



City of Rochester, NY
Rochester City Council

City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290

INTRODUCTORY NO.

350

Loretta C. Scott Council President, Councilmember At-Large
Email: Loretta.Scott@cityofrochester.gov

September 18, 2020

TO THE COUNCIL

Ladies and Gentlemen:

Re: Statement of Necessity

I am submitting this Statement of Necessity so that action may be taken during the Special Council Meeting of the City Council to be held on September 18, 2020 on the attached legislation. This legislation will authorize further action relative to the independent investigation, related to internal communications, processes, and procedures that took place related to the death of Daniel Prude, previously authorized by the Council at their meeting on September 15, 2020.

Holding this Special Meeting of the Council prior to the regularly scheduled Council Meeting in October is essential as it will allow for Andrew G. Celli, Jr. and his team to expedite their investigation, and be responsive to our community, who has been vocal in their calls for answers related to the death of Mr. Prude.

Respectfully submitted,

A handwritten signature in cursive script that reads "Loretta C. Scott".

Loretta C. Scott
Council President



350

Loretta C. Scott, President
Councilmember At-Large

September 18, 2020

Willie J. Lightfoot, Vice-President
Councilmember At-Large

Malik D. Evans
Councilmember At-Large

TO THE COUNCIL

Mitch Gruber
Councilmember At-Large

Ladies and Gentlemen:

LaShay D. Harris
Councilmember
South District

Re: Resolution Authorizing
the Issuance of Subpoenas for
an Independent Investigation

Mary Lupien
Councilmember
East District

Transmitted herewith for Council approval is a resolution authorizing the issuance of subpoenas to various City Departments and others to support an independent investigation into the internal communications, processes, and procedures that took place related to the death of Daniel Prude while in police custody, including members of both the Administration and the City Council.

Michael A. Patterson
Councilmember
Northeast District

On September 15, 2020, the City Council unanimously passed legislation to fund an independent investigation conducted by Andrew G. Celli, Jr. and his firm, Emery, Celli, Brinkerhoff, Abady, Ward & Maazel LLP, New York, NY. The City Charter Section 5-21(G) grants City Council the authority to investigate all

Jose Peo
Councilmember
Northwest District

City departments including the right to review records and papers, and additionally authorizes the Council President to issue a subpoena for that purpose. Mr. Celli has requested that the City Council issue subpoenas in order to facilitate his ability to conduct the investigation as previously authorized by City Council.

Respectfully submitted,

Loretta C. Scott

Willie J. Lightfoot

Malik D. Evans

Mitch Gruber

LaShay D. Harris

Mary Lupien

Michael A. Patterson

Jose Peo

INTRODUCTORY NO.

350

Council

Resolution No.

Resolution authorizing the issuance of subpoenas to various City Departments, and to others, in furtherance of an independent investigation into the internal communications, processes, and procedures that took place related to the death of Daniel Prude after an interaction with members of the Rochester Police Department.

WHEREAS, Daniel Prude died after an interaction with the Rochester Police Department on March 23, 2020; and

WHEREAS, the Council of the City of Rochester at a Meeting on September 15, 2020 authorized the initiation of an investigation into circumstances surrounding that interaction and all subsequent related actions; and

WHEREAS, Section 5-21 (G) of the Charter of the City of Rochester authorizes the issuance of subpoenas in connection with such an investigation; and

WHEREAS, legal counsel retained by City Council for the purposes of completing this investigation has requested that City Council issue subpoenas in order to facilitate their investigation.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 5-21 (G) of the City Charter the City Council hereby authorizes the Council President or Vice President to issue subpoenas for records, papers, and other evidence in any form and for the attendance of witnesses as are appropriate for the investigation as authorized by Council on September 15, 2002 relative to the interaction between Daniel Prude and the Rochester Police Department as well as all subsequent and related activities.

Section 2. The Council President or Vice President is so authorized without need of further action by the Council, and upon the request of legal counsel retained by the City Council to conduct the investigation described immediately above.

Section 3. The subpoenas authorized herein may be made returnable to legal counsel Emery, Celli, Brinkerhoff, Abady, Ward & Maazel LLP (principal: Andrew G. Celli, Jr.) retained for purposes of conducting this investigation.

Section 4. Council further authorizes the aforementioned legal counsel to adjust the time, location and manner of production of documents or testimony pursuant to subpoena as they deem necessary.

Section 5. This resolution shall take effect immediately.