

ROCHESTER POLICE DEPARTMENT



Professional
Standards
Section

Truth, Integrity, Fairness

ROCHESTER POLICE DEPARTMENT
**PROFESSIONAL STANDARDS
SECTION**

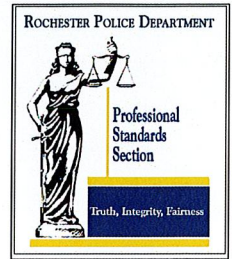


ANNUAL REPORT

January 1 through December 31, 2016



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 2016 Annual Report. 2016 has been a year of continued growth in terms of improving processes, enhancing systems, and strengthening relationships.

Beginning in 2016, the Body Worn Camera program was implemented in several Sections of the Rochester Police Department. While full implementation will be completed in 2017, Professional Standards Section has made several software and hardware updates to fully utilize this program and increase transparency with the community.

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 2016, 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 2016, and reviewed by the Civilian Review Board, the average completion time was 103 calendar days, down from 110 calendar days in 2015. We remain committed to reduce this timeframe in 2017. A listing of our case timelines can be found in the "Complaint Section" of this report.

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 with a major update planned for 2017. These updates and continued training will propel the Professional Standards Section to the forefront with state of the art technology. 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, tools, and protocols.

The Professional Standards Section looks forward to 2017 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.

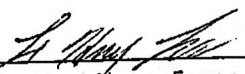
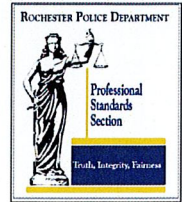
By 
Lieutenant Henry Favor
Professional Standards Section



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2016 Annual Report on Police Complaints

Between **January 1** and **December 31, 2016**, Police Department personnel responded to **339,699** calls for service, for a total of **610,102** responses by Departmental units. (A response refers to each individual officer involved in the call for service). This activity resulted in the initiation of 24 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 ASR, 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 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:

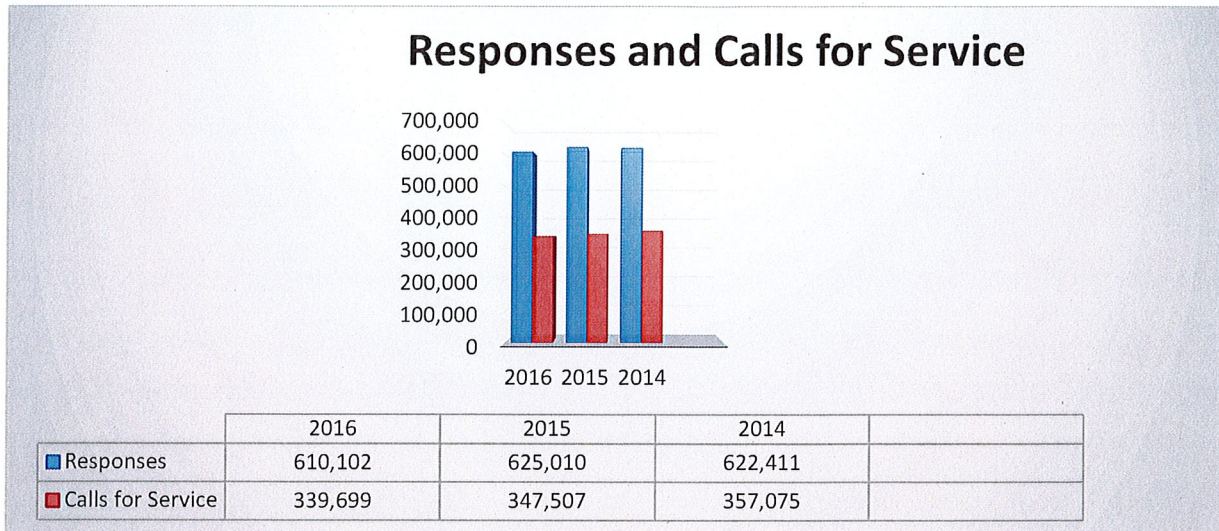
- Exonerated - Conduct was lawful, justified and proper.
- Sustained - The conduct occurred and amounted to misconduct or misjudgment.
- Unprovable - There is insufficient evidence to prove or disprove the allegation.
- Unfounded - The act apparently did not occur.
- Office - An allegation is closed 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 **2016** and the percentage of change when compared to the previous year's totals.

	Investigations initiated through the Fourth quarter 2015	Investigations initiated through the Fourth quarter 2016*	Percentage Change
Citizen	33	24	-27%
Departmental	38	25	-34%
Total Investigations	71	49	-31%
C.R.B. Reviews	24	18	-25%
Command Discipline	3	1	-66%

* Data reflects investigations initiated, not necessarily completed in 2016.

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 **2016**, **11** 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 IAPro system to document the information. Through the Fourth quarter of **2016**, the Professional Standards Section completed **189** Administrative Inquires.

CITIZEN COMPLAINTS

Complainant Demographic Breakdown:

	Complainants	% of Total
White	7	30%
Black	13	55%
American Indian	0	0%
Asian/ Oriental	0	0%
Unknown	4	15%
Total	24	100%

Of the citizen complaints investigated through the Fourth quarter of 2016, 4 allegations of misconduct were sustained. For the sustained allegations of misconduct, 3 individuals were held accountable.

Citizen Complaints			
Citizen Complaints: Disposition by Individual			
<u>Action Taken</u>	<u>Number of Personnel</u>		
Memorandum of Record	1		
Command Discipline	0		
Formal Charges	1		
Training / Counseling	0		
Retired	1		
Total	3		
<u>Below is the breakdown of Formal Charges preferred:</u>			
PSS #	Personnel Involved	Allegation	Departmental Action (per officer)
15-0940	1 Member	Courtesy	Memorandum
15-0247	1 Member	Procedure	Suspension
15-0800	1 Member	Courtesy (2)	Memorandum

DEPARTMENTAL INVESTIGATIONS

Of the internal complaints investigated through the Fourth quarter of 2016, 14 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	9		
Resigned or Retired	0		
Other	2		
Total	13		
<u>Below is the breakdown of formal charges preferred:</u>			
PSS #	Personnel Involved	Allegation	Departmental Action (per officer)
15-0172	2 Members	Procedure Procedure	Retired Letter of Reprimand
15-0394	1 Member	Courtesy	Suspension

15-0810	1 Member	Conduct	Suspension
15-0844	1 Member	Courtesy	Letter of Reprimand
15-0963	1 Member	Procedure	Letter of Reprimand
15-1040	2 Members	Conduct (2) Procedure	Memorandum Letter of Reprimand
16-0001	1 Member	Conduct	Monetary Fine
16-0080	1 Member	Conduct	Memorandum
16-0130	1 Member	Procedure	Letter of Reprimand
16-0291	1 Member	Conduct	Suspension
16-0795	1 Member	Conduct	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 **2016**, 18 cases were determined to fit the criteria for Civilian Board review. The C.R.B. cases reviewed were the result of 7 Citizen Complaint investigations and **11** Departmental Investigations, consisting of a total of **63** allegations.

The Board's review resulted in the following **63** findings for the allegations of misconduct:

Exonerated	18
Sustained	12
Unprovable	29
Unfounded	3
Total	63

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 **2016**, the Police Chief's actions taken as a result of C.R.B. advisory recommendations are as follows:

Policy recommendations 0

Investigative recommendations 1
 Training recommendations 4

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
14-0787	Force Procedure	Sustained Sustained	Unprovable Unfounded
15-0877	Force Satellite	Exonerated Sustained	Unfounded Unfounded
15-0917	Force	Unprovable	Exonerated
16-0002	Force	Unprovable	Exonerated
16-0003	Force	Exonerated	Unfounded
16-0094	Force	Unprovable	Exonerated
16-0229	Force Force	Exonerated Unprovable	Unprovable Unfounded
16-0291	Conduct	Unprovable	Sustained
16-0547	Conduct (2)	Sustained	Unprovable

COMMAND DISCIPLINE

Command Discipline cases are investigations that are initiated by a Command Officer. Through the Fourth quarter of **2016**, 1 allegation, implicating 1 officer, were disposed of through the Command Discipline process.

Command Discipline			
PSS	Personnel Involved	Allegation	Departmental Action
16-0528	1 Member	Conduct	Letter of Reprimand

Data is reflective of completed investigations in 2016, and may not match the data on the breakdown of investigations initiated in 2016

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 **2016**, 9 satellite issues were sustained, 6 members were held accountable.

Satellite Issues			
PSS	Personnel Involved	Allegation	Departmental Action
15-0172	2 Members	Procedure (5) Rules & Regulations	Letter of Reprimand Letter of Reprimand
15-0865	1 Member	Conduct	Memorandum
16-0105	1 Member	Procedure	Memorandum

16-0291	1 Member	Procedure	Suspension
16-0707	1 Member	Procedure	Memorandum

2016 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	24	25	<i>CRB does not initiate investigations</i>
Number of complaint investigations completed *	34	22	18
Number of complaint investigations active/open*	12 (3 are in the review process) (2 are in the Hearing stage)	16 (2 are in the review process) (2 are in the Hearing stage)	<i>CRB does not have any open investigations</i>
Closed Case Findings by allegation:			
Exonerated	25	6	18
Sustained	4	24	12
Unprovable	40	5	29
Unfounded	12	3	3
Officed	14	0	<i>CRB cannot office allegations</i>
Totals	95	38	62

* 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:** 62 calendar days from the date of complaint
- **Division Review:** 11 calendar days to review the case
- **CRB Review:** 26 calendar days from the date of PSS completion
- **Executive Review:** 101 calendar days from date of complaint
- **Final letter:** 103 calendar days from date of complaint

2016 BREAKDOWN OF CITIZEN COMPLAINTS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force	9			2		8	19
COURTESY							
Discourtesy			11		3	10	24
IMPROPER PROCEDURE							
Consorting							
Damaged citizen property					2		2
Failed to provide medical attention							
Failed to ID self	1						1
Failed to notify supervisor							
Failed to take police action				2			2
Failed to take a report	4					2	6
False arrest						1	1
Harassment							
Improper conduct / procedure	10		3	1	6	9	29
Improper tow	1						1
Insufficient police investigation					1	4	5
Misappropriated property / money			4				4
Missing citizen property / money					2	2	4
Other							
Unlawful search and seizure				2			2
Untruthfulness							
Pointed a firearm							
Bias Based Policing				2			2
<i>Satellite Issues</i>		2					2
Totals	25	2	18	9	14	36	104

2016 BREAKDOWN OF DEPARTMENTAL INVESTIGATIONS BY ALLEGATION							
	Exonerated	Sustained	Unprovable	Unfounded	No Findings or Officed	Pending	Total
UNNECESSARY USE OF FORCE							
Unnecessary Force	5					11	16
COURTESY							
Discourtesy			1			2	3
IMPROPER PROCEDURE							
Abuse of sick time							
Consorting with felon							
Damage Police Property		1				1	2
Divulge Police Information							
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		1					1
Harassment / Sexual Harassment							
Improper conduct / procedure		3	4	3		15	25
Insubordination		1				3	4
Insufficient police investigation							
Left area of assignment							
Misappropriated property/ money							
Missing police property							
Unlawful search and seizure							
Untruthfulness						1	1
Other (i.e. reading on duty)						1	1
Satellite Issues		2					2
Totals	5	8	5	3		34	55

Table 2

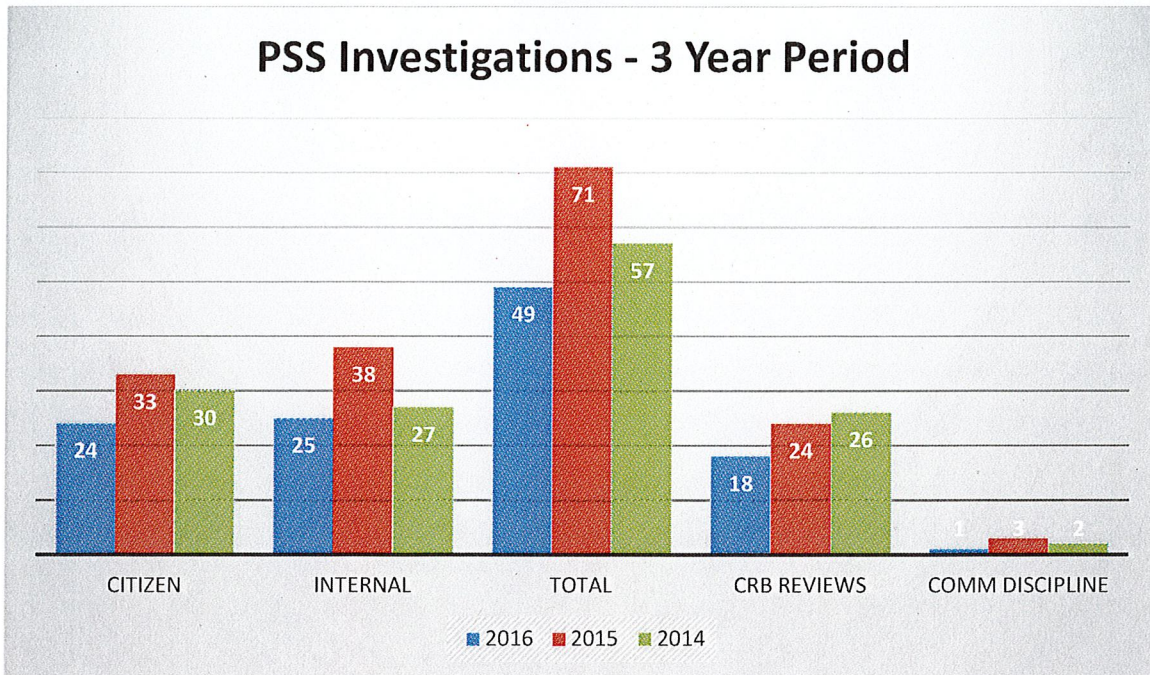


Table 3

