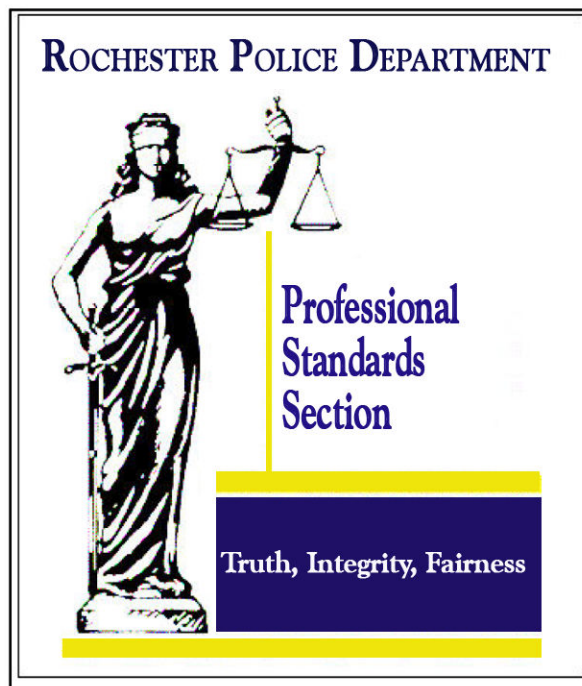




ROCHESTER POLICE DEPARTMENT  
**PROFESSIONAL STANDARDS  
SECTION**



**ANNUAL REPORT**

January 1 through December 31, 2011



*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 2011 Annual Report.** 2011 has been a year of continued growth in terms of improving processes, enhancing systems, and strengthening relationships.

In an effort to streamline and standardize the farm-out investigative process, the Professional Standards Section developed a paperless reporting procedure which was implemented in early 2011.

PSS experienced a substantial change in personnel during December 2011. Additionally, Command of the Section Changed in mid December. This caused some delays in completing investigations; however, PSS Sergeants still finished 85 investigations and presented 49 of those cases to the CRB, while undertaking 107 new investigations during the year.

In April a new Outlook PSS Mailbox was initiated, allowing members of the community and PSS to communicate questions or concerns.

The IA PRO System has been moved to a new server and software upgrades were made. Updates will continue as newer versions are rolled out in 2012. The Early Warning System continues to be a valuable tool in identifying problem behavior and providing timely intervention for our employees.

PSS members visited and made presentations at Patrol Division Roll Calls. CRB members also visited roll calls providing officers feedback on service they offer. A CRB training refresher was done in June.

Newly promoted Sergeants rotated through PSS during December for a one day training session affording them exposure to IAPro and the farm-out investigation process.

The Professional Standards Section has provided 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 2012 and continued progress in improving the internal investigative function. Our central efforts will continue to focus on providing the Department and the community with thorough, unbiased, and timely internal investigations.

By   
Lieutenant John Corbelli  
Professional Standards Section

## 2011 Annual Report on Police Complaints

Between **January 1** and **December 31, 2011**, Police Department personnel responded to **425,751** calls for service, for a total of **750,472** responses by Departmental units. (A response refers to each individual officer involved in the call for service). This activity resulted in the initiation of **86** 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.

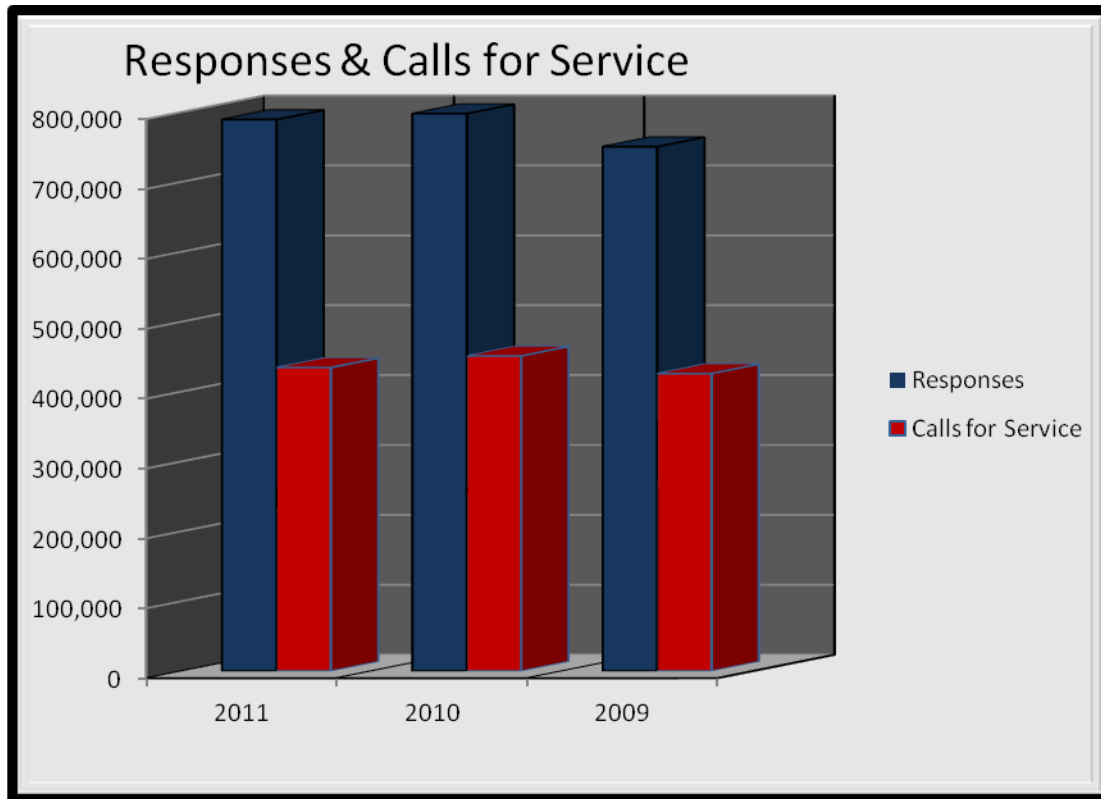
The following findings apply to all allegations:

- 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 **2011** and the percentage of change when compared to the previous year's totals.

|                             | Investigations initiated through the<br><b>Fourth quarter 2010</b> | Investigations initiated through the<br><b>Fourth quarter 2011*</b> | Percentage Change |
|-----------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------|-------------------|
| Citizen                     | 62                                                                 | 86                                                                  | 39%               |
| Departmental                | 39                                                                 | 21                                                                  | -46%              |
| <b>Total Investigations</b> | <b>101</b>                                                         | <b>107</b>                                                          | <b>6%</b>         |
| C.R.B. Reviews              | 32                                                                 | 49                                                                  | 53%               |
| Command Discipline          | 3                                                                  | 9                                                                   | 200%              |

\* Data reflects investigations initiated, not necessarily completed in 2011.

**Table 1****CITIZEN COMPLAINTS**

Of the citizen complaints investigated through the **Fourth** quarter of **2011**, **5** allegations of misconduct were sustained. For the sustained allegations of misconduct, **4** individual(s) were held accountable.

WFO Form 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|         |                                          |            |                       |
|---------|------------------------------------------|------------|-----------------------|
| 09-1292 | 1 Member<br>(same individual as 09-1291) | Procedural | Letter of Reprimand   |
| 09-0881 | 1 Member                                 | Courtesy   | Negative Support Form |
| 08-0957 | 1 Member                                 | Procedural | Suspension            |

### **DEPARTMENTAL INVESTIGATIONS**

Of the internal complaints investigated through the **Fourth** quarter of **2011**, **23** 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. See below Table for the disposition of Departmental investigations.

| Departmental Investigations                                       |                        |                                   |                                   |
|-------------------------------------------------------------------|------------------------|-----------------------------------|-----------------------------------|
| <b>Departmental Investigations: Disposition by Individual</b>     |                        |                                   |                                   |
| <b><u>Action Taken</u></b>                                        |                        | <b><u>Number of Personnel</u></b> |                                   |
| Memorandum of Record                                              |                        | 0                                 |                                   |
| Letter of Reprimand                                               |                        | 11                                |                                   |
| Suspension                                                        |                        | 5                                 |                                   |
| Demotion                                                          |                        | 1                                 |                                   |
| Resigned/Retired                                                  |                        | 2                                 |                                   |
| Terminated                                                        |                        | 2                                 |                                   |
| <b>Total</b>                                                      |                        | <b>21</b>                         |                                   |
| <b><u>Below is the breakdown of formal charges preferred:</u></b> |                        |                                   |                                   |
|                                                                   |                        |                                   |                                   |
| PSS #                                                             | Personnel Involved     | Allegation                        | Departmental Action (per officer) |
| 09-0288                                                           | 1 Member               | Courtesy                          | Letter of Reprimand               |
| 09-1114                                                           | 1 Member               | Procedure                         | Suspension                        |
| 10-0150                                                           | 1 Member               | Procedural                        | Letter of Reprimand               |
| 10-0193                                                           | 1 Member               | Procedural (3)                    | Resigned                          |
| 10-0221                                                           | 1 Member               | Procedural                        | Letter of Reprimand               |
| 10-0438                                                           | 1 Member<br>1 Employee | Procedural (2)                    | Retired<br>Suspension             |
| 10-0983                                                           | 1 Employee             | Procedural                        | Suspension                        |
| 10-1294                                                           | 1 Member               | Procedural                        | Letter of Reprimand               |
| 10-1288                                                           | 1 Employee             | Courtesy                          | Letter of Reprimand               |
| 10-1353                                                           | 1 Member               | Procedural                        | Letter of Reprimand               |

|         |             |                |                         |
|---------|-------------|----------------|-------------------------|
| 10-1401 | 1 Member    | Procedural     | Suspension              |
| 11-0118 | 1 Member    | Procedural     | Letter of Reprimand     |
| 11-0165 | 1 Employee  | Courtesy       | Suspension              |
| 11-0204 | 1 Employee  | Procedural     | Letter of Reprimand     |
| 11-0573 | 1 Member    | Procedural     | Letter of Reprimand     |
| 11-0866 | 1 Member    | Procedural     | Letter of Reprimand     |
| 11-0805 | 1 Employee  | Procedural     | Termination             |
| 11-0867 | 2 Employees | Procedural (2) | Termination<br>Demotion |
| 11-1026 | 1 Member    | Procedural     | 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 actions 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 **2011**, **49** cases were determined to fit the criteria for Civilian Board review. The C.R.B. cases reviewed were the result of **46** citizen complaint investigations and **3** Departmental investigations, consisting of a total of **177** allegations.

The Board's review resulted in the following **179\*** findings for the allegations of misconduct:

|                  |           |
|------------------|-----------|
| Exonerated       | 41        |
| Sustained        | 20        |
| Unprovable       | 91        |
| <u>Unfounded</u> | <u>27</u> |

|       |      |
|-------|------|
| Total | 179* |
|-------|------|

*\* During one convening, the CRB had three (3) separate findings for one allegation; therefore there was not a majority decision. The end result was carried as stated, 3 findings for one allegation.*

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 **2011**, the Police Chief's actions taken as a result of C.R.B. advisory recommendations are as follows:

|                               |   |
|-------------------------------|---|
| Remedial recommendations      | 3 |
| Policy recommendations        | 1 |
| Investigative recommendations | 2 |

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.

| Non-concurrences |                                                 |                                                                  |                            |
|------------------|-------------------------------------------------|------------------------------------------------------------------|----------------------------|
| PSS #            | Allegation                                      | C.R.B. Finding                                                   | Chief's Finding            |
| 09-0847          | Courtesy<br>Force                               | Unprovable<br>Exonerated                                         | Unfounded<br>Unprovable    |
| 09-0971          | Force                                           | Sustained                                                        | Unprovable                 |
| 10-0014          | Force                                           | Exonerated                                                       | Unprovable                 |
| 10-0133          | Procedure                                       | Split (3) way<br>1 Exonerated,<br>1 Unfounded, & 1<br>Unprovable | Exonerated                 |
| 10-0225          | Force<br>Force                                  | Unprovable<br>Unprovable                                         | Exonerated<br>Exonerated   |
| 10-0228          | Force<br>Courtesy<br>Force<br>Force             | Exonerated<br>Unprovable<br>Unfounded<br>Exonerated              | Officed (Officer resigned) |
| 10-0437          | Force                                           | Unprovable                                                       | Unfounded                  |
| 10-0695          | Force<br>Procedure                              | Unprovable<br>Unprovable                                         | Exonerated<br>Unfounded    |
| 10-0696          | Force                                           | Unprovable                                                       | Unfounded                  |
| 10-0712          | Procedural<br>Force<br>Procedural<br>Procedural | Exonerated<br>Unfounded<br>Exonerated<br>Unfounded               | Officed                    |
| 10-0962          | Procedure                                       | Sustained                                                        | Exonerated                 |
| 10-1095          | Force                                           | Unprovable                                                       | Exonerated                 |
| 10-1171          | Procedure                                       | Exonerated                                                       | Unprovable                 |
| 10-1217          | Force                                           | Unprovable                                                       | Exonerated                 |
| 10-1227          | Procedural<br>Procedural<br>Procedural          | Exonerated<br>Unprovable<br>Sustained                            | Officed                    |
| 10-1193          | Force<br>Force                                  | Exonerated<br>Sustained                                          | Unprovable<br>Unprovable   |
| 11-0135          | Force                                           | Unprovable                                                       | Exonerated                 |
| 11-0146          | Procedure                                       | Exonerated                                                       | Unfounded                  |

|         |                |                          |                         |
|---------|----------------|--------------------------|-------------------------|
| 11-0164 | Courtesy Force | Unprovable<br>Unprovable | Unfounded<br>Exonerated |
| 11-0272 | Procedure      | Unfounded                | Unprovable              |
| 11-0384 | Procedure      | Sustained                | Unfounded               |
| 11-0748 | Procedure      | Unfounded                | Exonerated              |

### **COMMAND DISCIPLINE**

Command discipline cases are investigations that are initiated by a Command Officer. Through the **Fourth** quarter of **2011**, **8** allegations, implicating **8** 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> |
| 11-0002                   | 1 Member                  | Procedural        | Letter of Reprimand        |
| 11-0270                   | 1 Member                  | Procedural        | Letter of Reprimand        |
| 11-0379                   | 1 Member                  | Procedural        | Letter of Reprimand        |
| 11-0431                   | 1 Member                  | Courtesy          | Transfer                   |
| 11-0701                   | 1 Member                  | Procedural        | Suspension                 |
| 11-0808                   | 1 Member                  | Procedural        | Transfer                   |
| 11-1067                   | 1 Member                  | Procedural        | Letter of Reprimand        |
| 11-1330                   | 1 Member                  | Procedural        | Suspension                 |

Data is reflective of completed investigations in 2011, and may not match investigations initiated as mentioned on page 2.

### **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 **2011**, **20** 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 **2011**, the Professional Standards Section completed **438** Administrative Inquires.

### **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 **2011**, **3** satellite issues were sustained, **3** employees were held accountable.

| Satellite Issues |                    |            |                     |
|------------------|--------------------|------------|---------------------|
| PSS              | Personnel Involved | Allegation | Departmental Action |
| 08-0957          | 1 Member           | Procedural | Suspension          |
| 10-0983          | 1 Employee         | Courtesy   | Suspension          |
| 10-1217          | 1 Member           | Procedural | Memo                |

### **2011 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.

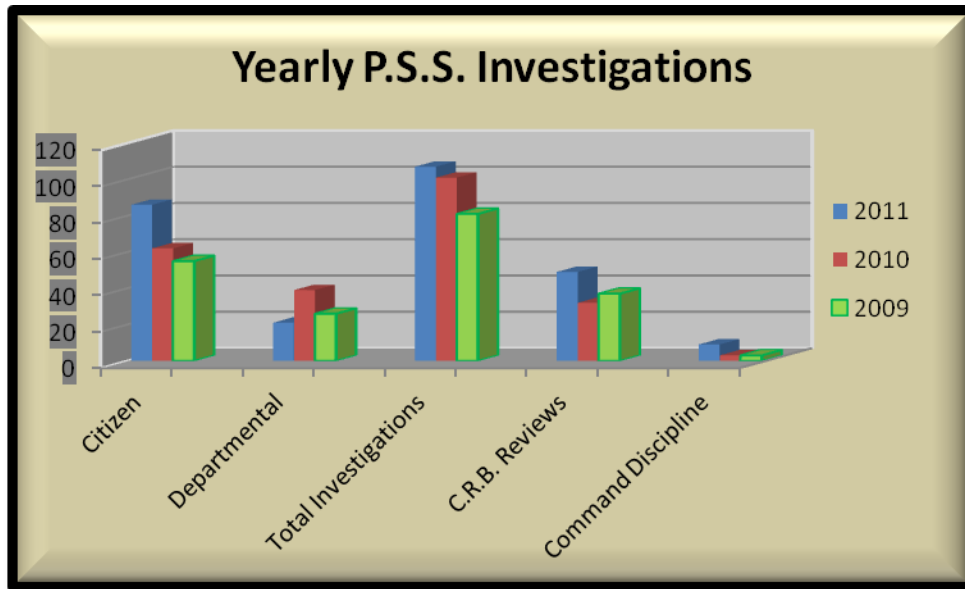
|                                                 | Citizen Complaints        | Departmental Investigations                                     | C.R.B. Reviews                                   |
|-------------------------------------------------|---------------------------|-----------------------------------------------------------------|--------------------------------------------------|
| Number of complaint investigations initiated    | 86                        | 21                                                              | <i>CRB does not initiate investigations</i>      |
| Number of complaint investigations completed *  | 63                        | 22                                                              | 49                                               |
| Number of complaint investigations active/open* | 42<br>(8 cases in review) | 6<br>(4 cases are in review or awaiting a departmental hearing) | <i>CRB does not have any open investigations</i> |
| <b>Closed Case Findings by allegation:</b>      |                           |                                                                 |                                                  |
| Exonerated                                      | 16                        | 2                                                               | 41                                               |
| Sustained                                       | 0                         | 12                                                              | 20                                               |
| Unprovable                                      | 50                        | 1                                                               | 91                                               |
| Unfounded                                       | 13                        | 0                                                               | 27                                               |
| Officed                                         | 44                        | 2                                                               | <i>CRB cannot office allegations</i>             |
| <b>Totals</b>                                   | <b>123</b>                | <b>17</b>                                                       | <b>179</b>                                       |

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

| 2011 BREAKDOWN OF CITIZEN COMPLAINTS BY ALLEGATION |            |           |            |           |                           |            |            |
|----------------------------------------------------|------------|-----------|------------|-----------|---------------------------|------------|------------|
|                                                    | Exonerated | Sustained | Unprovable | Unfounded | No Findings<br>or Officed | Pending    | Total      |
| UNNECESSARY USE OF FORCE                           |            |           |            |           |                           |            |            |
| Unnecessary Force                                  | 6          |           | 15         | 2         | 12                        | 35         | 70         |
| COURTESY                                           |            |           |            |           |                           |            |            |
| Discourtesy                                        | 1          |           | 16         | 2         | 11                        | 25         | 55         |
| IMPROPER PROCEDURE                                 |            |           |            |           |                           |            |            |
| Consorting                                         |            |           |            |           | 2                         |            | 2          |
| Damaged citizen property                           |            |           |            |           | 2                         |            | 2          |
| Failed to provide medical attention                |            |           |            | 1         |                           | 3          | 4          |
| Failed to ID self                                  |            |           | 3          |           |                           | 7          | 10         |
| Failed to notify supervisor                        |            |           | 2          |           |                           |            | 2          |
| Failed to take police action                       |            |           |            |           |                           | 1          | 1          |
| Failed to take a report                            |            |           |            |           |                           | 1          | 1          |
| False arrest                                       |            |           |            | 1         |                           | 6          | 7          |
| Harassment                                         |            |           |            |           | 3                         | 1          | 4          |
| Improper conduct / procedure                       | 1          |           | 3          | 1         | 4                         | 17         | 26         |
| Improper tow                                       |            |           | 1          | 1         |                           | 1          | 3          |
| Insufficient police investigation                  |            |           |            |           |                           | 1          | 1          |
| Misappropriated property / money                   |            |           |            |           |                           | 2          | 2          |
| Missing citizen property / money                   |            |           | 1          |           |                           | 2          | 3          |
| Other                                              | 5          |           | 9          | 5         | 5                         | 14         | 38         |
| Unlawful search and seizure                        |            |           |            |           | 3                         | 13         | 16         |
| Untruthfulness                                     |            |           |            |           |                           |            |            |
| Pointed a firearm                                  | 3          |           |            |           |                           |            | 3          |
| <i>Satellite Issues</i>                            |            |           |            |           |                           | 2          | 2          |
| <b>Totals</b>                                      | <b>16</b>  | <b>0</b>  | <b>50</b>  | <b>13</b> | <b>42</b>                 | <b>131</b> | <b>252</b> |

| 2011 BREAKDOWN OF DEPARTMENTAL INVESTIGATIONS BY ALLEGATION |            |           |            |           |                           |          |           |
|-------------------------------------------------------------|------------|-----------|------------|-----------|---------------------------|----------|-----------|
|                                                             | Exonerated | Sustained | Unprovable | Unfounded | No Findings<br>or Officed | Pending  | Total     |
| UNNECESSARY USE OF FORCE                                    |            |           |            |           |                           |          |           |
| Unnecessary Force                                           | 2          |           |            |           |                           | 1        | 3         |
| COURTESY                                                    |            |           |            |           |                           |          |           |
| Discourtesy                                                 |            | 1         | 1          |           |                           |          | 2         |
| IMPROPER PROCEDURE                                          |            |           |            |           |                           |          |           |
| Abuse of sick time                                          |            |           |            |           |                           |          |           |
| Consorting with felon                                       |            |           |            |           |                           | 1        | 1         |
| Damage Police Property                                      |            | 5         |            |           |                           | 1        | 6         |
| Divulge Police Information                                  |            |           |            |           |                           |          |           |
| Failed to file SRR                                          |            |           |            |           |                           |          |           |
| Failed to notify supervisor                                 |            |           |            |           |                           |          |           |
| Failed to take action                                       |            |           |            |           |                           |          |           |
| Failed to take a report                                     |            |           |            |           |                           |          |           |
| Failed to accurately<br>complete reports                    |            | 1         |            |           |                           |          | 1         |
| Failed to cooperate with<br>internal investigation          |            |           |            |           |                           |          |           |
| Failed to supervise                                         |            |           |            |           |                           |          |           |
| Harassment /<br>Sexual Harassment                           |            |           |            |           |                           |          |           |
| Improper conduct /<br>procedure                             |            | 5         |            |           | 2                         | 4        | 11        |
| Insubordination                                             |            |           |            |           |                           |          |           |
| Insufficient police<br>investigation                        |            |           |            |           |                           |          |           |
| Left area of assignment                                     |            |           |            |           |                           |          |           |
| Misappropriated property/<br>money                          |            |           |            |           |                           |          |           |
| Missing police property                                     |            |           |            |           |                           |          |           |
| Unlawful search and<br>seizure                              |            |           |            |           |                           |          |           |
| Untruthfulness                                              |            |           |            |           |                           |          |           |
| Other<br>(i.e. reading on duty)                             |            |           |            |           |                           |          |           |
| <i>Satellite Issues</i>                                     |            |           |            |           |                           |          |           |
| <b>Totals</b>                                               | <b>2</b>   | <b>12</b> | <b>1</b>   | <b>0</b>  | <b>2</b>                  | <b>7</b> | <b>24</b> |

**Table 2**



**Table 3**

