

**ROCHESTER POLICE DEPARTMENT**  
**PROFESSIONAL STANDARDS**  
**SECTION**

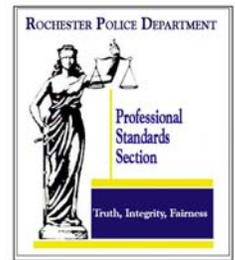


**ANNUAL REPORT**

**January 1 through December 31, 2013**



*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 2013 Annual Report.** 2013 has been a year of fulfilling visions of continued growth in terms of improving processes, enhancing systems, and strengthening relationships.

A central focus has been with our efforts to reduce our case timelines. We are committed to providing fair and thorough investigations that are completed in a timely manner. In 2013 we were able to cut in half 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 2013, the average completion time was 150 calendar days. We remain committed to even further reduce this timeframe in 2014. A listing of our case timelines can be found in the complaint report section of this report.

In an effort to be more transparent, help the public understand the complaint process, and better serve the needs of our community, we developed the following informational forms:

- Complaint Process Flow Chart
- Frequently Asked Questions (FAQs)
- Complainant Satisfaction Survey

These forms have been sent to City Hall and are available to the public. Additionally, they will be provided to the complainants during their initial complaint intake starting February 2014.

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 the Chief, as well as with our websites on Facebook, Twitter and U-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 the IA Pro System. The newest versions of the system were implemented in November 2013. The Early Warning System continues to be a valuable tool in identifying problematic 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 IA Pro system and the farm-out investigation process. Departmental supervisory training was conducted on a bi-annual basis to provide updates with our investigative procedures and protocols. Additionally, we conducted training sessions with Citizen Review Board members regarding Departmental General Orders, Use of Force protocols, Legal Issues, as well as Departmental procedures, protocols, resources, Rules and Regulations.

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.

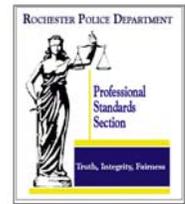
The Professional Standards Section looks forward to 2014 and continued progress in improving the internal investigative function. Our central efforts will continue to focus on providing the community and the Department with thorough, unbiased, and timely internal investigations.

By *Michael Callari*  
Lieutenant Michael Callari  
Professional Standards Section



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## 2013 Annual Report on Police Complaints

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Between **January 1** and **December 31, 2013**, Police Department personnel responded to **384,262** calls for service, for a total of **676,995** responses by Departmental units. (A response refers to each individual officer involved in the call for service). This activity resulted in the initiation of 60 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.

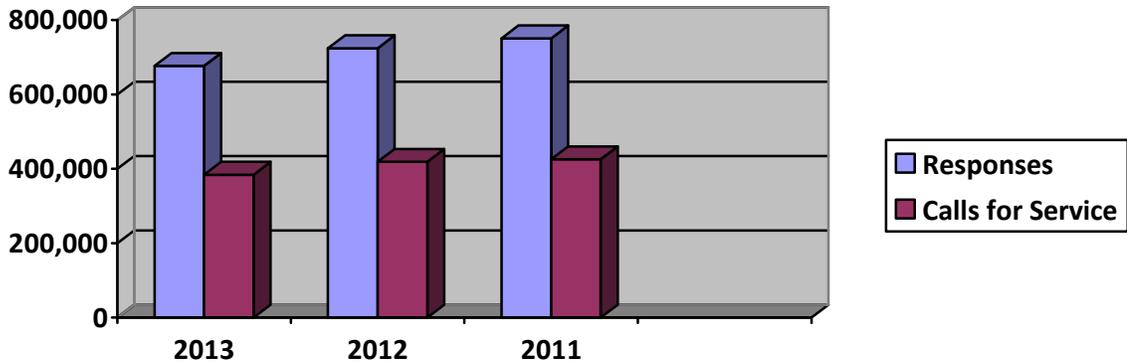
The following are figures reflecting investigations and C.R.B. reviews initiated by the Professional Standards Section through the **Fourth** quarter of **2013** and the percentage of change when compared to the previous year's totals.

	Investigations initiated through the <b>Fourth</b> quarter 2012	Investigations initiated through the <b>Fourth</b> quarter 2013*	Percentage Change
Citizen	77	60	-22%
Departmental	20	23	15%
<b>Total Investigations</b>	<b>97</b>	<b>83</b>	<b>-14%</b>
C.R.B. Reviews	26	45	73%
Command Discipline	2	7	250%

\* Data reflects investigations initiated, not necessarily completed in 2013.

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 **2013**, **17** 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 **2013**, the Professional Standards Section completed **378** Administrative Inquires.

**CITIZEN COMPLAINTS**

**Complainant Demographic Breakdown:**

	<b>Complainants</b>	<b>% of Total</b>
White	18	31%
Black	40	69%
American Indian	N/A	N/A
Asian/ Oriental	N/A	N/A
Unknown	0	0%
<b>Total</b>	<b>58</b>	<b>100%</b>

Of the citizen complaints investigated through the Fourth quarter of **2013**, **14** allegations of misconduct were sustained. For the sustained allegations of misconduct, **13** individual(s) were held accountable.

<b>Citizen Complaints</b>			
<b>Citizen Complaints: Disposition by Individual</b>			
<u><b>Action Taken</b></u>		<u><b>Number of Personnel</b></u>	
Memorandum of Record		10	
Command Discipline		0	
Formal Charges		3	
<b>Total</b>		<b>13</b>	
<u><b>Below is the breakdown of Formal Charges preferred:</b></u>			
<b>PSS #</b>	<b>Personnel Involved</b>	<b>Allegation</b>	<b>Departmental Action (per officer)</b>
10-1291	2 Members	Procedure	Suspensions (2)
12-0221	1 Member	Procedure	Letter of Reprimand
12-0568	1 Member	Procedure	Memorandum
12-0804	1 Member	Procedure	Memorandum
12-0817	1 Member	Procedure	Memorandum
12-0963	1 Member	Procedure	Memorandum
12-1225	2 Members	Procedure	Memorandums (2)
13-0045	1 Member	Courtesy	Memorandum
13-0492	1 Member	Courtesy	Memorandum
13-0692	2 Members	Procedure	Memorandums (2)

## **DEPARTMENTAL INVESTIGATIONS**

Of the internal complaints investigated through the Fourth quarter of **2013**, **21** allegations of misconduct were sustained. For the sustained allegations of misconduct, **14** individuals were held accountable. They received remedial training and/or Departmental charges were filed. See below Table for the disposition of Departmental investigations

<b>Departmental Investigations</b>			
<b>Departmental Investigations: Disposition by Individual</b>			
<u>Action Taken</u>		<u>Number of Personnel</u>	
Memorandum of Record		1	
Command Discipline		0	
Formal Charges		10	
Resigned or Retired		2	
Other		1	
<b>Total</b>		<b>14</b>	
<b><u>Below is the breakdown of formal charges preferred:</u></b>			
<b>PSS #</b>	<b>Personnel Involved</b>	<b>Allegation</b>	<b>Departmental Action (per officer)</b>
10-0978	2 Members	Procedure (8)	Suspension Retired
11-0772	1 Member	Procedure	Suspension
11-0876	1 Member	Procedure (2)	Suspension
12-0028	1 Member	Procedure	Letter of Reprimand
13-0092	1 Member	Procedure	Letter of Reprimand
13-0094	1 Member	Procedure	Letter of Reprimand
13-0129	1 Member	Procedure	Letter of Reprimand
13-0305	1 Member	Conduct	Suspension
13-0715	1 Member	Procedure	Memorandum
13-0820	1 Employee	Conduct	Money Fine
13-0833	1 Member	Courtesy	Suspension
13-0835	1 Employee	Procedure	Resignation
13-1089	1 Member	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 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 **2013**, 45 cases were determined to fit the criteria for Civilian Board review. The C.R.B. cases reviewed were the result of 40 citizen complaint investigations and **5** Departmental investigations, consisting of a total of **135** allegations.

The Board's review resulted in the following **137** findings for the allegations of misconduct:

Exonerated	40
Sustained	14
Unprovable	69
<u>Unfounded</u>	<u>12</u>
Total	135

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 **2013**, the Police Chief's actions taken as a result of C.R.B. advisory recommendations are as follows:

Policy recommendations	1
Investigative recommendations	3
Training recommendations	3

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.

<b>Non-concurrences</b>			
<b>PSS #</b>	<b>Allegation</b>	<b>C.R.B. Finding</b>	<b>Chief's Finding</b>
12-0052	Force	Unfounded	Exonerated
	Procedure	Sustained	Exonerated
	Force	Unfounded	Unprovable
12-0568	Force	Exonerated	Unprovable
	Force	Exonerated	Unprovable
	Force	Exonerated	Unprovable
12-0747	Force	Unprovable	Exonerated
	Procedure	Unfounded	Unprovable

12-0961	Force Force	Unprovable Unprovable	Exonerated Exonerated
12-1035	Force Force Force Courtesy	Exonerated Exonerated Exonerated Unprovable	Unprovable Unprovable Unfounded Exonerated
12-1125	Procedure Procedure	Sustained Sustained	Unprovable Unprovable
12-1177	Courtesy	Unprovable	Exonerated
12-1441	Force	Unprovable	Exonerated
13-0172	Procedure	Sustained	Unprovable
13-0385	Force	Sustained	Unprovable
13-0395	Procedure Procedure	Sustained Unfounded	Unprovable Unprovable
13-0455	Procedure	Exonerated	Unfounded
13-0605	Procedure	Exonerated	Unprovable
13-0692	Force Procedure	Exonerated Unfounded	Unprovable Exonerated

### **COMMAND DISCIPLINE**

Command discipline cases are investigations that are initiated by a Command Officer. Through the Fourth quarter of **2013**, **7** allegations, implicating **7** officers, were disposed of through the Command Discipline process.

<b>Command Discipline</b>			
<b>PSS</b>	<b>Personnel Involved</b>	<b>Allegation</b>	<b>Departmental Action</b>
12-1092	1 Member	Conduct	Suspension
13-0227	1 Member	Procedure	Letter of Reprimand
13-0300	1 Member	Procedure	Letter of Reprimand
13-0332	1 Member	Procedure	Suspension
13-0586	1 Member	Procedure	Driving School
13-0957	1 Member	Procedure	Letter of Reprimand
13-1149	1 Member	Procedure	Letter of Reprimand

Data is reflective of completed investigations in 2013, and may not match the data on the breakdown of investigations initiated in 2013

### **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 **2013**, 4 satellite issues were sustained, 5 employees were held accountable.

<b>Satellite Issues</b>			
<b>PSS</b>	<b>Personnel Involved</b>	<b>Allegation</b>	<b>Departmental Action</b>
09-0388	1 Member	Procedure	Suspension
12-0948 12-0875	1 Member	Procedure	Letter of Reprimand
12-1192	2 Members	Failed to file SRR	Memorandum
13-0455	1 Member	Courtesy	Letter of Reprimand

### **2013 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.

	<b>Citizen Complaints</b>	<b>Departmental Investigations</b>	<b>C.R.B. Reviews</b>
Number of complaint investigations initiated	60	23	<i>CRB does not initiate investigations</i>
Number of complaint investigations completed *	75	23	45
Number of complaint investigations active/open*	34 (6 cases in review) (4 awaiting hearing)	3 (1 case is in review or awaiting a departmental hearing)	<i>CRB does not have any open investigations</i>
<b>Closed Case Findings by allegation:</b>			
Exonerated	66	13	40
Sustained	19	24	14
Unprovable	126	6	69
Unfounded	57	6	12
Officed	65	0	<i>CRB cannot office allegations</i>
<b>Totals</b>	<b>333</b>	<b>49</b>	<b>135</b>

*\* 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 2013 and reviewed by the Civilian Review Board is as follows:

- **PSS completion:** 75 calendar days from the date of complaint
- **Division Review:** 18 calendar days to review the case
- **CRB Review:** 10 calendar days from the date of PSS completion
- **Executive Review:** 145 calendar days from date of complaint
- **Final letter:** 150 calendar days from date of complaint

2013 BREAKDOWN OF CITIZEN COMPLAINTS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
<b>UNNECESSARY USE OF FORCE</b>							
Unnecessary Force	2		17		6	44	69
<b>COURTESY</b>							
Discourtesy	1	2	18	4	4	31	60
<b>IMPROPER PROCEDURE</b>							
Consorting							
Damaged citizen property					2	1	3
Failed to provide medical attention						5	5
Failed to ID self						1	1
Failed to notify supervisor						1	1
Failed to take police action						1	1
Failed to take a report		1		12		4	17
False arrest	6		2		3	8	19
Harassment						1	1
Improper conduct / procedure	6	2	7	16	7	40	78
Improper tow						2	2
Insufficient police investigation			1	1	1		3
Misappropriated property / money						1	1
Missing citizen property / money							

Other							
Unlawful search and seizure	2					7	9
Untruthfulness							
Pointed a firearm							
<i>Satellite Issues</i>							
<b>Totals</b>	<b>17</b>	<b>5</b>	<b>45</b>	<b>33</b>	<b>23</b>	<b>147</b>	<b>270</b>

2013 BREAKDOWN OF DEPARTMENTAL INVESTIGATIONS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
<b>UNNECESSARY USE OF FORCE</b>							
Unnecessary Force	5		1	2		6	14
<b>COURTESY</b>							
Discourtesy		1	3				4
<b>IMPROPER PROCEDURE</b>							
Abuse of sick time							
Consorting with felon							
Damage Police Property		6				1	7
Divulge Police Information			1				1
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	1	4	1	3	2	1	12
Insubordination							

Insufficient police investigation							
Left area of assignment							
Misappropriated property/ money							
Missing police property							
Unlawful search and seizure							
Untruthfulness							
Other (i.e. reading on duty)							
<i>Satellite Issues</i>		1					1
<b>Totals</b>	<b>6</b>	<b>12</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>39</b>

Table 2

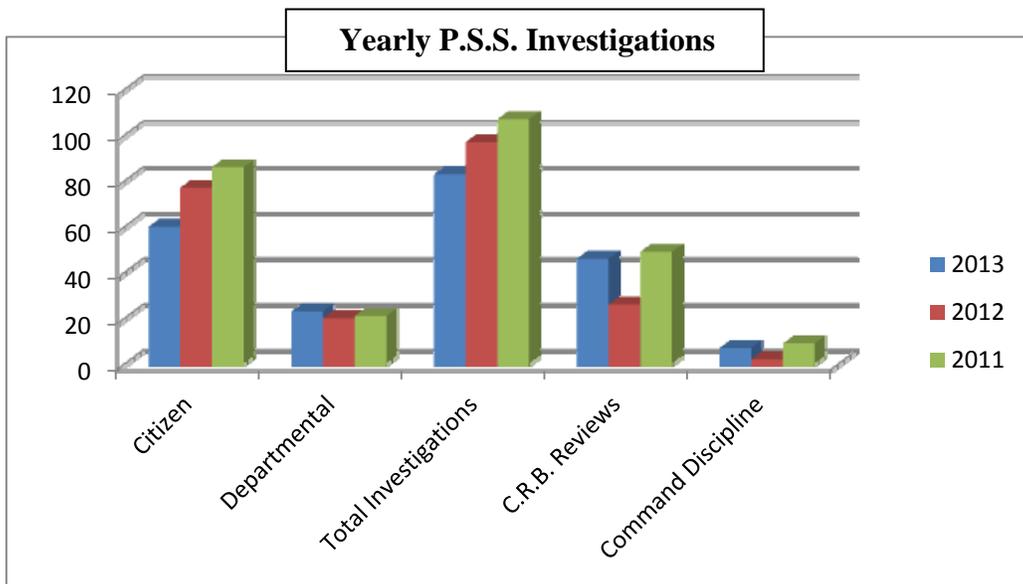


Table 3

