

ROCHESTER POLICE DEPARTMENT

PROFESSIONAL

STANDARDS SECTION

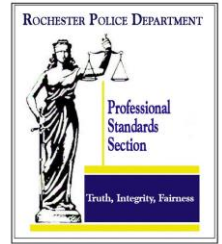


ANNUAL REPORT

January 1 through December 31, 2015



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 2015 Annual Report. 2015 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 2015, 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 2015, and reviewed by the Civilian Review Board, the average completion time was 110 calendar days, down from 162 calendar days in 2014. We remain committed to reduce this timeframe in 2016. A listing of our case timelines can be found in the "Complaint Section" of this report.

This year we attended multiple public meetings to help citizens understand the complaint process. We discussed 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 4.05 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.

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. In addition, current and previous years P.S.S. annual reports are 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.

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 looks forward to 2016 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 Mark Simmons
Professional Standards Section

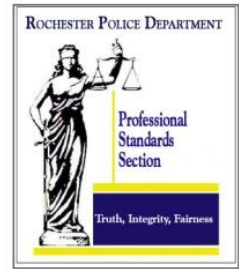


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2015 Annual Report on Police Complaints

Between **January 1** and **December 31, 2015**, Police Department personnel responded to **347,507** calls for service, for a total of **625,010** responses by Departmental units. (A response refers to each individual officer involved in the call for service). This activity resulted in the initiation of 33 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:

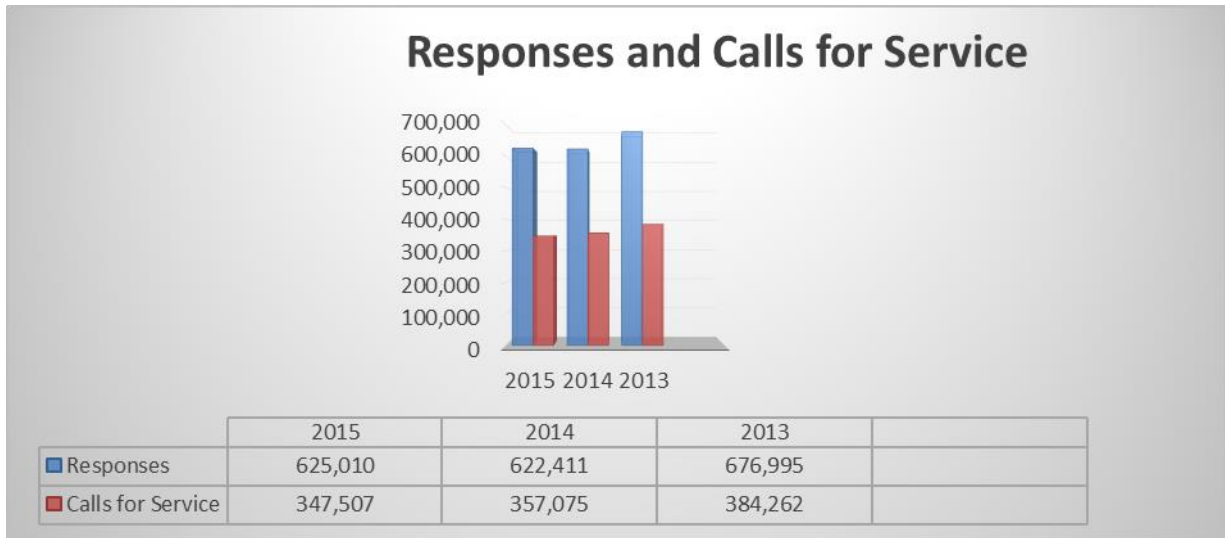
- Exonerated - Conduct was lawful, justified and proper.
- Sustained - The conduct occurred and amounted to misconduct or misjudgment.
- Unprovable - There is insufficient evidence to prove or disprove the allegation.
- Unfounded - The act apparently did not occur.
- Office - An allegation is closed 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 **2015** and the percentage of change when compared to the previous year's totals.

	Investigations initiated through the Fourth quarter 2014	Investigations initiated through the Fourth quarter 2015*	Percentage Change
Citizen	30	33	10%
Departmental	27	38	41%
Total Investigations	57	71	25%
C.R.B. Reviews	26	24	-8%
Command Discipline	2	3	50%

* Data reflects investigations initiated, not necessarily completed in 2015.

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 **2015**, **10** 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 **2015**, the Professional Standards Section completed **226** Administrative Inquires.

CITIZEN COMPLAINTS

Complainant Demographic Breakdown:

	Complainants	% of Total
White	8	24%
Black	21	64%
American Indian	N/A	N/A
Asian/ Oriental	N/A	N/A
Unknown	4	12%
Total	33	100%

Of the citizen complaints investigated through the **Fourth** quarter of **2015**, **8** allegations of misconduct were sustained. For the sustained allegations of misconduct, **6** individuals were held accountable.

Citizen Complaints			
Citizen Complaints: Disposition by Individual			
Action Taken		Number of Personnel	
Memorandum of Record		4	
Command Discipline		0	
Formal Charges		1	
Training / Counseling		0	
Retired		1	
Total		6	
<u>Below is the breakdown of Formal Charges preferred:</u>			
PSS #	Personnel Involved	Allegation	Departmental Action (per officer)
14-0101	2 Members	Procedure (2) Courtesy (2)	Retired Memorandum
14-0243	1 Member	Force	Letter of Reprimand
14-0292	2 Members	Procedure (2)	Memorandum (2)
14-0699	1 Member	Procedure	Memorandum

DEPARTMENTAL INVESTIGATIONS

Of the internal complaints investigated through the **Fourth** quarter of **2015**, **24** allegations of misconduct were sustained. For the sustained allegations of misconduct, **21** 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			
Action Taken		Number of Personnel	
Memorandum of Record		4	
Formal Charges		17	
Resigned or Retired		0	
Other		0	
Total		21	
<u>Below is the breakdown of formal charges preferred:</u>			
PSS #	Personnel Involved	Allegation	Departmental Action (per officer)
10-0497	2 Members	Procedure (2)	Letter of Reprimand (2)

12-0414	3 Members	Procedure (3)	Suspension (1) Letter of Reprimand (1) Memorandum (1)
12-1247	1 Member	Procedure	Suspension
14-0457	1 Member	Procedure	Memorandum
14-0624	1 Member	Conduct	Suspension
14-0707	1 Member	Damaged Police Property	Memorandum
14-0861	1 Member	Procedure	Letter of Reprimand
14-1037	1 Member	Procedure (2)	Suspension
15-0009	1 Member	Procedure	Suspension
15-0026	1 Member	Damaged Police Property	Letter of Reprimand
15-0078	1 Member	Damaged Police Property	Letter of Reprimand
15-0129	1 Member	Damaged Police Property	Letter of Reprimand
15-0132	1 Member	Procedure Force	Suspension
15-0299	1 Member	Force	Suspension
15-0543	1 Member	Damaged Police Property	Suspension
15-0564	1 Member	Damaged Police Property	Letter of Reprimand
15-0604	1 Member	Conduct Procedure	Memorandum
15-0773	1 Member	Damaged Police Property	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 **2015**, 24 cases were determined to fit the criteria for Civilian Board review. The C.R.B. cases reviewed were the result of 15 Citizen Complaint investigations and **9** Departmental Investigations, consisting of a total of **84** allegations.

The Board's review resulted in the following **84** findings for the allegations of misconduct:

Exonerated	23
Sustained	17
Unprovable	35
<u>Unfounded</u>	<u>9</u>
Total	84

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 **2015**, the Police Chief's actions taken as a result of C.R.B. advisory recommendations are as follows:

Policy recommendations	2
Investigative recommendations	6
Training recommendations	7

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
14-0430	Procedure	Sustained	Unprovable
14-0475	Force Force	Exonerated Unprovable	Unprovable Exonerated
14-0889	Force	Unprovable	Unfounded
14-1035	Force	Unfounded	Exonerated
15-0089	Courtesy	Unprovable	Unfounded
15-0097	Force Courtesy	Unprovable Unprovable	Exonerated Unfounded
15-0132	Force (3) Procedure	Sustained Sustained	Unprovable Unprovable
15-0138	Force Procedure	Exonerated Unfounded	Unfounded Unprovable
15-0296	Procedure	Sustained	Unprovable
15-0482	Force Force	Unfounded Unfounded	Unprovable Unprovable
15-0530	Force	Exonerated	Unprovable
15-0538	Force Force Force	Exonerated Exonerated Exonerated	Unprovable Unprovable Unfounded
15-0757	Force	Unprovable	Unfounded

COMMAND DISCIPLINE

Command Discipline cases are investigations that are initiated by a Command Officer. Through the **Fourth** quarter of **2015**, **3** allegations, implicating **3** officers, were disposed of through the Command Discipline process.

Command Discipline			
PSS	Personnel Involved	Allegation	Departmental Action
15-0501	1 Member	Conduct	Letter of Reprimand
15-0502	1 Member	Conduct	Letter of Reprimand
15-0735	1 Member	Procedure	Letter of Reprimand

Data is reflective of completed investigations in 2015, and may not match the data on the breakdown of investigations initiated in 2015

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 **2015**, **8** satellite issues were sustained, **5** members were held accountable.

Satellite Issues			
PSS	Personnel Involved	Allegation	Departmental Action
10-0497	2 Member	Procedure (3)	Letter of Reprimand (2)
14-0342	1 Member	Courtesy Procedure	Letter of Reprimand
14-0861	1 Member	Procedure (2)	Termination
15-0299	1 Member	Procedure	Suspension

2015 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	33	38	<i>CRB does not initiate investigations</i>
Number of complaint investigations completed *	26	39	24
Number of complaint investigations active/open*	9 (4 are in the review process) (0 are in the Hearing stage)	18 (4 are in the review process) (3 are in the Hearing stage)	<i>CRB does not have any open investigations</i>
Closed Case Findings by allegation:			
Exonerated	36	7	23
Sustained	7	37	17
Unprovable	54	17	35
Unfounded	15	7	9
Officed	20	4	<i>CRB cannot office allegations</i>
Totals	132	72	84

* 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 2015 and reviewed by the Civilian Review Board is as follows:

- **PSS Inv. Completion:** 68 calendar days from the date of complaint
- **Division Review:** 15 calendar days to review the case
- **CRB Review:** 16 calendar days from the date of PSS completion
- **Executive Review:** 107 calendar days from date of complaint
- **Final letter:** 110 calendar days from date of complaint

2015 BREAKDOWN OF CITIZEN COMPLAINTS BY ALLEGATION

	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force	5		6	4	1	11	27
COURTESY							
Discourtesy	4		5	3	5	12	29
IMPROPER PROCEDURE							
Consorting							
Damaged citizen property							
Failed to provide medical attention							
Failed to ID self			1				1
Failed to notify supervisor							
Failed to take police action							
Failed to take a report						1	1
False arrest						1	1
Harassment							
Improper conduct / procedure	7		10	7	12	20	56
Improper tow							
Insufficient police investigation							
Misappropriated property / money							
Missing citizen property / money							
Other							
Unlawful search and seizure							
Untruthfulness							
Pointed a firearm							
<i>Satellite Issues</i>						2	2
Totals	16	0	22	14	18	47	117

2015 BREAKDOWN OF DEPARTMENTAL INVESTIGATIONS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force		1	3			3	7
COURTESY							
Discourtesy		2			1	2	5
IMPROPER PROCEDURE							
Abuse of sick time							
Consorting with felon							
Damage Police Property		7					7
Divulge Police Information						1	1
Failed to file SRR							
Failed to notify supervisor						1	1
Failed to take action							
Failed to take a report						1	1
Failed to accurately complete reports		1				1	2
Failed to cooperate with internal investigation							
Failed to supervise						1	1
Harassment / Sexual Harassment						1	1
Improper conduct / procedure	1	8	8	1	2	17	37
Insubordination		1					1
Insufficient police investigation							
Left area of assignment							
Misappropriated property/ money							
Missing police property							
Unlawful search and seizure							
Untruthfulness							
Other (i.e. reading on duty)		2		1		1	4
Satellite Issues		2				4	6
Totals	1	24	11	2	3	33	74

Table 2

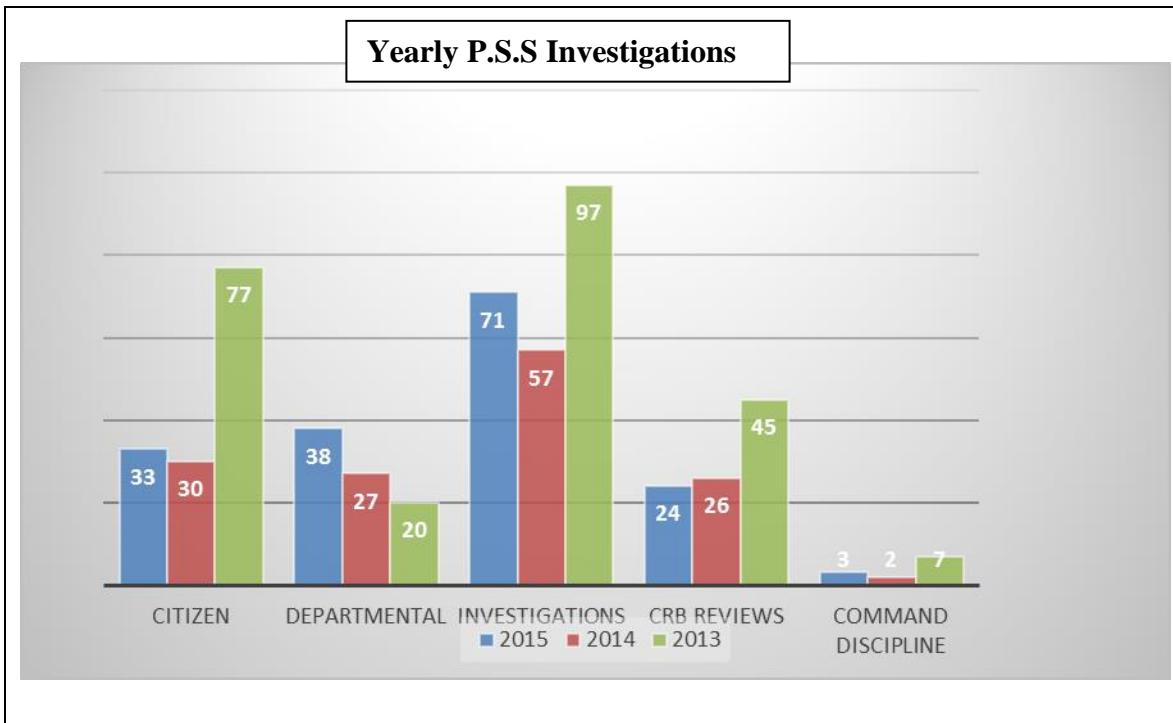
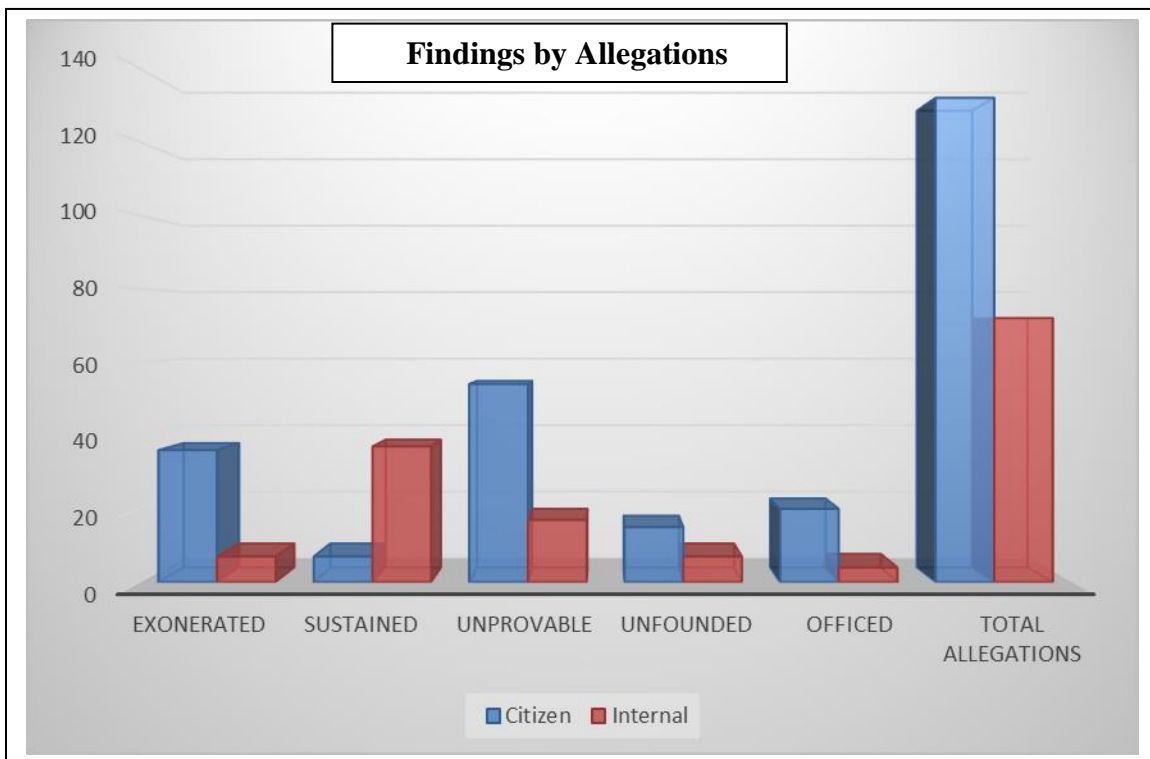


Table 3



* numbers include findings from cases initiated in previous years, but closed in 2015.