

Chief Passalacqua Comments on Local Law 1-2020

Introduction

These comments, directed to the Public and the Geneva City Council on proposed local law 1-2020, are submitted by me as the Geneva City Police Chief, a stakeholder designated in Governor Cuomo's Executive Order 203 on Police Reform.

Comments

<u>Area of Concern</u>	<u>Comments</u>
15-3 1 C	<p>No one should be on the Police Accountability Board ("PAB") with an expressed animosity towards law enforcement. City Council should carefully vet all candidates for appointment to the PAB to insure a fair and balanced membership.</p> <p>I am concerned that PAB could have more than one member with a felony conviction and no retired law enforcement. Possibility of bias for a convicted felon is as great as for a member of law enforcement. There should be a requirement that there be at least one retired law enforcement PAB member.</p> <p>It is a question of fairness and balance.</p>
15-3 1 E	<p>Attorney on PAB. Need parameters to insure fairness and balance, no bias.</p>
15-6	<p>Training for PAB members must be required in all areas of law enforcement, police bias, use of force, emotionally disturbed/mental health crises, body worn cameras procedures, shoot don't shoot issues, disciplinary procedures, CBA's, no knock warrants, Geneva Police Department ("GPD") general orders, police academy.</p>
15-8 subd 1	<p>Time period for GPD to complete investigation: should be sixty (60) days to complete investigation.</p>
15-9 (3)	<p>Officer interviews by PAB may violate Collective Bargaining Agreements ("CBAs")</p>

and compromise investigation, imposition of discipline, and criminal prosecutions.

15-10

Possible PAB determinations should be consistent with GPD General Orders 300 on investigations:

1. Exonerated
2. Unfounded
3. Not sustained
4. Sustained
5. Misconduct noted
6. Training issue
7. Withdrawn by complainant
8. NO findings
9. Policy issue/ Failure

15-13(3)

Access to body worn camera footage. This language is not acceptable. needs to be worked on in light of technology; time required to generate, redact, and provide footage; confidentiality; and pending criminal or civil actions. The current body worn camera policy does not allow general searches for misconduct without specifying a particular incident. May be a violation of CBAs.

15-13 (5)

Review of GPD Policies, etc. I believe the PAB will need professional guidance from an unbiased entity associated with law enforcement.

15-16

We should anticipate conflicts. For example, PAB requests documents and Chief declines to provide. Also, City Attorney can be involved in discipline issues while they are being investigated. Later, PAB has legal issues concerning investigation. May have to designate John Corcoran as Special Counsel to GPD.

15-17

Prohibition should be bilateral.

October 5, 2020

Chief Michael J. Passalacqua
Geneva Police Department