

## Review Item #3: Draft Police Budget Advisory Board By-Laws (Feedback as of Aug 26, 2020)

### 8/18- community member

Under "Membership," the proposal stipulates, "Membership of the PBAB shall be representative of the demographics of the community at large." This seems at odds with the stipulation under "Appointment of Members" which prohibits "regard to sex, sexual orientation, gender identity, race, religion, color, national origin, age, marital status, or disability." To accurately represent the demographics of the community at large, the Council must consider the demographics of the Board. If the aim is representation, the terminology used in ITEM #1 seems to me more effective.

Aside from this concern, I support this proposal.

### 8/19- community member

No on budget board

### 8/19- community member

I am in favor of all 3 proposals. I think it's time to look for change in how policing is done and how money is budgeted for the police.

### 8/19- community member

I do not support a police budget advisory board. The process should be left the way it is with no more political backing.

### 8/21- community member and supported by 9 other community members

Summary of key recommended changes in this Resolution:

#### 1. MEMBERSHIP REQUIREMENTS:

a. Members have to Successfully complete the City Budget Academy or Citizens Police

Academ

y.

i. To be affective members they have to be trained in this area in order to be actively involved and engaged in this process.

b. Members should be:

i. Registered Geneva Voters and Taxpayers

1. This is a budget area that taxpayers will be funding, and they need to be involved in this process.
2. If a resident doesn't pay City and School taxes they should not have any say in budget issues that will affect our tax assessments.

ii. Residents of the City of Geneva for 5 years and more.

1. Transient residents, such as college students, do not have a stake in our budgetary process.

2. Appointment of Members:

- a. Community Members meeting membership requirements will be appointed by City

Council

- i. This reinforces the importance of members completing training that will help give them the tools to be effective. THIS INCLUDES THE CITY COUNCIL MEMBERS AND THE CITY COMPTROLLER!

8/22– community member

This one seems even more egregious. Bylaws for a budget advisory board? Do we need bylaws for the resident budget academy now, too? For the protection of the city? Egads!

Maybe check out this website for some guidance, keeping in mind that Geneva allows for only ad-hoc committees (see my prior email and your own City Charter).

<https://www.ca-ilg.org/post/budget-advisory-committees>

You already passed a resolution that tells the who, what, when, and why. I am sure you can come up with the where. There isn't anything left for you to do but do it.

Look at this ringing endorsement (from that website referenced above) that discusses why you might allow this to happen without slowing it down with bureaucracy:

"One staff member said, "The budget advisory process made some staff very nervous, especially because we were inviting community leaders who had been critical of the city in the past. But they found that when you give reasonable people the same information, they generally come to similar decisions if they've come to the process with an open mind."

Staff members report that this process helped improve the agency's relationship with the business community and enhanced public trust in general. It has also provided a mechanism for streamlining the public hearing process on the budget."

Imagine that--involving the governed in governing! Please explain to us why you find the concept so threatening that you need the protection of bylaws before even getting it started.

8/23 – community member

I am writing to endorse the urgent need for a Police Budget Advisory Board (PBAB), but as with the responsibilities discussed with the Police Body-Camera Policy Task-Force, there is a very real problem with the term “Advisory.”

While the framework of the PBAB is sound (the make-up of the PBAB, its mission/action points, the process of filling the PBAB), the advice or recommendations can be discarded by the Police Department or the City unilaterally:

**All recommendations of the board shall be advisory only and shall not be binding on City Council, City Management, or Geneva Police Department. City Budget procedures set forth in the City Charter, the General City Law, the Local Finance Law, and other applicable laws and regulations shall control all Geneva Police Department Budgeting procedures.**

If the PBAB recommended, for example, a shrinking of the police force or comparable budget cuts to the GPD that other city departments have had to undertake, the GPD could reject those recommendations. As has been discussed in various teach-ins over the summer, the GPD’s size far exceeds the needs of a city of Geneva’s size. One is either faced with the notion that Geneva is a city seething in violence (crime statistics from the FBI do not support this) or the GPD is grossly incompetent (hence more officers to deal with crimes of boredom or desperation [vandalism, petty larceny, small-time drug offenses] because the City has consistently under-invested in the quality of life resources to curtail such acts) . . . or perhaps the GPD or the Police Union just know the pressure points to extract what they want from the City.

Do not be put off by such nonsensical claims that mere citizens don’t know how to allocate funds or that mere citizens would be “micro-managing” the GPD, or that mere citizens don’t understand the nature of policing. The City Council is comprised of “mere citizens” who have to do quite a bit of “micro- managing.” Budgets are not rocket science; they are, however, exercises in ethics: what is given value and what is not, who is essential and who is disposable.

Thus **the passage cited from the proposed By-Laws is a poison-pill**. In fact, if the PBAB goes through as envisioned it may, under the guise of “educating the public about the budgeting process,” simply whitewash the whole police budget. The point of holding “public meetings” is great—but it is also a cynical way of letting the “public” blow off steam and then continue with business-as-usual.

Let’s begin by renaming this task-force to **Police Budget Review Board**—drop the “Advisory” from name and role. Let its recommendations become policy; or if some particular point is in dispute, let that point come before the City Council for in public debate and vote.

However, if this PBAB remains as written, it is Pablum, it will serve as a piece of propaganda, and eventually wither away, as forgotten and in such disrepair as the boat landing facilities the City “maintains.”

Do the right thing, and rewrite this very important administrative element that will promote a good and efficient police force—or let's call the department after what its building is named, the Public Safety Department. Words matter.

8/23 – community member

1. I am concerned that the Task Force recommendations are not seen as binding on the city given that members of the Task Force include members of city council, the Chief of Police, and the City Controller - in addition to the vitally important community members. It seems to me that this group is uniquely structured to be able to make meaningful policy that best reflects the needs of all parties - residents, police, and the city government - and that therefore best serves Geneva. The Task Force recommendations need to be binding in order to ensure that special interests do not decide to ignore them.
2. I am very concerned about the problematic idea that all members be : "Willing and able to have open minded conversations about the police budget and not display a bias towards one side or the other." This language must be removed from the bill.
  1. How does one assess whether or not someone displays "bias" towards one side. Would having spoken at a council meeting in favor of police accountability be used to disqualify candidates? What about having spoken against one? What about a city council member who introduced this legislation?
  2. It is impossible for people to be entirely objective about things. We always are shaped by the institutions and structures in which we function. As an educated white person who grew up middle class, my bias might be towards seeing the police as people who serve the common good due to the fact that if I call the police they take my concerns seriously and I have limited interaction with them outside of when I call them. My Black friends, however, have been pulled over multiple times for no reason and they do not see the police as community members who protect and serve them. Neither of these opinions constitutes bias. Nor is it bias to look at research about racial inequities in policing and believing that we must restructure our police departments to eradicate these differences.
  3. This language suggests that there are two sides to police budgets. What on earth are these two sides? A budget and not a budget?
3. There needs to be consideration made in the formation of the membership from the community to include people with specific knowledge about things like mental health care, homelessness, drug addiction, etc. We need people on the committee drawn from organizations that can help the city best address issues that would be better solved by groups other than the police. This is essential in terms of determining how city resources are spent. Demographic representation is important, but it is by no means the only thing that should be taken into account.

8/23– community member

I strongly support the formation of a Police Budget Advisory Board. The police work for the city, and we deserve to have a say in their priorities and spending. This is another critical component of making the police force accountable to the citizens it is meant to serve, and I believe that everyone who loves the city should be in favor of that.

8/24– community member

My sense is that the by-laws for the Police Budget Advisory Board could be improved by increasing the board's responsibilities towards the public. The Introduction section emphasizes accountability and transparency—but to whom? The public? The City Council? In the draft by-laws, the only requirement toward the public that I see is that the board must make some of its meetings open to the public. (Or is it intended that all meetings be open to the public? I found that unclear.) More generally, it seems to me that a more formal, written record of the board's work would be beneficial to the public. It is unclear to me whether the intended accountability/transparency is meant to be provided directly by the PBAB or indirectly by the City Council, but it seems to me that Genevans would be best served by hearing directly from the PBAB.

8/24 – community member

Why the Geneva police department needs a Police Budget Advisory Board

I believe the Geneva police department budget needs to be reviewed and revised by an Advisory Board because in my opinion they are budgeted too many funds for items that are not really needed in a small city like Geneva. In fact, the Geneva police department's budget is 20% of the total city budget, whereas Ithaca's police department budget is only 19% of their total city budget. As you know Ithaca's population (31,000) is more than twice as big as Geneva's (13,000). It makes sense that Ithaca would have a police budget that is 19% of their total city budget because they have more people to police and more crime, in addition to a MUCH larger University community that comes and goes throughout the year.

And why do the Geneva police need to spend money on a chemical weapons arsenal? I might understand this in a city like NYC or Chicago with large populations, but in Geneva, no way.

It is time to also look at the number of police officers Geneva has in comparison to other towns of its size. When you do that you find that Geneva has 34 sworn police officers, more than cities of similar sizes like Oneonta, Olean, Glens Falls, Tonawanda and Batavia. Why is this the case? Is this really needed? I do not believe so.

I think the police budget should be reviewed and where discrepancies such as these are found, the budget needs to be revised and some of that money needs to be budgeted to other areas such as education, childcare, mental health, etc. All of these areas desperately need more funds and they could get them by redistributing the amount of money the police department receives.

This is why I believe the city of Geneva needs a Police Budget Advisory Board.

8/24 – community member

I have fewer comments about this draft, but they are generally in the same character as the comments I made about the Task Force founding document. More concise and clear is better, and giving the Chief of Police redundant power over himself is odd and unnecessary.

1) Under "Purpose", in the fourth bullet, I would recommend that you insert "to City Council" after "recommendations": "Generate recommendations \*to City Council\* for the GPD budget development process." (Unless I'm misunderstanding that, and it's actually just recommending to the GPD.)

2) Under "Responsibilities" (paragraph 1) this seems to be a kind of new preamble again, and to set a new and different priority for the group.  
Perhaps beginning this paragraph with "In addition to driving creativity, accountability and transparency in the Police budgeting process..."

3) 2nd paragraph of Responsibilities. The Police Chief should not "provide direction" (control) over his own review process, but should "make suggestions": "The City Comptroller and the Police Chief make suggestions to the PBAB on which areas they should focus [on], aligning with the City's budget process." (You actually do need both prepositions--perhaps less awkward would be "make suggestions to the PBAB [about] which areas they should focus [on], aligning....")

4) Minor point but in the bullet list, I might want to see "Assisting in educating the community about the budgeting process \*and appropriations\*" (add those last two words). Budgeting is only half the process, right? Appropriation is the follow-through. Seeing how all of it works would be helpful.

5) The "All recommendations shall be advisory only" paragraph is unnecessary, by virtue of the fact that they are an "Advisory" board by their very title. This paragraph seems another palliative toward assuring people that citizens will have no real power over the police.  
That's not really the point City Council was trying to make by passing a resolution to set this up. I strongly recommend removing this paragraph.

6) Membership. Again, I don't think the Police Chief should be a voting member of a board designed to review the Police department, a power he already holds on a dramatic and daily basis. Otherwise, you're in a circular power structure again of the police advising the police on how to run the police. The Chief's role should be informational and advisory to the advisory board, not voting. I have less of a problem with the comptroller being a voting member of the board, since that role doesn't already have the power of the executive over the police department, but with the quorum math changed with the removal of the Police Chief, it might be helpful to make that a non-voting role as well.

7) Membership requirements. Bullet 5. Delete "and not display a bias toward one side or the other;" As in the Task Force document, this would disqualify 100% of City Councilors, who have already voted (taken sides) on this subject, and the word "sides" is so subjective as to be almost useless without lengthy context that would gum up the document. A commitment to being "Open-minded" should suffice.

8) Because it is the stated purpose of the PBAB, it might be helpful to note under requirements that individuals should be dedicated to creative thinking, accountability, transparency, and sharing information with community members.

9) Chairperson. This paragraph should just be "MEETINGS" and talk about the comptroller presiding at meetings unless the board elects a chairperson. This depends somewhat on quorum math if the Police Chief is given a voting membership on a board designed to investigate himself (which I believe is excessively poor government).

8/24 – community member

Many of the same concerns re-appear in the proposed by-laws for the Police Budget Advisory Board

Specifically:

—“Work in collaboration” with City Comptroller and PC. No, the Board as established by the legislation is independent. Instead, the by-laws should direct the CC, Comptroller, and PC to provide all necessary information and consultation to the Board.

—“foster a deeper understanding of police appropriations.” No, again, if the PD or CC wants to establish a PR Board it should do so separately from this Board.

—The Comptroller and PC do not by statute “provide direction” to the Board. A totally non-statutory and undemocratic insertion. Really, where is all of this coming from?

—The list of responsibilities seems benign enough, but given the completely arbitrary nature of the structural impositions the by-laws make, I would be inclined to suggest Councillors think carefully together about what responsibilities they want to task this Board with.

—Membership. Here the departure from statute and legislative intent is even more egregious than in the Bodycam Task Force. There is in fact NO statutory requirement for the Board to have representation from any body of City government. No Councillors, no police chief, and no comptroller. Now, CC, Comptroller and PC should be directed to provide any necessary information or consultation. But there is no basis for permanent membership on the Board whatsoever. Instead, the only statutory direction is that the membership be “representative of the demographics of the city at large.” As written here, the membership of the Board would automatically violate this clause. The membership section is arbitrary and subjective and will need to be completely rewritten.

—“strongly recommended.” By whom? By what agency? Further gratuitous, vague, passive, undemocratic, subjective, and non-statutory language that must be removed.

—The same subjective language about membership requirements reappears here: “open-minded,” no “bias,” “willing and able” to do what city council says, etc.—who, for instance, will judge whether an applicant is “active in the community”? Purely subjective language that, contrary to the stated intent, absolutely ensures a biased selection process.

—“City Council representatives will be chosen by the mayor.” Since there are no city council representatives on this Board, this can be discarded

—Making the Comptroller the chair is totally undemocratic and non-statutory. Once again, if CC wishes it may direct the Comptroller to advise as necessary, but it may not dictatorially appoint him chair without statutory provision.

—Again, without seriously reconsidering the faulty membership section, the quorum becomes at best arbitrary and at worst willfully subverts democratic legislative intent.

8/24 – community member

While I strongly support the formation of a Police Budget Advisory Board, I think that the PBAB (as described in the current draft proposal) will not be a meaningful tool to improve trust and transparency

between the GPD and the residents of Geneva. As such, the current draft is not acceptable. Two specific concerns I have are:

1) I am concerned that in the second paragraph of the “Responsibilities” section, the current proposal states that “the PBAB operates at the discretion of the Geneva City Council. The **priorities of the GPD, City Council and the city finances guide the work of the PBAB. The City Comptroller and the Police Chief provide direction to the PBAB on which areas they should focus** aligning with the City’s budget process.” This does not sound like an institution that can improve accountability and provide creative suggestions on how the GPD budget can best serve the residents of Geneva. I am especially concerned by the power given to the GPD and the Police Chief to set priorities and provide direction. This would not be a source of independent oversight and input.

2) One of the Membership Requirements is: “Willing and able to have open minded conversations about the police budget and **not display a bias towards one side or the other.**” Does this mean that people who are connected to either the police, or people who have advocated for modifications to GPD funding will be disqualified from serving? I understand the importance of members being open-minded and willing to consider creative new ideas, but if the Police Chief sits on the board, then there will be one PBAB member with a bias in favor of the GPD. Limiting community membership to people who have no current “bias” related to police funding could both limit participation by people with valuable experience, and skew the power of the PBAB in favor of the GPD. On the contrary, board members who understand and are concerned about the disproportionately negative experiences of communities of color with the GPD seems essential.

#### 8/24 – community member

1) My first comment is a general comment regarding transparency in the stakeholder consultation process. From the City Manager's Geneva Police Reform Consultation Plan, we know that the City Clerk will be making available compiled comments, but this begs the question of how the feedback will be compiled for presentation. Furthermore, the City Manager's Plan states that in consulting with the community, there will be an emphasis "in areas with high numbers of police and community interactions." The City's Police Reform Plan Stakeholder Information Page does not indicate how this emphasis will be executed.

2) Second, there is no transparency regarding the need or function of By-Laws for the PBAB. I looked through the City's webpage for boards and commissions. I did find By-Laws for the Local Development Corporation, but not other boards or commissions. The Public Arts Committee is an Ad-Hoc Committee established by City Council in 2012 and has a working document that is dated 2014. It is necessary for the City to provide some explanation regarding why By-Laws are being drafted for the Body Camera Policy Task Force and for the Police Budget Advisory Board.

Now for comments specific to the proposed PBAB By-Laws. My emphasis concerns the role of the PBAB as an independent oversight entity over GPD appropriations and associated priorities as well as the PBAB as a body constructed in the spirit of the Governor's Executive Order 203.

3) There are several statements in the proposed PBAB By-Laws that jeopardize the independence of the PBAB. Notably, the proposed By-Laws state (i) that the work of the PBAB will be guided by the priorities of



the GPD; (ii) that direction regarding areas of PBAB focus will be provided by the City Comptroller and the Police Chief; (iii) that the PBAB will collaborate with the City Management, including the Police Chief; and (iv) that the Police Chief and the City Comptroller will be members of the PBAB. To be independent, to improve police-community relations, to engender trust in the GPD, to increase the perception of transparency in City governance and policing, and to provide residents an authentic voice in the policing services they receive, the PBAB must be independent from the GPD and City Management without even the appearance of interference.

4) The PBAB, consisting solely of City Councilors and community members, must control its own agenda, its own areas of focus, and its own priorities. If the City Administration desires the PBAB examine a particular issue, then the City Administration can request that the City Council give the PBAB such direction.

5) Membership criteria for the PBAB must include a prior interest in contributing to the improvement of policing in Geneva and must encourage the appointment of members--residents and councilors--who have displayed an interest in addressing the particular needs of communities of color and disproportionate policing of communities of color.

#### 8/24 – community member

##### Responsibilities:

“The PBAB operates at the discretion of the Geneva City Council. The priorities of the GPD, City Council, and the city finances guide the work of the PBAB. The City Comptroller and the Police Chief provide direction to the PBAB on which areas they should focus aligning with the City’s budget process.” – The PBAB should be independent of GPD and the comptroller, all direction and control of the board should be decided upon by the members of the PBAB through a vote.

##### Membership:

My sentiments are the same from item #2. Again, I like the idea of the police chief being present but do not like him voting. The city comptroller and counselor’s votes should take the chief’s opinions into consideration but the police chief having a vote would be an automatic nay on many actions. I would suggest the chief’s membership be replaced with either an additional community member or city counselor position. Members being from different wards could also be a good idea.

##### Membership Requirements:

“Willing and able to complete all necessary training as required by City Council”. This is fine as long as the budget academy and other trainings are free and reasonably accessible/available.

#### 8/24 – community member

I write today about the ‘City of Geneva Police Budget Advisory Board By-Laws’. The purpose of the task force is an important one to examine the Geneva Police Department’s (GPD) budget, line-item expenditures and associated policy priorities within the GPD budget; review and share information with

constituent groups; and generate recommendations for the GPD budget development process. These are very important roles and responsibilities that have an important function to increase transparency and community involvement in these matters.

I have a few comments about the wording of the document that are similar the concerns I raised about membership on the Policy Body Camera Task Force:

- 1) Representation on the task force is going to be very important. If it is to be a robust task force that reflects the community concerns that have given rise to the need for this task force, then it must truly be representative of the Geneva community.

I have significant concerns with the wording of parts of the resolution which appear to be an attempt to restrict community participation on the task force, in particular statements like members should be 'willing and able to have open-minded conversations' or 'not display bias towards one side or another' about the budget.

-being 'open' is a vague, unmeasurable concept.

-The statement predisposes that there are two 'sides' to budgetary matters. The requirement that someone not display 'bias' towards one of these supposed 'sides' seems like a direct attempt to make sure that anyone who has an opinion or an experience that is different than the people making membership determinations could be considered as having a 'bias'. Bias is slippery, and accusations of bias can be used as a way to eliminate participation who may not have the same opinion as someone else. This seems to be a biased statement in and of itself that codifies presumptions about this process and the members of the task force.

These additions have been built into what should be a succinct, cut-and-dry resolution and seems to be aimed at including some sort of 'litmus test' that could be used to justify unfair discrimination against participants who may be determined to not be sufficiently 'open'. All of these types of statements should be stricken from the proposal.

- 2) The PBAB should coordinate with and take direction from the Police Accountability Board, too, since this new entity's charge is related to examining police policies and practices. The PAB would be important to involve in this process in a structured and meaningful way. Representation of the PAB should be on this board, too.

- 3) The membership configuration and voting seems to be robust in including community participation, representation, and voice which is important. It is a contrast to representation on the Police Body Camera Task Force.

Additionally, the membership of this board should include community members with a deep understanding of the social issues that impact Geneva, including mental health, homelessness, poverty, food insecurity, housing challenges, discrimination and inequality. Having a deep knowledge in these areas will help the PBAB in its analysis of the budget and expenditures.

## 8/24 - Family Counseling of the Finger Lakes

Item #3: “Willing and able to complete all necessary trainings” – what are these? Who approves the training topics? Screening question in item #2 applies here as well. Are they wanting members with a financial background other than maybe attending the City’s Budget Academy. “Holding meetings that are open to the public” – just to hear to meeting? Can input be provided or is this just for transparency purposes? Are community members on this advisory board given information about what the GPD sees as their budget priorities and the “why” behind decisions are made about budget?

## 8/24 – community member

### “Responsibilities”

This section begins by saying: “The PBAB serves as a source of information for interested community members to foster a deeper understanding of police appropriations and promote transparency.” While I agree that this should be a responsibility of the PBAB, I do not believe this should be its primary function, which is how it is positioned in this document. I believe that the PBAB’s primary responsibility should be to provide community feedback on the police budget; something which is largely absent from the current by-laws. Some of the items in the bulleted list can be read to suggest this function (for example that the PBAB will be responsible for “making recommendations regarding GPD budget priorities” and “recommending cost reduction strategies”) but none of these emphasize that this is a *community* perspective.

Indeed, instead, several parts of this “Responsibilities” section suggest that it is the police perspective that will be foregrounded here. I’ll give two examples:

- The document reads: “The priorities of the GPD, City Council, and the city finances guide the work of the PBAB.” Nowhere in that sentence does it include the priorities of the community/city residents. Yes, the City Council is elected to represent the people of the city, but I believe that we are establishing this board to give more direct community feedback on the police budget specifically. Therefore, to not include that in the list of “priorities” effectively neuters the board.
- It later reads: “The City Comptroller and the Police Chief provide direction to the PBAB on which areas they should focus aligning with the City’s budget process.” While I’m sure their guidance and input will be welcome, putting this in the by-laws suggests that the community members on the PBAB are just along for the ride and cannot set (or even shape) the agenda. Moving forward, I would be concerned about how this would restrain the board and limit its effectiveness.

I will add that I understand that we are looking for a balance of priorities—police and community— and I respect that. At present, I would argue the document skews to privilege the police perspective, which is what the initiative to create this board is looking to remedy in the first place.

**I therefore suggest the following revisions to the “Responsibilities” section:**

- 1. After the section heading, a new first paragraph should be added which reads: “The PBAB will provide community feedback on police appropriations. It will serve as a bridge between the community and police chief and city government in order to ensure that the priorities of all 3 stakeholders are taken into account and reflected in the police budget.”**
- 2. The second sentence of the current second paragraph (“The priorities of the GPD,**

City Council, and the city finances guide the work of the PBAB.”) should be removed (since the new first paragraph would cover this matter of “priorities”).

3. The current third sentence of the current second paragraph should read: “The City Comptroller and the Police Chief ~~provide direction to the PBAB on which will~~ recommend the areas they feel the PBAB should focus on aligning with the City’s budget process.”

“ Membership Requirements”

I do not know why voter registration is important as a requirement for someone to sit on the PBAB. It seems that it would provide no additional qualification or benefit to the member. **I would recommend removing this first requirement for membership.**

There is a word missing from the fourth bullet point. **It should read: “Willing to attend ALL meetings.”**

“ Meetings”

The section currently concludes with the sentence: “PBAB Members shall attend all meetings.” Clearly given what comes before (about the number of members needed for a quorum) and what comes after (about recommending removal after missing 2 meetings for non-emergency reasons), it is simply a suggestion/request that members attend all meetings. **I would recommend revising the sentence to read “PBAB Members shall do their best to attend all meetings” or something similar (or remove the sentence altogether as this is already reiterated in other parts of the document).**

### 8/25 Peoples Peaceful Protest

Our feedback on the proposed Police Budget Advisory Board (PBAB) By-Laws concerns (I) the independence of the PBAB from the Geneva Police Department (GPD), the City Comptroller, and the City Administration generally and (II) the PBAB membership requirements. ***With the proper constitution, the PBAB will have the ability to improve community-GPD relations, engender community trust in the GPD, and assist in improving policing for all members of the community, including individuals of color.*** The following feedback has been written with these objectives in mind.

#### **(I) Independence of PBAB from City Administration**

The City Administration—including the City Comptroller, the Police Chief, and the City Manager—oversee the GPD budget and associated priorities. The intent of the PBAB is establishing an independent civilian entity which provides advisory guidance of its own on the GPD budget and associated priorities. ***Undermining the independence of the PBAB by codifying influence of the Police Chief and City Management on the PBAB’s agenda, priorities, and areas of focus severely inhibits the improvement of community-GPD relations and growth of civilian trust in the GPD that otherwise would be generated by the PBAB.***

Whereas the purpose of the PBAB in Resolution 35-2020 consists of two elements, the proposed PBAB By-Laws add two addition purposes:

- (a) Working “in collaboration with the City Comptroller and the Police Chief”

(b) Sharing “information with constituent groups.”

The latter (b) represents a useful function of the PBAB, but should not be elevated to the status of a primary function by being included as a purpose.

Greater concern exists regarding the ambiguity of working “in collaboration with the City Comptroller and the Police Chief to examine the Geneva Police Department’s (GPD) budget.” This ambiguity generates the possibility of undermining the independence of the PBAB and in association with proposed Responsibilities and Membership is assured to undermine independence. To provide advisory guidance on the GPD budget and associated priorities, the PBAB necessarily must receive information from and consult with the City Comptroller and the Police Chief. What further collaboration is necessary for performing the PBAB primary functions which are stated in Resolution 35-2020? ***Consulting with the City Comptroller and Police Chief are implicit in the purposes of examining and generating recommendations for the GPD budget; consulting with or working “in collaboration with the City Comptroller and the Police Chief” should not be stated explicitly as a separate purpose.*** In the Responsibilities section of the draft proposal, the following passages directly undermine the independence of the PBAB:

“The priorities of the GPD...guide the work of the PBAB”

“The City Comptroller and the Police Chief provide direction to the PBAB on which areas they should focus.”

The Police Chief and the GPD have direct influential discretion over the GPD budget. With this influence over the GPD budget, the Police Chief and the GPD directly assert their priorities and agenda for areas of focus. To provide independent, civilian advisory guidance, the PBAB must control its agenda without interference from the City Administration. ***In its line item examination of the GPD appropriations and its provision of recommendations to the City Council, the PBAB must have exclusive control over its agenda, priorities, and areas of focus.***

The lack of precision of the following responsibility stated in the draft proposal generates ambiguity that on its own could serve to undermine the independence of the PBAB:

“Collaborating with City Management, City Comptroller, and Police Chief.”

As already stated, examining the GPD budget and providing advisory guidance imply receiving information from and consulting with the Police Chief and other City administrators. The extent of the PBAB responsibilities to consult with City Management must be explicitly stated and ***the PBAB must not have a responsibility to consult with City Management in any way that would diminish the independence of the PBAB.***

Regarding membership, giving the Police Chief, the City Comptroller, or any City administrator the status of voting membership undermines the independence of the PBAB. The Police Chief and City administration have their direct influence and do not need an additional vehicle to impact GPD budget priorities. ***PBAB membership must be confined to elected City Councilors and community members not employed as senior staff in the City administration nor employed as GPD officers or personnel.***

## **Membership Requirements**

It is appreciated that the proposed PBAB By-Laws require members to meet minimum standards of knowledge and interest prior to beginning work as a PBAB member. To this end, the City's Budget Academy and/or Citizen's Police Academy, as long as they are free and readily available, may serve as useful tools and the City Council devising trainings may be advantageous. However, participation as a voter is not a legitimate minimum standard of interest. Extremely committed community participants with a deep understanding of Geneva and its policing needs may choose as a course of their civic duty to not participate as voters. Moreover, restricting membership to registered voters unnecessarily excludes individuals who are yet to have their voting rights restored after a prior felony conviction or who do not meet the citizenship requirement to participate as voters. ***Restricting membership on the PBAB to registered voters is unacceptable.***

The draft proposal also includes as membership criteria that "members should be [w]illing and able to have open minded conversations about the police budget and not display a bias towards one side or the other." One is at a loss trying to interpret this criteria. Do the City of Geneva Code of Ethics not govern discourse and conduct of City board members? If so, then is it not redundant to require members have "open minded conversations?" If not, is it not sufficient and more efficient simply to include as a criteria that members are subject to the Code of Ethics? ***The Code of Ethics should govern the conduct of PBAB members***

Most concerning, is establishing a criteria that PBAB members display no prior bias. In the appointment of members to the PBAB, the City Council is not selecting a jury for a criminal or civil court proceeding; prior knowledge and awareness of relevant issues should be encouraged, not excluded. In fact other elements of the proposed membership requirements clearly indicate the PBAB must be filled with members who display a prior base of knowledge and interest. How can one simultaneously (i) have a prior base of knowledge and understanding and (ii) display no prior opinion (bias) on GPD budget priorities? Moreover, how can the PBAB be among the City's response to the Governor's Executive Order 203 if the City explicitly *only* seeks members who display no prior bias in wanting to address the particular needs of communities of color? ***Membership criteria for the PBAB must include a prior interest in contributing to the improvement of policing in Geneva and must encourage the appointment of community members and Councilors who have displayed interest in addressing disproportionate policing of communities of color.***

To confound the problematic nature of this criteria, the draft proposal presupposes the existence of two opposing sides with regard to GPD line item expenditures and associated policy priorities. As one tries to imagine the intended interpretation of "not display a bias towards one side or the other," one becomes exceedingly convinced that the author(s) of this criteria is (are) not able or not willing to meet the minimum standard of knowledge and interest to serve on the PBAB. ***The author(s) of this criteria must be disqualified from serving on the PBAB until they display an appreciation for the complexity of the police budgeting process and its impact on the residents of Geneva.***