

**A Brief On The Proposal for a Civilian Review Board
for the City of Rochester Police Department**

**Prepared by John S. Walker, Chair
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Preface

Though not in its complete form this proposal is not to be considered a legal document, we have no legal precedents. However, once completed and approved by the United Christian Leadership Ministry, here in, referred to as UCLM, and the people, it will stand the test of legal scrutiny by it being a practical document when viewed from the standpoint of recommendations and implementation.

This proposal is not to be misinterpreted as an attack upon the Rochester Police Department. But it is a direct attack upon the abuse and misuse of police power given to law enforcement personnel for the equal protection of all citizens. Police misconduct and deadly violence have for too long been a burden on black communities in the United States, and unfortunately Rochester, N.Y. has not been spared that experience. Thus, the following proposal, though abbreviated in form, is calling for a Civilian Review Board empowered to examine any form of alleged police misconduct upon citizens within our community and to recommend, without malice, an appropriate and an official judgment. And while such a Civilian Review Board will be empowered in part, to advocate for our oppressed community at no time will it ever support criminal activity or wrongdoing by any element within it.

The proposal calls for the Civilian Review Board (C.R.B.) to have the right of subpoena power and argues strongly for disclosure of Grand Jury Proceedings.

It is the contention of the UCLM that this proposal is bound with and to the oppressed community and the progressive community, both which seek justice. This proposal is being presented with the community's consent, and must bear perceptive language from the point of view of the community; thus this proposal will emphatically advocate for the protective rights of black, poor and oppressed people from irrational police behavior and for the reversal, dismantling or radical revision of the criminal justice system and police misconduct.

There are other tangibles included which will be definitely outlined in the final draft of this proposal that will be entrusted to the writing committee as we continue to gather data.

The concepts of the proposal's recommendations have been partly drawn by examining other major cities which have adopted similar review boards; namely, Syracuse N.Y., New York City, San Diego, California; Berkeley, California; Minneapolis/St. Paul, Minnesota; Detroit, Michigan; and Metro-Dade, Florida.

The most indispensable character that the UCLM and the community it seeks to serve must have and nurture is harmony. Injustice outrages us, and because we seek a peaceful, non-violent and progressive community we offer this document as a step in that direction.

General Purposes

- I. The general purposes of a Civilian Review Board for the City of Rochester, New York are to ensure the following:
 - a. Popular democratic control over the functions of the Rochester Police Department with an independent appointed body of local citizens reflecting the multi-national and diverse characters of our community. Needs, interests, opinions and values of the people shall have a commanding influence upon the policies, practices and procedures of police authorities.
 - b. Racism, discrimination and brutality shall be eliminated from the policies, procedures, rules and regulations of the Rochester Police Department.
 - c. Preservation of human life and respect for human integrity and dignity become essential considerations in the development of trustful relations with law enforcement personnel. Recognition and implementation of this strongly demonstrates a commitment to the basic elements of the constitutional, legal, civil and human rights of all people.
 - d. No person (citizen) be subjected to unwarranted verbal or physical harassment or abuse by police authorities because of race, age, gender, sexual orientation, or political beliefs.
 - e. That only democratic police authorities function in our communities where racial and gender composition reflects the entrance requirements, training, practices and selections made in the best interests of our community and, where individual members of the Rochester Police Department are accountable to the citizenry.
 - f. Lines of rightful responsibility and accountability for an effectively and equitably functioning police authority are clearly established and maintained.
- II. Some Powers and Duties of the Rochester Civilian Review Board

The C.R.B shall have the following powers, duties and responsibilities:

- a. Investigate and review the extent to which current 2014 police department, structure, budget, and rules and systems promote discrimination and bias on the basis of:
 1. Race
 2. Economic Status
 3. Geographic Location
 4. Gender

- b. Establish a People's Counsel to the C.R.B. with the authority to receive, investigate and litigate, as provided in this proposal, any complaint concerning the operation and actions of the Rochester Police Department.
- c. Encourage formulation of rules, policies, and regulations concerning the recruitment, hiring, training and promotion of police employees in order to ensure that Rochester's past history and effects of racial and gender discrimination are remedied. Encourage also a strong and ongoing commitment to the principles of Affirmative Action.
- d. Formulate and implement strict administrative standards and regulations for the exercise of police discretion in order to stop discriminatory selective enforcement by individual police officers on the basis of race, sex, age, and economic status; i.e. known as "Stop and Frisk."
- e. Collaborate on the future appointments of the Chief of Police for the Rochester Police Department who will become responsible to the C.R.B. for the acceptable conduct of the Rochester Police Department.
- f. Compile and publish an annual report to the Mayor of Rochester and City Council of the activities of the Rochester Police Department during the previous year and of future plans for the upcoming year.
- g. Subpoena witnesses, possibly administer oaths, take testimony and require the production of evidence. To enforce a subpoena or other order for the production of evidence or to impose any penalty prescribed for failure to obey a subpoena or other legal order. The Counsel shall have the right of application to the appropriate court.
- h. That the Grand Jury has appropriate findings made public. Public disclosure of Grand Jury actions is critical in developing trust in the Grand Jury system that leans heavily in the support and favor of police who violate civil and human rights. Legal procedure does exist for reports of Grand Jury to be made public, particularly when the public has reason to believe that true justice may not be carried out. According to a report from The Independent Citizens Commission on Police Violence Report,

"The rule of secrecy, however, is not absolute. Disclosures may be of a authorized, in the discretion of trial court, when, after a balancing of a public interest in disclosure against the one favoring secrecy, the former outweighs the latter."

How It Will Work

In the final document a full delineation of definitions found in the proposal will be included but not limited to those below:

- I. Establishing a People's Counsel of the Rochester C.R.B. Providing for the Appointment and Removal of Members thereof, and Defining the Objectives, Functions, Duties and Activities of Said Counsel.
- II. Criteria for Nominating Community Agencies. This will include composition, term of office, officers and budget.
- III. Meetings, All of Which Should Be Public.
- IV. Delegation of Authority
- V. Rules and Regulations Concerning Individual Acts and Conduct of Police Personnel.
- VI. A Complaint Procedure.
- VII. Hiring Practices
- VIII. Duties of the Chief of Police.
- IX. Monitoring Responsibilities of the UCLM.

Summary

The attached abbreviated proposal is not to be interpreted as a secular document only. When released in full form it will be the official statement of the UCLM charged by God to assume the rightful power and authority He has given to the churches to “tear down and to build up.”

This will be a difficult document for those who fear change and for those whose security rests with old and tired oppressive systems. Jesus set forth the mandate that “New wine must be poured into new wine skins.” This proposal is then a libation for change; shifting a sense of power from the City to the people. Our argument for the creation of a People’s Civilian Review Board of the Rochester Police Department will not eventuate without a struggle. It will be fiercely challenged, but we will be prepared to face that challenge.

For our proposal to succeed it will call for the adoption and support of the Rochester City Council and the cooperative spirit of the Mayor’s office. It will call for the unflagging support of both the faith-based community, and very importantly, support of both the oppressed and the progressive communities in our city. Although our proposed document will inevitably be opposed by some members of the Police Locust Club, we firmly believe it will gain the approval of a large segment of the Rochester Police Department who believe in fairness, justice and objective, impartial law enforcement.

Finally, this proposal is necessary due to the long-term abuse of police power; of the inordinate taking of human life. We do believe that the police only can police the community, that is what they are trained to do and that is what they are paid to do. But we do not believe that the police can or will police themselves. The adoption of this proposal would relieve them of that burden.

It is in the name of our Lord and Saviour Jesus Christ that this abbreviated proposal is tendered.

John S. Walker
May 2014

Resources

Report on Model Legislation for A Police Commission for Rochester, New York.

The Independent Citizens Commission on Police Violence Report.

Legislation For A Police Control Council: The National Office of the National Alliance Against Racist and Political Repression.

Genesee Valley New York Civil Liberties Union

Criminal Law: New York Criminal Procedure Law and Penal Law.



City of Rochester

July 12, 2004

Robert J. Duffy
Chief of Police

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RECEIVED
BY *AK* | DATE *7-19-04*

Dear Dr. Walker:

Lieutenant Cynthia Herriott recently forwarded to me a summary of the Law Enforcement Subcommittee of the Faith Community Alliance. I am very interested in continuing the Rochester Police Department's relationship with this committee and I will be assigning Sergeant Carlos Garcia of my immediate staff to represent me and the Rochester Police Department at all future meetings where we are invited to attend. Sergeant Garcia is a long-time veteran of the RPD and our community, and while his primary role is the Department's public information officer, Carlos also serves as a direct representative to a small number of very important committee assignments. Sergeant Garcia also has direct access to me 24 hours a day and he will be a great asset to the Law Enforcement Subcommittee of the Faith Community Alliance.

Please feel free to contact me at any time. Sergeant Garcia's phone number is 428-7033 and I will ask that he contact you in the near future in order to confirm his new role and to be able to schedule any future meetings of this committee.

As always I greatly appreciate your service to our community and I look forward to seeing you soon at a future Faith Community Alliance gathering. May God bless you and your family.

Sincerely,

Robert J. Duffy
Chief of Police

cc: Sergeant Carlos Garcia
Faith Community Alliance File



Faith Community Alliance
A Nationally Accredited Police Department



A New York State Accredited Police Department