversight Investigator

Job Title	Oversight Investigator
Department	Police Accountability Board
Bureau	Systemic Change
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their relevant work experience is more substantial than that described below.</p> <p>Substantial knowledge of administrative law, government oversight, police accountability, or other similar policy area.</p> <p>Demonstrated commitment to the Board's mission of community control over local government and policing.</p> <p>Commitment to antiracism and challenging other forms of systemic oppression.</p>
General Description	Each oversight investigator is responsible for helping the Bureau of Systemic Change complete its oversight work.
Typical Work Activities	<ul style="list-style-type: none"> • Conducting annual investigations into the Rochester Police Department's policies, practices, and procedures, as well as any period investigations of officer conduct or City public safety systems. • Assisting other Bureau staff in researching alternative policies, practices, and procedures that reflect the priorities of ordinary Rochesterians. • Working with the Director of Oversight to produce the Board's annual and quarterly reports. • Creating policies that make the Board's investigations are open and transparent.

Policy Analyst

Job Title	Policy Analyst
Department	Police Accountability Board
Bureau	Systemic Change
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Expansive knowledge of administrative law, government oversight, police accountability, or other similar policy area.</p> <p>Two years' experience writing policy documents on behalf of governments, nonprofits, or business organizations.</p> <p>Commitment to the Board's mission of community control over local government and policing.</p>
General Description	Policy analysts are responsible for developing proposed practices, policies, and procedures for the Rochester Police Department.
Typical Work Activities	<ul style="list-style-type: none"> • Reviewing, as necessary, the Rochester Police Department's policies, practices, and procedures, as well as any periodic investigation of officer conduct or City public safety systems. • Researching alternative policies, practices, and procedures that reflect the priorities of ordinary Rochesterians. • Facilitating community budgeting exercises to reveal public priorities regarding Rochester's public safety budget.

Public Engagement Officer

Job Title	Public Engagement Officer
Department	Police Accountability Board
Bureau	Administration
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their relevant work experience is more substantial than that described below.</p> <p>Significant experience living in Rochester and interacting with its communities, institutions, and government, along with substantial experience with effective and cutting-edge social media use, developing or implementing communications strategies, and working with members of the press.</p> <p>Experience facilitating community meetings, public participation, or other forms of democratic engagement with organizations or government.</p> <p>Demonstrated commitment to the Board's mission of community control over public safety through maximum transparency, the necessity of accountable government, and the importance of the free press.</p> <p>Commitment to antiracism and challenging other forms of systemic oppression.</p> <p>Preference may be given to candidates fluent in Spanish or American Sign Language.</p>
General Description	Public engagement officers are responsible for ensuring Board's work is both transparent and driven by the priorities of ordinary Rochesterians.
Typical Work Activities	<ul style="list-style-type: none"> • Ensuring the Board stays in constant communication with community advocacy groups, especially those who are members of the Police Accountability Board Alliance. • Developing public surveys, public budgets, and other tools to assess Rochesterians' public safety priorities. • Maintaining the Board's website content and social media presence in ways that are innovative and effective. • Developing a deep understanding of the Board's work and mission so that those things can be communicated clearly to the public. • Communicating with press and otherwise informing the public about the Board's work, powers, and limitations. • Ensuring that Board staff are available to the press. • Working with the Executive Director and staff to ensure that the public participates substantially in as many aspects of the Board's work as possible.

Rulemaker

Job Title	Deputy Director of Rulemaking
Department	Police Accountability Board
Bureau	Systemic Change
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Master's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Expansive knowledge of administrative law, government oversight, police accountability, or other similar policy area.</p> <p>Two years' experience writing policy documents on behalf of governments, nonprofits, or business organizations.</p> <p>Commitment to the Board's mission of community control over local government and policing.</p>
General Description	<p>Rulemakers are responsible for drafting disciplinary rules that define misconduct and appropriate punishment. Rulemakers must also help draft procedural rules that define how the Board operates its investigations and other internal processes.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Developing disciplinary rules in ways that ensure ordinary Rochesterians help define what counts as misconduct and how misconduct should be responded to. • Working with other Board staff to produce the Board's annual and quarterly reports. • Create policies that make the work of both the Board and the Rochester Police Department open and transparent. • Reporting to the Deputy Director of Rulemaking.

Stenographer

Job Title	Stenographer
Department	Police Accountability Board
Bureau	Bureau of Officer Accountability
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Bachelor's degree; applicants without this credential may still be well-qualified if their relevant work experience is more substantial than that described below.</p> <p>Completion of a standard high school course including or supplemented by courses in shorthand and typing.</p> <p>Demonstrated commitment to the Board's mission of community control over local government and policing.</p> <p>Commitment to antiracism and challenging other forms of systemic oppression.</p>
General Description	The stenographer is responsible for transcribing and recording Board proceedings, particularly those involved in the adjudicatory process.
Typical Work Activities	<ul style="list-style-type: none"> • Transcribing and recording adjudication hearings • Transcribing and recording interviews with police officials • Transcribing and recording oversight hearings • Assisting with basic office tasks

Supervising Attorney

Job Title	Supervising Attorney
Department	Police Accountability Board
Bureau	Officer Accountability
Min Salary	66,732
Max Salary	87,990
Minimum Qualifications	<p>Juris doctor from an accredited U.S. law school, awarded with distinction or other mark of high academic success (such as law review membership).</p> <p>Two years of experience litigating or managing civil cases, criminal cases, or investigations; this experience may have been obtained through clerkships or summer associateships.</p> <p>Demonstrated commitment to the Board's mission of community control over public safety and holding law enforcement accountable; public interest work; restorative or transformative justice; and both antiracism and challenging other forms of systemic oppression.</p> <p>Preference may be given to candidates fluent in Spanish or American Sign Language.</p>
General Description	<p>Each Supervising Attorney is responsible for coordinating the work of a subset of the Board's investigations. Supervising Attorneys work with the Division of Administration to train and onboard investigators. Supervising Attorneys work closely with the Director of Investigations to manage the Board's docket. Supervising Attorneys are also responsible for regularly prosecuting complaints, especially those deemed high-priority.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Creating and updating training materials for investigators. • Assigning priority levels to complaints to ensure speedy and efficient investigations. • Taking a bird-eye's view of the Board's docket and addressing/preventing case management problems. • Investigating complaints assigned by the Director of Investigation to determine whether reasonable cause exists for the Board to conduct a disciplinary hearing by reviewing evidence provided by the Department about an instance of misconduct and, when necessary, supplementing that evidence through interviews and evidence collection. • Writing investigation reports, along with a charging recommendation, that will allow the Board to determine whether an officer should be formally charged with misconduct. • Drafting and serving subpoenas the Board may need to fairly investigate an instance of misconduct. • Investigating a charged officer by helping the Board call witnesses, accept evidence, examine witnesses, cross-examine witnesses, enforce hearings procedures, and understand the nature of the case against the officer.

Translator

Job Title	Translator
Department	Police Accountability Board
Bureau	Administration
Min Salary	63,952
Max Salary	84,323
Minimum Qualifications	<p>Bachelor's degree; applicants without this credential may still be well-qualified if their work experience is more substantial than that described below.</p> <p>Extensive experience providing language translation services in Spanish or ASL.</p> <p>Substantial experience living in Rochester and interacting with its communities, institutions, and government.</p> <p>Commitment to the Board's mission of community control over local government and policing, antiracism, and challenging other forms of systemic oppression.</p>
General Description	<p>Translators are responsible for providing on-call translation services throughout the PAB's work. While staff fluent in languages other than English will serve in all parts of the PAB, the translator assists in ensuring that any translation gaps are filled.</p>
Typical Work Activities	<ul style="list-style-type: none"> • Providing direct translation services at Board Meetings and public hearings • Coordinating the provision of translation services throughout the PAB

CITATIONS

Some information in this report is based on independent analysis of publicly available data. Details of that analysis are available upon request by emailing the Police Accountability Board at pab@cityofrochester.gov.

¹ See a recent New York State Bar Association article titled, “Can Rochester’s New Police Accountability Board Become a National Model?” <https://nysba.org/can-rochesters-new-police-accountability-board-become-a-national-model/>

² As one Department of Justice report states, “it is difficult to predict what an oversight system’s actual costs will be before agreeing on what all its components and activities will be.” Citizen Review of Police: Approaches & Implementation, U.S. Department of Justice, March 2001 <https://www.ojp.gov/pdffiles1/nij/184430.pdf>

³ Telephone conversation with Oakland Police Commission staffer on September 9, 2020.

⁴ Data on RPD officer salaries can be found at <https://www.seethroughny.net/payrolls/177805329>

⁵ Read the recent New York Times article titled, “George Floyd’s Family Settles Suit Against Minneapolis for \$27 Million.” <https://www.nytimes.com/2021/03/12/us/george-floyd-minneapolis-settlement.html>

⁶ The city spends \$5.3 million on parking administrative services, meter operations, and parking enforcement, and another \$1 million on parking & municipal violations administration, adjustment, and enforcement. Read the City’s 2020 – 2021 Proposed Budget at pages 5-25 and 5-26.

⁷The Rochester Police Department has a \$95,866,000 budget for salaries and expenses, while \$51,886,700 is budgeted for the Police Department’s fringe benefits. Read the City’s 2020 – 2021 Proposed Budget at pages 1-35 and 16-6. Campaign Zero’s recommendation about police accountability board budgets can be found at <https://www.joincampaignzero.org/#vision>

⁸ Read the recent Bloomberg article titled, “City Leaders Push Civilian Oversight of Police After Protests.” <https://news.bloomberglaw.com/us-law-week/city-leaders-push-civilian-oversight-of-police-after-protests>

⁹ Read the 2020 CBC News article titled “Alberta explores creation of civilian corps to support police.” <https://www.cbc.ca/news/canada/calgary/citizen-policing-alberta-1.5624824>

¹⁰ Between May 2020 and February 2021, Rochester spent \$2.65 million on direct overtime costs associated with policing-related protests. Email from Chief Herriott-Sullivan, March 21, 2021.

¹¹ Read the 2020 CBS KPIX 5 article titled, "Former Oakland Police Chief Renews Criticism of Federal Monitor." <https://sanfrancisco.cbslocal.com/2020/03/05/former-oakland-police-chief-renews-criticism-of-federal-monitor/>

¹² Telephone conversation on September 8, 2020 with employee from the Chicago Civilian Office of Police Accountability.

¹³ Oakland City Auditor, Performance Audit Of The Oakland Police Commission And The Community Police Review Agency, June 2020 https://www.oaklandauditor.com/wp-content/uploads/2020/06/060120_Performance-Audit_Police-Commission-CPRA_FINAL-REPORT.pdf

¹⁴ Read the 2017 independent report titled, "The Case for an Independent Police Accountability System: Transforming the Civilian Review Process in Rochester, New York." <https://www.reuters.com/investigates/special-report/assets/usa-police-rochester-union/cpr-report.pdf>

¹⁵ Citizen Review of Police: Approaches & Implementation, U.S. Department of Justice, March 2001 <https://www.ojp.gov/pdffiles1/nij/184430.pdf>

¹⁶ Read the 2015 New York World article titled, "Under intense pressure, young and largely inexperienced staff at CCRB tasked with investigating police misconduct." <http://thenewyorkworld.org/2015/06/25/intense-scrutiny-young-untested-staff-ccrb-tasked-investigating-police-misconduct/>

¹⁷ For the purposes of this proposal, all employees (except for the Executive Director) are assumed to be paid at roughly the mean wage for the salary bracket their position is located within.

¹⁸ In 2020, the average RPD officer made over \$100,000 in salary. <https://www.seethroughny.net/payrolls/177805329> The average PAB salary in this proposal pays \$74,000 annually.

¹⁹ Read the 2011 CFPB report titled, "Building the CFPB: A Progress Report." https://files.consumerfinance.gov/f/2011/07/Report_BuildingTheCfpb1.pdf

²⁰ In 2018, San Francisco's civilian review board launched an intensive community outreach program that "contributed to [a] 31% increase in complaints." Read the San Francisco Department of Police Accountability's 2018 Annual Report. https://sfgov.org/dpa/sites/default/files/DPA_2018.pdf

²¹ The PAB has not accepted any complaints, in part due to prior advice of legal counsel; thus, the agency itself lacks data on what potential complaint rates could look like. Data on Rochester's existing complaint rates can be found in the Professional Standard Section's annual reports. For more on the characteristics of the current civilian

complaint system in Rochester, read the 2017 independent report titled, “The Case for an Independent Police Accountability System: Transforming the Civilian Review Process in Rochester, New York.” <https://www.reuters.com/investigates/special-report/assets/usa-police-rochester-union/cpr-report.pdf>

²² In 2017, Chicago’s civilian review board found a very strong “correlation between the number of adult arrests made . . . and the number of police misconduct complaints.” Read the Independent Police Review Authority’s 2016 Annual Report. https://www.chicagocopa.org/wp-content/uploads/2017/10/O42016_report_20170112_FINAL.pdf

²³ Read the Independent Police Review Authority’s 2016 Annual Report. https://www.chicagocopa.org/wp-content/uploads/2017/10/O42016_report_20170112_FINAL.pdf

²⁴ Read the NYC Civilian Complaint Review Board’s 2016 annual report. <http://nyf.issuelab.org/resources/28102/28102.pdf>

²⁵ Read the Chicago COPA’s statement of jurisdiction available on its website at <https://www.chicagocopa.org/investigations/jurisdiction/>

²⁶ According to an analysis of data available from New York City’s Open Data portal and the Civilian Complaint Review Board’s annual reports, for the period during which data is available, 2011 to 2019, New York City’s agency rejected roughly 60% of all complaints it received each year. A relevant annual report can be found at <http://nyf.issuelab.org/resources/28102/28102.pdf> From 2016 to 2020, Chicago’s agency rejected roughly 70% of all complaints it received each year. This is based on an analysis of data available from COPA’s annual reports, including its 2020 annual report available here: <https://www.chicagocopa.org/wp-content/uploads/2021/02/2020-COPA-Annual-Report.pdf>

²⁷ Oakland City Auditor, Performance Audit Of The Oakland Police Commission And The Community Police Review Agency, June 2020 https://www.oaklandauditor.com/wp-content/uploads/2020/06/060120_Performance-Audit_Police-Commission-CPRA_FINAL-REPORT.pdf

²⁸ Barbara Attard, Oversight of Law Enforcement is Beneficial and Needed – Both Inside and Out, 30 Pace L. Rev. 1548 (2010).

²⁹ Barbara Attard, Oversight of Law Enforcement is Beneficial and Needed – Both Inside and Out, 30 Pace L. Rev. 1548 (2010).

³⁰ Read the San Francisco Department of Police Accountability’s 2017 Annual Report. https://sfgov.org/dpa/sites/default/files/DPA_2017.pdf

³¹ Email from Oakland Community Police Review Agency Executive Director John Alden, February 15, 2021.

³² Compare the New Orleans Independent Police Monitor's staffing website, available at <http://nolaipm.gov/staff/>, with its 2019 Annual report, available at <https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-Complaints-Discipline-Commendations-FINAL.pdf>.

³³ Clarke, Stephen. "Arrested oversight: A comparative analysis and case study of how civilian oversight of the police should function and how it fails." *Colum. JL & Soc. Probs.* 43 (2009): 1.

³⁴ Rochester City Charter, Article XVIII Section 18-13(A).

³⁵ Read the Chicago COPA's 2017 annual report available here: <https://www.chicagocopa.org/wp-content/uploads/2018/02/2017-Annual-Report-Final.pdf>

³⁶ This statement is based on analysis of data available on the Open Data portal from the City of New York's website available here: <https://data.cityofnewyork.us/Public-Safety/Civilian-Complaint-Review-Board-CCRB-Complaints-Cl/fx4z-5xg2>

³⁷ Email from Oakland Community Police Review Agency Executive Director John Alden, February 15, 2021.

³⁸ City Charter Section 18-3(F) ("Based on information and belief that an investigation is warranted, the Board shall have the power to conduct an investigation, even in the absence of a civilian complaint.")

³⁹ Read the New York City Civilian Complaint Review Board's 2019 annual report, available at https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/annual_bi-annual/2019CCRB_AnnualReport.pdf

⁴⁰ This statement is based on analysis of data available on the Open Data portal from the City of New York's website available here: <https://data.cityofnewyork.us/Public-Safety/Civilian-Complaint-Review-Board-CCRB-Complaints-Cl/fx4z-5xg2>

⁴¹ This statement is based on analysis of data available on the Open Data portal from the City of New York's website available here: <https://data.cityofnewyork.us/Public-Safety/Civilian-Complaint-Review-Board-CCRB-Complaints-Cl/fx4z-5xg2>

⁴² This statement is based on analysis of budgetary data and complaint intake data available upon request from the PAB.

⁴³ Read the San Francisco Department of Police Accountability's complaint process webpage, available at <https://sfgov.org/dpa//complaint-process>

⁴⁴ Read Article VI of the Oakland City Charter.

⁴⁵ Read the Chicago COPA's 2020 annual report available here: <https://www.chicago.gov/content/dam/city/depts/cpb/AnnualReports/CPBAnnualReport2020.pdf>

⁴⁶ See, for example, New York City's Administrative Prosecution Unit. <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/054-CCRB.pdf>

⁴⁷ Eileen Luna and Samuel Walker, A Report on the Oversight Mechanisms of the Albuquerque Police Department, February 1997, available at <https://www.cabq.gov/council/projects/completed-projects/pre-2000/apd-oversight-mechanisms/ix-alternative-models-of-police-oversight>

⁴⁸ Read the 1990 academic article titled “Training Deficiencies and Municipal Liability,” available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/training-deficiencies-and-municipal-liability> (noting that “The existence of a policy within a police department can be established through manuals or through interviews about unwritten policies.”).

⁴⁹ These figures are taken from the Oakland Police Commission’s 2020, 2019, and 2018 annual reports, available here: <https://www.oaklandca.gov/boards-commissions/police-commission>

⁵⁰ Read the Brennan Center’s 2012 report, “A Proposal for an NYPD Inspector General,” available here: https://www.brennancenter.org/sites/default/files/2019-08/Report_NYPD_Inspector_General.pdf

⁵¹ See, for example, the policy output from Chicago’s agency or from New Orleans’ agency. Compare the policy listings available at <https://www.chicagocopa.org/news-publications/publications/policy-reports/> and <https://nolaipm.gov/subject-matter-reports/>

⁵² Read the NYPD OIG’s main webpage, available here: <https://www1.nyc.gov/site/doi/offices/oignypd.page>

⁵³ Read the NYPD OIG’s FAQ webpage, available here: <https://www1.nyc.gov/site/doi/oignypd/faq.page>

⁵⁴ Read the NYPD OIG’s most recent annual, available here: https://www1.nyc.gov/assets/doi/reports/pdf/2020/OIGNYPDAnnualRpt_4012021.pdf

⁵⁵ This staffing figure is from NACOLE’s agency profile, available here: https://www.nacole.org/agency_profile_los_angeles_oig

⁵⁶ Read the list of recent Audit reports from the Los Angeles Police Commissions OIG, available at <https://www.oig.lacity.org/audit-and-complaint-reports>

⁵⁷ Between 2018 and 2012, the years for which data is available, Seattle PD conducted an average of roughly 14,500 arrests per year. See https://waspc.memberclicks.net/index.php?option=com_content&view=article&id=121:cime-in-wa-archive-folder&catid=20:site-content Between 2019 and 2010, Rochester PD’s patrol division conducted an average of roughly 16,000 arrests per year. This analysis is based on the RPD’s annual reports, which include arrest data.

⁵⁸ These projects are described in OIG’s annual work plan documents available here: <https://www.seattle.gov/oig/reports>.

⁵⁹ These projects are described in OIG’s annual work plan documents available here: <https://www.seattle.gov/oig/reports>.

⁶⁰ This report is available at <https://www.seattle.gov/Documents/Departments/OIG/Audits/CanineAudit06242020.pdf>

⁶¹ Eileen Luna and Samuel Walker, A Report on the Oversight Mechanisms of the Albuquerque Police Department, February 1997, available at <https://www.cabq.gov/council/projects/completed-projects/pre-2000/apd-oversight-mechanisms/ix-alternative-models-of-police-oversight>

⁶² Oakland City Auditor, Performance Audit Of The Oakland Police Commission And The Community Police Review Agency, June 2020 https://www.oaklandauditor.com/wp-content/uploads/2020/06/060120_Performance-Audit_Police-Commission-CPRA_FINAL-REPORT.pdf

⁶³ This article is available at: <https://scholarship.law.cornell.edu/ceri/15/>

⁶⁴ Read the February 2014 Portland Police Bureau memo on discipline, available at <https://www.portlandoregon.gov/police/article/482707>

⁶⁵ Read the NYPD's webpage on its new disciplinary matrix, available at <https://www1.nyc.gov/site/nypd/about/about-nypd/policy/nypd-disciplinary-system-reforms.page>;

⁶⁶ Read the February 2014 Portland Police Bureau memo on discipline, available at <https://www.portlandoregon.gov/police/article/482707>

⁶⁷ Eileen Luna and Samuel Walker, A Report on the Oversight Mechanisms of the Albuquerque Police Department, February 1997, available at <https://www.cabq.gov/council/projects/completed-projects/pre-2000/apd-oversight-mechanisms/ix-alternative-models-of-police-oversight>

⁶⁸ See, for example, New York City. Read the 2020 budget cycle documents on that city's police accountability board, available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/054-CCRB.pdf>

⁶⁹ Read the 2021 budget cycle documents on New York City's police accountability board, available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/03/054-CCRB.pdf>

⁷⁰ Read the Chicago COPA's 2019 annual report available here: <https://www.chicagocopa.org/wp-content/uploads/2020/02/2019-COPA-Annual-Report.pdf>

⁷¹ Read the Chicago COPA's 2020 annual report available here: <https://www.chicagocopa.org/wp-content/uploads/2021/02/2020-COPA-Annual-Report.pdf>

⁷² Read the Chicago COPA's staffing webpage available here <https://www.chicagocopa.org/about-copa/our-people/>

⁷³Read the 2020 budget cycle documents on New York City’s police accountability board, available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/054-CCRB.pdf>

⁷⁴ In the current PAB budget, this position is referred to as a “Chief of Administration.” The Chief of Administration will see their role transition from a broader, agency-building role to an operational role as the PAB hires additional staff.

⁷⁵ Barbara Attard, Oversight of Law Enforcement is Beneficial and Needed – Both Inside and Out, 30 Pace L. Rev. 1548 (2010).

⁷⁶ Read the 2020 budget cycle documents on New York City’s police accountability board, available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/054-CCRB.pdf>; the 2017 Annual Report of San Francisco’s police accountability board; https://sfgov.org/dpa//sites/default/files/DPA_2017.pdf; the staffing webpage for Chicago’s board, <https://www.chicagocopa.org/about-copa/our-people/>; or the description of recently passed Measure 1 in Oakland, available at <https://www.coalitionforpoliceaccountability.com/measure-s1>.

⁷⁷ Read the 2020 budget cycle documents on New York City’s police accountability board, available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/054-CCRB.pdf>

⁷⁸ Read Chicago COPA’s 2019 and 2020 annual reports, available here: <https://www.chicagocopa.org/wp-content/uploads/2020/02/2019-COPA-Annual-Report.pdf> and <https://www.chicagocopa.org/wp-content/uploads/2021/02/2020-COPA-Annual-Report.pdf>

⁷⁹ Read San Francisco’s 2019 Budget Book, available here: [https://sfmayor.org/sites/default/files/CSF Budget Book June 2019 Final Web REV2.pdf](https://sfmayor.org/sites/default/files/CSF_Budget_Book_June_2019_Final_Web_REV2.pdf)

⁸⁰ Citizen Review of Police: Approaches & Implementation, U.S. Department of Justice, March 2001 <https://www.ojp.gov/pdffiles1/nij/184430.pdf>