



City of Rochester

APPENDIX E
REPORT PROVIDED BY
THE RASE COMMISSION
POLICE WORKING GROUP



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

Policing

Summary of Group's Process

Resources Consulted

- ∞ The Police working group began by establishing subgroups with specific focus areas that we felt were critically important to understanding policing in the Monroe County / City of Rochester area. The established subgroups included Training and Education, Policy, **Operational Practices, Hiring, The Final Report on the President's Task Force on 21st Century Policing** (two subgroups were established for this category), Collective Bargaining, Community Engagement, and Legislative.
- ∞ Our research consisted of an examination of departmental and office policies of the Rochester Police Department and the Monroe County Sheriff's Office. **These policies** included General Orders, Training Bulletins, Rules and Regulations and operational policies and practices. Additionally, we examined the 21st Century Policing report for the action items and recommendations contained therein to determine their relevance for our community. We examined state (both New York and other state) and federal legislation for areas of intersection that contribute to racial inequity and deficiency in policing. We reviewed the collective bargaining agreements of the Rochester Police **Department and Monroe County Sheriff's Office. We reviewed the hiring process of** police candidates in this area, and we reviewed, as best as we could, the training curriculum for the Basic Police Officer course as sanctioned by the NYS Division of Criminal Justice Services (DCJS) and the training officers and deputies receive post academy.
- ∞ Our working group also reviewed publically available data related to calls for service, race and ethnicity of police officers, size of the local law enforcement agencies, crime rates, and trends related to criminal activity.

Community Engagement

- ∞ Our community engagement consisted of numerous teleconferences with police officers of the Rochester Police Department, numerous teleconferences with the administration of the Public Safety Training Facility, teleconferences with United Christian Leadership Ministry(UCLM), teleconferences with youth from Mosaics Group-Odyssey Academy, Urban Suburban Program-Sutherland and Teen Empowerment, and a survey **distributed to the Rochester Police Department's Police Citizen Interaction Committee (PCIC)**¹⁸³. It also included requests to meet with the Rochester Police Locust Club and Free the People Roc which, to date, have not been accepted.

¹⁸³ The PCIC consists of Community members from various neighborhood groups within the city

Prioritization of Issues

- ∞ Our prioritization of issues was accomplished through dialogue within our working group, with our commission advisor Mayor William Johnson and CGR. As expected, we discovered some overlap in our subgroup focus areas, and our priorities evolved into four specific areas of interest. Those areas are Hiring, Training, Community Engagement, and Operational Practices. Our recommendations are contained within each of the four focuses. Working Group Leaders and CGR staff also communicated with the other working groups to identify potential overlaps

Key Issues & Recommendations

Key Issue #1 - Hiring

- ∞ As it relates to Hiring in the Rochester Police Department, we are recommending **the City of Rochester’s Law Department petition Judge Geraci’s court to** alter the federal consent decree the city has been under since 1975. The purpose of the decree, as written, is to increase the minority representation within the Rochester Police Department to 25%. This was reflective of the minority population of Rochester when it was written, however the minority population of Rochester currently stands at approximately 56%. Clearly, the current language of the decree will not result in a demographically reflective police department. We recommend changing the language in the order so that it requires the police department to accurately reflect the various racial demographic populations of Rochester, and to maintain this status through aggressive hiring of minorities.
- ∞ We are recommending the City of Rochester enhance the Career Pathways to Public Safety program offered by the Rochester City School District, and the PREP program offered by Monroe Community College to firmly establish a direct pipeline for the youth of Monroe County to enter the ranks of local law enforcement. As described on the Career Pathways to Public Safety website, **“The program prepares youth with the knowledge, skills, and abilities needed to meet the high demand for diverse and local residency candidates in the Public Safety sector of Police, Security, and Corrections. This course will cover Criminal Justice topics that relate to the 21st Century approach to Multicultural Law Enforcement; Criminal Justice System, Problems and Solutions in Modern Policing, Criminal Court, and the quest for justice, Corrections- the levels of rehabilitation.”** **The four-**year results of this program do not reflect any individual entering policing. According to the City of **Rochester website, “The mission of PREP is to prepare students for a successful law enforcement career with the RPD. 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 RPD, including participation in a mentorship program, part-time employment, and job shadowing. PREP participants are also exposed to a number of law enforcement activities, such as role-play training**

exercises, riding along with police officers, and engaging in community outreach **events.” Enhancing these programs would establish a “pipeline” into the ranks of the** area police agencies and would significantly improve minority representation.

- ∞ We are recommending local law enforcement agencies work to remove the subjectivity present in the hiring process. Specifically, we recommend that the subjectivity present in the opinions rendered by the psychologists that administer the psychological test on police recruits be removed, and that the polygraph examinations be administered by an independent entity.
- ∞ Finally, as it relates to the hiring process, and as a direct recommendation from the United Christen Leadership Ministry, we recommend the final interview for police candidates include representatives from the community as interviewers, including interviewers from diverse racial and ethnic backgrounds for all local law enforcement officers.

Key Issue #2 – Training

- ∞ The Police Working Group focused extensively on the training of individuals becoming police officers in this area. It should be noted that our research included direct conversations with the leadership and staff of the Public Safety Training Facility, direct conversations with the leadership of the Rochester Police Department and Monroe **County Sheriff’s Office, a review of their training policies and bulletins, as well as a** request for the specific curriculum used in the NYS Basic Police Officer course that provides the certification to serve as a police officer. Regrettably, we were not able to acquire the specific curriculum due to the NYS Division of Criminal Justice Services requiring a FOIL request before it release. The Police working group strongly recommends the Basic Police Officer course curriculum be designated public information. For that which we have been able to access, the following recommendations have been developed.
- ∞ The NYS basic Course for Police Officer requires only 5 hours diversity for certification. Our working group recommends significantly increasing this requirement to include cultural competency training, implicit and explicit bias training, Procedural Justice training and historical aspects of policing training. A recent study entitled *Procedural Justice Training Reduces Police Use of Force and Complaints against Officers*¹⁸⁴ shows that procedural justice training reduced police use of force and complaints against officers in the Chicago Police Department from this (8 hour) training. Recently, DCJS has developed a 32-hour program titled Principled Policing which focuses on Procedural Justice and Implicit Bias instruction, but the program is intended as an in-service training. It does not include the other focus areas previously mentioned.

¹⁸⁴ Wood, G., Tyler, T.R., & Papachristos, A.V.¹⁸⁴ (2020), Proceedings of the National Academy of Sciences, 117(18), pp. 9815-9821., <https://www.pnas.org/content/117/18/9815>.

- ∞ Although we were informed that De-escalation training is provided in numerous aspects of police recruit training, we were not able to examine what that entailed. As such, we are recommending that de-escalation training be outlined and expanded for all uniformed police in this region with a focus on humanity and sanctity of life consideration.
- ∞ Our working group recognizes how trauma impacts all in a community. We are recommending that uniformed personnel be provided training on the consequences of trauma for themselves and the community and have more resources available for officer wellness.
- ∞ Our research has shown that numerous states have explored a recertification process that requires a police officer to be recertified every two or three years to remain working. This process is similar to the board recertification that physicians are required to go through. A recertification process would ensure our uniformed police officers are adept in the skills necessary to serve our communities. It would also afford our community the opportunity to determine what skills are felt to be critically important for our officer to possess. We recommend that local law enforcement require a regional certification for law enforcement officers and require periodic recertification until a state process is adopted. Some of the states currently exploring recertification include California, Illinois, and Virginia. <https://www.ncsl.org/research/civil-and-criminal-justice/legislative-responses-for-policing.aspx>. Along with recertification, a process for decertification will be required. The specific recommendation for decertification will be discussed in the Operational Practices portion of this summary.

Key Issue #3 – Operational Practices

- ∞ Our working group examined the operational practices of policing in this area. Our recommendations reflect areas we feel will significantly improve policing in this area and the relationship between our departments and community members.
- ∞ We recommend local law enforcement agencies be mandated to collect and regularly report on a quarterly basis, demographic information of all individuals they interact with in arrests, traffic investigations, street stops, and uses of force. Furthermore, we recommend the demographic information be collected and regularly reported for personnel complaints, also on a quarterly basis. We further recommend this data be included in their annual reports and, relative to the Rochester Police Department, be included on their Open Data Portal, entered into their TRACS system, and sent to the Rochester Police Accountability Board. If other local police agencies develop a similar civilian oversight process, we recommend this data be sent to their board for review.
- ∞ We recommend the Rochester Police Department begin to use their 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 forwarded to the Deputy Mayor for consistency and shared with the Police Accountability Board for follow up. While we have not identified whether other local police agencies have early warning programs, this recommendation applies to them as well.

- ∞ As mentioned earlier, decertification of police personnel found to have engaged in certain forms of misconduct is a strategy being considered by some states.¹⁸⁵ We recommend the City of Rochester and County of Monroe adopt a policy of decertification for police personnel that have been proven to not conform to established rules and regulations.
- ∞ Qualified immunity is a legal concept that protects government officials, such as police officers from being held personally liable for constitutional violations like excessive force, for money damages under federal law so long as the individual did not violate **“clearly established” law. Indemnification sections in contracts allocate risk and expense in the event of a breach, default, or misconduct by one of the parties in an executed contract/agreement. They are clauses used in contracts to shift potential costs from one party to another. We are recommending changes to the indemnification/qualified immunity language in local law enforcement agency’s collective bargaining agreements so that police officers, not their employers, may be held responsible for the financial costs that result from criminal or civil proceedings that arise from a conviction based on misconduct that constitutes intentional/aggravated felony criminal behavior. Moreover, we recommend rescinding indemnification be included in the disciplinary matrixes for all local police agencies as a consequence of termination.**

Key Issue #4 – Community Engagement

- ∞ In 2015, President Barak Obama convened a commission of criminal justice professionals to examine policing in the 21st century. The commission identified six specific areas of focus, Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Training and Education, and Officer Wellness. The final report of the commission contains over one hundred fifty action items and recommendations for governments, police agencies, and communities. The City of Rochester commissioned a similar report in 2016 following two incidents involving the Rochester Police Department that occurred here and negatively impacted the community. One event was an arrest that resulted from an **open-air drug market investigation, while the other event involved the department’s response to a Black Lives Matter demonstration.** Our recommendations stem from specific areas and strategies contained within each report.

¹⁸⁵ <https://www.ncsl.org/research/civil-and-criminal-justice/legislative-responses-for-policing.aspx>

- ∞ We are recommending local police agencies adopt the recommendation **and action items outlined in the Final Report of the President’s Task Force on 21st Century Policing**¹⁸⁶ as it pertains to community engagement, a guardian mindset, procedural justice, and officer wellness. Additionally, we recommend the Rochester Police Department review and adopt the **community engagement strategies outlined in the City of Rochester’s Blueprint for Engagement**¹⁸⁷.

Parking Lot

The issues presented in the parking lot are potential recommendations that have not received adequate research or discussion as part of the RASE process, but are considered to be other opportunities to reduce structural racism in policing.

- ∞ **As a Parking Lot item, we recommend a candidate’s history not automatically disqualify** them if they have shown improvement from youthful behavior such as marijuana use. This recommendation is consistent with the hiring practices of such notable law enforcement agencies as the Federal Bureau of Investigation (FBI).
- ∞ **Add language to local law enforcement agency’s collective bargaining agreements that** obligates police officers to carry professional liability insurance. A bill in the New York State Senate (S8668B) proposed the requirement for police officers in the state to carry liability insurance. Colorado requires police officers to be personally liable for up to \$25,000 in damages associated with misconduct charges. The State of Connecticut is going to require police officers to carry liability insurance in the near future and is currently looking into details on how to make it happen.
- ∞ Recommendation requirements in becoming a Law Enforcement officer will change from a candidate having a HS diploma or GED to a minimum of a two-year degree in Criminal Justice or related field. The change in requirements will provide candidates a global knowledge within the field. The intent is to teach specific skills and knowledge that can be used in the workplace as well as to help students grow and develop personally and intellectually.
- ∞ A complementary policy would be raising the minimum age of appointment from 20 to 25. This suggestion is based on research that indicates that older officers are less likely to have problems with discipline.

¹⁸⁶ https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

∞ ¹⁸⁷ <https://www.cityofrochester.gov/DeputyChiefCommunityAffairsBureau/>