

Police Board Gets 4 Complaints

Rochester's Police Advisory Board, created in March and appointed in May, has received four complaints to date—and rejected three as being out of its jurisdiction.

It will meet Wednesday night to decide whether it should handle the fourth complaint.

Ross J. Guglielmino, executive director and legal counsel for the nine-member board, would not discuss the case except to say that "emotional involvement of a serious nature"—rather than physical force—is involved.

THE CITY ORDINANCE, passed March 26, specified that the board is to deal with complaints of undue or excessive use of force by police.

Whether the ordinance was intended to deal only with cases of "physical violence" is a "question of interpretation," Guglielmino said. He observed that the complaint, filed by a white person, may involve a civil rights violation.

The board is still working out procedures.

On Wednesday, after deciding whether it has jurisdiction in the present case, the board will meet with Police Chief William M. Lombard to discuss the workings of the board and "endeavor to develop a working relationship" with him, Guglielmino said.

HE ALSO SAID that by Wednesday he expects to submit his resignation as a board member. Guglielmino was one of the nine appointed by City Manager Porter W. Homer on May 20, but late last month agreed to serve as executive director.

How much he will be paid has not been decided, Guglielmino said, but added that the \$5,000 which City Council appropriated for the board must cover all expenses—such as secretarial work, correspondence, telephone bills and supplies—as well as salary. The board will operate out of Guglielmino's law office at 16 State St.

Guglielmino himself disposed of the first three complaints.

The first, he said, was not a "verified" complaint. The other two involved incidents that occurred before the enactment of the ordinance creating the board and thus, as specified in the ordinance, are outside the board's competence.

HERE IS the procedure worked out for handling complaints:

On hearing of a violation, the executive director investigates. He must first "verify" the complaint. While information on a violation can come from any source, a complaint is not considered "verified" unless the individual involved is willing to attest to it in writing.

If the complaint appears to be within the board's jurisdiction, the executive director presents a report on it to the board. The chief of police gets a copy of this report and makes his own investigation.

The board may hear witnesses, although Guglielmino expects most of this task may fall to him. The ordinance does not give the board subpoena powers, he said, but the experience of a Philadelphia board indicates that witnesses are willing to appear without being subpoenaed.

THE POLICE CHIEF must file at least an interim report on his own investigation within 10 days of being notified. As head of the police department, he may take action or propose a course of action. If the board disagrees with this, an attempt will be made to reconcile the views.

If this fails, the board can make public its findings and recommendations, if it thinks this is justified.

Also, a complainant can request a public hearing, which will be held before the board reaches its conclusions.

Guglielmino noted that all complaints—verified or not—are forwarded to the police chief.