

ROCHESTER POLICE DEPARTMENT



Professional
Standards
Section

Truth, Integrity, Fairness

ROCHESTER POLICE DEPARTMENT
**PROFESSIONAL STANDARDS
SECTION**

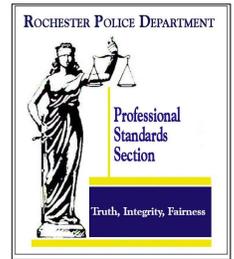


ANNUAL REPORT

January 1 through December 31, 2014



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 2014 Annual Report. 2014 has been a year of continued growth in terms of improving processes, enhancing systems, and strengthening relationships.

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 2014, we were able to continue our efforts to reduce the amount of time necessary to complete the complaint process; from the initial complaint intake until when the complainant is advised of their case disposition. Of the cases initiated and completed in 2014, and reviewed by the Civilian Review Board, the average completion time was 162 calendar days. We were able to achieve this timeline despite setbacks involving personnel shortages, which included injuries and transfers, as well as rescheduling statements of complainants, witnesses and officers who were unable to attend their original appointments. We remain committed to reduce this timeframe in 2015. A listing of our case timelines can be found in the "Complaint Section" of this report.

This year we initiated a public awareness program to help citizens understand the complaint process. We created and distributed informational forms to include a Complaint Process Flow Chart, Frequently Asked Questions (FAQs) and a Complainant Satisfaction Survey. In addition to being available to the general public, we provided the forms to all complainants during their initial complaint intake. The survey results have been overwhelmingly positive; on a rating scale of 1 (poor) to 5 (excellent), P.S.S. received an average score of 4.58 in categories that included: staff helpfulness, ease in initiating the complaint, staff impartiality, how the staff addressed concerns/questions and satisfaction in how the complaint was written.

Additionally, this year we initiated a process to streamline minor, procedural complaints. This practice will empower Section Captains to resolve the complaint and complement the Department's reorganization initiatives. This concept will also allow for a more timely resolution for both the complainant and police personnel. This year, in cooperation with the Rochester Police Locust Club and Civilian Review Board, a process was implemented to simplify allegations. This new procedure will allow for a better understanding of the complaint and how it relates to any potential violations of Departmental policies.

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, PSS Mailbox, as well as with our websites on Facebook, Twitter and You Tube. Starting in 2012, the P.S.S. annual reports have been available on the City of Rochester's web site.

Security and software upgrades have been made to our computerized disciplinary records system, IAPro. The Early Warning System continues to be a valuable tool in identifying problematic behavior and providing timely intervention for our employees. This year we also conducted an informational seminar with the City of Rochester's Office of Public Integrity to assist them with their disciplinary records system.

Newly promoted Sergeants rotated through P.S.S. for one-day training sessions. The instruction afforded them exposure to the IAPro system, the Department's disciplinary system and the farm-out investigation process. Departmental supervisory training was conducted to ensure mission standards are maintained and provide updates with our investigative procedures and protocols.

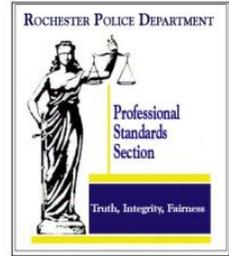
The Professional Standards Section provides many services in an effort to support the Rochester Police Department's Mission and Goals. We continually strive to improve efficiency, timeliness of investigations, and to provide quality service to the Rochester community and Department members. We will continue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

The Professional Standards Section looks forward to 2015 and continued progress in improving the internal investigative function. Our central efforts will continue to focus on providing the community and the Department with thorough, unbiased, and timely internal investigations.

By 
Lieutenant Michael Callari
Professional Standards Section



PROFESSIONAL STANDARDS SECTION



2014 Annual Complaints Report

Table of Contents

Page 2	<u>Annual Complaint Report</u>
Page 3	<i>Table 1-Responses & calls for Service</i>
Page 12	<i>Tables 2 & 3-Investigations and allegations broken down by findings</i>

2014 Annual Report on Police Complaints

Between **January 1** and **December 31, 2014**, Police Department personnel responded to **357,075** calls for service, for a total of **622,411** responses by Departmental units. (A response refers to each individual officer involved in the call for service). This activity resulted in the initiation of 30 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.

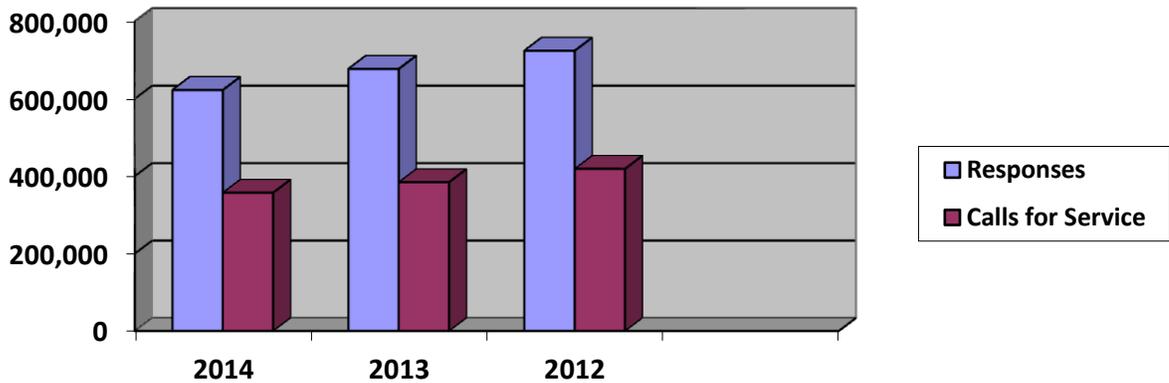
The following are figures reflecting investigations and C.R.B. reviews initiated by the Professional Standards Section through the **Fourth** quarter of **2014** and the percentage of change when compared to the previous year's totals.

	Investigations initiated through the Fourth quarter 2013	Investigations initiated through the Fourth quarter 2014*	Percentage Change
Citizen	60	30	-50%
Departmental	23	27	17%
Total Investigations	83	57	-31%
C.R.B. Reviews	45	26	-42%
Command Discipline	7	2	-71%

* Data reflects investigations initiated, not necessarily completed in 2014.

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 **2014**, **17** 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 **2014**, the Professional Standards Section completed **241** Administrative Inquires.

CITIZEN COMPLAINTS

Complainant Demographic Breakdown:

	Complainants	% of Total
White	8	30%
Black	19	62%
American Indian	N/A	N/A
Asian/ Oriental	N/A	N/A
Unknown	3	8%
Total	30	100%

Of the citizen complaints investigated through the Fourth quarter of 2014, 16 allegations of misconduct were sustained. For the sustained allegations of misconduct, 15 individuals were held accountable.

Citizen Complaints			
Citizen Complaints: Disposition by Individual			
<u>Action Taken</u>		<u>Number of Personnel</u>	
Memorandum of Record		9	
Command Discipline		0	
Formal Charges		4	
Training / Counseling		2	
Total		15	
<u>Below is the breakdown of Formal Charges preferred:</u>			
PSS #	Personnel Involved	Allegation	Departmental Action (per officer)
11-1334	1 Member	Procedure	Counseling
13-0641	2 Members	Procedure	Suspension (2)
13-0650	1 Member	Procedure	Memorandum
13-0993	1 Member	Courtesy	Memorandum
13-1167	1 Member	Courtesy	Memorandum
13-1265	1 Member	Procedure (2)	Memorandum
13-1274	1 Member	Force	Suspension
14-0020	1 Member	Procedure	Training
14-0124	2 Members	Procedure Procedure	Memorandum Letter of Reprimand
14-0263	1 Member	Procedure	Memorandum
14-0330	2 Members	Procedure (3)	Memorandum (2)
14-0926	1 Member	Procedure	Memorandum

DEPARTMENTAL INVESTIGATIONS

Of the internal complaints investigated through the **Fourth** quarter of **2014**, **16** 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. 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		2	
Formal Charges		10	
Resigned or Retired		1	
Other		0	
Total		13	
<u>Below is the breakdown of formal charges preferred:</u>			
PSS #	Personnel Involved	Allegation	Departmental Action (per officer)
13-1092	1 Member	Procedure Courtesy	Suspension
13-1254	1 Member	Procedure	Letter of Reprimand
13-1284	1 Member	Procedure	Resigned
13-1289	1 Member	Procedure	Suspension
14-0025	1 Member	Procedure	Letter of Reprimand
14-0054	1 Member	Procedure	Letter of Reprimand
14-0351	1 Member	Procedure	Letter of Reprimand
14-0352	1 Member	Procedure	Letter of Reprimand
14-0421	1 Member	Procedure	Letter of Reprimand
14-0477	1 Member	Procedure	Letter of Reprimand
14-0514	1 Member	Courtesy	Memorandum
14-0523	1 Member	Procedure	Memorandum
14-0792	1 Member	Conduct (2) Insubordination	Suspension

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 **2014**, 26 cases were determined to fit the criteria for Civilian Board review. The C.R.B. cases reviewed were the result of 23 Citizen Complaint investigations and **3** Departmental Investigations, consisting of a total of **131** allegations.

The Board's review resulted in the following **131** findings for the allegations of misconduct:

Exonerated	28
Sustained	28
Unprovable	66
<u>Unfounded</u>	<u>9</u>
Total	131

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 **2014**, the Police Chief's actions taken as a result of C.R.B. advisory recommendations are as follows:

Policy recommendations	1
Investigative recommendations	4
Training recommendations	3

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
13-0441	Procedure	Exonerated	Unfounded
13-0444	Procedure	Exonerated	Unfounded
13-0457	Force	Unprovable	Unfounded
13-0978	Force	Unprovable	Unfounded
13-1140	Procedure (3) Force	Sustained Sustained	Unprovable Unprovable
13-1146	Force Procedure (3)	Exonerated Exonerated	Unfounded Unfounded
13-1167	Courtesy	Unfounded	Sustained
13-1222	Force	Exonerated	Unprovable
14-0101	Force Force Force Force Force Courtesy (3)	Unprovable Sustained Sustained Sustained Unprovable Sustained	Sustained Unprovable Exonerated Exonerated Unfounded Unprovable
14-0168	Force Procedure	Unprovable Sustained	Unfounded Unprovable
14-0170	Force Force	Unprovable Unfounded	Unfounded Unprovable
14-0202	Procedure Force (3)	Exonerated Exonerated	Unprovable Unprovable
14-0259	Courtesy	Sustained	Unfounded
14-0330	Force Procedure	Unprovable Unprovable	Exonerated Sustained
14-0557	Procedure	Unfounded	Exonerated

COMMAND DISCIPLINE

Command Discipline cases are investigations that are initiated by a Command Officer. Through the **Fourth** quarter of **2014**, **2** allegations, implicating **2** officers, were disposed of through the Command Discipline process.

Command Discipline			
PSS	Personnel Involved	Allegation	Departmental Action
11-1149	1 Member	Procedure	Letter of Reprimand
13-1255	1 Member	Procedure	Letter of Reprimand

Data is reflective of completed investigations in 2014, and may not match the data on the breakdown of investigations initiated in 2014

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 **2014**, **6** satellite issues were sustained, **7** employees were held accountable.

Satellite Issues			
PSS	Personnel Involved	Allegation	Departmental Action
11-1149	1 Member	Failed to secure evidence	Letter of Reprimand
13-0458	1 Member	Courtesy	Suspension
13-0603	1 Member	Procedure	Memorandum
13-1140	1 Member	Failed to File SRR	Memorandum
13-1274	1 Member	Rules and Regulations	Suspension
14-0330	2 Members	Failed to File SRR	Memorandum (2)

2014 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	30	27	<i>CRB does not initiate investigations</i>
Number of complaint investigations completed *	57	21	26
Number of complaint investigations active/open*	21 (9 are in the review process) (1 is in the Hearing stage)	8 (1 is in the review process) (1 is in the Hearing stage)	<i>CRB does not have any open investigations</i>
Closed Case Findings by allegation:			
Exonerated	29	7	28
Sustained	18	15	28
Unprovable	150	4	66
Unfounded	75	0	9
Officed	12	4	<i>CRB cannot office allegations</i>
Totals	284	30	131

* 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 2014 and reviewed by the Civilian Review Board is as follows:

- **PSS Inv. Completion:** 102 calendar days from the date of complaint
- **Division Review:** 32 calendar days to review the case
- **CRB Review:** 22 calendar days from the date of PSS completion
- **Executive Review:** 142 calendar days from date of complaint
- **Final letter:** 162 calendar days from date of complaint

2014 BREAKDOWN OF CITIZEN COMPLAINTS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force	7	1	12	10	5	14	49
COURTESY							
Discourtesy			16	4	4	5	29
IMPROPER PROCEDURE							
Consorting							
Damaged citizen property				2			2
Failed to provide medical attention							
Failed to ID self			8	1		3	12
Failed to notify supervisor		1	1	2			4
Failed to take police action							
Failed to take a report		2	3			1	6
False arrest			1				1
Harassment						2	2
Improper conduct / procedure	13	5	10	1	2	5	36
Improper tow			3			1	4
Insufficient police investigation				7			7
Misappropriated property / money							
Missing citizen property / money		2				1	3
Other							
Unlawful search and seizure		1	4			1	6
Untruthfulness							
Pointed a firearm							
<i>Satellite Issues</i>		2		1			3
Totals	20	14	58	28	11	33	164

2014 BREAKDOWN OF DEPARTMENTAL INVESTIGATIONS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force	1					7	8
COURTESY							
Discourtesy		1				3	4
IMPROPER PROCEDURE							
Abuse of sick time							
Consorting with felon							
Damage Police Property		7	1				8
Divulge Police Information		1	1				2
Failed to file SRR							
Failed to notify supervisor		1					1
Failed to take action							
Failed to take a report							
Failed to accurately complete reports		1					1
Failed to cooperate with internal investigation							
Failed to supervise							
Harassment / Sexual Harassment							
Improper conduct / procedure		7	1			4	12
Insubordination		2			1		3
Insufficient police investigation							
Left area of assignment						1	1
Misappropriated property/ money							
Missing police property							
Unlawful search and seizure							
Untruthfulness		2					2
Other (i.e. reading on duty)							
Satellite Issues		5				2	7
Totals	1	27	3		1	17	49

Table 2

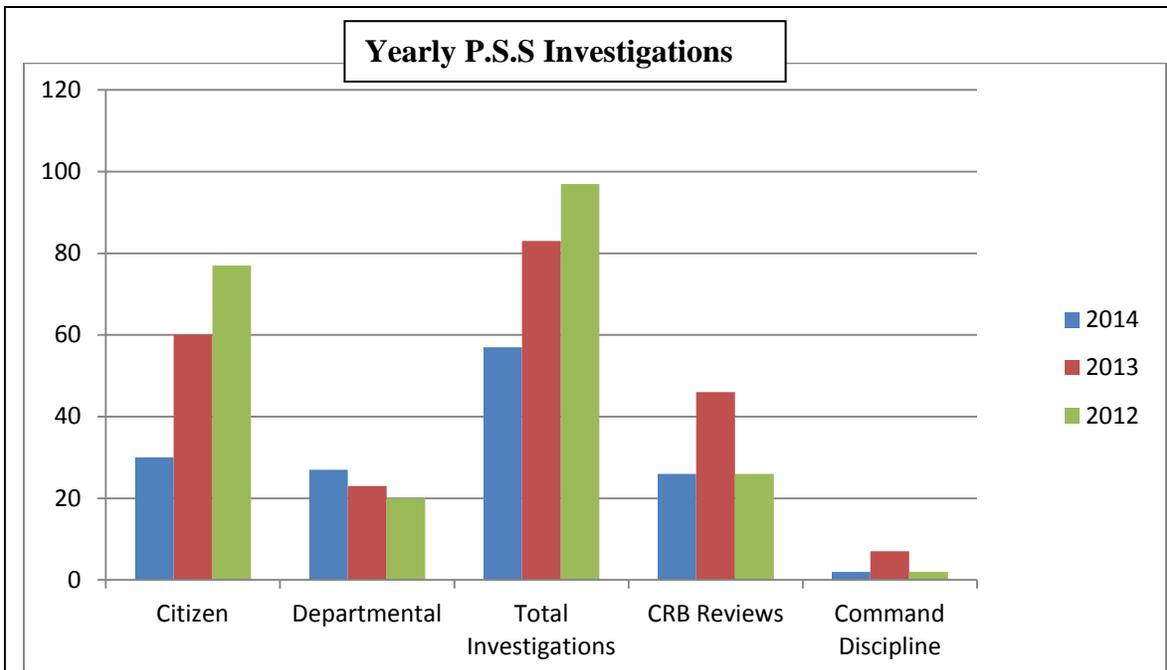


Table 3

