



City of Rochester

Community Response
to Governor Cuomo's

EXECUTIVE ORDER 203

Police Reform and
Reinvention Collaborative

March 2021



Believe.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



Acknowledgements

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City of Rochester

INTRODUCTION

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City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



I. Introduction

As stated by Governor Cuomo, “Maintaining public safety is imperative; it is one of the essential roles of government. In order to achieve that goal, there must be mutual trust and respect between police and the communities they serve. The success and safety of our society depends on restoring and strengthening mutual trust. With crime growing in many cities, we must seize this moment of crisis and turn it into an opportunity for transformation.” With that said, Governor Cuomo issued Executive Order 203, requiring each local government with a police force in New York State to adopt a policing reform plan by April 1, 2021. The Order authorizes the Director of the Division of the Budget to condition state aid on the adoption of such a plan.

To bring together all of the work currently being advanced in the city of Rochester around police reform, Mayor Lovely Warren formed a working group comprising representation from key groups involved in this work, including:

- The Commission on Racial and Structural Equity (RASE)
- The United Christian Leadership Ministry (UCLM)
- The Police Accountability Board (PAB)
- City Council
- The Mayor’s Office
- Rochester Police Department (RPD)

The working group met regularly to collaborate and bring in content that is relevant to the Governor’s Executive Order and the subsequently released *New York State Police Reform and Reinvention Collaborative Resources and Guide for Public Officials and Citizens* provided in August 2020.

This plan is the response to Executive Order 203 and the next critical step in Rochester’s efforts to rethink policing in the community.¹ While much has been accomplished, there is still more to be studied and implemented after this report has been delivered. For instance, the RASE Commission is not scheduled to complete its final list of recommendations until the end of February 2021. Their input into this process has been largely informal while awaiting the final recommendations. In addition, the City of Rochester engaged Wilmer Cutler Pickering Hale and Dorr, LLP on November 20, 2020 to advise the City on reforms to the Rochester Police Department. They are a nationally recognized expert on police reform. Specifically, the City engaged WilmerHale to:

- Review RPD’s policies, procedures and trainings relative to: (i) use of force; (ii) de-escalation of critical incidents; (iii) use of body worn cameras; and (iv) responding to mental health related calls for assistance;
- Make recommendations for necessary changes;
- Assess and make recommendations for changes and enhancements to RPD’s training program on uses of force, de-escalation, and responding to those experiencing mental health issues; and
- Hold interviews with key community stakeholders and RPD personnel to ensure that the review takes into account differing perspectives.

WilmerHale provided preliminary findings and recommendations to help inform the City’s efforts to prepare the submission required by Executive Order 203. Their work, however, is ongoing and will provide further guidance in the coming months.

¹ The Police Accountability Board is committed to providing full transparency over all of the RPD’s work. The Board will, in its future work, review the accuracy of the information provided by the RPD in this report.



City of Rochester

PUBLIC ENGAGEMENT



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City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



II. Public Engagement

Through the collaboration of the working group and further community engagement, the contents of this plan reflect the Rochester community's goals for reform. Involving representation from the following groups was instrumental in creating a broadly representative community plan.

- In June 2020, The Mayor and County Executive announced the creation of the Commission on Racial and Structural Equity (RASE) whose mission includes examining and developing policies and legislation to overcome systemic and institutional inequities among many subject areas, including policing policies and other related systems. The RASE Commission members and subcommittee members include many people from the community. The Commission maintains a Facebook presence, conducted several community meetings and webinars, and delivered several surveys to gather necessary input to inform their work.
- In early 2020, the City created the Police Accountability Board (PAB) dedicated to helping Rochesterians reimagine public safety by "ensur[ing] public accountability and transparency over the powers exercised by sworn officers of the Rochester Police Department." The Board comprises nine city residents and full-time staff. The PAB engaged the community in the content that they provided for this report.
- Formed in 2013, UCLM is an ecumenical coalition of religious and civic institutions, headed by the Rev. Lewis Stewart to create a movement for justice and revolutionary community transformation. They work closely with community partners on criminal justice issues, especially those affecting people of color. Those issues include: effectively advocating for policy changes; improving community-police relations; advocating for individuals abused by police; and, working to reduce gun violence. The United Christian Leadership Ministry (UCLM) contributed content.

Additionally, the Mayor issued a citywide online survey, "Policing in Rochester," in October 2020 and received 3,223 responses by the time it closed on October 29, 2020. Results are as follows:

- Of the total responses, 2,041 (63.3%) were from city residents.
- Three-quarters of city resident respondents (75%) said they support Community Policing. Only 14% of city resident respondents said that they do not support Community Policing.
- 60% of city resident responses said they support having Crisis Intervention Services respond to mental health and addiction-related 911 calls instead of Police. This was double the rate of city resident responses that said they support having Police respond to these kinds of calls (30%).
- More than half of city resident responses (56%) indicated that they think new policing policies, training, general orders, and internal regulations (per the Governor's Executive Order) should be developed in conjunction with independent experts.
- Just over half of city resident respondents (52%) said that they do not believe that the City can conduct a thorough review of the RPD internally or locally without outside assistance. The results showed strong support for using independent experts (56%) and outside organizations (52%), including community groups and the Police Accountability Board, to assist City Hall in its efforts to respond to Gov. Andrew Cuomo's Executive Order.
- More than half of city resident respondents (55%) said that they support the City providing Interim Police Chief Herriott-Sullivan with the resources she needs to build police community relations, including working with the community, police employees, and other interested parties. Less than one quarter of city resident respondents (23%) said that they do not support the City providing Interim Police Chief Herriott-Sullivan with these resources.
- 45% of city resident respondents said that they do not believe that Community Policing can be achieved without having specific municipal buildings in neighborhoods that are dedicated to policing



efforts and other neighborhoods initiatives. 35% of city resident respondents said that they do believe that Community Policing could be achieved without specific municipal buildings in neighborhoods that are dedicated to policing and neighborhood initiatives.

A preliminary draft of this plan was released February 4, 2021. The community was provided with an opportunity to comment on the plan through March 4, 2021. Several hundred comments were received and can be seen in the spreadsheet included as Appendix G. Some comments prompted a change to the Plan and other comments will inform the decision-making process and Plan implementation. On March 12, the Plan moves into the City Council adoption process which also involves community input.

For a complete list of community engagement to date, please see Appendix A. For reports that informed the content of this plan, see Appendices B-K.



City of Rochester

RPD

OVERVIEW





III. Rochester Police Department (RPD) Overview

The RPD serves over 210,000 City of Rochester residents and thousands of others who work, shop, do business, and attend special events in the City. Rochester's police officers patrol a total geographical area of approximately 37 square miles located within the County of Monroe. The RPD was officially founded in 1819, marking its 200th Anniversary in 2019. The Rochester Police Department is accredited by the New York State Law Enforcement Accreditation Program, which was established in 1989 through Article 36, §846-h of the New York State Executive Law. The accreditation program is overseen by the New York State Division of Criminal Justice Services and operates on a 5-year renewal plan. The RPD was most recently reaccredited in the spring of 2020.

The stated mission of the RPD is "To Reduce Crime, to Protect and Serve the Citizens of Rochester, and to uphold the Constitution of the United States and the Constitution of the State of New York." The RPD service motto is "Serving with PRIDE - Professionalism, Respect, Integrity, Dedication, and Excellence."

A. RPD Organization

1. Current Staffing and Organization

The RPD staff currently includes 724 sworn positions and 126 civilian positions (see Table 1), divided into four areas of responsibility, including the Office of the Chief, the Operations Bureau, the Administration Bureau, and the Community Affairs Bureau.

a. Office of the Chief

The Office of the Chief is responsible for planning, staffing, directing, coordinating and controlling all Departmental functions. It coordinates and oversees the budgeting and operational and/or administrative functions of the Department. The office is responsible for maintaining positive morale and discipline, and maintaining an effective system of liaisons and an awareness of neighborhood police concerns, priorities and needs of citizens and groups affected by the RPD.

The Office includes the Professional Standards Section (PSS) which is responsible for investigating complaints of police actions or misconduct originating from any source, conducting civil claim investigations for the Corporation Counsel, the administrative review of fleet vehicle accident investigations and conducting other investigations as directed by the Chief of Police. PSS is also responsible for the maintenance of the Department's official disciplinary records.

The Office of Business Intelligence (OBI) is responsible for strategic planning and product development, data analysis, business process improvements, data transparency and major Departmental projects as designated by the Chief of Police.

b. The Operations Bureau

The Operations Bureau is responsible for providing direct police services to the public, including the protection of life and property, protection of the constitutional guarantees of all people, reduction of opportunities for the commission of crime, resolution of conflict, identification of criminal offenders and criminal activity, and apprehension of offenders.

The Operations Bureau consists of the Patrol Division and is responsible for providing general police services throughout the City of Rochester. City Patrol Divisions are composed of five geographical patrol sections: Lake, Genesee, Goodman, Clinton, and Central. This is also the Bureau and houses the Special Operations Division, Special Events, and Animal Services.



The Bureau includes the Special Operations Division (SOD) which is responsible for conducting specified investigations and providing investigative support services necessary for the effective operation of the Department. This is the Bureau responsible for the Body-Worn Camera Program. SOD is responsible for the suppression of organized crime, illegal drug trafficking, other vice-related activity and other criminal investigations. It also includes the tactical unit, K-9 unit, Traffic Enforcement Unit, Mounted Unit, Bomb Squad, Crisis Negotiation Team, Mobile Field Force, Scuba Squad, Special Weapons and Tactics Team, the Crime Research Unit, and the Special Events Section.

The Special Events Section of the Bureau is responsible for assessing logistical requirements, traffic and crowd control plans, identifying potential problems and developing contingency plans as needed in the coordination and direct supervision in the multitude of community events held in Rochester each year. The Animal Services operates the City Animal Shelter, answers calls dispatched through 911, provides community outreach by connecting with pet owners in Rochester neighborhoods, and facilitates animal adoptions.

c. **The Administration Bureau**

The Administration Bureau is responsible for providing the administrative support services necessary for the effective operation of the RPD and is responsible for managing RPD resources. The head of this Bureau works closely with the City of Rochester's Department of Human Resource Management in personnel matters, including employee hiring and promotion, Labor Relations (which maintains grievance records) and labor unions representing RPD employees in labor matters. The Bureau head is the liaison for building maintenance and improvement, and utility services and oversees the Officer Assistance Program for crisis intervention and stress counseling services for RPD officers and their families. The Administration Bureau contains a Professional Development Section (including the RPD Background Unit and Volunteer Services Unit), Technical Services Section, Research and Evaluation Section, and Personnel and Budget offices.

The Professional Development Section (PDS) develops, coordinates, and administers RPD In-Service and Recruit Training programs, along with Firearms and Defensive Tactics training. PDS includes Volunteer Services, responsible for background assistance, assigning civilian volunteers, and maintaining and monitoring a variety of programs within the RPD. PDS works in conjunction with the Monroe County Public Safety Training Facility for recruit and advanced training programs. The Citizen's Police Academy (CPA) is also coordinated by PDS. The CPA is a 10-week program held once a year with an average class of 20-25 attendees. Academy classes take place over 10 consecutive weeknights from 6 PM to 9 PM and is designed to provide a broad-based look at the policies, procedures and operations of the RPD.

The Technical Services Section (TSS) is responsible for providing technical support to field personnel and public access to RPD records. TSS coordinates fleet vehicle purchasing and maintenance. TSS includes Headquarters and Records, Juvenile Records, Identification, Warrants, Court Liaison, Call Reduction, Property Clerk, Firearms Investigations, Quartermaster and Auto Pound, as well as the Police Overt Digital Surveillance System (PODSS)/Anti-Violence Cameras.

The Research and Evaluation Section (R&E) is responsible for developing, revising, and maintaining RPD policies and procedures, including Administrative and General Orders. R&E is liaison to the Monroe County Office of Emergency Preparedness and coordinates the development of policies and procedures in emergency responses involving the RPD and outside agencies. R&E is responsible for managing special projects and experimental programs, such as research, procurement and administration of grant funding and assessing compliance with RPD rules, regulations and directives.



R&E develops analytic and status reports, coordinates staff and field inspections, evaluates compliance with directives, plans and regulations, and coordinates the testing of new products, equipment and technologies for Departmental use. R&E prepares status reports and recommendations regarding the administration and operation of the RPD and oversees RPD compliance with the NYS Law Enforcement Accreditation Program.

The police Personnel Office is responsible for maintaining RPD personnel and payroll records, including RPD hiring procedures. The police Budget Office is responsible for overseeing RPD purchasing and accounting procedures and monitoring RPD revenues and expenditures.

d. Community Affairs Bureau

The Community Affairs Bureau coordinates all communications, public information, and community engagement initiatives. This Bureau includes the Recruitment Unit and Community Policing Unit, which includes the Neighborhood Service Centers (NSC) and Crime Prevention Officers (CPOs).

Typical work activities include:

- Directing change management initiatives and developing strategies related to communications and community engagement;
- Appraising local and national law enforcement issues related to community relations and recommending suitable solutions;
- Implementing new programs, procedures and policies designed to improve the community's perception and appreciation for the RPD;
- Meeting with community, business, educational, human service and civic action groups regarding their interaction with the RPD;
- Representing the RPD to various groups concerned with intergovernmental law enforcement affairs;
- Researching, developing and implementing effective communication tools to work with the diverse populations the RPD serves;
- Identifying need, leading development and implementing progressive police training and mentoring programs;
- Maintaining productive alliances with professional police agencies and other authorities;
- Representing the RPD before City Council, the County Legislature and other official entities;
- Serving as the RPD's Chief Recruitment Officer and directing the Recruitment Unit and overall recruitment efforts to solicit and encourage prospective Police Officer candidates to seek employment with the RPD;
- Serving as the RPD's Chief Public Information Officer (PIO) and directing personnel in performing public information duties;
- Serving as the RPD's Chief Community Affairs Officer, overseeing the City's Neighborhood Service Centers; and
- Directing and coordinating all RPD activities related to social media initiatives.



Table 1

RPD Staff	20/21 Budget²
Chief	1
Executive Deputy Chief	0
Deputy Chief	3
Commander	3
Captain	13
Lieutenant	31
Sergeant	93
Investigator	81
Patrol Officer	499
Sworn- Total	724
Civilian	126
Grand Total	850

2. Physical Location of Police Facilities

Rochester's Police Officers operate under a neighborhood-based, five-Section patrol model with officers assigned to neighborhood beats to engage in community policing initiatives. The five Sections are Lake, Genesee, Goodman, Clinton, and Central. The RPD Patrol Division currently works out of three Section Offices located at:

- 1099 Jay Street (Lake and Genesee Sections)
- 630 N. Clinton Avenue (Clinton and Goodman Sections)
- Sibley Building, 30 N. Clinton Avenue (Central Section)

Staff in the RPD Recruitment and Community Policing Unit which is part of the Community Affairs Bureau includes Crime Prevention Officers assigned to Section Offices and Neighborhood Service Centers. All RPD facilities, locations, and number of sworn officers working at each location is summarized in Table 2 below.

² In October 2020 the 20/21 budget was restructured to eliminate one deputy chief position and add an Executive Deputy Chief.



Table 2

Facility Location	Approximate Number of Sworn Officers (including Supervisors)³
1099 Jay St. Bldg D (Lake and Genesee Section)	186
1190 Scottsville Rd (Public Safety Training Center)	4
185 Exchange Blvd (Public Safety Building)	137
261 Child St. (Special Operations/Tactical)	62
30 N. Clinton Ave. (Central Section)	62
320 N. Goodman #309 (Goodman Community Affairs)	5
500 Norton St. (Clinton Community Affairs)	5
630 N. Clinton Ave. (Goodman/Clinton/Investigations)	223
71 Parkway, 1st Fl. (Lake Community Affairs)	5
846 S. Clinton Ave (Professional Standards Section)	8
923 Genesee St. (Genesee/Central Community Affairs)	4
184 Verona St. (Mounted Unit)	4
Home (Long Term Injured)	19

³ The numbers in this table represent a point in time. Staffing assignments are fluid, affecting these numbers.



3. Staffing levels compared to other cities

According to the most recent data released through the Uniform Crime Reporting Program⁴, Rochester's officers per 10,000 residents ratio is 35.9. Outside of Birmingham, Rochester has more officers on a per resident basis than every other one of the 70-plus cities that have between 150,000 and 250,000 residents.⁵ Rochester has roughly twice as many officers per resident than the average city in this population range.⁶

Rochester has roughly twice as many officers per resident when compared to the average of the 20 major cities (that is, cities with more than 100,000 people) with the most similar property crime rates.⁷ Rochester has 67% more officers per resident compared to the average of the 20 major cities with the most similar violent crime rates.⁸

Among other major Upstate New York cities, Rochester has 18% more officers per resident than Niagara Falls, 19% more than Albany, 22% more than Binghamton, 26% more than Buffalo, 27% more than Syracuse, 32% more than Utica, 38% more than Troy, and 46% more than Schenectady.⁹

Finally, the RPD Data Portal includes a list of cities "most similar to Rochester" along a host of variables including population density, age, sex, race, ethnicity, housing, education, health, economy, transportation, income levels, and poverty rates. Of the top 20 most similar cities that reported officer employment data to the FBI in 2019, Rochester had 33% more officers than the average of those cities.¹⁰

⁴ See methodology for The Federal Bureau of Investigation's (FBI) Uniform Crime Reporting methodology here: <https://ucr.fbi.gov/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/methodology>

⁵ According to the most recent data released through the Uniform Crime Reporting Program, there are 75 cities with populations between 150,000 and 250,000 with police departments. Birmingham's officers per 10,000 residents ratio is 40.6.

⁶ According to the most recent data released through the Uniform Crime Reporting Program, there are 75 cities with populations between 150,000 and 250,000 with police departments, average officer per 10,000 residents ratio for cities with over 25,000 residents that have police departments is 17.1, less than half of Rochester's 35.9 ratio. Rochester's status does not change significantly when you compare it to the 20 cities most similar in size, which have an average officer per 10,000 residents ratio of 17.9 – again, roughly half of Rochester's 35.9 ratio.

⁷ In 2019, Rochester had a property crime rate of 3470.882 crimes per 100,000 citizens. Compared to the average officer-to-resident ratio of 18.3 for the 20 cities with populations above 100,000 that experienced the most similar violent crime rates that reported both employment and crime data to the FBI in 2019, Rochester's ratio of 35.9 was 96% bigger.

⁸ In 2019, Rochester had a violent crime rate of 748.412 crimes per 100,000 citizens. Compared to the average officer-to-resident ratio of 21.5 for the 20 cities with populations above 100,000 that experienced the most similar violent crime rates that reported both employment and crime data to the FBI in 2019, Rochester's ratio of 35.9 was 67% bigger.

⁹ According to the most recent data released through the Uniform Crime Reporting Program, Rochester's officers per 10,000 residents ratio is 35.9, while Niagara Falls's is 30.5, Albany's is 30.1, Binghamton's is 29.5, Buffalo's is 28.5, Syracuse's is 28.3, Utica's is 27.1, Troy's is 26.0, and Schenectady's is 24.6.

¹⁰ A number of the cities most similar to Rochester did not appear to report officer employment data to the FBI in 2019. The list is of cities that ranked most highly on the similarity index in descending order; cities that reported officer employment data have an officer-to-10k resident ratio next to them. The list ends when it reaches 20 cities that reported employment data. Buffalo's ratio is 28.5, Milwaukee's is 31.3, Syracuse's is 28.3, Cleveland's is 40.9, Pontiac did not report, Cincinnati's is 33.8, Lansing's is 16.8, St. Louis's is 40, Dayton's is 25.8, and Springfield, Mass.'s is 31.7, Wilmington's is 21.4, Toledo's is 23.3, Richmond's is 31.8, Baton Rouge's is 27.9, Saginaw's is 11.1, South Bend's is 23.0, Grand Rapids's is 14.8, Schenectady's is 24.6, Akron, Ohio did not report, Canton, Ohio's is 23.8, Lancaster, Penn. did not report, Albany's is 30.1, and Kalamazoo's is 31.2. The average ratio in these cities is 27; Rochester's ratio is 33% larger than this.



B. RPD Budget Summary

The RPD operating budget for Fiscal Year 20/21 is \$93,616,200. The City budget also includes \$51,866,700 in “Undistributed Funds” for RPD employee benefits¹¹.

C. Recent Staff/Budgetary Changes in Response to Current Events

During the 2020-21 budget process, the Mayor and City Council agreed to reduce the budget allocation for the Police recruit class by \$750,000 and set that funding aside in Contingency for racial equity initiatives. In September 2020 Council authorized a transfer of \$236,700 from Contingency to the Department of Recreation and Human Services (DRHS) for the purpose of creating a DRHS Office of Crisis Intervention Services. The Office’s initial stated goal was to deploy emergency response teams in the community. An additional \$63,600 was appropriated for benefit expenses.

At the same time, \$681,100 in existing funding in the Police Department’s Family and Victims Services Office was also transferred to DRHS (funding transferred reflected remaining fiscal year funding). This office oversees the Family Crisis Intervention Team (FACIT) and the Victims Assistance Unit (VAU). The objective of this transfer was to allow the City to effectively respond to crisis situations with trained and experienced behavioral and mental health professionals independent of law enforcement protocols.

A full year transfer of the Family and Victims Services Office would have been \$953,200 (see City budget book page 9-28). In addition, in the month of January 2021, City Council approved the transfer of an additional \$350,000 to support the new Crisis Intervention Services function in DRHS including the establishment of an anticipated annual \$201,000 contract with Goodwill/211 LifeLine for call center services. Summing the annualized transfer from RPD (\$953,200), the initial transfer from Contingency (\$236,700) and an anticipated additional \$201,000 contract we arrive at an annualized estimated sum of \$1.39 M in funding for the new function in DRHS.

The operational implications of this budget shift is described in Section III.E.1.

For more information, please go on line to:

[City of Rochester | Crisis Intervention Services](#)

[21 DRHS Person in Crisis ERA format Plan FINAL 020321.pdf \(cityofrochester.gov\)](#)

D. The Role of the RPD in Rochester Today

1. Summary of Crime Trends

The Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) program is the most comprehensive collection of law enforcement crime data in the United States. The Rochester Police Department (RPD) collects crime data in accordance with UCR standards and submits to the program through the New York State Division of Criminal Justice Services. The UCR program divides crime into two primary categories, Part I and Part II, with Part I representing the most serious crimes. Part I crime is subsequently broken down by offense type into Violent Crime (Murder, Rape, Robbery, and Aggravated Assault) and Property Crime (Burglary, Larceny, and Motor Vehicle Theft).

¹¹ In addition to wage and salary compensation, employees are provided with various fringe benefits as provided by law, collective bargaining agreements, and administrative determination. The City’s budgeting and accounting systems place the allocations for these benefits in a separate department for monitoring and control purposes. Details on these allocations are found in the Undistributed Expenses section of the Budget



Rochester has experienced a prolonged decrease in its Part I crime rate (accounting for population changes) since a local peak in the early 1990's. The 2018 rate was the lowest level in at least 35 years and has held since. Part I crime counts are driven by the property category, most significantly by Larcenies. Larceny totals typically account for over half of all serious crime and collectively property crime historically represents roughly 80% of all Part I crimes. Nine times in the last decade (2011-2020) Larceny totals have decreased from the previous year with the trend resulting in 47% reduction. Similarly, Burglary crimes have been steadily trending down during the same time-period with 2020 having less than half of the total in 2011, even after the last two years showed slight increases.

Violent crime has also significantly decreased (38%) locally since the 1990's peak, most notably during the period of 2007-2014. Since then, violent crime rates have held steady. Historically, Robberies and Aggravated Assaults account for an overwhelming majority of violent crimes while Murders and Rapes make up less than 5%. Robbery crimes are trending down since 2013 and this year's total was the lowest annual count in the last three decades. Conversely, Aggravated Assaults are trending up with yearly increases in four of the last six years including a 15% jump in 2020. Aggravated Assaults are roughly split evenly between both significant physical assaults and threats of significance violence, often involving deadly weapons. Shooting incidents, those with a fatal or non-fatal penetrating gunshot wound, drastically impact Aggravated Assault and Murder totals. Shootings historically makeup over half of all physical assaults and close to 80% of all Murders. Although shooting totals are often prone to substantial variability, the significant increase (94%) in 2020 is directly correlated with the upward trend in Aggravated Assaults and a 63% increase in Murders (32 to 52).

Compared to only 2019, 2020 produced consistently elevated counts of shooting victims punctuated by recent high-profile multiple victim events. While these sporadic events continue to reinforce the enormous role that violence plays in the community's well-being, perception of safety, and relationship with the Police Department, it is important to put them in context. This is not a problem unique to Rochester. Nationally and across New York State firearm-related violence rose sharply in 2020.

2. Summary Calls for Service Trends

Local call for service information is generated in the Computer Aided Dispatch (CAD) system maintained by the Emergency Communication Department. The analysis work in the 2015 Patrol Reorganization project relied heavily on calls for service data, call type categorization, and response times. Process improvements were made to standardized data quality and normalization during the data collection, collation, contextualization, and analysis of the calls for service data modeling. As a result, RPD created three new priority response groupings for Non-Discretionary (citizen-generated) call types:

- Critical – presents a danger to life or property, call in progress
- Urgent – requires immediate police response, no violence indicated
- Normal – does not present an immediate danger, delayed reports

These new groupings more accurately reflect RPD's response to calls for service that are likely to involve immediate danger to life or property. It is important to note, while these grouping use existing call types to add context for additional analysis, they do not affect the existing dispatching definitions, protocols, or prioritization (e.g., Priority I, Priority II, etc.) used by the Emergency Communication Department. The new categories were adopted as Key Performance Indicators by city officials in 2016.

The five years of data since this re-categorization reflect a continuation of the preceding downward trend of citizen-generated calls for service. The trend has been consistent but gradual with 2020 levels more than 8% below 2016 totals. Critical calls for service have remained consistent at roughly 49,000 annually. Significant



annual reductions, about 5% each year, in Urgent calls for service are driving the overall decrease. There was a 10% uptick in Normal calls for service in 2020 which offset the Urgent categorical increase in the year-to-year change from 2019.

While there is a long-term decrease across all priorities of non-discretionary calls for service, Urgent calls have been decreasing at a faster rate than Critical and Normal calls. Even though call volumes have decreased, the median time spent at all calls has increased substantially since 2011. Also, the total amount of time spent collectively at the calls has remained the same for those prioritized as Urgent, (again even though there has been a decrease in overall calls), but decreased and then increased correlating with the inverse of the budgeted patrol officer staffing levels for Critical and Normal calls. This may be due to an increase in multiple officer responses at the Normal and Critical calls, while not witnessing that same change at the Urgent call level. The increased median time at each call cannot be directly attributed to administrative duties, but they cannot be excluded as possibilities. Overall, officers have been staying longer on single-officer calls, but multiple officer responses may be shortening the total time spent on some of the calls that historically require more time.

3. RPD Community Programming

In 2015, RPD underwent a restructuring of its operations, returning officers to neighborhood patrol beats to engage in community policing efforts. RPD established the Community Affairs Bureau, which coordinates all communications, public information, and community engagement initiatives. The following is a list of some of RPD's current programs to help develop strong relationships in the community:

- Clergy on Patrol - Clergy on Patrol is a partnership between the RPD and the local clergy. Officers walk the neighborhoods with officers of the clergy to identify neighborhood-specific issues and build relationships with neighbors.
- Community Volunteer Response Team- CVRT volunteers check in on residents after a homicide occurs in a neighborhood to help rebuild peace of mind, and refer individuals experiencing negative physical or emotional symptoms to appropriate.
- Police and Citizens Together against Crime - PAC-TAC volunteers work with on-duty patrol officers in their neighborhood and interact with other residents and local merchants to help prevent crime. All volunteer residents receive extensive training.
- Police Citizens Interaction Committee- Each section convenes monthly meetings attended by section staff and representatives of neighborhoods groups within the section to discuss crime patterns, quality of life issues, environmental concerns, problem locations and crime statistics. Meetings are intended to be interactive, where everyone is encouraged to participate in an open dialogue.
- Police Training Advisory Committee - This committee is made up of Department representatives and community members to review current and proposed police training and advise RPD on training policies. Topic-based subgroups were formed to move matters forward. The pandemic unfortunately has delayed the work of this committee and its subgroups. Prior to this delay, police experts in many areas met with community members providing examples of police tactics; however, no formal recommendations were finalized by the committee and there is a need to reinvigorate the Advisory Committee.
- ROC Against Gun Violence Coalition - This coalition of residents, organizations, and city officials seeks to decrease gun violence in Rochester by bringing attention to the causes and effects of gun violence and promoting quality of life in Rochester's neighborhoods.
- Neighborhood Association Meetings - Police officers regularly attend neighborhood association meetings in their beat. This allows for a dialogue between police and officers of the community to address specific problems in a neighborhood.



- GIVE Program - The department's adoption of the Gun Involved Violence Elimination (GIVE) Initiative serves as another component of strategies designed to address crime through community relationships. Through this program, Focused Deterrence Steering Committees are in place. Meetings occur as agency leaders seek ways to understand disputes and proactively address them before fatal encounters arise. Working with myriad faith-based partners, grassroots organization, and Pathways to Peace helps set the stage for on-going relationships.
- Citizen's Police Academy -The Rochester Police Department's Citizen's Police Academy (CPA) was established by the RPD in 1992 with the objective of advancing our collaborative partnership between the Police and community and developing solutions to problems while increasing public trust. The CPA is a 10-week program held once a year with an average class of 20-25 attendees. It provides a broad-based look at the policies, procedures and operations of the RPD.

The Police Accountability Board believes it is difficult to gauge the success of these programs. They may be deployed infrequently or without adequate resources. Programs may require officers to listen to community members but not change police behaviors and tactics based on what community members say. Success of programs may be measured by the number of meetings or community contacts, rather than whether programs achieve their goals, satisfy residents, or fulfill the community's expressed public safety needs. Comprehensive data on the implementation of these programs is necessary to determine whether these programs should be continued, expanded, or discontinued.

With respect to interactions with youth in the community, the RPD engages in youth programming. By creating a youth-police partnership, officers can teach skills, build relationships, and encourage interest in young people joining the ranks of the Department. The following are some of the ways the Rochester Police Department, as a program leader or a partnering agency, currently engages with young people:

- Books and Bears - RPD officers keep children's books and teddy bears in the trunks of their patrol cars. The books and bears are given to children who find themselves in traumatic situations.
- Do the Right Thing Program - The program recognizes youth for helping law enforcement and other first responders, acts of heroism, courage and quick thinking, leadership and role model behavior, and volunteering in their community. The award distinguishes school-age children who strive to make good choices, do well in school, give back to their communities, or demonstrate a "turn-around" or improved behavior.
- Police Explorer Post 655 - The Police Explorer Post is an organization established with support of 'Scouts BSA' which closely follows the basic methods and policies of scouts. The purpose of the Explorer Post is to offer young men and women between 14 and 20 years-of-age insight into the field of law enforcement.
- Urban Fellows Program - The RPD offers fellowship opportunities to both graduate and undergraduate students in areas of criminal justice, sociology, and political science.
- Pathways to Peace (PTP) - PTP was initiated as part of a comprehensive effort to safeguard the lives of at-risk youth, diffuse potentially violent situations, and help them get on a track to a better life. The PTP team reaches out into targeted neighborhoods to assess the needs of youth, network with all available resources and link at risk youth to appropriate services. Pathways to Peace offers prevention, intervention and direct monitoring of youth receiving the services needed to support their positive progress.
- Police Recruit Education Program (PREP) - The mission of PREP is to prepare students for a successful law enforcement career with the Rochester Police Department. PREP is a two-year program and is open to first-year Criminal Justice students enrolled at Monroe Community College. PREP gives "Cadets" a first-hand practical training experience with the Department, including participation in a mentorship program, part-time employment, and job shadowing. PREP participants are also exposed



to several law enforcement activities, such as role-play training exercises, riding along with Police Officers, and engaging in community outreach events. Several Cadets have become sworn Police Officers with the Department.

- Wegmans Mentorship Program - This program is a partnership with Wegmans to provide young adults an opportunity to explore the various aspects of a career in law enforcement with a focus on becoming a Rochester Police Officer.
- Career Pathways to Public Safety - The Career Pathways to Public Safety program is a partnership between the Rochester City School District and the City of Rochester to increase non-white representation and local residency in its uniformed divisions while increasing the awareness of career opportunities within the public safety field.
- Bigs In Blue (Big Brothers Big Sisters) - Bigs in Blue is a one-to-one mentoring program that connects the Greater Rochester area's youth with police, building strong, trusting, lasting relationships. These relationships can help children develop into confident adults and help build stronger bonds between law enforcement and the families they serve.
- Project T.I.P.S. (Trust, Information, Programs, and Services) - Project T.I.P.S. (Trust, Information, Programs, and Services) is a series of events during the summer months where community agencies and law enforcement personnel work in selected neighborhoods to rebuild trust amongst residents and to share valuable information. Locations are selected by the RPD command staff, with collaboration from the Rochester Fire Department and other partner agencies. Attendees can speak with law enforcement and other community agencies, receive information and valuable items, have a cookout, and play games.

Community policing is not measured by the “number” of meetings or number of “community contacts.” Community policing is a philosophical approach that connects the police to how the community thinks, feels and talks about them. The programs listed above, when properly led, allows for “frequency of interaction with the police and community” and the byproduct is that trust is built. This information represents the current practices and there is a need to streamline the current programs, determine their purpose, and retool efforts to meet community policing goals.

E. Inventory and Assessment of RPD Law Enforcement Practices and Strategies

1. Response to Psychiatric calls

Due to recent events, the role of Police Officers in responding to psychiatric calls has been in question. As a result, in September 2020, The City of Rochester announced the creation of a new Crisis Intervention Services Office in the City of Rochester Department of Recreation and Human Services. This office comprises four service units (See Figure 1). The Family and Crisis Intervention Team (FACIT) and Victim Assistance Unit were both long-running community support programs within RPD. These two units were moved as a part of legislation passed by Rochester City Council into the new office. In addition, two new response teams were commissioned to be a part of this office. The Homicide Response Team provides a community wide coordinated response to families and neighbors impacted by homicides. Finally, the Person in Crisis Team, or “PIC Team” is a program that was commissioned to create full-time (24 hour/7 day coverage) law enforcement alternative response of trained professionals to address behavioral health and related crises occurring in the City of Rochester. The program goal is to divert 911 and 211 (Lifeline) from a traditional Law Enforcement response to a social services/mental health professional response.



Figure 1

Crisis Intervention Services Office			
<p>Family Crisis Intervention Team</p> <p>Crisis counseling to victims directly after the crisis has occurred</p> <p>Assesses and counsels clients and connects to services</p> <p>Coordinates between service providers and follow up case management</p>	<p>Victim Assistance Unit</p> <p>Crisis support services after a crime</p> <p>Home or hospital visits</p> <p>Explanation of the criminal justice system</p> <p>Referrals to other agencies</p> <p>Transportation to and from court for victims and witnesses who have exhausted all other means of transportation</p> <p>Assistance in filing NYS Crime Victim Compensation</p>	<p>Homicide Response Team*</p> <p>Responds with a 4-6 member team to each homicide and support families of victim (s) by connecting them to support services provided by FACIT and VAU and other providers. (Coordinated Response)</p> <p>The team will also support neighbors with grief services and mediation to prevent retaliation or continued violence</p>	<p>Person In Crisis Team (PIC)*</p> <p>Being formed to be a law-enforcement alternative response to mental health, domestic violence and other identified crises calls (First Responder)</p> <p>Team will be Emergency Response Social Workers</p> <p>Working on 911/211 dispatch, protocols and team training with a comprehensive advisory committee</p>

The PIC Team program, launched on January 21, 2021, is starting out as a 6-month pilot program designed to provide a better understanding for long term implementation.

The metrics that will be used to evaluate the PIC Team pilot program upon completion of the pilot include:

- **% of Calls Transitioned** - Reduce the number of behavioral health and lower acuity calls traditionally responded to by law enforcement or EMS.
- **Impact on ED/hospital utilization** - Reduce the number of individuals transported to the emergency department that could be instead addressed in a non-hospital setting.
- **Outcomes for individuals** - Along with documenting meaningful connections to services, i.e. enrollment in ongoing case management, establish and track other key performance indicators regarding the reduction in the number of non-warrant arrests that result during a 911 response.
- **Cost-Benefit Analysis** - Monitor and analyze comparing the investment into the PIC Team and related Crisis Intervention Services Office programming with the costs of sending law enforcement or EMS for the same interventions.

For the implementation of the PIC Team program, the ability to assess and assign calls coming in through 911 and 211 was analyzed by call type and a variety of factors which assigns an acuity level or level of complexity or severity to a call. Flow charts and modeling that demonstrated how calls coming in categorized as “mental health” can be routed using a risk analysis process. This analysis revealed that, for the study period (January 2021), approximately 43% of calls could be diverted away from law enforcement.

2. Crowd control

RPD indicates that their approach to responding to crowd control is a measured response that is predicated on the behavior of the individuals at the event. Crowd control functions at festivals provides assistance with traffic control and resources for community organizers and community members based on the number of anticipated attendees and information about the event. For planned demonstrations, as a common practice, RPD seeks to identify a liaison with various groups or individuals to establish parameters for a peaceful event.



Demonstrations conducted during the summer of 2020 in Rochester sparked controversy over tactics (e.g., tear gas, pepper balls, Kettling¹²) used by the RPD against demonstrators in an attempt to control the movement and behavior of the large crowds. These tactics intensified the strain on the relationship of the community and the RPD.

Policy around the handling of protests changed in early 2021 and includes the following description of crowd levels for determining appropriate responses:

Level I: Peaceful/ Lawful Protest-Demonstration

Defined as a gathering(s) whereas individuals are nonviolent, not committing crimes that impact other community members, and the group or individual express disapproval of a government or institutional action. This may involve protest advocates that hold signs and may include boycotting, participating in marches, sit-ins, displaying a particular symbol, and/or handing out flyers.

In response to a Level I Protest, the Rochester police department will monitor the protest, assist protestors from individual agitators whose intent is to do harm or violence. There may be little to no police interaction. Officers may contact protestors to make them aware of current laws, noise ordinances, or road hazards to name a few.

Level II: Peaceful / Protest/ Criminal Acts (Non-Violent)

Defined as gatherings where individuals are nonviolent and actively committing crimes such as blocking a thorough-fare, acting disorderly, public expression of objection, the group or individuals having a history of aggression, and/or resisting police but have not created a high risk to the public or previously committed acts of violence.

In response to a Level II Protest, the activation of the Mobile Field Force (MMF) may only be warranted with the approval of a Deputy Police Chief and only when there is documented proof individuals present at the protest have a history of aggression, and they are actively showing signs of physical aggression and there is a reason to believe failing to use MMF will lead to a Level III activation.

Level III: Riotous/ Violent behavior/Criminal Actions

Defined as active rioting, looting, setting fires, the use of threats of violence, terror to the public, committing harmful acts that injure people require a police response. In response to Level III rioting, the activation of MMF, rapid response teams, and the utilization of the Incident Command System is warranted.

In January 2021, the Police Accountability Board launched an oversight investigation into the RPD's policies, practices, and procedures regarding protests and other mass gatherings.

3. Police in Schools

The RPD formerly had School Resource Officers (SRO) in some of the city schools, but an agreement with the Rochester City School District terminated this service prior to the start of the 2020 school year.

4. Practices and strategies that may pose an undue risk of harm to the public

Advocates, experts, and some in the law enforcement community have drawn attention to a number of specific policing strategies that may pose an undue risk of harm to the public. The discussion below provides an explanation on if and how the RPD uses these law enforcement practices. Many of these RPD practices

¹² RPD indicates that they do not engage in the use of the tactic referred to as Kettling.



and strategies are guided by General Orders and Legal Updates. A General Order (G.O.) is a written policy directive issued for and relayed to all RPD personnel. G.O.'s can be accessed on the RPD Open Data Portal. Legal Updates are sent to employees through a link to a program that allows employees to read the update. The program includes an audit feature that tracks who read the document. Periodic updates and training are posted as part of "information updates" housed on RpdWeb, an internal employee website. Information is also relayed in person as all police officers receive both traffic and criminal law training as part of the police academy and field training programs.

a. **Broken Windows Theory**

Broken windows theory is a criminological theory that states that visible signs of crime, anti-social behavior, and civil disorder create an urban environment that encourages further crime and disorder, including serious crimes. When the urban landscape starts changing, an influx of broken windows, graffiti, and other quality of life issues signal a potential correlated increase in crime. Recognizing these changes, officers would work with government and community members to problem solve to improve the quality of life associated with the shifting landscape. However, police agencies, not well trained, use the term "broken window" to justify aggressive police actions against BIPOC (Black, Indigenous, People of Color) instead of using community policing to work in tandem with the community. Its original design has been altered. Strategy Implementation is often misaligned with the broader theory principles.

b. **Stop and Frisk**

Stop and Frisk practice is based on a court decision (1968) "Terry Vs Ohio" whereas an officer must articulate that a person being stopped is armed and presently dangerous. This practice, in many police agencies, led officers to believe they could make stops based on their perception of the neighborhood instead of articulating the actual person stopped is armed. The widespread practice of stops based on where individuals live, coupled with not clearly understanding the legality of Stop and Frisk or "pat down" searches, led to abuse in other municipalities. Hence, the RPD neither condones nor permits the use of any bias-based profiling in arrests, traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts, and is committed to equitable policing and equal rights for all. As such, RPD reports that they do not engage in Stop and Frisk practices; however, a "Terry Frisk" is permissible when an officer can articulate the person contacted is armed. (G.O.'s 502 & 570; Legal Updates L-05-97, L-39-02, L-40-02; and Patrol Procedure P-42-17).

c. **Chokeholds and Other Restrictions on Breathing**

Choke holds include any hold that applies pressure to a subject's throat which reduces or prevents air from passing through the neck of a subject. Lateral vascular neck restraints are techniques that apply pressure to the vascular structure of a subject's neck. For the RPD, these techniques are prohibited, except in extreme circumstances when deadly physical force is authorized. (See Legal Update L-58-15) An example of extreme circumstances could be if a subject is attempting to take possession of an officer's weapon and is attempting to use it against the officer or the public. In this case, a chokehold would be justified to prevent the imminent injury or death at the hands of the subject.

In the wake of the death of George Floyd and Daniel Prude, the use of chokeholds and other breathing restrictions have caused a great deal of concern and scrutiny.

d. **Use of Force**

Similar to the use of tactics that restrict an individual's breathing, the excessive use of force by the RPD has also become a community concern. The death of Daniel Prude and the recent incident involving the cuffing and pepper-spraying of a nine-year-old girl has brought this issue to light for many people in the Rochester community. These incidents, along with similar incidents in other



cities, caught on Body-worn camera footage, has made the excessive use of force a public safety concern.

According to the RPD, officers are trained to only use “Appropriate Force” defined as, “The reasonable force, based upon the totality of the circumstances known by the officer, to affect an arrest, overcome resistance, control an individual or situation, defend oneself or others, or prevent a subject’s escape.” (See G.O. 335).

e. Pretextual Stops

A pretextual stop is a when a police officer detains an individual for a minor crime, like a traffic violation, because they believe that the person was actually involved in or has committed another more serious crime. The Monroe County Public Defender’s Office (MCPDO) report (Appendix H) states that, “[w]hile such stops are lawful, they are corrosive and toxic to our community. They fuel anger against police officers who refuse to allow young people and adults of color to ride bicycles or walk in their neighborhoods in ways that white people can in the predominantly white city neighborhoods of the South Wedge and Park Avenue areas, or in the suburbs of Monroe County.”¹³

According to the MCPDO, Rochester Police officers stop people of color disproportionately to people who are white. In fact, according to research conducted by the MCPDO, “the overwhelming majority of tickets issued for no lights (or bells) on bikes, failure to use the sidewalk, and inadequate turn signal were issued in majority minority areas of the City of Rochester. Where the race of the ticketed person was provided, over 90% of recipients were Black.”¹⁴

In 2017, the RPD issued General Order 502 (“Equitable Policing”), which states that the RPD “neither condones nor permits the use of any bias-based profiling in arrests, traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts.” To this point, officers are not authorized to single out a vehicle or individuals who are walking or riding a bicycle for attention due solely to their skin color or ethnicity, or for some other discriminatory reason. Once the vehicle has been stopped, questioning of the occupants and searches of the vehicle or its occupants still must meet constitutional requirements. (Legal Update L-39-02, G.O. 502).

f. Informal Quotas for Summonses, Tickets or Arrests

The RPD does not engage in operational practices that encourage or mandate informal quotas for summonses, tickets, or arrest. RPD policies dictate that Patrol Officers are instead evaluated based on individual employee career development needs to assist in the formulation and achievement of career goals and objectives. (See G.O. 207).

g. Shooting at Moving Vehicles

The discharge of a firearm from or at a moving vehicle is prohibited unless the officer reasonably believes that the occupant(s) of the vehicle are using or are about to use deadly physical force against the officer or another person. Therefore, shooting at a fleeing vehicle that is traveling away from the officer and is no longer a threat to the officer or a third person is prohibited. (See G.O. 340).

h. High Speed Pursuits

Officers will not initiate or continue a pursuit unless there is reasonable suspicion to believe that the operator of, or a passenger within, the vehicle pursued has committed or is about to commit a

¹³ Executive Order 203 Report, Monroe County Public Defender’s Office, March 1, 2021, p. 3

¹⁴ Executive Order 203 Report, Monroe County Public Defender’s Office, March 1, 2021, p. 4



serious violent felony crime (e.g., arson, felony assault, forcible rape, kidnapping, robbery, menacing with a firearm, murder, etc.). Officers must constantly evaluate the risks involved while continuing a pursuit or emergency response, to ensure the risks associated with the pursuit (e.g., speed involved, traffic density, time of day, weather/road conditions, etc.) does not outweigh the possible benefits. (See G.O. 530).

i. **Use of SWAT Teams**

The RPD employs a team designated as Special Weapons and Tactics (SWAT): A non-fulltime group of officers who are specially selected, trained, and equipped to deal with unique, high-risk, law enforcement situations. These situations include hostage incidents, barricaded armed subjects, high-risk warrant service, high-risk suspect apprehension, protection of dignitaries, and any other situations as determined by the Chief of Police, Deputy Chief of the Operations Bureau, or the Commander of the Special Operations Division. (See G.O. 630).

j. **No-Knock Warrants**

RPD policy requires that an officer prepare an Application for a Search Warrant and Search Warrant documents for submission to their immediate supervisor, who will review its prima-facie content and form. Following an investigation establishing probable cause, the preparing officer (with supervisory approval) or reviewing supervisor may consult with the on-call Assistant District Attorney to further review and obtain legal advice prior to submission of these documents to the appropriate court.

The original Application and Search Warrant will be presented to a judge who presides in the court of jurisdiction over the target location of the warrant where the warrant is given to concur with its legal sufficiency prior to execution of the warrant. If the judge approves the legal sufficiency of the submitted documents, they will sign the warrant to grant authority for the search and subsequent seizure. NOTE: The reasons for a “no-knock” or “nighttime” warrant (any time after 9:00 p.m. and before 6:00 a.m.; CPL 690.40.2) must be set forth in the application and the judge's order (warrant) must specifically give such authority to those executing the warrant. (See G.O. 415).

k. **Less-Than-Lethal Weaponry such as Tasers and Pepper Spray**

The “less-than-lethal” weaponry currently used by the RPD includes: batons, tasers (“conducted electrical weapons”), bean bag rounds (“kinetic energy impact projectiles” or “KEIP” shot via “less lethal force shotguns”), pepperballs (shot via a “pepperball launching system” or “PLS”), pepper spray (“OC spray”), and tear gas (“CS gas”).¹⁵ The use of less-than-lethal weaponry is explicitly restricted by RPD policy and, accordingly, is only to be used as a means of force in non-deadly use of force situations. These tools are intended to provide an officer with a less lethal alternative to safely take a violent or dangerous person(s) into custody by allowing officers to deploy these tools from an extended range. Only those officers that have successfully completed an annual training course and have demonstrated proficiency in the use of less-than-lethal weaponry is authorized to deploy them. (See G.O. 335,340,601,605,630, and SOP 700). The deployment of “less-than-lethal” weapons is a controversial subject about which many people in Rochester have serious concerns. Many recommendations found in Section VII address this subject.

Tear Gas is basically defined as “Chemical Munitions.” Chemical Munition is a system which delivers a chemical agent such Chlorobenzylidene malononitrile known as “CS” and Oleoresin Capsicum spray known as “OC”. The utilization of chemical munitions may be used by the RPD when it can aid in an officer’s abilities to make an arrest where an uncooperative person is refusing to be arrested. It is

¹⁵ <https://www.wxnews.org/post/protesters-report-menstrual-changes-after-tear-gas-exposure>



also used for crowd control, officer safety, and as dispersal tactics. The use of tear gas involves basic skills provided during academy instruction and in-service training. It can require advanced skills that may require specialty equipment and training which are deployed by Mobil Field Force Members.

The RPD also uses sound cannons (“long range acoustical devices” or “LRADs”). A Standard Operating Procedure covers the use of the LRAD. Use of sound cannons is considered “Use of Force” outlined within General Order 335 Subject Resistance Report. Its usage is restricted to orders to disperse for public safety concerns that may arise from the dispersal of large crowds and/or to give routes of egress/ traffic patterns.

l. Facial Recognition Technology

The RPD does not own or employ the use of facial recognition technology.

m. “Stingrays” or Similar Technology

The RPD does not have "stingrays" and they are only used when there is a court order in emergencies where other agencies have access to this technology.

5. Practices and strategies that are recognized as reducing racial disparities and building trust

In Monroe County in 2018/2019, approximately 67% of the 14 – 15,000 adult crimes committed were for misdemeanor offenses which include substance abuse, simple abuse, property theft, sex work, and other property related crimes. The racial diversity of misdemeanor arrests was similar to the total arrests with approximately 40% white, 45% black, 12% latinx, and 3% other. However, in Monroe County, the misdemeanor arrest rate for white people is 10% while for blacks it is 75%. Latinx and other people are arrested at about the same rate as their respective population percentage. Over 50% of people currently incarcerated in Monroe County are there as the result of a misdemeanor offense. In 2018, 67% of final dispositions and decisions in Monroe County Courts were the result of misdemeanor offenses. Limited recidivism data exists for people who have committed a misdemeanor offense and have been released from jail.¹⁶

In Monroe County in 2018/2019, approximately 60% of youthful arrests were for misdemeanor offenses. While youthful arrests for both felony and misdemeanor charges have declined by nearly 58% over the last 5 years, there were still 452 misdemeanor arrests in 2019 (down from 1064 in 2015). Importantly, prior studies have shown that:

- 62% - 87% of adult incarcerated males experienced childhood trauma;
- 77-90% of adult incarcerated women experienced childhood trauma.¹⁷

According to UCLM, “They have significant mental/behavioral health issues. Until we as a society deal with the underlying issues, we will continue to arrest and incarcerate people with a significant social safety and financial cost to individuals, families, and the community.”¹⁸

Law enforcement experts have suggested that various policing and criminal justice strategies can reduce racial disparities and build trust between police departments and the community. Listed below are a number of those strategies currently used by the RPD. A number of these strategies discussed (e.g., Diversion

¹⁶ *Specific Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 32

¹⁷ *Specific Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 32

¹⁸ *Ibid.*, p. 33



Programs and Restorative Justice Programs) require cooperation from the District Attorney and others from the judicial system. Additionally, without public data on effectiveness, funding, and staffing for these practices and strategies, it is unclear precisely how the City continues to engage in them.

a. **Using Summonses Rather than Warrantless Arrests for Specified Offenses**

The Rochester Police Department follows the *NYS Bail Reform Guidelines* to issues Summonses and Appearance Tickets for specified offenses within the mandate. Designed to ensure the justice system emphasizes equitable treatment and the reduction of racial disparities, the elimination of cash bail and pretrial detention for several misdemeanors and nonviolent felony defendants are based on countless stories provided to the courts where individuals suspected of crimes were held, unable to afford a bond, and lost jobs, time with family members, student loans, etc.

b. **Restorative Justice Programs**

Restorative Justice Programs use mediation and reconciliation to address disputes between parties. The practice focuses on establishing respect and understanding and has been recognized as a highly effective crime resolution strategy that contributes to lower incidents of dispute reoccurrence and recidivism.¹⁹ The following is a list of programs that are used as part of the RPD Restorative Justice Program:

- Victim/Offender Mediation Dialogue through Center for Dispute Settlements (CDS). Any member of the RPD may refer people to CDS.
- RPD Victim Assistance and involvement which is utilized by victims to assist them with the criminal procedure process and aids the victims of crimes through emergency housing, transportation, or financial assistance. Anyone who receives an incident report receives the contact information for victim's assistance. Additionally, there is information on the City of Rochester website, and people may walk in to the office during business hours.
- Community Service through Police and Citizen Interaction Committees (PCIC), involves periodic centralized events that offer community information and interaction with many law enforcement departments, such as RPD, NYS Troopers, District Attorney's Office, Mental Health facilities, etc.
- Outreach is provided by RPD to interact with citizens and assist with issues within their neighborhood. An outreach is a planned event in the community such as a picnic, where the City makes representatives from all the public service providers available in person to the public. These representatives also typically go door to door in the neighborhood with officers to contact the residents and solicit information regarding any issues that need to be addressed in the neighborhood.

c. **Community-Based Outreach and Violence Interruption Programs**

See Section III.D.3 above.

d. **Hot-Spot Policing and Focused Deterrence**

Pro-Active Dispatching (PAD) started May 2019 ended March 2020 (due to COVID). Pro-active Dispatching showed some positive results. Data will be further evaluated to inform a decision on whether it should be implemented citywide.

Problem Oriented Policing (POP) Areas are geographic areas with disproportional violent crime rate that is above the norm, where the department is deploying extra resources both for enforcement

¹⁹ <https://cops.usdoj.gov/>



and community policing. In identified POP areas, incidents are noted on the Monroe Crime Analysis Center's nightly summary to better track violence within a known hot-spot so that they can be better addressed.

e. De-Escalation Strategies

Roll Call training and In-Service training which has been provided to all RPD. This training teaches officers how to deal with subjects in crisis, or at a heightened emotional state. Officers learn how to defuse intense emotions, establish a rapport, and gain information to work toward a successful resolution. (Created Aug. 2020)

f. Diversion Programs

There has been considerable discussion on strategies of law enforcement with a focus on the development of alternative measures that decrease racial disparity and inequity. The following is a list of Diversion Programs that are currently used within the RPD:

- Provided by Rochester Regional Health, the Behavioral Health Department evaluates those arrested to determine the best path for recovery in lieu of incarceration.
- Drug Treatment Court.
- Monroe County Alternatives to Incarceration (ATI); this program is in conjunction with the Monroe County Courts which evaluates those that have been arrested and finds alternative options to incarceration.
- The options that currently exist in Rochester / Monroe County for pre-arrest diversion are limited. They include:
 - Behavioral Health Access Crisis Center
 - Project HOPE – Heroin and Opioid Addiction
 - Crisis Intervention / Emotionally Disturbed Person Response Team
- Rochester and Monroe County enacted the Swift Certain and Fair initiative a few years ago which “reduces reoffending, arrest, and incarceration by replacing unpredictable and high-level sanctions for probation violations with swift, certain, but small penalties.”²⁰ This program combines frequent, individualized, and meaningful incentives with immediate, consistent and proportionate sanctions to address gun violence committed by young offenders.²¹

The RPD neither screens nor recommends diversion programs directly. This is done by a judge, usually upon arraignment or intake.

6. Practices and strategies for effectively responding to hate crimes

Hate crimes against individuals in protected classes are an attack not only on the individual, but also on the whole community.²² The RPD takes seriously any reported crimes, in particular, those crimes that are motivated by prejudices towards protected classes. All officers are trained and expected to comply with all legal and constitutional requirements applicable during criminal investigations; conduct vigorous and thorough investigations of all offenses observed or brought to their attention; and to employ the procedures

²⁰ <https://nnscommunities.org/strategies/swift-certain-fair>

²¹ <https://knowledgebank.criminaljustice.ny.gov/swift-certain-and-fair-program>

²² Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>.



of Preliminary Investigation and Continued Investigations, as applicable. (See G.O.'s 401 & 502; and Penal Law Guidance on Hate Crime).

To aid in the handling of and investigation of crimes against people of protected classes, RPD developed policies and procedures to aid officers with assisting diverse communities in need of service. These procedures include the ability to employ interpreters to assist in interviews with those members of our community who have limited English proficiency or are deaf or hard of hearing. (See G.O.'s 401, 502 & 517; and Training Bulletins on Community Relation C-06-00 & C-09-13).

The NYS Department of Criminal Justice Services (DCJS) Basic Course for Police officers mandates a training program on cultural awareness. The training objectives identify and define characteristics (indicators) of hate crime, biased policing, and sexual harassment to include proper procedures for handling such crimes. Additional training mandated by DCJS promotes awareness and pertinent information along with proper procedures on interactions/incidents involving protected classes. DCJS training programming includes Blue Courage/Procedural Justice, Elder Abuse, Persons with Disabilities, Community Resources – Victim/Witness Services, and Ethics and Professionalism.

RPD expanded upon DCJS's cultural awareness mandates and added an additional day of training during the post academy. Members of the community representing a wide array of cultural backgrounds, are asked to come into the Public Safety Training Academy to address new recruits and to have positive dialogue regarding cultural differences.

RPD recognizes the need for continued training on these important topics. Therefore, throughout an officer's career, the department provides roll call training, training bulletins, and annual in-service trainings on these topics, so that officers will stay up to date with contemporary issues that impact members of our community. (See 3-Part Roll Call Training on Hate Crimes, G.O.s 401, 502, 517 & Training Bulletins and Penal Law Guidance on Hate Crimes)

F. Implementation of "Procedural Justice" in RPD Functions

Procedural justice focuses on the way law enforcement interacts with the public, and how these interactions shape the public's trust of the police. The premise, according to the Leadership Conference on Civil and Human Rights, is that citizens judge the police "based on how they are treated rather than on the outcomes of interactions."²³ The mandate is to retool the rules of engagement for Police Officers from that of "warrior" against segments of the population to that of a "guardian" to protect the entire population.²⁴ Procedural justice emphasizes the need for police to demonstrate their legitimacy to the public in four areas—voice, transparency, fairness, and impartiality.²⁵

Within their practice of community-oriented policing, RPD is carrying out training centered on the tenets of Procedural Justice. This includes Implicit Bias training designed to foster relationships between the RPD and the community. In 2017, RPD trained 679 of its sworn Police Officers in a four (4) hour block of Implicit Bias training. In 2018, a total of 681 sworn employees received Procedural Justice training (an 8-hour block). Over

²³ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 17. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

²⁴ Id. at 36 and 262-63

²⁵ Emma Peterson, Jessica Reichert, and Kaitlyn Konefa, Illinois Criminal Justice Information Authority, Research Hub, *Procedural Justice in Policing: How the Process of Justice Impacts Public Attitudes and Law Enforcement Outcomes*, November 7, 2017



90% of the RPD's sworn-uniformed Police Officers received this training. RPD, however, indicates that there has been a training gap of more than two-years.

It is acknowledged throughout RPD and the community that further adoption and implementation of the tenets of Procedural Justice would benefit the RPD culture and training programs. Refer to the recommendations Section VII.

G. Community Engagement Techniques/Strategies as Applied to RPD

Community engagement is imperative to forming trust between officers and the citizens in the neighborhoods they police. The concept of community policing can, however, often be misunderstood and misapplied. Many applications of this concept do not capture the deeper, sustained role a community can play in policing.²⁶ Community-oriented policing seeks to address the causes of crime and to reduce fear of social disorder through problem-solving strategies and police-community partnerships.²⁷ The following Community Policing techniques/strategies have been instituted in Rochester:

1. Community organizations, advisory boards, and committees

There are myriad ways the RPD currently meets with community groups. Through a partnership with the City Neighborhood Service Centers, RPD routinely attends community meetings and events. During FY 2019-2020, RPD reported the following statistics relating to engagement with neighborhood groups (pre-Covid):

- Community Meetings Attended: 378
- Outreaches Attended/Conducted: 585
- Community Events Attended: 831
- Approximate Total Person Hours: 2,872

Additionally, the Rochester Police Department works in conjunction with many Community Advisory Boards and faith communities, including the Community Justice Advisory Board, United Christian Leadership Ministry, MPACT (Ministers and Police Alliance for Civic Transformation), MCATCP (Monroe County Alliance for Transformation of Community and Police), Clergy Response Team, and Flower City Chaplains group.

2. Police-community reconciliation

A process that seeks to improve strained relationships between police and communities of color, the RPD works with the Center for Dispute Settlement (CDS) to repair strained relationships between officers and community members. The CDS works as a referral agency with both parties agreeing to participate. Both parties agree to participate at a neutral location for the purposes of a structured discussion to mediate issues. G.O. 315 describes this policy. The CDS is used very infrequently. As discussed elsewhere in this report, the Community Affairs Bureau works hand in hand with youth groups, faith-based groups to include UCLM with Rev. Stewart, MPACT with Pastor Don Stevens and numerous other groups. The Bureau also conducts dozens of monthly meetings with community groups throughout the city as well as cookouts, walks, food drives, youth sports and many other activities.

3. Attention to marginalized communities

Marginalized communities includes people with limited English proficiency, people with communication disabilities, the LGBTQIA+ community, and immigrant communities. The RPD has a liaison assigned to the Rochester Immigrant Community and community members who have limited communication abilities.

²⁶ United States Department of Justice. (2015). Final Report of the President's Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

²⁷ Community Policing. (n.d.). <https://www.bjs.gov/index.cfm?ty=tp&tid=81>



Additionally, RPD has assigned an LGBTQIA Liaison for the department, with the goal of increasing that number to three. Lastly, RPD instituted policies and procedures to aid officers with assisting diverse communities in need of service. These procedures include the ability to employ interpreters to assist in interviews with those members of our community who have limited English proficiency or are deaf or hard of hearing.

4. Partnering with students and schools

In addition to the Chief's Youth Advisory Council described below, the RPD officers regularly read to students in school and collaborate with student athletes for basketball camps, softball and kickball games and various other events. RPD also sponsors and runs the "DO THE RIGHT THING" program which recognizes local youth who've done amazing things within our community.

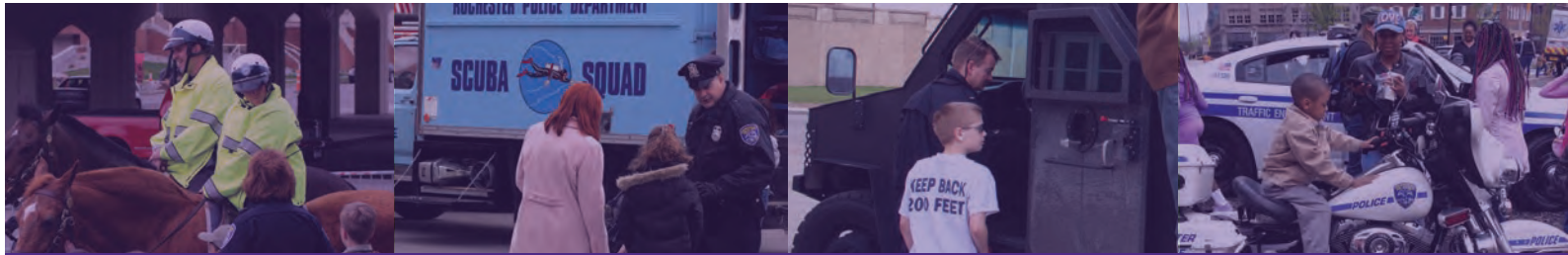
5. Involving youth in discussions on the role of law enforcement agencies

The Rochester Police Department currently works with The Chief's Youth Advisory Council and The Center for Teen Empowerment to discuss current issues and foster relationships. The RPD Chief's Youth Advisory Council (CYAC) meets regularly for training and networking opportunities, service-learning initiatives, and youth-led community conversations. The CYAC is a group of young people interacting with the Rochester Police Department, working together to foster positive relationships and trust. The CYAC brings a youth perspective to the table and fosters discussion and understanding between the police department and youth on current local, national, and world topics.

The Center for Teen Empowerment, Inc., according to their website, "employs youth to create and implement initiatives that positively influence their peers and create real, meaningful changes in their communities. Teen Empowerment hires core groups of youth leaders to work in their own neighborhoods, helping them develop the skills they need to identify pressing issues in their communities, amid racism, poverty, and violence in rapidly changing cities, and tap into their own and their communities' strengths to create positive change."

6. Officer training programs that reflect community values and build trust

The RPD is continuously striving to better serve the community through progressive programs, training, and community engagement. Officers work side by side with faith-based community groups to identify training needs and possible deficiencies.



City of Rochester

RPD COMMUNITY- ORIENTED LEADERSHIP, CULTURE AND ACCOUNTABILITY

Blieve.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



IV. RPD Community-Oriented Leadership, Culture and Accountability

New Leadership plans put in place by the recently-appointed Chief of Police via her 90-day plan is setting the stage for change. An examination and realignment of the overall culture requires changes in leadership and a collaboration of efforts to align hiring, promotion, and the organization's cultural values. Police and government leadership must reject any association where police leaders set in motion dominance, demeaning behaviors, disrespect, and abuse of power. Overall, a culture that transcends the challenges to a relational mindset of fostering community-oriented leadership is needed. Once there is relational alignment, holding employees accountable will follow.

A. Community-oriented Culture in the RPD

There is a gap between RPD's sworn officers and the people they serve. This gap is reflected in the fact that 87% of officers are white, while just 47% of Rochesterians are white; 87% of officers are men, while just 48% of Rochesterians are men; and, 94% of officers live outside of the city. Despite many policy changes and the federal consent decree, this gulf between Rochesterians and the officers sworn to protect them has persisted and even grown.²⁸ These few statistics provide some context for the challenge faced by the RPD leadership in fostering and bolstering a community-oriented culture within the RPD.

The Mayor is working toward addressing this challenge through introducing new leadership to the RPD. The department is currently being led by a new Police Chief and Executive Deputy Police Chief. This new leadership team seeks to further the work of the Task Force on 21st Century Policing,²⁹ created through an Executive Order by President Obama in 2014, which leads with a philosophy that includes a sense of humility and empathy and sets the stage for adopting community-oriented policing leadership. In November 2020, the RPD released a Violence Reduction Plan (See Appendix B). Within this plan, the RPD community policing philosophy is stated as follows:

The men and women that represent the Rochester Police Department (RPD) are committed to community policing. Our Community Policing Philosophy sets in motion the need for Police Officers to become familiar with community members within their problem-solving policing areas and to carve out positive relationships while working to address crime. It relies on our ability to incorporate Scanning, Analysis, Response, and Assessment (SARA) to manage crime reduction, enhance community engagement, and advance public safety initiatives.

- *Our community policing approach is balanced, and the Rochester Police Department members, specifically the officers, must shoulder the responsibility of focusing on positive non-enforcement contacts with the community while also (when necessary) address crime concerns*
- *Community policing calls for officers to be proactive, embrace community educational outreach, use historical data, incorporate technology, and leverage partnerships and human intelligence.*

Using Police Officers' experience, combined with the technology used to analyze crime patterns, the RPD aims to use evidence-based practices to address crime to improve quality of life.

Implementing a community policing approach means that the officers of the RPD are responsible for focusing on reducing crime while enhancing positive interaction in the community. Community policing calls for officers to be proactive, embrace community educational outreach, use historical data, incorporate

²⁸ <http://rochester.indymedia.org/node/148045>; <https://www.democratandchronicle.com/story/news/2015/01/21/police-diveristy-minority-rochester-monroe-county-lovely-warren/22133689/>

²⁹ https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf



technology, and leverage partnerships and human intelligence. It also calls for effective strategies that bridge the recognized disconnect between the community members and police department by working as collaborative problem-solving partners.

Additionally, RPD is moving toward "Problem-oriented Policing." Training took place on November 14, 2020 led by Charles Katz, Ph.D., Director for the Center for Violence Prevention and Community Safety at Arizona State University. All patrol captains that maintain Problem-Oriented-Policing areas were trained on the SARA Model and new policing concepts through what was called "Transitioning from the Traditional Policing to Problem-Oriented Policing."

B. Managing Biases in the RPD

Fostering community-oriented policing hinges on an agency's ability to minimize workplace and out of workplace biases. An initial approach is to provide training that creates awareness where employees recognize that biases exist and that we all share them. This initial step took place in 2017. Rochester Police Department trained 679 Police Officers on a four (4) hour block of Implicit Bias training.

In 2018, a total of 681 sworn employees received procedural justice training (an 8-hour block). This means that over the period of 2017 and 2018, over 90% of the police department's sworn-uniformed Police Officers received this training. There's no doubt this training is evidence the department fostered the necessary components of community-oriented policing. The department would be remiss if they did not point out that there was over a two-year gap in the training; however, the training leaders have identified those who did not receive the training, and there are current measures in place to get 100% compliance.

Whether or not four hours of implicit bias training is enough to shore-up what is needed to foster effective community relationships is being reviewed by the new leadership of the RPD as well as the RASE Commission.

C. Leadership Training

Currently, the process to be promoted in the RPD is primarily based on a civil service process. While this is the current practice for growing a leadership team, fostering community-oriented leadership needs to go beyond civil service testing. This is an area recognized by the interim Chief as needing improvement in the RPD. The Chief's strategies for ensuring that the RPD's cultural norms and informal processes reflect the formal rules and policies are through leadership training, rewarding ethical conduct, and selecting formal and informal ethical leaders for special assignments. Leadership training prepares staff members with skills that they can utilize to listen to community members and strategize on problem solving and relationship building.

Under General Municipal Law 209-q (1a), NYS Department of Criminal Justice Services designed a curriculum for the course in police supervision. DCJS mandates first line supervisors to attend the three-week training program within one year of being promoted, barring exigent circumstances (military deployments, on-duty injury). Furthermore, upon initial promotion, the Rochester Police Department requires all sergeants and lieutenants to participate in a five-day field training program specific to their duties. A basic overview of both training programs consists of the role of a supervisor, community relations and contemporary police issues (e.g., mental health issues, hate crimes, domestic violence, and child protective services).

D. Accountability

Accountability is essential for a strong institutional culture and for mutual trust between the community and the police. Much of the current unrest across the country is rooted in a belief that some police departments tolerate abuse of authority, including excessive force and other misconduct or adhere to practices that are inconsistent with community values. In the long run, this belief will harm Police Officers as well as degrade public safety.

The responsibility of tracking and reviewing uses of force and identifying misconduct, is shared by every supervisor within the RPD. Specifically, RPD has an established internal affairs unit, the Professional



Standards Section (PSS), which is responsible for investigating complaints of police actions or misconduct originating from any source. There are six (6) Sergeants and one (1) Lieutenant assigned to PSS, who are selected to the position based on their professional history, supervisory experience, and ability to conduct impartial and objective investigations of complaints of official misconduct. In addition to investigating complaints, the PSS is also responsible for conducting civil claim investigations for the Corporation Counsel, the administrative review of fleet vehicle accident investigations, and conducting other investigations as directed by the Chief of Police.

Upon completion of a PSS investigation, all cases are sent through the respondent officer's chain of command for further review and supervisory findings, while contemporaneously being reviewed by the Civilian Review Board (CRB) for investigative thoroughness, objectiveness and independent case findings. In accordance with the City of Rochester's Charter, the CRB, which consist of volunteer members of the community who are trained in arbitration and police policy and tactics, is responsible for reviewing completed internal investigations of all cases involving allegations that if proven would constitute a crime, unnecessary force, or biased policing. The CRB can conduct voluntary interviews of officers, complainants, and witnesses, as well as send investigations back to PSS that they believe is incomplete or requires additional interviews to be conducted by PSS. The CRB has the authority to vote as a group on the PSS conclusion and prepare a report of findings for the Chief of Police with dissenting opinions if a unanimous conclusion is not reached. Within their reported findings, the CRB may recommend changes or review of policy and procedures, recommend departmental training to the Chief of Police, or they could recommend a case be referred to the Attorney General or District Attorney's Office (See RPD General Order 320, and PSS Manual). According to the UCLM, the problem with the CRB only having the authority to review the work done by PSS diminishes the effectiveness of the CRB because the Chief can overrule them.

Additionally, an officer's uses of force, citizen-generated complaints, and sustained findings of misconduct are topics of discussion during annual performance reviews. However, the annual performance assessment does not relieve supervisors of the responsibility to address performance issues as they are identified. (See RPD General Order 207). Supervisors can mandate or submit a request for additional training for those officers whose use of force techniques are viewed as questionable due to reasons analogous to misfeasance; however, additional training does not preclude further discipline for those officers whose questionable uses of force are determined to be the result of malfeasance or general misconduct (See RPD General Order 301 & 335). The RPD also expects officers to understand that they have a legal obligation and departmental duty to intervene when witnessing another officer engaged in general misconduct (See RPD Rules and Regulations).

The RPD indicates that they have a clear and transparent process for investigating reports of misconduct, as well as defining the authority and responsibility delegated to departmental supervisors for the maintenance of discipline. (See RPD General Order 301, 305, 310, 315, 320 & 325, and PSS Manual). The RPD takes seriously the responsibility of issuing appropriate disciplinary measures against officers who are found to have engaged in actions of misconduct. In accordance with NYS Civil Service Law (NYSCSL), the Chief of Police as the Appointing Authority, has the ability to impose discipline in accordance with NYSCSL and Taylor Law³⁰ regarding collective bargaining agreements (See RPD General Order 301, 305, 320 & 325; RPD Rules and Regulations; RPD current CBA 2016-19; and PSS Manual).

According to the UCLM, the public has lost confidence in the civilian complaint process and, as a result, it is seldom used. Despite changes to the process in 2012, it is reported that complainants still have little feedback, the process is slow, and results are sometimes not reported back to the complainants. UCLM reports that the interview process with PSS is done in an aggressive accusative manner which seems designed to discourage people from continuing the process. Complainants, who are already feeling violated by the

³⁰ The Taylor Law is Article 14 of the New York State Civil Service Law, which defines the rights and limitations of unions for public employees in New York State.



police, report that officers handle the complaint with what feels like an interrogation. People who have gone through the complaint process have used the word dehumanizing to describe the way PSS investigates.

1. Identifying, Reviewing, and Tracking Use of Force and Misconduct

RPD defines deadly physical force as “physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.” The elucidation of this definition means that irrespective of whether the force used resulted in death or physical injury (i.e., “near miss”), the mere fact that force was applied must be reviewed and investigated as a use of force event. (See RPD General Order 335 & 340).

The RPD reviews all uses of force, including any applications of deadly physical force. All force used, whether on-duty or off-duty, requires an officer to immediately notify their immediate supervisor of the incident, and document their actions in the form of a Subject Resistance Report (SRR) (See RPD General Order 335). An internal review process is initiated once an officer notifies their supervisor that they engaged in an application of force. The supervisor is required to respond to the scene of the incident immediately, where he or she will ensure medical attention is provided for any injured party. The supervisor will then ensure that photos, a neighborhood check, and documentation is prepared for review. The completed SRR is reviewed by the supervisor and sent for further review through the officer’s chain of command and to identify any need for additional training. If it is determined an officer engaged in misconduct when utilizing force, information is provided to PSS to initiate a formal investigation into the officer’s actions. A citizen’s complaint would also trigger PSS to begin a formal investigation surrounding an officer’s application of force. (See RPD General Order 335 & 310).

The findings and the PSS case package are presented to the Chief of Police for review, during which Senior Command Staff (i.e., Deputy Chiefs, Commanders, etc.) are able to weigh in and provide experiential insight to assist the Chief in making a final disciplinary decision. Upon completion of the Chief of Police’s final determination, all investigative outcomes are reported to the complainant via certified mail and/or telephonic means. Investigative findings are published in the annual PSS report, which is made available to the public, via the department’s website and open data portal. This multifaceted approach of investigative case review, aids in ensuring cases are properly inspected and evaluated by the respondent officer’s chain of command, while also providing civilian oversight and perspective. (See RPD General Order 301, 305, & 325; RPD current CBA 2016-19; and PSS Manual)

Cases involving the application of deadly physical force, or alleged misconduct that, if proven, would constitute a crime, are sent to the District Attorney and/or the NYS Attorney General’s Office for prosecutorial review and findings. (See RPD General Order 301 & 340; and PSS Manual)

The PSS maintains RPD’s official disciplinary records through a records management system that keeps an officer index of all sustained disciplinary findings, as well as civil suits lodged against individual officers. When an officer is found to have acted in an inappropriate manner, discipline and additional training is imposed against the officer using a progressive discipline method. Progressive discipline is the process of using increasingly severe steps or measures when an employee fails to correct a problem after being given a reasonable opportunity to do so. (See RPD General Order 301, 305, & 325; RPD Rules and Regulations; RPD current CBA 2016-19; and PSS Manual).

The RPD also relies on technology to identify the potential for misconduct. The RPD uses an Early Intervention System called IAPRO, a databased management tool which is designed to identify personnel whose performance exhibits potential problems; it is a tool to provide early interventions, usually counseling or training, to correct those performance problems. The purpose of this system is to identify personnel with performance problems, not to identify problem personnel. (See PSS Manual).



2. Transparency

The statute, section 50-a of the New York Civil Rights Law, adopted in 1976, prohibiting access to personnel and misconduct records of Police Officers was repealed in June 2020 by state lawmakers. Current events have prompted conversations and challenges involving this statute; however courses of action remain within the scope of attorneys and city government leadership tasked with making decisions. Police unions will provide a perspective on these matters based on direction from their members. It is important to recognize that the release of an individual's information that is not adequately redacted and not accurate can create legal challenges and, in some cases, officer safety issues. On the other hand, transparency is essential when there are allegations of Use of Force and unlawful arrest. These issues must be considered (legally) before a final decision for law enforcement decides. Once determined, the frequency of release can be determined.

Monthly Integrity Bulletins, which include the circumstance that led to an officer's dismissal, are posted for the purposes of keeping officers aware of occurrences. This is done after a case has been adjudicated. These monthly bulletins allow for transparency while also allowing the data to be used to train Police Officers.

3. Citizen Oversight and Other External Accountability

In 1992 the City of Rochester created the Civilian Review Board (CRB) to review internal police investigations when a civilian alleges that a Police Officer used excessive force or committed a crime. As stated above, the CRB is composed of volunteer members of the community who are trained in arbitration and police policy and tactics and are responsible for reviewing completed internal investigations of all cases involving allegations that if proven would constitute a crime, unnecessary force, or biased policing. (See RPD General Order 320, and PSS Manual).

In addition to the work of the CRB, in 2019, legislation was proposed, and later enacted, to form a civilian-led police oversight board, the Police Accountability Board (PAB). According to the PAB's website, this is a part of City government dedicated to helping Rochesterians reimagine public safety by ensuring public accountability and transparency over the powers exercised by sworn officers of the Rochester Police Department. The Board is composed of nine city residents and currently has one full-time staff member, its Executive Director. The legal authority exercised by PAB is still under legal review, via pending litigation.

In the Police Accountability Board, Rochester has the foundation for becoming a national model for holding the police accountable. The Police Accountability Board has a robust set of legal powers that can allow it to hold the RPD accountable. The Board has the power to create a justice system that fairly and transparently prosecutes officer misconduct. It has the power to reveal the RPD's practices and priorities to the public. It has the power to canvass everyday Rochesterians so the City understands their public safety priorities. And it has the power to create disciplinary rules that ensure those priorities help govern the RPD's operations. If exercised with the proper financial and staffing support, these powers can help transform Rochester into a safer, more just city.³¹

Sixty (60) days after the hiring of the PAB Executive Director and after the PAB adopts procedural rules necessary to conduct disciplinary hearings, the CRB shall no longer exist. However, with the Locust Club's lawsuit pending against the City, the PAB is currently unable to conduct disciplinary hearings into officer misconduct. Until those powers come back, the PAB will refer all complaints seeking disciplinary action against individual RPD officers to the CRB for resolution.

Lastly, Rochester's City Council has an oversight role in the RPD. City Council has subpoena power and has exercised that ability (both formally and informally) to review PSS investigative findings and to initiate an investigative review regarding employees' actions.

³¹ <https://www.ecode360.com/35278812>



City of Rochester

DATA, TECHNOLOGY AND TRANSPARENCY



Blieve.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



V. Data, Technology and Transparency

Transparency is one of the four pillars of procedural justice and is critical to ensuring accountability. Without a full picture of law enforcement policies, procedures, and activity, the public cannot meaningfully evaluate the performance of law enforcement. Even a well-functioning department risks losing public confidence when it does not engage in meaningful transparency.

Policing has changed drastically over the past few decades. In just the last decade alone, the Rochester Police Department has made significant changes to better align with the continuously evolving practices seen at national levels through the adoption of records management and data analytics, a patrol reorganization to better serve the community, body-worn cameras as well as other proactive policing experiments. It should be noted that, though these technologies and adaptations are meant to better the experience for RPD and the citizens of Rochester, there is the possibility that these more advanced systems can increase workload for individual officers.

Demographic information that detects racial disparities and biases is essential to increasing public trust, improving police training, guiding policy and procedure, and monitoring compliance. Data collection on violence, weapons, injuries, use of force, use of non-approved tactics such as chokeholds and elbow strikes, arrests, and other serious incidents is essential.

A. Open Data

Data collection and transparency provides critical information that the City, the RPD, and the community need to make informed decisions for assessing and improving the operations of the RPD and enhance accountability.

Typically, data collected by law enforcement has served only as a repository for official records of activity. It is commonly used internally for operational response and assessment and externally for statistical reporting. Most law enforcement data are transactional, describing an event with a time dimension, a numerical value, and referring to one or more objects. Data captured is (1) created by personnel, gathered by employees to record business processes or (2) generated by technology, produced without the need for human interaction.

Data collected by the RPD generally falls into eight major categories: calls for service, crimes, arrests, traffic and street stops, uses of force, case management, internal policy and procedures, and digital media. While this is not intended to be a complete list of all possible data sources, these groups do contain the largest sets of data maintained, at least in part, by RPD. Each of these categories include data that documents the routine activities of department personnel including citizen-police interactions, service-level response, and procedural standards. Data captured includes, but is not limited to, specific information on people, places, event circumstances, and criminal and non-criminal activities.

Since the early professionalization of the field, policing agencies have been methodically recording, storing, and analyzing data, however until recently this predominately occurred through handwritten reporting and manual records review. In the 1990's commercially available computer hardware and software began to reshape the law enforcement data landscape for larger agencies while small and mid-sized agencies were slower to adopt, primarily due to budgetary restrictions. The technological advances of the last two decades have continued to outpace the ability of many law enforcement agencies, like RPD, to acquire leading-edge standards. However, these advancements have also reduced the barriers to incremental technology improvement for agencies. Often, these financial limitations have resulted in agencies implementing a solution that focuses on a single need (e.g. computer aided dispatch, records management, case management systems, etc.). RPD is no exception. Over time, these single solution technology enhancements have transitioned to legacy applications that act as silos of information. This presents challenges:

- Data reliability issues at multiple collection points.



- Uneven adoption of governance, quality assurance, and security.
- Data interoperability barriers.
- Training and data literacy gaps.

In 2017, the RPD established the Office of Business Intelligence (OBI) to being to address the data obstacles in the department. The primary objective was to leverage police data sets to support evidence-based decision making. OBI began a process-oriented approach to managing RPD data through standardization, automation, and self-service delivery of existing datasets throughout the organization and externally to the public. OBI launched the RPD Open Data Portal as a public platform for exploring and downloading open data, discovering, and building applications, and engaging to solve important local issues. Datasets and tools available on the portal include all Uniform Crime Reporting (UCR) Part I crimes, public crime maps, agency personnel demographics, homicide and shooting dashboards, analysis products, and a searchable index of all department general orders, standard operating procedures, and training bulletins. The OBI maintains this free, publicly available online repository to publish open datasets, making them available for both view and download. All the published datasets are placed into the public domain in a machine-readable format, with no restrictions or requirements placed on their use. Appropriate metadata for each dataset also supplies information about data fields' content and meaning to enable appropriate and accurate use. Additionally, the raw datasets are enhanced with both narrative content and statistical and geospatial analytics to provide deeper insight, narrative, and context around the data's collection, operational and strategic uses, and analytical meaning.

B. Automated Systems and Technologies

1. Technology Procurement and Maintenance

There are multiple ways in which technology is currently acquired by the RPD. While most of the PRD's technology hardware, software and maintenance is provided by the City's Information Technology (IT) Department, there are also some technologies used that are specific to police work. The acquisition of new technologies usually involves research as well as the solicitation of stakeholder input and, occasionally, community input. Currently, technology is not analyzed for biases prior to acquisition. While the RPD anti-bias policy governs employee actions with using technology, examining the potential for bias inherent to the technology is not currently practiced prior to acquiring that technology.

RPD follows up the acquisition of technology with the creation of policies for the end user and basic administrative functions for each system the RPD implements.

2. Transparency and Information Management/Protection

RPD currently uses the software IAPRO which is an early warning professional standards software program designed to monitor specific criteria of an officer's activities to identify potential problems.³² RPD uses IAPRO to maintain data and reports pertaining to use of force, firearm discharges, and motor vehicle accidents/pursuits that involve RPD personnel. It is also used to track remedial training that RPD members receive, and log administrative inquiries and complaints that involve RPD members. Each RPD member has their own "profile" where this data is stored so it can be accessed quickly by those who have specific permissions to do so. When investigations are undergoing command review, supervisors use IAPRO to view the case file. Supervisors can research their team members so they can look at their past use of force history, training, and address any alerts that may be triggered based on specific thresholds that are set within the system. This is part of an early intervention system where a supervisor may see a pattern with an employee and be able to address the situation early on to prevent problems from leading to formal complaints.

³² <https://www.iapro.com>



The RPD relies on the City's IT Department and the Freedom of Information Law ("FOIL") for guiding the balance of transparency and protection of private information. The Freedom of Information Law, Article 6 of the NYS Public Officers Law, provides the public right to access records maintained by government agencies. "Record" means any information kept, held, filed, produced or reproduced by, with, or for this agency, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.

The RPD utilizes technology in their investigative process, which often involves sensitive matters and personal information. Disclosing this information could compromise an investigation or share personal information of the people involved in the investigation, therefore the RPD has policies that address when information can be disclosed. This policy is RPD's FOIL procedure policy which outlines when information can and cannot be released to the FOIL requestor.

In March 2021, the City announced that the FOIL function is moving from the City Communications Office to the Law Department, similar to other cities. This will provide for increased accountability. In addition, the City is hiring additional staff within the Law Department to help facilitate the process of disclosing public records through the FOIL process. FOIL requests have dramatically increased over the last few years requiring an increase in staff capacity to achieve compliance with the NYS law.

C. Body-Worn Cameras

In 2015, to improve police-community relations, Rochester Mayor Lovely Warren, working in conjunction with the RPD, created the RPD Body-Worn Camera (BWC) initiative. The City of Rochester engaged in extensive research on equipment, data management, policies, and community involvement for successful deployment of the program. All Rochester Police Lieutenants, Sergeants and officers presently assigned to patrol Sections are equipped with BWCs. There are currently about 500 BWCs assigned to patrol personnel.

To ensure success of this initiative, the RPD entered into partnerships internal to City Hall, such as IT and the Law Department, as well as external partnerships with the Offices of the District Attorney and Public Defender, and the Civilian Review Board. Most significantly, the program included a strong partnership with the community by engaging a variety of community and neighborhood organizations during the implementation phase. A series of community meetings was held to get feedback from the community on how the BWC program was administered. This included feedback on policy, body-worn camera use, and expectations from these community organizations. This feedback helped in drafting the current policy.

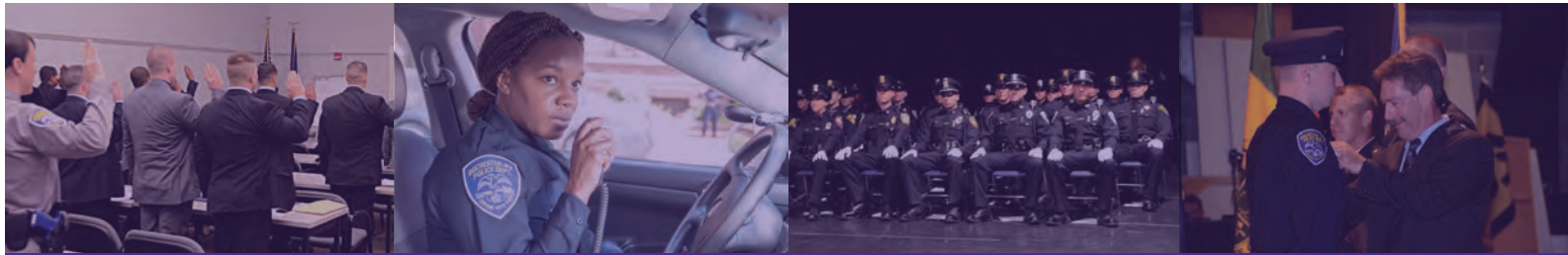
In November, 2017, the City of Rochester formalized a process for ongoing community input into the BWC program by signing a Memorandum of Understanding (MOU) with the Coalition for Police Reform (CPR). CPR is a consortium of community groups led by United Christian Leadership Ministry (UCLM). This MOU established regular meetings between CPR and the RPD, as well as making other commitments of cooperation between the City, RPD, and CPR. A CPR subcommittee, the Community Justice Advisory Board (CJAB), was formed for this purpose and has been meeting quarterly with RPD since January, 2018. The CJAB is made up of citizens that belong to the UCLM. Some of the board members include Rev. Lewis Stewart and members of the New York Civil Liberties Union. This board regularly makes suggestions on changes to the BWC Program that may be used to make policy changes. UCLM reports, however, that RPD has resisted attempts to obtain information which would provide insight into the BWC program. Further, they have often answered requests for information with answers that are misleading or false. Attempts by the CJAB to get BWC footage through the FOIL process has resulted in more than 75% of their requests being denied.

The RPD continues to develop policy that directs the use of BWCs by its members. These policies can be found in the RPD BWC Manual which is used for training and implementation of the BWC program. Based on



comments and suggestions by RPD personnel, community organizations and other stakeholders, this manual continues to be reviewed and amended on an as-needed basis. Policies address such things as:

- Officers are required to activate and record all activities, and contact with persons, while performing, or when present at, any enforcement activity (e.g., arrest and prisoner transports, pursuits, detentions/stops of persons and vehicles, Use of Force).
- When interacting with the public for any non-enforcement activities, unless a mandatory or standard event arises which must be recorded, officers are not required to record activities, but may do so if they believe it serves a legitimate law enforcement purpose.
- Officers are encouraged to inform persons they are recording with a BWC unless unsafe to do so.
- Civilians may request to stop recording unless mandatory recording is required.
- Officers will not record while in the locker room or any personal, non-police conversations with other members or other City employees that do not occur during an official police duty. Officers will not record while attending internal RPD meetings, other law enforcement meetings, or meetings with prosecutors.
- The penalties for non-compliance include “Progressive Discipline” (i.e., verbal, memorandum, command discipline).
- Requirements include retention times which vary according to offense or incident.
- Footage is made available to officers for official duties, including conducting criminal investigations, conducting supervisory duties, preparing for testimony, assisting with training, or other official RPD duties as authorized by departmental policy or by competent authority.
- Footage is made available to the public in accordance with NYS Freedom of Information Law (Public Officer’s Law, Article 6; SS 84-90).



City of Rochester

RECRUITING AND SUPPORTING EXCELLENT PERSONNEL

 believe.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



VI. Recruiting and Supporting Excellent Personnel

Staffing and personnel management is one of the most critical responsibilities of law enforcement leaders and the communities which they protect and serve.³³ The RPD must therefore have robust strategies for recruitment, hiring, and retention of officers whose diversity reflects the communities being served. Law enforcement agencies should also design and oversee training and wellness programs that aim to ensure the safety of officers and the public while reinforcing relationships of trust between police departments and their communities.

A. Recruiting a Diverse Workforce

The RPD sworn personnel is approximately 87% White, 11% Black, and the remaining 2% is another racial or ethnic identity. The Rochester community, however, is approximately 47% White, 41% Black, with the remaining 12% being another race or combination of races, according to the 2019 American Community Survey of the US Census. In addition, the RPD civilian personnel is approximately 74% White, 21% Black, and the remaining 5% is another racial or ethnic identity.

Since 1975, the RPD has been operating under a court-ordered federal consent decree from the United States Department of Justice. The decree was part of a settlement involving racial discrimination in the RPD hiring practices. The decree requires that 25% of the sworn officers of the RPD are “minority persons.” The term “minority” is defined in the decree as “a person who is black, Spanish-surnamed, or a member of some other nonwhite minority group.” The RPD is not meeting this minimum standard set in 1975, and the standards of today seek to try to match the police-force demographics with the demographics of the population they serve.

Currently recruitment efforts are focused on attracting candidates who are reflective of the city demographics. All candidates must pass the police exam administered by NYS, a physical agility test, and a background check. Many candidates find it difficult to pass all three of these components of the hiring requirements. The background check is rigorous in that it requires a review of previous criminal convictions, prior drug usage, medical history, and “psychological failures” (NYS requirement), including not telling the truth.

The current recruitment and screening process is not successful in advancing diversity into the ranks of serving the community as a Police Officer. This suggests that new marketing and recruiting needs to be developed to seek and hire the diversity that reflects the city demographics. Given the nature of policing in Black and Brown communities, there is a negative perception of police interaction and one component of combatting that perception is with increased diversity among Police Officers.

B. Supporting Officer Wellness and Well-being

The RPD has high expectations of our law enforcement officers and recognizes that their health and wellbeing is linked to the reform and community outcomes sought. Caring for Police Officers and supporting them in their work in a holistic way is a vital piece in bringing about reform that changes culture—from the existing paradigm of police as “warrior” to police as “servant-protector”.³⁴

Many factors can negatively influence officer wellness and/or exacerbate existing struggles an officer may be experiencing. These factors can range from sleep disorders, sleep deprivation, and sleep apnea, to critical incident trauma, organizational stress, depression, and alcohol use/abuse. And all of these factors are negatively affected by lack of exercise, poor nutrition, high cortisol levels, and heart disease. Within the

³³ United States Department of Justice. (2015). Final Report of the President’s Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

³⁴ *Specific Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 20



President's Task Force on 21st Century Policing (2015), Pillar 6 is Officer Wellness and Safety. As a result of the findings of the task force, the 2017 Law Enforcement Mental Health and Wellness Act (LEMHWA) was signed into law. The LEMHWA officially recognized the need for departments to provide ongoing support for officers' well-being and mental health.

The RPD currently participates in the City of Rochester's Employee Assistance Program for providing mental and emotional support to officers, when needed. The RPD also engages with a contracted physician, as well as the Flower City Chaplains Corp, to specifically respond to and assist with mental health issues. These are offered as confidential programs.



City of Rochester

REFORM RECOMMENDATIONS

Believe.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



VII. Reform Recommendations

The preceding sections describe and, in some cases, evaluate the current operations of the RPD and present some of the evolving changes that have recently occurred or are underway to improve the community interactions with the RPD and the overall administration of public safety.

There has been and continues to be substantial community engagement and input into how the administration of public safety should evolve in Rochester. Refer to Appendix A for a list of all the community engagement activities that have contributed to the following recommendations and the ongoing changes already underway in the organization and implementation of public safety service to the Rochester community.

It should be noted that this plan – the fulfilment of Governor Cuomo's Executive Order 203 – is an important next step in Rochester's efforts to reform police policies and operations in the community. However, much work remains to be done. This plan contains recommendations for immediate changes as well as further study of specific issues. The community, including the key stakeholders involved in developing this plan, must continue to work together on challenging issues well beyond the delivery of this plan.

A. Accountability

1. Petition the State of New York by June 30, 2021 to amend the Taylor Law and the Triborough Amendment³⁵ to allow the City to terminate RPD personnel immediately for cause and enable the City to develop a completely new collective bargaining agreement.
2. Release comprehensive statistics by June 30, 2021 and quarterly thereafter on the RPD's internal investigations, as required by law.
3. By September 30, 2021, determine the amount of resources needed and allocate accordingly to release, as soon as possible, an online portal that will allow the public to review the disciplinary histories of individual officers, including comprehensive information on officer disciplinary history in compliance with Section 86(6) and (7) of the Public Officers Law.^{36&37} Note: Litigation, currently underway, will provide guidance on this topic in coming months.
4. Create strict disciplinary rules within 60 days of the development of new policies banning discriminatory enforcement patterns, (e.g., broken window theory, structural racism, racial profiling, stop and frisk, pretextual stops, etc.) and enforce those rules using data gathering methods that reveal the enforcement patterns of individual officers. Utilize data that includes demographic information, for the purpose of officer accountability. Hold those accountable that violate disciplinary rules.

³⁵ Section 209-a.1(e) of the Taylor Law, known as the "Triborough Amendment," makes it an improper practice for a public employer, or its agents, to deliberately "refuse to continue all the terms of an expired agreement until a new agreement is negotiated."

³⁶ Pursuant to Public Officers Law Sections 86(6) and 86(7), law enforcement disciplinary records are defined as those created in furtherance of a law enforcement disciplinary proceeding. A law enforcement disciplinary proceeding is defined as the commencement of any investigation **and** any subsequent hearing or disciplinary action. Accordingly, complaints or investigations that did not result in a hearing or disciplinary action are not encompassed within the definition of law enforcement disciplinary records set forth in the Freedom of Information Law. Additionally, the Committee on Open Government has long opined that disclosure of employee misconduct allegations that are not sustained or do not result in discipline would constitute an unwarranted invasion of privacy. In light of the foregoing, there are no records that respond to your request for disciplinary records.

³⁷ See Appendix C for alternative opinion from the Rochester Police Accountability Board.



5. The City shall take whatever legal and policy steps are necessary to fully protect, support, and ensure cooperation with the PAB's investigations into individual RPD officers as well as the RPD's policies, practices, and procedures.
6. Ensure that the RPD "After Action Reviews," which is completed when there is a major event (e.g., serious injury, in-custody death) are being effectively used by April 15, 2021. This review process documents what happened, how it happened, who needs to be notified, and what changes might be needed in policy/practice.
7. Advocate for NYS to institute a statewide police officer licensing or decertification program to ensure disciplined officers' records are known by potential future employers.

B. Community Engagement and Programming

1. For the fiscal year 2020-2021 and thereafter, the City will commit and advocate for more resources and financial support for Mental Health Programs, Youth and Recreation Programs, Job Development, Pathways to Peace, Conflict Resolution Programs, Rise Up Rochester, Roc the Peace, UCLM's Light the Way, Save our Youth, Squash the Beef, and other evidence-based programs that include oversight, evaluation, transparency, and training so that programs that are effective can be expanded and improved.
2. For the fiscal year 2020-2021, implement and support programs that provide increased and effective community engagement. Work with leaders of existing programs to evaluate effectiveness and reach out to participants in these programs to see if they can generate ideas for increasing impact. Assess how the RPD and the City can offer to help build trust, transparency, and legitimacy within and through these programs. Help the program leaders with their volunteerism capacity through guidance on defining metrics for them to use in their own measure of success. Some of these programs include:
 - Clergy on Patrol
 - Community Volunteer Response Team
 - Police and Citizens Together against Crime
 - Police Citizens Interaction Committee
 - Police Training Advisory Committee
 - ROC Against Gun Violence Coalition
 - Attendance at Neighborhood Association Meetings
 - GIVE Program
 - UCLM Community Police Summits
 - UCLM Community Justice Advisory Board
 - Citizen's Police Academy
 - No Mas
 - Project TIPS
 - Other Community-led support groups and initiatives
3. By the end of 2021 calendar year, the City shall: release comprehensive data on its citizen surveillance technology, such as traffic cameras, police surveillance cameras, and wiretap usage, as Rochester was found by one recent survey to be the fifth-most surveilled city in the United States. Evaluate surveillance methods and determine the effectiveness in solving serious crimes (defined as high class felonies, homicides, etc.).

C. Data, Technology and Transparency

Note – This Section is primarily concerned in investing in RPD's Office of Business Intelligence and making the Open Data Portal more robust. There is widespread agreement on the importance of these two things, but



this process must also be transparent to the community. The recommendations in this Section regularly say “to the extent possible” in reference to publishing data. There must be a transparent, community-involved process that clearly communicates what data sets can and cannot be shared.

1. Operationalize and implement the use of data to:
 - inform leadership and the community of crime trends and causal factors;
 - engage the community in collaborative problem-solving;
 - drive strategies to prevent crime, address crimes in progress, and to develop a response to trends and patterns;
 - ensure equity in the application of public safety;
 - identify training needs and programming;
 - properly assess and evaluate operational responses, organizational changes, technology use and implementation and officer wellness and,
 - make budgetary decisions about the organization.
2. Leverage RPD’s existing technology and personnel to create a data-first culture. One which:
 - builds services on shared resources;
 - fosters efficient collaboration;
 - works seamlessly with modern visualization and analysis tools;
 - allows user focus on function and outcomes, removing technology lock-in;
 - lowers the barriers (cost and complexity) for integrations; and,
 - provides measures for data usage and civic engagement.
3. Allocate funds to boost support for the RPD Office of Business Intelligence and other citywide data analytics departments to ensure accurate data is released in a timely and accessible manner.
4. Mandate the collection and regular reporting of demographic information, allowed by law, of all individuals that officers interact with in arrests, traffic investigations, street stops, personnel complaints, and uses of force.³⁸ This data should be included in the RPD Annual Report, published on the RPD Open Data Portal. Demographic information can be utilized to inform leaders about biases related to the police, federal, state, and city governmental policies and practices.
5. Expand the RPD Open Data Portal and data sharing with information on police-citizen interaction types, demographics (i.e., age, gender, race) of people involved, type of response and whether force was used, along with all other data that will allow Rochesterians to better understand the nature of police response³⁹, for the following:
 - calls for service, including through 911, 311, and 211 calls;
 - crimes, including low-level offenses (“Part II crimes”⁴⁰);
 - arrests;
 - alternatives to arrest;

³⁸ Demographic information is not a required field in New York State’s electronic ticketing system (TRACS). This would require a local policy that mandates demographic data be collected on the electronic traffic ticket, to the extent that the information is provided by the individual.

³⁹ Currently, the City is in the process of working with other agencies to be able to collect and provide this data, which requires data-sharing agreements

⁴⁰ The Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) program includes data from more than 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies. The program has been collecting crime statistics since 1930. The Rochester Police Department participates voluntarily and submits crime data through the New York State UCR program. In the UCR program crimes are broken into two major categories: Part I Index crimes (Violent: Murder, Rape, Robbery, Aggravated Assaults, Property: Burglary, Larceny, Motor Vehicle Theft) and Part II crimes (all other offenses).



- traffic/street stops, including issuance of warnings for traffic violations;
 - uses of force;
 - officer discharges of a weapon;
 - high-speed pursuits;
 - fleet vehicle accidents;
 - hate crimes;
 - assaults on officers;
 - firearms seized, including type, circumstance, origin, etc.;
 - search warrants;
 - investigative case management;
 - internal policy and procedures; and,
 - digital media.
6. Correlate the Open Data Portal's data listed above with community surveys to assess way police approach and speak to individuals of color and the impact of the encounter on both the victim and the community.
 7. Include, on the Open Data Portal, to the extent available, if and how the RPD uses de-escalation tactics, including information on: (1) hours spent training officers on de-escalation tactics; (2) percentage of training devoted to de-escalation; (3) specific de-escalation tactics taught to officers; (4) what written and verbal policies relating to de-escalation the RPD has issued.
 8. Using the data collected and included on the Open Data Portal, assess the occurrences of "Stop and Frisk" activities.
 9. Include on the Open Data Portal, information on if and how the RPD uses "less-than-lethal" weaponry, including information such as data on: (1) relevant training procedures; (2) spending on such weaponry; (3) use and equipment rates; (4) related injuries; (5) the cost-benefit analyses the RPD uses to justify the training regarding, purchase of, and use of such weaponry; and (6) verbal and written instructions about how to use such weaponry.
 10. Include, on the Open Data Portal, to the extent available, past and present use of no-knock warrants, including the rejection rates for no-knock warrant requests, claims against the city for personal injuries or property damage linked to no-knock warrants, and statistics regarding raids involving no-knock warrants that were executed at the wrong location.
 11. Include on the Open Data Portal the number of citizen complaints to the PSS, their disposition, and the time elapsed to disposition.
 12. Include on the Open Data Portal, information on the training and directions officers receive regarding whether and how to address low-level offenses ("Part II Crimes"). Conduct an assessment of all calls for service and create a process for disclosing the percentage of officer time spent addressing these low-level offenses.
 13. Include, on the Open Data Portal, to the extent available, information on SWAT training and SWAT activity, including the use of SWAT for hostage or active shooter situations, as opposed to search warrant execution.
 14. Explore the availability of historical crime data and determine the feasibility of including that on the Open Data Portal.
 15. Digitize officer training manuals and post them on the Open Data Portal. Include hours per training session, how officer training is reinforced, how often officers face discipline for failing to follow training rules, whether and how the RPD addresses race, ethnicity, gender, LGBTQ individuals, and religion, and how training addresses on-the-job trauma.



16. Inform the community about revenue the City generates from traffic tickets and code enforcement, demographics of those subjected to this kind of enforcement, the difference between what violations people are ticketed for and what violations people are pleading to, and whether the City is using this kind of enforcement to fill budget gaps.
17. Collaborate with other city agencies to comprehensively report data and information in a coordinated way. These other agencies include the Emergency Communications Department, the City Information Technology Department, Monroe County Sheriff, Monroe County District Attorney's Office, etc.
18. Create a dataset that includes RPD staffing and budget information, such as the historical size and budget of the RPD, comparative data that allows Rochesterians to compare the RPD's operations and per-resident staffing levels to other communities, and program-specific budget and staffing data that will reveal the RPD's public safety priorities.
19. By the end of 2021 calendar year the City shall: utilize with an outside entity to anonymously survey current and former officers who are Black and Brown, women, and from the LGBTQ community to determine their experiences with oppression on the force; ask these populations what policies and practices would (or would have) made their work healthier and free of racism, misogyny, homophobia, and transphobia; and release anonymized aggregate data on how these officer populations are disciplined, promoted, recruited, and terminated.
20. To the extent practicable, report on per-officer spending on trauma-related support, the rates at which officers use trauma support, and the incidents of domestic violence, workplace harassment, and other outcomes of untreated trauma; data on number of officers who claim disability for injuries stemming from incidents where civilians were also injured; number of civil and criminal cases filed against officers, along with case disposition and settlement data; number of cases where felony for causing an injury to an officer was filed, nature of injuries to officers in such cases, and nature of injuries to civilians in such cases.
21. By the end of 2021 the City shall create policies and data-release procedures that allow the public to monitor the RPD's justifications for purchase and use of all its technologies, including ShotSpotter.
22. Improve the use and purchase of technology.
 - a. The Police Accountability Board shall analyze new technology for how it may cause or perpetuate biases. While the RPD anti-bias policy governs employee actions with technology, many technologies can augment human biases and exacerbate their impact on over-policed communities.
 - b. Create policies and data-release procedures that allow the public to monitor the RPD's justifications for, purchase of, and use of all its data collection and surveillance technologies, including ShotSpotter.
 - c. Use the RPD's IAPRO early warning software to its fullest capacity to ensure any personnel concerns are identified as quickly as possible and addressed. The corrective measures should then be shared with the Police Accountability Board for follow up.
 - d. Recognizing the problems created by the City of Rochester's former red light camera program, examine the use of any technology that will decrease the necessity for direct officer / citizen interaction for enforcement purposes so long as any technology is universally deployed and does not disproportionately impact one demographics of the City of Rochester.
 - e. Expand the City of Rochester's Blue-Light camera program, being mindful of future camera placement and use that does not disproportionately impact Rochester's citizens.
 - f. Fully utilize a new feature of the City's IAPRO technology that would allow for use of force tactics to be researched and publicly reported, which shall include what force tactics RPD officers are using (including, but not limited to, breathing restrictions), how often those tactics are being used, the racial and ethnic demographics of individuals those tactics are being used against, the



location of the incident, the written and verbal instructions that determine how officers choose what tactics to use, when those tactics cause injuries, and whether the internal review process that was conducted after the use of a given tactic.

23. Improve the use of body-worn cameras by the end of the 2021 calendar year.
 - a. Support UCLM's Community Justice Advisory Board (CJAB) to engage in on-going monitoring of the utilization of the RPD's BWC program. This advisory board has been engaged in this task for over three years and should continue with Mayoral support. The CJAB should also develop an annual report of the BWC program, to be presented not only to the RPD, but to appropriate community bodies.⁴¹
 - b. Using existing RPD funding, provide the training and resources to ensure officers use their cameras as trained.
 - c. Measure the effectiveness of the BWC program, using agreed upon metrics such as:
 - reduction in use-of-force incidents over time;
 - reduction in citizen complaints over time;
 - proven value of BWC footage in court cases; and
 - surveys of participating officers and of the community itself.⁴²
 - d. Find a new BWC vendor that can provide the technology necessary for improving the RPD's ability to collect and use data from BWCs. Collecting the appropriate data in order to evaluate the effectiveness and compliance with the Department's policies is obviously an important part of the BWC program.
24. Allocate City-received Federal Forfeiture funds to purchase dash cameras, particularly those that have video buffering and are activated automatically when vehicle lights or sirens are turned on, to both capture what is often a contested point in a defendant's case and limit officer discretion. Adding dash cameras would provide crucial additional evidence of what occurred.⁴³ Adding dash cameras would also require purchasing additional data storage capacity.
25. The City will take action to ensure the demilitarization of the Police Department, including but not limited to, providing a breakdown of the military equipment the RPD possess, what capacity any City-owned equipment is used, and further clarification of what constitutes military equipment, to better inform the Council on future equipment purchases or acquisitions.

D. Fostering a Community-oriented Culture

1. Continue furthering the work of the Task Force on 21st Century Policing, which leads with a philosophy that includes a sense of humility and empathy and sets the stage for adopting community-oriented policing leadership.
2. Attempt to collect anonymous information from current and former officers to determine their experiences with oppression on the force; ask these populations what policies and practices would (or would have) made their work healthier and free of racism, misogyny, homophobia, and transphobia; and release anonymized aggregate data on how these officer populations are disciplined, promoted, recruited, and terminated.
3. By April 1, 2022, the City will fund policies and practices that begin to inoculate the RPD from systemic oppression. These practices should include: educating officers using immersive training methods that

⁴¹ *Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 29. (Modified through a comment from Reverend Stewart, UCLM, on February 8, 2021.)

⁴² *Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 31.

⁴³ Executive Order 203 Report, Monroe County Public Defender's Office, March 1, 2021, p. 16



teach how systemic racism and other forms of structural oppression, as opposed to mere “bias” or “prejudice,” can influence policing practices; reinforcing this training throughout officers’ careers; testing officers on their knowledge and providing assistance as necessary; and, creating and enforcing disciplinary rules that combat racism, misogyny, and homophobia-, including by terminating officers who support white supremacist organizations. The City will actively screen for affiliations with white supremacist groups, domestic terrorists, religious extremists, and other groups among Police Department recruits and active members, and collaborate with the Federal government on this screening.

4. Monitor state and federal legislative actions that deal with officers who support or engage with hate and/or extremist groups (e.g., white supremacist groups, domestic terrorists, religious extremists, and other groups).

E. Officer Wellness

1. Proactively conduct routine wellness needs assessment surveys with RPD officers. Law enforcement agencies and officers both need to have a much better understanding of many potentially deadly concerns such as, cumulative career traumatic stress, PTSD, suicidal ideation, depression, and alcohol abuse, amongst others. This process may start with a needs assessment survey to gauge specific needs of officers. Using the survey, along with a program evaluation of the current program, the department can begin to identify the needs of—and enhance—the existing wellness program. In addition to the department’s existing EAP, other mental health programs should be considered for implementation. These programs need to be proactive and focus upon early intervention and early detection.
2. Conduct RPD fitness and annual psychological evaluations. The inherent stress and trauma associated with a career in law enforcement contributes to high rates of alcoholism, substance abuse, domestic violence, and suicide of police officers. Rochester has not been immune to the tragic loss of officers to suicide. RPD officers need to be physically, emotionally and psychology well. To that end, the RPD, while being cognizant of the collective bargaining implications, should examine requiring officers to maintain an agreed upon level of fitness. Furthermore, RPD should consider requiring officers to receive annual or bi-annual psychological evaluations to determine their psychological and emotional well-being and enhance peer support efforts and officer assistance programming.
3. By the end of 2021 calendar year, reallocate RPD funding to significantly increase funding and seek additional outside resources training, monitoring, prevention, and response systems that protect officers, their families, and the people they serve from officers’ stress and trauma. The community should be educated on what trauma, stress, and other mental health impacts officers have to experience by merely doing their jobs – especially officers who are Black and Brown, women, and members of the LGBTQ community. Officers carry heavy burdens and frequently deal with trauma. The statistics regarding officer divorce, addiction, and other emotional issues are well known. De-escalating issues in their lives should be at the core of de-escalation [training].⁴⁴ The City should release data on per-officer spending on trauma-related support, the rates at which officers use trauma support, and the incidents of domestic violence, workplace harassment, and other outcomes of untreated trauma.
4. Conduct in-service training to familiarize officers with how all the dimensions of officers’ lives are one interdependent system and how deficiencies in any one dimension can create or exacerbate problems in other dimensions. In-service training can help officers and their families not only identify, but also problem-solve issues that hurt their overall wellness and well-being. These types of programs coincide with the recommendations from the Department of Justice (DOJ) and the Bureau of Justice Statistics (BJA) report to Congress in 2019 regarding the 2017 Law Enforcement Mental Health and Wellness Act.
5. Consider Mindfulness Training for RPD officers as a wellness strategy. Branded as Mindful Badge training by a former Police Lieutenant Goerling, this training has been studied to understand wellbeing measures such as:

⁴⁴ *Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, p. 14.



- The impact of a constant state of hyper-vigilance on officers;
- Cortisol awakening response;
- Health outcomes among Officers.

Mindful policing has the potential to transform the approach to officer wellness, while also impacting police reform goals such as implicit bias training; de-escalation/Use of Force; maintaining empathy, compassion and reverence for all of humanity/life. Mindful Badge studies show the following benefits, and they show that continued practice is needed to sustain these benefits. In other words, outcomes diminish if skills aren't practiced.

- significant increases in resilience, mental health and emotional intelligence;
 - significant decreases in sleep disturbances, anger, fatigue, burnout and general stress;
 - reduction in the levels of the stress hormone cortisol;
 - Officers reported less difficulty with emotional regulation, organizational and operational stress.⁴⁵
6. Consider creating a wellness unit in the RPD. Another increasingly used program or initiative in departments is the creation of a Wellness Unit in order to proactively assist officers with their wellness and well-being. As an example, the San Diego Police Department (SDPD) established a Wellness Unit in 2011. The SDPD's Wellness Unit consists of four full-time Officers and Sergeants with the goal of training on—and connecting Officers with—services to improve their emotional and physical well-being. The SDPD's Wellness unit also manages the Department's Peer Support Program, Police Chaplain Program, Alcohol/Substance Abuse Programs, and psychological services; and, provides instruction and services to family members of Officers, as well as the Department's civilian employees.⁴⁶
 7. Consider appointing a Chief Resiliency Officer, similar to the program started by New Jersey Attorney General Grewal. The Chief Resiliency Officer is responsible for ensuring the implementation of the New Jersey Resiliency Program for Law Enforcement. This statewide program aims to help officers "to become better equipped to handle the daily stress of police work that, when left unchecked, may lead to physical ailments, depression, and burnout."⁴⁷
 8. Promote peer support as an effective method to assist officers throughout their career, but more importantly, following a traumatic event. Many officers may be hesitant to utilize outside counseling services following a traumatic event, however many are willing to turn to their fellow officers to seek support. Peer services have a significant and positive impact increasing officer morale and ameliorating post-traumatic stress.⁴⁸ Peer support services are supported and recommended by the Department of Justice, the IACP, FLETC, Lexipol, as well as by Mental Health Professionals and Medical Doctors. In addition, overwhelming majority of police wellness programs consist of peer support as a critical element of their programs. For example, the Asher Model Seven Point Approach to Culture of Wellness developed by the Pinole Police Department lists peer support as its third point of their program's seven-point star.⁴⁹
 9. Utilize Smartphone applications as an increasingly common method to assist Officers after a traumatic event. An example of a widely used app is the CordicoShield Employee Wellness App. Cordico provides

⁴⁵ *Reform Proposals*, United Christian Leadership Ministry of WNY, Inc., December 2020, pp. 19-20

⁴⁶ Albreksten, S. (n.d.). *San Diego Police Wellness Unit Overview*. Retrieved from <https://www.californiapolicechiefs.org/assets/news/Executive%20Summary%20Wellness%20Unit%20San%20Diego%20PD.pdf>

⁴⁷ Crespolini, R. (2020, November 23). *Training Helps Mendham Officers Handle Mental Health Challenges*. Retrieved from <https://patch.com/new-jersey/mendham-chester/training-helps-mendham-officers-handle-mental-health-challenges>

⁴⁸ Willis, D. (2014). *Bulletproof Spirit: The First Responder's Essential Resource for Protection and Healing Mind and Heart*. Novato, CA: New World Library.

⁴⁹ Gang, N. (2019). *Aher Model 7-Point Approach to a Culture of Wellness*. Retrieved at <https://www.cordico.com/2020/09/23/asher-model-7-point-approach-to-a-culture-of-wellness/>



confidential and anonymous access to powerful resources and self-evaluations 24/7/365 via a smartphone app that is custom tailored to a specific department. Several departments nationally have provided this resource as an option to their officers. In August of this year, the Syracuse Police Department began providing access to their department-specific app to their officers via the CordicoShield Employee Wellness App.⁵⁰ Cordico has contracted Kevin Gilmartin, PhD to assist in the development and continued support of the CordicoShield Employee Wellness App. Dr. Gilmartin is perhaps best known for his book, *Emotional Survival of Law Enforcement* (2002) which is commonly cited and used throughout departments nationally in wellness programs.

10. Provide Chaplain services as another method to provide support to officers following a traumatic event. These services are non-denominational, are spiritual, but not necessarily religious. Since Chaplains are ordained, the use of Chaplain services is both confidential and privileged in nature.

F. Police Policy, Strategies, and Practices

1. Place the sanctity of human life at the core of RPD's policing philosophy. Current RPD policy does not include an express sanctity of life provision.
2. By April 1, 2022, the City shall create disciplinary rules, policies, and practices that ensure the RPD's low-level enforcement patterns and priorities match those of Rochesterians.
3. Periodically survey the public to shed light on how they feel the police profile black and brown people for minor violations.
4. Mandate the completion of incident reports that include demographic data to better track stops made by the RPD.
5. Develop a policy limiting the use of spit socks or hoods and outlining strict guidelines for appropriate and safe use of spit socks if and when they are used.
6. By the end of the 2021 calendar year, the City shall create and enforce laws and policies related to the use of breathing restrictions in accordance with New York State law and create training and disciplinary rules that will be enforced if there are violations of the policies.⁵¹ New policies should ban applying significant body weight on a handcuffed or restrained person (including a person restrained by a "spit sock") unless exceptional circumstances are present that pose an immediate threat of harm to the person or others and no reasonable alternative is available. Similar to new policies introduced in the NYPD, the RPD will create orders, training, and disciplinary rules that end the use of chokeholds, neckholds, and headlocks, as well as the use of sitting, kneeling, standing, or applying significant body weight on an already handcuffed or restrained person.
7. Revise policies and practices pertaining to RPD's Use of Force and De-escalation Strategies.
 - a. Revise General Order 340, "Use of Deadly Physical Force" to set the standard for any use of force at all— clearly stating that force is only to be used when necessary, and if it is used at all, to be used in proportion to the threat. Integrate into the policy other force-related policies to address all permissible uses of force and any limitations on those uses of force. Explicitly state in the policy the situations in which force should never be used, including, for example, using force as punishment or in retaliation against a subject.
 - b. Integrate the "Duty to Intervene" into RPD's restructured use of force policy as other model policies recommend and police departments have done. In addition to incorporating the "Duty to Intervene" into a restructured use of force policy, implement policies to protect from retaliation any members who act to prevent excessive uses of force or other misconduct.

⁵⁰ Baker, C. (2020, August 20). *Syracuse Police Department to Adopt New Mental Health Service for Officers* [webpage]. Retrieved at <https://www.syracuse.com/news/2020/08/syracuse-police-department-to-adopt-new-mental-health-service-for-officers.html>

⁵¹ In summer 2020, the State of New York passed the Eric Garner Anti-Chokehold Act, which made it a felony for a Police Officer to "us[e] a chokehold or similar restraint and thereby caus[e] serious physical injury or death to another person."



- c. Make clear that Department policy requires officers to attempt to de-escalate their encounters with members of the public. Require officers to use de-escalation techniques to reduce the use of force required, or to prevent any use of force at all, so long as it is safe for them to do so.
 - d. Support the Crisis Intervention Team (CIT) in the de-escalation support it provides to the community. The CIT should continue to work with 911 dispatchers to respond to emergency calls where they may be able to help tense situations from becoming worse.
8. Prohibit officers from firing at moving vehicles except (1) to counter an imminent threat of death or serious physical injury to the officer or another person, by a person in the vehicle, other than the vehicle itself or (2) to counter a situation where the officer or others are unavoidably in the path of the vehicle and cannot move safely. Officers should avoid positioning themselves in the path of a moving vehicle where they have no option but to use deadly force. When deadly physical force is authorized in these situations, an investigation should be conducted to determine if an officer could have handled the situation differently and/or avoided the path of the vehicle.
9. By April 1, 2022, the RPD and the City will implement changes to policy, practices, and trainings regarding Less-Than-Lethal Weapons and identify alternatives to these weapons through research from other cities and countries; the City will ensure this is a public process, at least through Council legislation. These weapons were intended as a way to avoid the use of deadly force, but are subject to abuse. The new policies and strategies for the use of Less-Than-Lethal Weapons include:
 - a. Gathering data on the use of these weapons, whether they should be phased out in whole or in part, what alternatives exist, and how officers are trained on the alternatives so that they have tools to safely do their jobs while protecting the public and members of the community.
 - b. Mandating that less-than-lethal weapons only be used as a last resort once other alternatives have been reasonably exhausted and multiple warnings given.
 - c. A ban on the use of chemical weapons, like tear gas, for peaceful crowd control, and restricting their use to the case of riots and violent demonstrations and only when a command-level decision has been made to deploy them.
 - d. Phasing out the use of chemical irritants, as alternatives are developed.
 - e. Ban the use of irritants on minors 15 and under. Ban the use of irritants on all other minors and elders unless exceptional circumstances are present that pose an immediate threat of death or seriously bodily harm to the elder, child or others and no reasonable alternative is available. Support NYS legislation to accomplish these bans.
 - f. Ban the use of irritants when a person is restrained (including a person restrained by a "spit sock") unless exceptional circumstances are present that pose an immediate threat of death or seriously bodily harm to the person or others and no reasonable alternative is available.
 - g. Conducting a cost-benefit analysis on the use of flash bangs and sound cannons and develop alternatives to the use of these devices for dispersing crowds.
 - h. Requiring the volume set for the sound cannons/flash bangs shall be such that it will not cause long-term damage to a person's hearing.
 - i. Consider banning other "less-than-lethal" weaponry on a weapon-by-weapon basis. Before doing so, the City should hold public education/deliberation sessions that make the costs and benefits of these weapons clear and conduct public surveys to determine if and how Rochesterians wish to see these weapons used against civilians.
 - j. Clearly restricting use of less-than-lethal weapons that are not banned, in order to prevent disproportionate use of force, including a ban on shooting civilians in the face, neck, or spine with a bean bag round or other projectile unless deadly force is justified.
 - k. Provide training to officers on these policy changes, the use of less than lethal weapons, and alternatives.
10. The RPD does not have Facial Recognition Technology or the ability to conduct biometric search and has no intent to acquire these technologies. If, these technologies were ever pursued, the City will engage



the community through public input including hearings or forums to ensure residents' voices are included in the decision making process.

11. Maintain the mindset of a "Servant/Protector" verses a "Warrior" attitude at all times in crowd control situations. The focus should be on the safety and protection of people first, property second, whenever possible. Inevitably, some situations will involve confrontations with the public. Police should be skilled with de-escalation techniques to reduce the risks to all involved. Lower-level management techniques such as slowly moving crowds, giving directions over loudspeaker, limiting hostility, respecting First Amendment rights, should be priorities over more intensive techniques such as pepper balls, rubber bullets, flash bangs and tear gas, which should be deployed as a last resort under clear guidelines for use of force. Implement de-escalation training throughout the Department and develop de-escalation strategies for every situation that includes citizen-police confrontation. Crosswalk de-escalation training throughout all operational policies.
12. Institute policy that officers shall not handcuff juveniles aged 12 and under unless the juvenile presents an imminent danger to themselves or others.
13. By April 1, 2022, the City will research and develop a list of coordinated expanded pre-arrest diversion programs such as LEAD that has empirical support of its success. Adapt a similar diversion approach for youthful offenders that is similar to the adult program with additional focus on strengthening family relations. Explore additional opportunities for diversion opportunities by establishing partnerships with the Monroe County District Attorney's office and the Monroe County court system for program development.
14. By the end of the 2021 calendar year, the City will improve the RPD Body-worn Cameras program by:
 - a. Adding a list of examples of the types of law enforcement activities that officers are expected to record under the existing BWC policy. The BWC Manual's standard recording policy requires officers assigned a BWC to "record all activities, and contact with persons, in the course of performing police duties." This includes recording, "all calls for service and self-initiated police activity." However, the Manual does not further enumerate examples of the types of law enforcement activities that officers are expected to record under this policy.
 - b. Expanding the mandatory recording activities to explicitly require BWC use for (1) the execution of search and arrest warrants, and during (2) protest, crowd control, and demonstration-related operations.
 - c. Developing clear rules and training regarding the application of BWC usage for search warrant execution involving undercover operations and for SWAT team operations. The RPD does not currently require BWC recordings for those operations for the protection of officers and law enforcement methods so policy clarification and further discussions with RPD are needed.
 - d. Updating the BWC Manual to require officers to provide and record either a verbal or written justification to their supervisors when there is a (1) failure to activate the BWC to capture a mandatory or standard recording activity or (2) a premature deactivation of a BWC prior to the conclusion of a mandatory or standard recording event.
 - e. Adding specific procedures in the BWC Manual that describe how an officer may be disciplined for failing to comply with the BWC policies. RPD's BWC Manual does not currently address the repercussions for officers who fail to use their BWCs in accordance with Department policy.
 - f. Amending/Updating the RPD BWC policy to:
 - Provide a clear definition for the "safe and practical" exception to BWC recording requirements.
 - Consider eliminating the practice of officers previewing the BWC footage before writing reports because it is time consuming and creates bias.
 - Require officers to notify the public truthfully and effectively if they are being recorded.



- g. Instituting a zero tolerance policy for officers who fail to turn on their body worn cameras when it is safe and practical; that policy should be accompanied by strict penalties, which may include dismissal.
 - h. Updating Departmental policies regarding the release of complete BWC footage, in compliance with Freedom of Information Law.
 - i. Updating Departmental policies regarding storage of body worn camera footage and public release of that footage.
 - j. Performing supervisory review of BWC footage to audit and track use of BWC.
15. Continue to work with the Rochester City School District on not having police presence in educational settings and preparing a safety plan.
16. By the end of the 2021 calendar year, the City will update the RPD language access and interpretation plan. The City shall make its public safety system accessible and responsive to all Rochesterians, regardless of the languages they speak, and develop a full and robust language access plan and interpretation services in all contexts regarding emergency services, critical information provision, and law enforcement. Such full and robust services shall include, at minimum, ASL interpretation in the top languages spoken in Rochester's Limited English Proficiency community (Spanish, Somali, Nepali, and Swahili) and engage the Monroe County Language Access Coalition. This effort must include mandated training of 911 operators to ensure language access is appropriated from beginning to end and the appropriate responder is directed to the call.
17. Consider creating a reward/recognition system for consistent and creative use of de-escalation strategies in the field by RPD Officers.
18. Review RPD General Orders for modifications necessary to take into consideration service to children and people with special needs.
19. Modify RPD General Order 502/507 to explicitly state that regulations around field stops include people who are walking or riding a bicycle in the right-of-way.
20. Enforce policies and practices that require an officer to provide clear indication whenever a person is being placed under arrest.
21. Expand the mandatory recording requirement in the RPD BWC Manual. BWCs should be active at all times during officers' responses to a service call or when in contact with members of the public.
22. Update the RPD BWC policies with clear, simple, and objective penalties for failing to comply with BWC procedures prescribed by the BWC Manual and General Orders.
23. Consider using Cultural Monitors for the purpose of oversight and reporting upon the RPD's efforts to achieve, maintain, and sustain constitutional and culturally-sensitive policing.
24. To address over-policing, Monroe County Law enforcement should end the use of pre-textual stops (stops for minor offenses made to investigate other matters) and decriminalize and de-prioritize violation-level offenses. (See recommendation in J.12 below)

G. Resizing the RPD

1. Reduce the RPD budget within the next 1-3 years so it can reallocate these resources to other programs.
2. Identify tasks handled by uniformed officers that could be handled by civilian individuals by April 1, 2022.
3. Commit to providing the financial and institutional support for a process to achieve long-term change to Rochester's policing/public safety budget by April 1, 2022.
 - a. Bring all parts of our community to the table to examine and change our fundamental blueprint of policing and public safety.
 - b. Through a broad partnership with the community, educate and engage Rochesterians on how the RPD is funded. That partnership shall develop budget recommendations that captures



Rochesterians' public safety priorities, then review the proposed budget and make suggestions. Regardless of what form this partnership takes, it must educate Rochesterians about how different tools, from police to social services, can change public safety in our community. It may need to be led by a coalition of organizations, inside or outside of government, that are trusted by the community. It should canvass Black and Brown people, people facing homelessness and poverty, and marginalized communities. The City will explore opportunities for a people's budgeting process.

- c. Consider reinstating and rehiring a Commissioner of Public Safety who has a final say on both budget and management.
- d. The PAB is an entity of City Council and any resources and funds provided will be considered through the Council's budget process. This includes any strategic and incremental increases the PAB submits to fulfill its duties and responsibilities to review and recommend policies, practices, procedures and trainings as well as their ability to determine discipline should the PAB be authorized to do so in the future. Such costs must be broken down in Council's budget consideration submittal so that it is considered.

H. Response to Mental Health Calls

1. Significantly increase the number of officers with Crisis Intervention Team (CIT) training such that a sufficient number of CIT-trained officers are available on each shift. The RPD CIT program is an important tool for ensuring that RPD officers have the requisite skills to respond appropriately to a mental health crisis. This intensive training program has been completed by approximately 125 active-duty RPD officers. The program currently accepts officers on a voluntary basis. At this time, it is not recommended that RPD mandate CIT training for all officers, as at least some research suggests that mandatory, across-the-board CIT training lowers the effectiveness of the program overall. This may also require the RPD to examine how officers switch shifts to ensure that there are CIT-trained officers available 24 hours.
2. Expand the scope of mental health awareness training and include explicit training on the availability of other mental health response programs and appropriate coordination, including mobile crisis intervention available nights and weekends.
3. Evaluate the Person in Crisis Team, or "PIC Team" Pilot Program that the City kicked off in January 2021 as a 6-month pilot program. At the end of the six months, the City will evaluate the effectiveness of the program using the following metrics:
 - **% of Calls Transitioned** - Reduce the number of behavioral health and lower acuity calls traditionally responded to by law enforcement or EMS.
 - **Impact on ED/hospital utilization** - Reduce the number of individuals transported to the emergency department that could be instead addressed in a non-hospital setting.
 - **Outcomes for individuals** - Along with documenting meaningful connections to services, i.e. enrollment in ongoing case management, establish and track other key performance indicators regarding the reduction in the number of non-warrant arrests that result during a 911 response.
 - **Cost-Benefit Analysis** - Monitor and analyze comparing the investment into the PIC Team and related Crisis Intervention Services Office programming with the costs of sending law enforcement or EMS for the same interventions.
4. By the end of the 2021 calendar year, increase funding for first responder systems that appropriately replace or supplement police with social workers, mental health providers, and other non-police personnel.



- a. This work is highest priority and should commence immediately, with quarterly updates provided to Council and the community.
- b. Analyze and divert calls from 911 to appropriate services. Reallocate and seek outside resources to cover the shift in response model, proportionate to the percentage of diverted calls. Conduct an evaluation of diverted calls each year for the next five years.
- c. Assure that current County and City initiatives regarding mental health emergency response services are fully integrated — i.e., one emergency response system, not two. An uncoordinated or siloed approach to new initiatives will only prolong the inequities.
- d. Evaluate FIT vs. PIC vs. FACET in the next six months, determine best path towards integration of services.
- e. Amend Part II, Section 28 of City Charter to mandate training of licensed ambulance operators and other first responders on racism, implicit bias, and cultural and linguistic competency tied to their job roles in emergency response, including communication with deaf and hard of hearing clients.
- f. Work with advocates and the court system to develop a program to improve evictions and the removal of tenants as part of the work being done in the City's Department of Neighborhood and Business Development. Social workers and community advocates should be entrusted to co-create new alternative eviction responses that aims to educate tenants and landlords on the law, mediates disputes before they escalate, and ultimately assist tenants in relocating if an eviction is lawful.
- g. Ensure that all first responders are trained and receive coaching in culturally responsive care, trauma-informed care, and anti-racist practices.

I. RPD Recruitment

1. Overhaul the Civil Service hiring system. The City of Rochester is requesting a complete overhaul of the NYS Civil Service hiring and promotion system. It is evident and research shows that this practice has been and continues to be biased toward communities of color. In fact, the deciding factor of if someone would be a good officer or manager should not be based on how well someone scores on a written Civil Service exam. The state should immediately convene a Civil Service Commission to review and change the process for governmental hiring and promotions.
2. Create Civilian Public Safety Interview Panels to assess candidates for the Rochester Police Department. The purpose would be to bridge the gap of hostility and suspicion by giving the citizens the power to interview and assess candidates for the Police Department and make a recommendation to the Chief of Police before they are accepted into that process, and before the agencies make that commitment and investment in them. The purpose of the interviews will be to assess an applicant's attitudes, experience, cultural fit and implicit biases, to determine whether the applicant is fit to serve as a Police Officer with ethics, integrity and anti-racist attitudes and behaviors.
3. Petition Judge Geraci's court to alter the language in the federal consent decree requiring the RPD to accurately reflect the various racial demographic populations of Rochester, and to maintain this status through aggressive hiring of non-white personnel. The 1975 federal consent decree significantly contributes to the racial imbalance within the Rochester Police Department's ranks. The purpose of the decree, as written, was to "increase the minority representation" within the Rochester Police Department to 25%. This was reflective of the population of Rochester when it was written, however the non-white population of Rochester currently stands at over 50%.



4. The City will offer financial support to promote, expand, and increase recruitment for the Career Pathways to Public Safety program offered by the Rochester City School District and the Police Recruit Education Program (PREP) offered by Monroe Community College to firmly establish a direct pipeline for the youth of Rochester to enter the ranks of the local law enforcement and significantly improve minority representation.
5. In compliance with relevant laws, share information with the community about the backgrounds of recruits and new hires, including information on whether officers are recruited or hired from the military and information on whether new hires have disciplinary histories from law enforcement agencies in which they previously served.
6. Require city residency for newly-hired police officers.

J. Training

1. Improve leadership training to cultivate community-supportive leaders in the RPD ranks.
 - a. Institute the Stratified Leadership Model to prepare leaders to create new competencies as they move up the ranks. Stratified Leadership is needed as leaders move up through the hierarchy. The complexities of the next level require a different set of competencies and capabilities to function effectively with respect to community policing. Using this leadership model, leaders know what decisions should be made and at what level they should be made.
 - b. Foster community-oriented policing leadership and its culture by adopting the following concepts:
 - The promotional processes identify and select leaders that grasp the concepts of community-oriented policing.
 - The leaders regularly have informal and formal conversations about how they can embrace community-oriented policing.
 - Outside influences, such as the community, influence city leaders to ensure police leaders adopt community-oriented policing.
 - Police leaders recognize the importance of community-oriented policing and put in place measures that permeate the agency's philosophy.
 - City elected leadership direct the police department to put in place plans to ensure there is community-oriented policing.
 - Performance standards (ratings) are structured to drive the acceptance of community-oriented policing.
 - c. Learn from other industries and police organizations to stimulate organizational growth. Leadership training allows for leaders to broaden their global view. While working with partnering agencies, common bonds help to allow for a unified response to emergencies and ways to impart strategies to better work with the community.
2. Use empirical data to support the selection of new training programs.
3. Select and implement a strong curriculum for responding thoroughly and effectively to the need for racial justice education of police recruits at the Police Academy level and in-service education for Officers. The City must therefore craft and fund robust training on white supremacy, trauma-informed care, and structural racism – training that must be transparent to the public, regularly conducted, and closely monitored for effectiveness on an Officer-by-Officer basis.
4. Invest in available cultural diversity training to include implicit and explicit bias training, procedural justice training, systemic racism, cultural competency, and Rochester history training that includes



cultural diversity, redlining and neighborhood development instruction during a recruit's post academy as well as in-service for all staff.

5. Advocate for a change in NYS law to require DCJS to mandate explicit and implicit biases, systemic racism, cultural competency, and procedural justice training in the Basic Course for their Police Officer certification program. Mandate that this training be continued through required routine in-service courses. Advocate for funding for this additional mandated training.
6. Reinforce Police Officers as "Servant/Protectors" as opposed to "Warriors" through training. In comparing the documented and required police recruit training in de-escalation techniques to the greater amount of time spent on firearms, baton, and OC spray training, it appears that there is an imbalance that could further the perception of the concept of Police Officers as "Warriors" as opposed to "Servant/Protectors." While most agencies provide de-escalation training, there are key success factors that are often not incorporated into the training process. These include:
 - Making de-escalation a core theme of an agency's training program.
 - The responsibility for an officer to intervene to prevent other officers from using excessive force.
 - In-field training, video scenario reviews, and discussions focused on Use of Force and de-escalation policies and procedures provided by skilled certified instructors.
 - An audit process with data that is transparent and provided on a routine basis.
 - Annual refresher training for all officers.
 - Hours in de-escalation training at least as long as firearms, weapons, and defensive training combined.

This training will require certified trainers trained by a nationally recognized de-escalation specialist. It is recommended that officers at the academy receive eighty plus hours of de-escalation training and every officer should be required to take at least one two-hour yearly training course in de-escalation tactics.

7. Focus training on humanity and the sanctity of life. Focusing on "Sanctity of life" as a guiding principle is an example of a values-based approach to Use of Force which includes the following points:
 - Respect human rights.
 - Officers should not engage in unreasonable actions that precipitate the use of force as result of tactical, strategic, and procedural errors.
 - Individuals are entitled to Constitutional Rights free from excessive force.
 - It recognizes that split-seconds judgements are made.
 - Reasonableness inquiry in excessive force situations is objective. When reasonable, officers should use advisements, warnings, verbal persuasion and other tactics including withdrawing.
 - It is important for officers to bear in mind that many reasons exist that individuals may resist arrest:
 - The person may not be capable of understanding the gravity of the situation.
 - An individual's reasoning ability may be dramatically affected by several factors, i.e. medical condition, mental impairment, developmental disability, language barrier, drug interdiction and emotional crisis.
8. Utilize training programs that have proven successes, such as Integrating Communications, Assessment, and Tactics: A Training Guide for Defusing Critical Incidents, published by the Police Executive Research Forum in 2016.
9. Integrate training topics into each officer's annual performance review process. Recognize individual officer's very good performance and discipline individual officer's performance below the acceptable level.



10. Prioritize spending hours training on use of force and de-escalation in such settings, which are generally the most effective for adult learning, as opposed to purely classroom learning.
11. Explore working with the Active Bystandership for Law Enforcement (“ABLE”) Project, which has created trainings designed to train officers on how to intervene to prevent harm and to create a law enforcement culture that supports such peer intervention.
12. Transform the use of Pre-textual stops. Pre-textual stops are a tool often used by law enforcement agencies by allowing an officer to stop an individual for a minor infraction for investigatory purposes, however, its value is outweighed by its harm. Being stopped by police for minor infractions is an experience shared by far too many Black men. These stops can result in humiliation or even death as we saw in the case of Philando Castille, Walter Scott, and Sandra Bland. Evidence shows pre-textual stops increase racial bias in the system and do not make communities safer. A national study found that white drivers were about 20% less likely to be stopped than Black drivers. The study further revealed that white drivers were searched 1.5 to 2 times less often than Black drivers, but were more likely to have drugs, guns or other contraband. For these reasons the following policies should be implemented:
 - a. Upon stopping a vehicle for a minor traffic infraction, officers should not engage with occupants beyond what is necessary to issue a citation. Before searching or asking for consent to search, officers should have probable cause to believe that the vehicle contains evidence of a crime. Upon asking for consent to search, law enforcement in Monroe County should advise occupants of their right to refuse consent.
 - b. Law Enforcement agencies should end the practice of stopping vehicles and pedestrians for the following infractions: failure to use the sidewalk, jaywalking, no bell on bike, no light on bike, front or rear view obstructed (VTL 375) and tinted windows.
 - c. Law Enforcement agencies in Monroe County should not be permitted to search vehicles or persons based on the smell of marijuana. Examples: Maryland, Pennsylvania, Virginia.
 - d. All vehicle and traffic stops should be recorded, race and ethnicity of the motorist should be documented.
13. Take advantage of available outside funding for De-escalation Training.
 - a. Seek a grant from the U.S. Department of Justice, which announced recently that it has put \$3 million toward the creation of a national center that will provide training and assistance to help law enforcement agencies prevent the use of excessive force. The grant would provide additional support for training officers, and assist with reviewing current policing policies, as well as providing for the mental health of officers.
 - b. Pursue a Byrne Memorial Justice Assistance Grant – JAG. The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement.
 - c. Apply to the NYS Division of Criminal Justice Services.
14. Explore a possible pilot program for providing mindfulness-based de-escalation, anti-racism, wellness, and resiliency training. There is a growing focus on what is commonly referred to as Mindful Policing in recent years. Studies show the following benefits, and they show that continued practice is needed to sustain these benefits.
 - Significant increases in resilience, mental health and emotional intelligence;
 - Significant decreases in sleep disturbances, anger, fatigue, burnout and general stress;
 - Reduction in the levels of the stress hormone cortisol;
 - Officers reported less difficulty with emotional regulation, organizational and operational stress.



- Connect with law enforcement and municipalities in Los Angeles and Minneapolis regarding their mindfulness policing practices, and its impact on policing and interactions between police and civilians. Through work sessions and information gathering with these municipalities, begin developing mindfulness training programs in Rochester.
15. Provide additional training to 911 dispatchers to get better information and assess the response needed for mental health calls.
 16. Provide training in the RPD academy as well as RPD officers on the handling of children and adults/children with special needs.

K. Violence Prevention

Survey current violence prevention models, programming, and services currently utilized in Rochester.

Commit to expanding violence prevention programming to address any gaps as identified by said survey.



City of Rochester

CONCLUSION

Believe.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



VIII. Conclusion

The systemic issues that plague the Rochester community, like other communities, took decades to create. They are complex and deep rooted. It will take time and focus to change the system while balancing the need for public safety and the professional and equitable application of policing. Upon submission of this plan, the immediate next steps are:

- The RPD Chief will form a committee to turn the above recommendations into an action plan with priorities, timelines, and measures by summer 2021;
- WilmerHale will complete their report related to use of force, de-escalation, use of body worn cameras, and responding to mental health calls; and
- RPD will release a community policing plan, by fall 2021.

If significant progress in RPD behavior is not accomplished within one year of the release of the Chief's action plan, the Mayor will petition the state to allow a complete restructuring of the Police Department, similar to the actions taken in Camden NJ for restructuring their police department.⁵²

City Hall and the RPD are committed to working with the community and the PAB to make the changes necessary to address the issues so each and every member of the Rochester community feels safe, protected, and valued.

⁵² <https://www.mcall.com/news/pennsylvania/mc-nws-pa-camden-police-defund-rebuild-20200611-5vhnyoo64vezviu2eiup5aswoi-story.html>