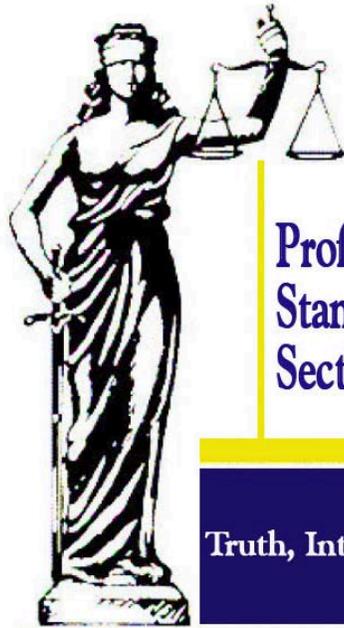


ROCHESTER POLICE DEPARTMENT



**Professional
Standards
Section**

Truth, Integrity, Fairness

**ROCHESTER POLICE DEPARTMENT
PROFESSIONAL STANDARDS
SECTION**

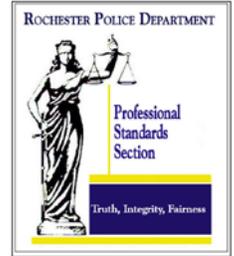


ANNUAL REPORT

January 1st through December 31st, 2020



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, timely and unbiased investigations. We ensure everyone in the Rochester community, as well as all members and employees of the Rochester Police Department receive responsive, courteous, quality, professional service.



The Rochester Police Department's Professional Standards Section presents its 2020 Annual Report. I came to the Professional Standards Section on May 27th, 2019 and have continued to try and improve our relationships and processes within our section and seek additional training for members of P.S.S.

The Body Worn Camera program has been fully implemented within the Patrol Sections of the Rochester Police Department. Professional Standards Section has made several software and hardware updates to fully utilize this program and increase transparency with the community. Since my tenure, we were able to obtain additional video analysis software that allows us to analyze and interrogate video thoroughly to ensure it is as accurate as possible when it is being viewed.

A central focus has been with our efforts to reduce case timelines. We are committed to providing fair and thorough investigations that are completed in a timely manner. In 2020, we continued our efforts to try to reduce the amount of time necessary to complete the complaint process; from the initial complaint intake, until the complainant is advised of their case disposition. Unfortunately, due to Covid-19, it has had an impact on obtaining statements due to safety and health concerns. We are still continuing our efforts with alternative means to minimize any delays in our investigative process and have had to adapt like the rest of the world has.

The Rochester Police 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 through the use of the PSS Mailbox, as well as with our websites on Facebook, Twitter, and YouTube. In addition, current and previous years, P.S.S. annual reports are available on the City of Rochester's website and part of the Open Data Portal, along with police discipline records that have since been made public due a change in the law.

Security and software upgrades have been made to our computerized disciplinary records system, IAPro. In addition to this upgrade, we have begun the process of completing digital use of force reports. BlueTeam NextGen is a product by CI-Technologies that will allow our officers to complete electronic reports that should increase efficiency and allow for additional statistical data. These updates, along with continued training will propel the Professional Standards Section to the forefront with state-of-the-art technology. The goal of 2021 is to continue to improve our Early Warning System, which can be a valuable tool in identifying problematic behavior and providing intervention for our employees before it reaches a discipline level.

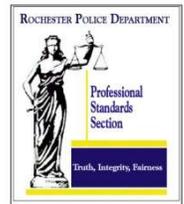
Newly promoted supervisors rotate through P.S.S. for training. The instruction that they receive exposes them to our IAPro system, the department's disciplinary system, and the farm-out investigation process.

The Professional Standards Section looks forward to 2021 and its continued progress in improving the internal investigative process. Our central efforts will continue to focus on providing the community and the department with thorough, unbiased, and timely investigations.

Lieutenant Steven Swetman
Professional Standards Section



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2020 Annual Report on Police Complaints

Between **January 1** and **December 31, 2020**, Police Department personnel responded to **298,011** calls for service, for a total of **537,497** responses by Departmental units. (A response refers to each individual officer involved in the call for service). This activity resulted in the initiation of **17** 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 ASR, 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 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:

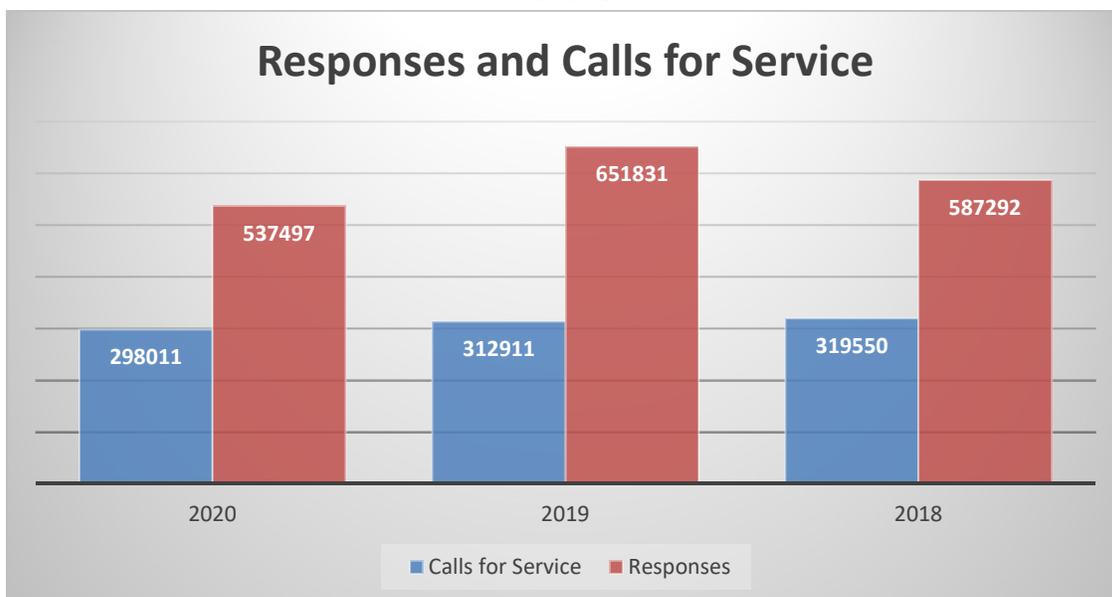
- Exonerated - Conduct was lawful, justified and proper.
- Sustained - The conduct occurred and amounted to misconduct or misjudgment.
- Unprovable - There is insufficient evidence to prove or disprove the allegation.
- Unfounded - The act apparently did not occur.
- Office - An allegation is closed 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.

Following are figures reflecting investigations and C.R.B. reviews initiated by the Professional Standards Section through the **Fourth** quarter of **2020** and the percentage of change when compared to the previous year's totals.

	Investigations initiated through the Fourth quarter 2019	Investigations initiated through the Fourth quarter 2020*	Percentage Change
Citizen	13	17	31%
Departmental	21	25	19%
Total Investigations	34	42	24%
C.R.B. Reviews	19	6	-68%
Command Discipline	2	2	-

* Data reflects investigations initiated, not necessarily completed in 2020.

Table 1



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 **2020**, **4** investigations were initiated as an Incident Review.

ADMINISTRATIVE INQUIRES

An Administrative Inquiry is when a P.S.S. Investigator renders a service to a complainant, which does not meet the criteria of a formal investigation. Each time a citizen interacts with the Professional Standards Section, an administrative entry is completed into the IPro system to document the information. Through the **Fourth** quarter of **2020**, the Professional Standards Section completed **154** Administrative Inquires.

CITIZEN COMPLAINTS

Complainant Demographic Breakdown: Of Complaints *initiated* through the **Fourth** quarter of **2020**.

	Complainants	% of Total
White	8	47%
Black	9	53%
American Indian	0	0%
Asian/ Pacific Islander	0	0%
Unknown	0	0%
Total	17	100%

Of the citizen complaints investigated through the **Fourth** quarter of **2020**, **7** allegations of misconduct were sustained. For the sustained allegations of misconduct, **5** individuals were held accountable.

Citizen Complaints			
Citizen Complaints: Disposition by Individual			
<u>Action Taken</u>		<u>Number of Personnel</u>	
Memorandum of Record		2	
Formal Charges		2	
Other (Remedial)		1	
Total		5	
<u>Below is the breakdown of Formal Charges preferred:</u>			
	Personnel Involved	Allegation	Departmental Action (per officer)
18-0187	2	Procedure (2) Procedure (2)	Suspension Suspension
19-0865	2	Procedure Courtesy	Remedial Memorandum
20-0113	1	Courtesy	Memorandum

* This data reflects those Citizen Complaint Investigations that were completed and closed out in 2020

DEPARTMENTAL INVESTIGATIONS

Of the internal complaints investigated through the **Fourth** quarter of **2020**, **39** allegations of misconduct were sustained. For the sustained allegations of misconduct, **24** individuals were held accountable. They received remedial training and/or Departmental charges were filed. The below table shows 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	
Formal Charges		20	
Other (Retired)		2	
Terminated		1	
Total		24	
<u>Below is the breakdown of formal charges preferred:</u>			
PSS #	Personnel Involved	Allegation	Departmental Action (per officer)
17-0289	1	Procedure (2) Force	Retired
17-0504	1	Courtesy / Force	Suspension
18-0563	1	Procedure / Courtesy	Suspension
18-0605	1	Force / Procedure	Suspension
18-0627	1	Force / Procedure (2) / Conduct	Termination
18-0709	1	Procedure / Conduct (2)	Suspension
19-0186	1	Conduct	Suspension
19-0215	1	Procedure (2) / Conduct	Retired
19-0827	1	Procedure	Suspension
19-1179	1	Procedure	Letter of Reprimand
19-1213	1	Procedure	Letter of Reprimand
19-1362	1	Force (2) / Procedure	Suspension
20-0015	1	Procedure	Letter of Reprimand
20-0021	1	Procedure (2)	Suspension
20-0035	1	Conduct	Memorandum
20-0039	1	Procedure	Letter of Reprimand
20-0072	1	Procedure	Suspension

20-0073	1	Procedure	Suspension
20-0078	1	Procedure	Suspension
20-0115	1	Procedure	Letter of Reprimand
20-0387	1	Procedure	Letter of Reprimand
20-0388	1	Procedure	Suspension
20-0619	1	Procedure	Suspension
20-0982	1	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, video, and any additional information 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 rulings 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 **2020**, **6** cases were determined to fit the criteria for Civilian Board review. The C.R.B. cases reviewed were the result of **2** Citizen Complaint investigations and **4** Departmental Investigations, consisting of a total of **62** allegations.

The Board's review resulted in the following **62** findings for the allegations of misconduct:

Exonerated	36
Sustained	5
Unprovable	3
Unfounded	18
Total	62

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 **2020**, the Police Chief's actions taken as a result of C.R.B. advisory recommendations are as follows:

Remedial recommendations	2
Policy recommendations	0
Investigative recommendations	1

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

Non-concurrences			
PSS #	Allegation	C.R.B. Finding	Chief's Finding
19-0557	Force	Unprovable	Unfounded
19-1028	Force (3)	Exonerated (3)	Unfounded (3)

COMMAND DISCIPLINE

Command Discipline cases are investigations that are initiated by a Command Officer. Through the **Fourth** quarter of **2020**, **2** allegations, implicating **2** officers, were disposed of through the Command Discipline process.

Command Discipline			
PSS	Personnel Involved	Allegation	Departmental Action
19-0887	1 Member	Procedure	Letter of Reprimand
20-1013	1 Member	Procedure	Letter of Reprimand

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 **2020**, **3** satellite issues in **2** cases were sustained, **3** members were held accountable.

Satellite Issues			
PSS	Personnel Involved	Allegation	Departmental Action
18-1061	1 Member	Procedure	Memorandum
19-0557	2 Members	Procedure- BWC (2)	Remedial Training

2020 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	17	25	<i>CRB does not initiate investigations</i>
Number of complaint investigations completed *	11	32	6
Number of complaint investigations active/open*	10 (0 are in the review process) (1 is in the hearing process)	16 (1 is in the review process) (3 are in the hearing process)	<i>CRB does not have any open investigations</i>
Closed Case Findings by allegation:			
Exonerated	22	21	36
Sustained	7	33	5
Unprovable	2	6	3
Unfounded	26	4	18
Officed	8	1	<i>CRB cannot office allegations</i>
Totals	65	65	62

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

Citizen Complaint Timeline

The average case completion timeframe for cases initiated and completed in **2020** and reviewed by the Civilian Review Board is as follows:

- **PSS Inv. Completion:** 91 calendar days from the date of complaint
- **Division Review:** 10 calendar days to review the case
- **CRB Review:** 14 calendar days from the date of PSS completion
- **Executive Review:** 85 calendar days from date of complaint
- **Final letter:** 90 calendar days from date of complaint

The below two tables represent the number of allegations from Investigations closed and active that were initiated within 2020.

2020 BREAKDOWN OF CITIZEN COMPLAINTS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force	3			7	1	6	17
COURTESY							
Discourtesy		1		1	1	4	7
IMPROPER PROCEDURE							
Consorting							
Damaged citizen property				5			5
Failed to provide medical attention							
Failed to ID self							
Failed to notify supervisor							
Failed to take police action							
Failed to take a report							
False arrest							
Harassment							
Improper conduct / procedure	10	3		5	4	7	29
Improper tow							
Insufficient police investigation						1	1
Misappropriated property / money						1	1
Missing citizen property / money							
Other							
Unlawful search and seizure							
Untruthfulness							
Pointed a firearm							
Bias Based Policing							
<i>Satellite Issues</i>							
Totals	13	4		18	6	19	60

2020 BREAKDOWN OF DEPARTMENTAL INVESTIGATIONS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force						21	21
COURTESY							
Discourtesy						1	1
IMPROPER PROCEDURE							
Abuse of sick time							
Consorting with felon							
Damage Police Property		7					7
Divulge Police Information							
Failed to file SRR							
Failed to notify supervisor							
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		7	4			16	27
Insubordination							
Insufficient police investigation							
Left area of assignment						1	1
Misappropriated property/ money					1		1
Missing police property							
Unlawful search and seizure							
Untruthfulness			1				1
Other (i.e. reading on duty)							
<i>Satellite Issues</i>							
Totals		14	5		1	39	59

Table 2

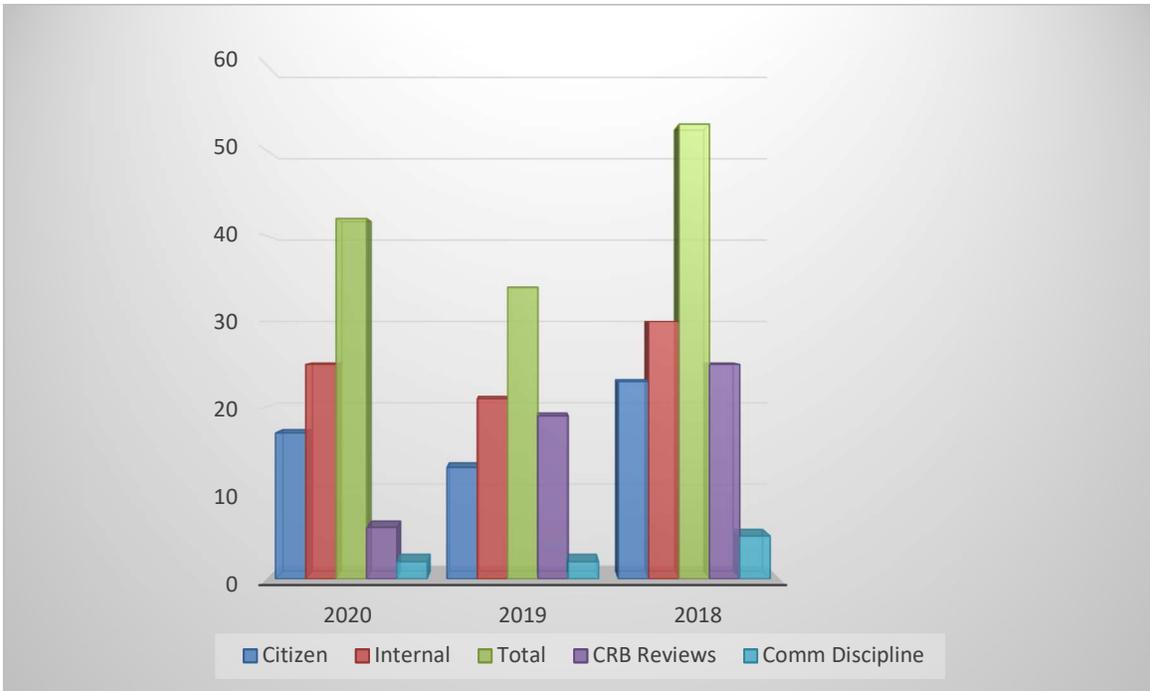


Table 3

Findings by Allegations - 2020

