

ROCHESTER POLICE DEPARTMENT
PROFESSIONAL STANDARDS
SECTION

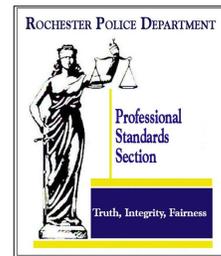


ANNUAL REPORT

January 1 through December 31, 2012



The mission of the Professional Standards Section is to preserve the integrity and professionalism of the Rochester Police Department. To fulfill this mission we will complete thorough, unbiased reviews and investigations, and ensure that all members of the Rochester community, as well as all members of the Rochester Police Department, receive responsive, courteous, quality, professional service.



The Rochester Police Department's Professional Standards Section presents its 2012 Annual Report. 2012 has been a year of fulfilling visions of continued growth in terms of improving processes, enhancing systems, and strengthening relationships.

The Department has taken full advantage of social media outlets where comments are accepted and information is shared about our organization and personnel. Our transparency is shown in MYPD APP, Town Hall and Barbershop Talk sessions with Chief Sheppard as well as:



Starting this year, the P.S.S. annual reports are listed on the City of Rochester's web site.

Chief Sheppard co-chaired a Civilian Review Board Commission where the police complaint process was evaluated. This year recommended changes were implemented that resulted from the Commission's findings. They include:

- Multiple options for complaint intake
 - Internet options and the availability of hard copy reports in City public buildings were expanded, e.g. Libraries, City Hall, etc.
- Civilian Review Board members must be City residents
- Investigative case timelines were streamlined
- Disciplinary details (in accordance with Civil Service Law) and case updates are provided to the complainants every 30-days
- Detailed P.S.S. reports are made available to the public
- P.S.S. staffing increased to six Investigative Sergeants, one Officer Administrative Coordinator and one Lieutenant to command the Section.

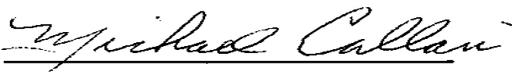
P.S.S. experienced substantial changes in personnel throughout 2012. Additionally, Command of the Section changed in mid April. This caused some delays in completing investigations; however, P.S.S. Sergeants still completed 90 investigations and presented 26 of those cases to the C.R.B., while undertaking 77 new investigations during the year.

Security and software upgrades have been made to the IA Pro System. The newest versions of the system were implemented late this year. The Early Warning System continues to be a valuable tool in identifying problem behavior and providing timely intervention for our employees.

Newly promoted Sergeants rotated through P.S.S. throughout the year for a one-day training session, affording them exposure to the IAPro system and the farm-out investigation process.

The Professional Standards Section provides many services in an effort to support the Rochester Police Department's Mission and Goals. We continually strive to improve efficiency, timeliness of investigations, and to provide quality service to the Rochester community and Department members. We will continue to evaluate processes and procedures to facilitate overall improvement.

The Professional Standards Section looks forward to 2013 and continued progress in improving the internal investigative function. Our central efforts will continue to focus on providing the Department and the community with thorough, unbiased, and timely internal investigations.

By 
Lieutenant Michael Callari
Professional Standards Section

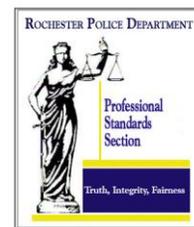


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2012 Annual Report on Police Complaints

Between **January 1** and **December 31, 2012**, Police Department personnel responded to **418,842** calls for service, for a total of **723,988** responses by Departmental units. (A response refers to each individual officer involved in the call for service). This activity resulted in the initiation of **77** citizen complaints of misconduct.

Sometimes a complaint will involve several allegations of misconduct arising out of the same incident. For example, a citizen may file a complaint alleging that an officer put the handcuffs on too tightly, sprayed him with Capstun, and was discourteous. This amounts to one complaint, which will be counted as three allegations.

The types of cases investigated by the Professional Standards Section include Citizen Complaints and Departmental Investigations. Misconduct that meets certain criteria may be resolved through the Command Discipline process. During the course of an investigation, Satellite Issues, alleged misconduct that is not part of the original complaint, may be discovered. These Satellite Issues will be addressed along with the original complaint.

The Civilian Review Board is an independent board of civilians from the community. The Civilian Review Board reviews all complaints involving allegations of unnecessary force, and actions that would constitute a crime. The Civilian Review Board also may make policy and training recommendations.

The following findings apply to all allegations:

- Exonerated - Conduct was lawful, justified and proper.
- Sustained - The conduct occurred and amounted to misconduct or misjudgment.
- Unprovable - There is insufficient evidence to prove or disprove the allegation.
- Unfounded - The act apparently did not occur.
- Office - An allegation is closed because a complainant fails to cooperate with the investigation and there is not enough evidence available to draw a fair conclusion and apply a finding.

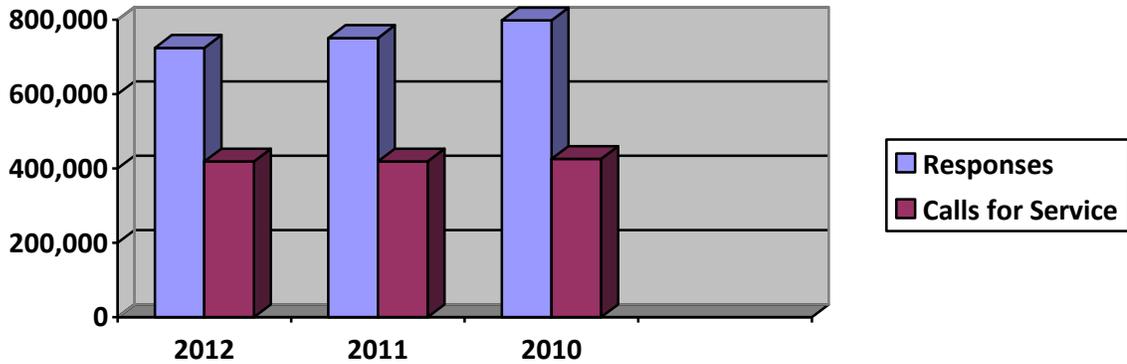
The following are figures reflecting investigations and C.R.B. reviews initiated by the Professional Standards Section through the **Fourth** quarter of **2012** and the percentage of change when compared to the previous year's totals.

	Investigations initiated through the Fourth quarter 2011	Investigations initiated through the Fourth quarter 2012*	Percentage Change
Citizen	86	77	-10%
Departmental	21	20	-5%
Total Investigations	107	97	-9%
C.R.B. Reviews	49	26	-47%
Command Discipline	9	2	-78%

* Data reflects investigations initiated, not necessarily completed in 2012.

Table 1

Responses and Calls for Service



INCIDENT REVIEWS

Incident Reviews are investigations that do not meet the criteria to become a formal investigation, but require investigative effort and documentation. Through the **Fourth** quarter of **2012**, **28** investigations were initiated as an Incident Review.

ADMINISTRATIVE INQUIRES

An Administrative Inquiry is when a PSS Investigator renders a service to a complainant, which does not need formal documentation. Through the **Fourth** quarter of **2012**, the Professional Standards Section completed **408** Administrative Inquires.

CITIZEN COMPLAINTS

Of the citizen complaints investigated through the **Fourth** quarter of **2012**, **12** allegations of misconduct were sustained. For the sustained allegations of misconduct, **12** individual(s) were held accountable.

Citizen Complaints			
Citizen Complaints: Disposition by Individual			
<u>Action Taken</u>		<u>Number of Personnel</u>	
Memorandum of Record		8	
Command Discipline		0	
Formal Charges		4	
Total		12	
<u>Below is the breakdown of Formal Charges preferred:</u>			
PSS #	Personnel Involved	Allegation	Departmental Action (per officer)
10-0401	1 Member	Procedural	Letter of Reprimand
10-0962	1 Member	Courtesy	Letter of Reprimand
11-0015	1 Member	Procedure	Memorandum
11-0643	2 Members	Procedure Courtesy	Memorandums
11-0770	1 Member	Procedure	Memorandum
11-0803	1 Member	Force	Letter of Reprimand
11-1062	2 Members	Courtesy (3)	Memorandums
11-0875	1 Members	Satellite	Letter of Reprimand
12-0955	2 Members	Procedural (2)	Memorandums

DEPARTMENTAL INVESTIGATIONS

Of the internal complaints investigated through the **Fourth** quarter of **2012**, **14** allegations of misconduct were sustained. For the sustained allegations of misconduct, **13** individuals were held accountable. They received remedial training and/or Departmental charges were filed. See below Table for the disposition of Departmental investigations.

Departmental Investigations			
Departmental Investigations: Disposition by Individual			
<u>Action Taken</u>		<u>Number of Personnel</u>	
Memorandum of Record		1	
Command Discipline		0	
Formal Charges		11	
Total		12	
<u>Below is the breakdown of formal charges preferred:</u>			
PSS #	Personnel Involved	Allegation	Departmental Action (per officer)
11-0656	1 Member	Procedure	Suspension

11-1139	1 Member	Procedure	Letter of Reprimand
11-1251	1 Member	Procedure	Letter of Reprimand
11-1312	1 Member	Procedure	Letter of Reprimand
11-1313	1 Employee	Procedure	Suspension
12-0019	1 Employee	Procedure	Suspension
12-0191	1 Member	Procedure	Letter of Reprimand
12-0281	1 Member	Procedure	Suspension
12-0744	1 Member	Procedure	Letter of Reprimand
12-0874	1 Employee	Procedure (2)	Letter of Reprimand
12-1227	1 Employee	Procedure	EAP
12-0854	1 Employee	Courtesy	Memorandum
12-0962	1 Employee	Procedure	Letter of Reprimand

CIVILIAN REVIEW BOARD (C.R.B.)

The Civilian Review Board reviews the Professional Standards Section investigations of citizen complaints and Departmental Investigations that allege an improper use of force, conduct which would constitute a criminal act, or any other investigation designated by the Chief of Police. Three trained citizens from the Center for Dispute Settlement convene to review these cases. The C.R.B. makes recommendations to the Chief of Police based on the case investigation, videotapes, and additional information, if requested, by the Board. The Board also has the authority to call witnesses for voluntary testimony. Note that certain cases may be reviewed a second time by the C.R.B. when additional information or allegations are developed.

The actions of the Chief of Police are based on the C.R.B. findings, police command reviews, the Professional Standards Section recommendations, and the Chief's own judgment.

Through the **Fourth** quarter of **2012**, **26** cases were determined to fit the criteria for Civilian Board review. The C.R.B. cases reviewed were the result of **24** citizen complaint investigations and **2** Departmental investigations, consisting of a total of **95** allegations.

The Board's review resulted in the following **95** findings for the allegations of misconduct:

Exonerated	27
Sustained	10
Unprovable	45
<u>Unfounded</u>	<u>13</u>
Total	95

C.R.B. recommendations of remedial actions, such as additional training and counseling, are not limited only to those cases where sustained findings result. In cases closed during **2012**, the Police Chief's actions taken as a result of C.R.B. advisory recommendations are as follows:

Remedial recommendations	1
Policy recommendations	0
Investigative recommendations	1

At times the Chief does not agree with the findings of the C.R.B. and comes to his own finding. The following show the investigations where there was a non-concurrence.

Non-concurrences			
PSS #	Allegation	C.R.B. Finding	Chief's Finding
11-0167	Procedure	Unprovable	Unfounded
11-0427	Force Procedure	Unprovable Unprovable	Unfounded Unfounded
11-0531	Force	Exonerated	Unprovable
11-0542	Procedure	Exonerated	Unprovable
11-0683	Courtesy Procedure	Unprovable Unprovable	Unfounded Unfounded
11-0875	Procedure	Exonerated	Unprovable
11-1001	Procedure	Unprovable	Exonerated
11-1117	Procedure	Unprovable	Exonerated
11-1425	Procedure Force	Sustained Sustained	Exonerated Exonerated
11-1445	Procedure	Unfounded	Exonerated
12-0029	Force	Exonerated	Unprovable
12-0253	Procedure	Sustained	Unprovable
12-0061	Force Procedure	Unfounded Unfounded	Exonerated Unprovable

COMMAND DISCIPLINE

Command discipline cases are investigations that are initiated by a Command Officer. Through the **Fourth** quarter of **2012**, **3** allegations, implicating **3** officers, were disposed of through the Command Discipline process.

Command Discipline			
PSS	Personnel Involved	Allegation	Departmental Action
11-0265	1 Member	Procedural	Suspension
12-0434	1 Member	Procedural	Suspension
12-0535	1 Member	Procedural	Letter of Reprimand

Data is reflective of completed investigations in 2012, and may not match investigations initiated as mentioned on page 2.

SATELLITE ISSUES

A satellite issue is an alleged violation, which was discovered through an investigation, but was not part of the original complaint. Through the **Fourth** quarter of **2012**, **2** satellite issues were sustained, **2** employees were held accountable.

Satellite Issues			
PSS	Personnel Involved	Allegation	Departmental Action
11-0643	1 Member	Procedural	Memorandum
11-0875	1 Member	Procedure	Letter of Reprimand

2012 SUMMARY OF INVESTIGATIONS

Note: A complaint may consist of several separate allegations. Under the citizen complaints column, *complaints initiated* indicate the actual number of people who initiated investigations into officer misconduct during this reporting period.

	Citizen Complaints	Departmental Investigations	C.R.B. Reviews
Number of complaint investigations initiated	77	20	<i>CRB does not initiate investigations</i>
Number of complaint investigations completed *	72	18	26
Number of complaint investigations active/open*	46 (5 cases in review) (1 awaiting hearing)	8 (3 cases are in review or awaiting a departmental hearing)	<i>CRB does not have any open investigations</i>
Closed Case Findings by allegation:			
Exonerated	63	1	27
Sustained	13	15	10
Unprovable	145	3	45
Unfounded	51	0	13
Officed	31	0	<i>CRB cannot office allegations</i>
Totals	303	19	95

* Some of the investigations completed this year were initiated in the previous year

2012 BREAKDOWN OF CITIZEN COMPLAINTS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force	5		3	4	8	44	64
COURTESY							
Discourtesy	1		9	3	7	25	45
IMPROPER PROCEDURE							
Consorting							
Damaged citizen property	1					1	2
Failed to provide medical attention			4	4		4	12
Failed to ID self			2	1		5	8
Failed to notify supervisor						1	1
Failed to take police action	1						1
Failed to take a report			2	3		3	8
False arrest						6	6
Harassment			1				1
Improper conduct / procedure	7		6	5	6	31	55
Improper tow		2				1	3
Insufficient police investigation			1		1		2
Misappropriated property / money					1	3	4
Missing citizen property / money					1		1
Other							
Unlawful search and seizure							
Untruthfulness				1			1
Pointed a firearm							
<i>Satellite Issues</i>						1	1
Totals	15	2	28	21	24	125	215

2012 BREAKDOWN OF DEPARTMENTAL INVESTIGATIONS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force						8	8
COURTESY							
Discourtesy		1					1
IMPROPER PROCEDURE							
Abuse of sick time							
Consorting with felon							
Damage Police Property		4				1	5
Divulge Police Information			1				1
Failed to file SRR							
Failed to notify supervisor						1	1
Failed to take action							
Failed to take a report							
Failed to accurately complete reports							
Failed to cooperate with internal investigation							
Failed to supervise							
Harassment / Sexual Harassment							
Improper conduct / procedure		3	1			8	12
Insubordination		1					1
Insufficient police investigation							
Left area of assignment							
Misappropriated property/ money							
Missing police property							
Unlawful search and seizure						4	4
Untruthfulness						5	5
Other (i.e. reading on duty)							
<i>Satellite Issues</i>							
Totals		9	2			27	38

Table 2

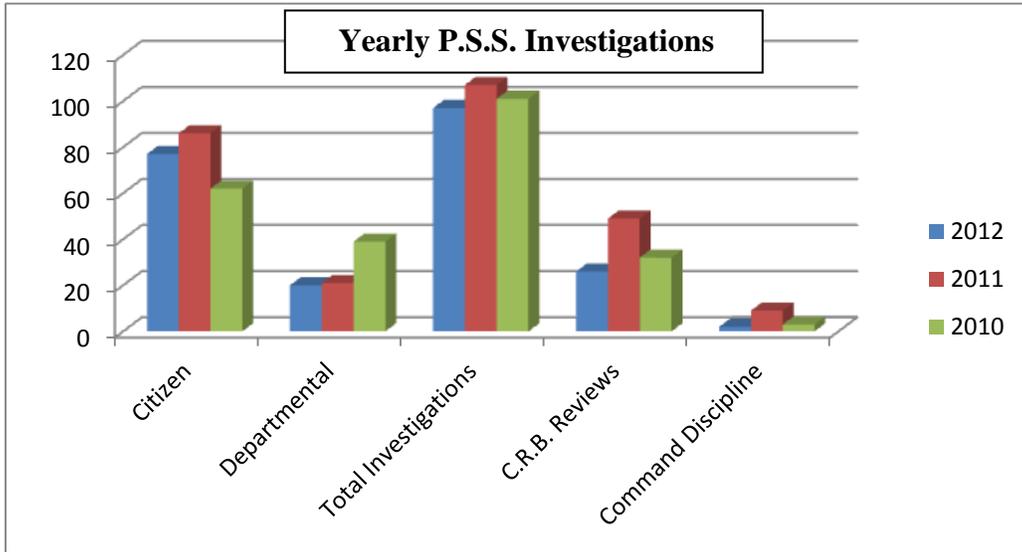


Table 3

