



INTRODUCTION

Pursuant to § 18-11 of the Charter of the City of Rochester, and in the interest of public accountability, the Police Accountability Board has made the following investigative report public. It has been redacted so as not to disclose the identities of the officers and civilians involved.

Pursuant to *Rochester Police Locust Club, Inc. v. City of Rochester*, 41 N.Y.3d 156 (2023), Rochester Police Officers can only be disciplined by the Rochester Police Department. Accordingly, where a finding of police misconduct has been sustained by the Board, the PAB issues disciplinary recommendations to the Chief based on our Disciplinary Matrix.

The final Board decision as to the PAB determination of misconduct and recommended discipline are followed by the investigatory report prepared by PAB staff.

BOARD DECISION

Public Tracking Number (PTN): 2022-0024

Date of Panel Review: 13-Jun-2024 1:00 PM (EDT)

Board Members Present: [REDACTED]

Case Findings:

Allegation 1: Not Sustained

Allegation 2: Sustained

Allegation 3: Not sustained

Allegation 4: Sustained

Disciplinary Recommendation:

Officer [REDACTED] 60-day suspension

Officer [REDACTED] 60-day suspension

Dissenting Opinion/Comment: N/A.



DEFINITIONS

Exonerated: A finding at the conclusion of an investigation that either the alleged act did not occur, or that although the act at issue occurred, the subject officer's actions were lawful and proper and within the scope of the subject officer's authority under police department guidelines.

Not Sustained: A finding at the conclusion of an investigation that there is insufficient evidence to establish whether an act of misconduct occurred.

Sustained: A finding at the conclusion of an investigation by a preponderance of the evidence that the subject officer committed the act charged in the allegation and that it amounted to misconduct.

Closed: Vote to close the case.



Officer Name- Allegation # 1:

Officer [REDACTED] General Order 337 (Use of Force): Officer [REDACTED] used an inappropriate amount of force in the detention of [REDACTED]

- **Does the Board Agree with the Findings of Fact? Yes**
 - **Does the Board Agree with the Substantiated Evidence of Misconduct? N/A**
 - **Does the Board Agree with the Proposed Disciplinary Action? N/A**
-

Officer Name- Allegation # 2:

Officer [REDACTED] : Body Worn Camera Policy (Recording Requirements and Restrictions): Officer [REDACTED] did not activate his body worn camera during his interaction with [REDACTED]

- **Does the Board Agree with the Findings of Fact? Yes**
 - **Does the Board Agree with the Substantiated Evidence of Misconduct? Yes**
 - **Does the Board Agree with the Proposed Disciplinary Action? Yes**
-

Officer Name- Allegation # 3:

Officer [REDACTED] General Order 337 (Use of Force): Officer [REDACTED] used an inappropriate amount of force in the detention of [REDACTED]

- **Does the Board Agree with the Findings of Fact? Yes**
 - **Does the Board Agree with the Substantiated Evidence of Misconduct? N/A**
 - **Does the Board Agree with the Proposed Disciplinary Action? N/A**
-

Officer Name- Allegation # 4:

Officer [REDACTED] Body Worn Camera Policy (Recording Requirements and Restrictions): Officer [REDACTED] did not activate his body worn camera during his interaction with [REDACTED]

- **Does the Board Agree with the Findings of Fact? Yes**
- **Does the Board Agree with the Substantiated Evidence of Misconduct? Yes**
- **Does the Board Agree with the Proposed Disciplinary Action? Yes**



CLOSING REPORT

STATEMENT OF AUTHORITY

Article XVIII of the Rochester City Charter defines the authority and duties of the Police Accountability Board. Pursuant to § 18-1, “The Police Accountability Board shall be the mechanism to investigate such complaints of police misconduct and to review and assess Rochester Police Department patterns, practices, policies, and procedure...The Police Accountability Board shall provide a nonexclusive alternative to civil litigation.”

EXECUTIVE SUMMARY

The following events took place on June 1, 2020, at approximately 5:43 pm, at or near [REDACTED] Rochester, New York, 14609.

On the above mentioned date and time, a physical altercation occurred between [REDACTED] and [REDACTED] [REDACTED] subsequently contacted 911 to report that [REDACTED] had been assaulted. Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] [REDACTED] responded to the scene.

When the officers arrived on the scene, [REDACTED] informed them that [REDACTED] wished to press charges against [REDACTED] for the altercation. [REDACTED] informed the officers that [REDACTED] wished to press charges against [REDACTED] for the altercation as well as the destruction of [REDACTED] cellular phone.

A male officer, who [REDACTED] [REDACTED] was unable to identify and who was not captured on body camera footage, then placed [REDACTED] [REDACTED] in handcuffs and in doing so the officer “pushed [REDACTED] up against [REDACTED] car and snatched [REDACTED] [REDACTED] over to their car”.¹

[REDACTED] [REDACTED] then contacted the Police Accountability Board to report this interaction. [REDACTED] [REDACTED] chief complaint was that the male officer used an inappropriate amount of force in his physical interaction with [REDACTED]

¹ There is no body camera footage or written reports to independently verify this interaction.



City of Rochester
Police Accountability Board
 Established 2019

245 E. Main Street
 Rochester, NY 14604

INVOLVED OFFICERS

| Officer Name | Officer Rank | Badge/Employee # | Date of Appointment | Sex | Race/Ethnicity |
|--------------|--------------|------------------|---------------------|------------|----------------|
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |

INVOLVED INDIVIDUALS

| Name | Age | Sex | Race/ Ethnicity |
|------------|------------|------------|-----------------|
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |

ALLEGATIONS

| | | |
|---|--------------------|---|
| 1 | Officer [REDACTED] | General Order 337 (Use of Force): Officer [REDACTED] used an inappropriate amount of force in the detention of [REDACTED]. |
| 2 | Officer [REDACTED] | Body Worn Camera Policy (Recording Requirements and Restrictions): Officer [REDACTED] did not activate his body worn camera during his interaction with [REDACTED]. |
| 3 | Officer [REDACTED] | General Order 337 (Use of Force): Officer [REDACTED] used an inappropriate amount of force in the detention of [REDACTED]. |
| 4 | Officer [REDACTED] | Body Worn Camera Policy (Recording Requirements and Restrictions): Officer [REDACTED] did not activate his body worn camera during his interaction with [REDACTED]. |

² Officer [REDACTED] is no longer employed with the Rochester Police Department.

³ Officer [REDACTED] is no longer employed with the Rochester Police Department..



INVESTIGATION

Reporter [REDACTED] [REDACTED] filed a complaint with the Police Accountability Board on June 23, 2022.

The Police Accountability Board notified the Rochester Police Department of its investigation and requested corresponding documents to which the Rochester Police Department responded on September 16, 2022, seeking additional information.

The Police Accountability Board provided the requested information and submitted a second request for information on December 1, 2022.

The Rochester Police Department responded on December 21, 2022, and provided the Police Accountability Board with five written reports, disciplinary records for Officer [REDACTED] and Officer [REDACTED] two pictures, and nine body worn camera footages captured by Officer [REDACTED] and Officer [REDACTED].

The written reports documented a mutual fight between [REDACTED] [REDACTED] and [REDACTED], in which both women received appearance tickets and were charged with harassment in the second degree. In addition, [REDACTED] [REDACTED] was also charged with criminal mischief in the fourth degree and assault in the third degree. The disciplinary records documented that there has been no citizen complaints filed against either Officer [REDACTED] or Officer [REDACTED]. The pictures are of Officer [REDACTED] notepad and contain personal identifying information relating to [REDACTED] [REDACTED]. Officer [REDACTED] body worn camera footage captured Officer [REDACTED] explaining to [REDACTED] [REDACTED] that charges would be filed against [REDACTED] as well. Officer [REDACTED] body worn camera footage also captured [REDACTED] [REDACTED] in the back seat of Officer [REDACTED] police vehicle while Officer [REDACTED] was completing paperwork. Officer [REDACTED] body camera footage is taken from June 4, 2020 and captured his attempts and communication with [REDACTED] [REDACTED].

The Police Accountability Board conducted an in person interview with [REDACTED] [REDACTED] on May 2, 2024. During the interview, [REDACTED] [REDACTED] stated that a male officer pushed [REDACTED] up against [REDACTED] vehicle and was rough in the handling of [REDACTED] [REDACTED] was unaware of the identity of the officer. The Police Accountability Board reviewed all of the body worn camera footage and written reports provided by the Rochester Police Department, and was also unable to ascertain the identity of the officer accused of using an inappropriate amount of force against [REDACTED] [REDACTED].



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EVIDENCE PROVIDED

| Evidence | Description | Provided by | Filename |
|----------------------------------|--|-----------------------------|--|
| Intake Report | ■■■■■■■■■■ initial report | ■■■■■■■■■■ | i-Sight Case 2022-0024 Details Overview |
| Request for Information | Updated Request to the Rochester Police Department | Police Accountability Board | S-SharePoint File Transfer - SOI - 2022-024 secondary RPD response.pdf - All Documents |
| Request for Information Response | Written Reports | Rochester Police Department | S-SharePoint File Transfer - 2020-115138 reports - All Documents |
| Request for Information Response | Officer Disciplinary History | Rochester Police Department | S-SharePoint File Transfer - Discipline Records - All Documents |
| Request for Information Response | Pictures and Body Worn Camera Footage | Rochester Police Department | S-SharePoint File Transfer - BWC - All Documents |
| Audio and Visual Interview | Interview of ■■■■■■ | Police Accountability Board | IMG_0034.MOV (sharepoint.com) |

EVIDENCE DENIED

| Evidence | Description | Reason declined |
|---------------------------|---|--|
| Officer Statement Request | Request from the Police Accountability Board to the Rochester Police Department | Officers refused to speak with PAB, citing their Collective Bargaining Agreement |



APPLICABLE RULES & LAWS

Rochester Police Department General Orders

337 (USE OF FORCE)⁴

I. PURPOSE

The purpose of this General Order is to set forth the Rochester Police Department's (RPD) policy on use of force, which establishes when and how a Member may respond to a person exhibiting resistance to commands and/or threatening a Member or another. This policy provides further guidance as to when certain force options may or may not be used. Regardless of the type of force or weapon used, a Member's use of force must be reasonable, necessary, and proportionate.

III. POLICY

A. RPD recognizes and respects the value and sanctity of all human life. Members are expected to carry out their duties and act with the highest regard for the preservation of human life and the safety of all persons involved.

B. RPD's goal is to gain voluntary compliance of persons without resorting to the use of force. Though Members are authorized to use reasonable force when necessary, Members should attempt to resolve situations without using force whenever possible.

C. Members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to effect a lawful purpose, including to ensure the safety of a Member or third person, stop an attack, make an arrest, control a person evading a Member's lawful commands, or prevent escape.

D. Members shall use the least amount of force necessary based on the totality of circumstances and shall cease using any force once a person becomes compliant.

E. Members using force must continually assess the situation and adjust the use of force as necessary. As a person's resistance decreases, Members shall decrease their use of force accordingly.

⁴ The use of force policy has been condensed for purposes of this document. The entirety of which may be viewed using the following link. [GO 337 Use of Force | Rochester, NY Police Department Open Data Portal \(arcgis.com\)](https://arcgis.com).



F. Whenever safe and feasible to do so, prior to using force, Members should provide verbal commands. Members should defer using force for an objectively reasonable amount of time to allow the person to comply with the command.

G. Members must act with due regard for the safety of all persons during any use of force.

H. Members shall use de-escalation techniques and tactics, when it is safe and feasible to do so, to prevent and minimize the need to use force and to increase the likelihood of securing a person's voluntary compliance with police instructions. Members should refer to RPD's De-Escalation policy, G.O. 575.

I. Members have an affirmative duty to intervene to prevent or stop any Member from using unreasonable force or otherwise acting contrary to law or RPD policy. Members should refer to RPD's Duty to Intervene policy, G.O. 336.

J. After a use of force, Members shall render medical assistance consistent with their training as follows:

1. When safe and feasible to do so, Members shall immediately evaluate the need for medical attention for the person upon whom force was used. Members shall request medical assistance without delay for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, is suicidal or encountering a mental health crisis, or who was rendered unconscious.
2. Any person who is exposed to a Conducted Electrical Weapon ("CEW") application and has apparent injuries or complains of injury, or is unconscious or semi-conscious due to alcohol or drug consumption must be transported to a hospital to be seen by a medical professional for treatment.
3. Members are expected to document whether they render aid to any individual in a Subject Resistance Report. Members are required to follow RPD's Subject Resistance Report policy, G.O. 335.

IV. PROHIBITED USES OF FORCE

Members will not use force in any of the following situations:

A. Against persons who are handcuffed or restrained except to prevent injury; escape; or otherwise overcome resistance posed by the person;



1. Members shall not position a restrained person face-down for a prolonged period of time as it may cause positional asphyxia, or on their back as it may cause radial nerve damage to the wrist and forearm area. Restrained persons should be seated or placed on their side, as soon as safe and practical.
- B. To coerce a confession;
- C. As punishment or retaliation (e.g., force used to punish or retaliate against an individual for fleeing, resisting arrest or insulting a Member);
- D. To respond to those engaged in the lawful exercise of First Amendment protected activity, including peaceful protest, the right to assemble, and recording police activity (unless a person's doing so impedes a Member's legitimate law enforcement function);
- E. Based on bias against the person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, immigration status, or any other protected characteristic;
- F. To obtain blood, saliva, urine or other bodily fluid or cells, from an individual for the purpose of scientific testing in lieu of a court order where required; or
- G. To extract an item from inside the body of a person, except where exigent circumstances are present;
- H. To stop a person from swallowing a substance that is already in their mouth. A Member may, however, use reasonable force to prevent a suspect from putting a substance in their mouth.

Rochester Police Department Body Worn Camera Manual

IV. Recording Requirements and Restrictions

- A. Members assigned a BWC will activate it and record all activities, and all contact with persons, in the course of performing police duties as soon as it is safe and practical to do so, as set forth in this Manual.
1. Members will activate and record with the BWC preferably upon being dispatched and prior to exiting their police vehicle, or prior to commencing any activity if on foot patrol, as set forth below.



2. Members will immediately activate the BWC when required unless it is not safe and practical, i.e., the member cannot immediately activate the BWC due to an imminent threat to the member's safety, physical resistance, flight, or other factors rendering immediate activation impractical. In such cases, the member will activate the BWC as soon as possible.

B. **Mandatory BWC Recordings.** Members assigned a BWC will activate it and record all activities, and contact with persons, in the course of performing or when present at any enforcement activity, or upon direction of a supervisor. There are no exceptions to the requirement to record mandatory events.

1. "Enforcement activities" are:
 - a. arrests and prisoner transports (including issuance of appearance tickets and mental hygiene arrests);
 - b. pursuits (pursuit driving as defined by G.O. 530, Pursuit Driving, and foot pursuits);
 - i. Members will activate the BWC and record any involvement or assistance with a vehicle or foot pursuit, including direct involvement in the pursuit, deploying a tire deflation device, blocking traffic or taking a traffic point, paralleling, following from a distance, responding to the general area to provide assistance if needed, and responding to and while present at the apprehension/arrest site.
 - c. detentions/stops of persons and vehicles;
 - d. force.

C. **Standard BWC Recordings.** Unless a specific exception exists, members assigned a BWC will activate it and record all activities, and contact with persons, in the course of performing police duties. This includes all calls for service and self-initiated police activity unless listed as Optional below.

D. **Optional BWC Recording.** Unless a mandatory or standard event arises which must be recorded, members are not required to record the following activities with a BWC, but may do so if the member believes it serves a legitimate law enforcement purpose:

1. While driving or a passenger during routine vehicle patrol.
2. Traffic control and traffic points.
3. Walking beats, directed patrol, corner posts, and special attention checks.



4. Completing reports when no longer in the presence of civilians (e.g., in a police car or in a police facility).
5. Interviewing cooperative victims, witnesses, and persons with knowledge in a private residence or a police facility.
6. Conducting general photo queries, photo arrays, and physical line-ups.
7. While conducting parking enforcement if no civilians are present.
8. Completing security surveys.
9. Conducting a neighborhood canvass.
10. During community or neighborhood meetings; or meetings of government bodies or agencies.
11. Routine walk-up requests for information or assistance (e.g., giving directions).
12. Civilian transports.

STANDARD OF PROOF

The Police Accountability Board is tasked with determining whether or not sworn Rochester Police Department Officers have committed any actions in violation of department policies, orders, or training. In order for a finding of misconduct to be considered sustained, the Police Accountability Board is authorized to use a “substantial evidence” standard of proof. See City of Rochester Charter § 18-5(I)(10).

Substantial evidence “is that which a reasonable mind might accept as adequate to support a conclusion”.

NLRB v. Int’l Bhd. of Elec. Workers, Local 48, 345 F.3d 1049, 1054 (9th Cir. 2003). This standard is met when there is enough relevant and credible evidence in the record as a whole that a reasonable person could support the conclusion made. See 4 CFR § 28.61(d).

Even though authorized, the Police Accountability Board of Rochester, New York, utilizes the much higher standard of proof, a preponderance of evidence. When utilizing the standard of a preponderance of the evidence “the relevant facts must be shown to be more likely true than not” [true]. United States v. Montano, 250 F.3d 709 (9th Cir. 2001). This is commonly understood to mean that there is at least a 51% chance that the allegations made are in fact true.

ANALYSIS

The following findings are made based on the above standards:



Allegation 1: Officer [REDACTED] used an inappropriate amount of force in the detention of [REDACTED]

The Rochester Police Department's General Order 337 states that an Officer's use of force must be objectively reasonable, necessary and proportionate. Officers are further instructed to use the least amount of force necessary and to cease the use of force in its entirety once the subject becomes compliant. Furthermore, Officers are instructed to use verbal commands prior to using force in all situations which are safe and feasible to do so.

[REDACTED] alleges that [REDACTED] was pushed up against [REDACTED] car and then snatched in the direction of a police vehicle. [REDACTED] however, is unable to determine which officer pushed and snatched [REDACTED]. After a review of all of the body worn camera footage and written reports provided by the Rochester Police Department, this investigator is also unable to ascertain the identity of the officer accused of using an inappropriate amount of force against [REDACTED]. More specifically, Officer [REDACTED] is the only officer to have activated [REDACTED] body worn camera during this incident concerning [REDACTED]. Officer [REDACTED] body camera footage does not show any other officer engaging in physical contact with [REDACTED]. Furthermore, there are not any use of force reports in the case file, as provided by the Rochester Police Department. Without any information as to the identity of the officer, as well as any evidence or documentation concerning the physical contact, this allegation is determined to be not sustained.

Allegation 1 against Officer [REDACTED] is not sustained.

Allegation 2: Officer [REDACTED] did not activate his body worn camera during his interaction with [REDACTED].

The Rochester Police Department's Body Worn Camera Policy states that Officers are to activate their body worn camera and record all activities and all contact with persons unless an enumerated exception applies. Some exceptions which may override the necessity of standard body camera recording are: during routine traffic patrols, when completing reports and outside of the presence of civilians, and when interviewing cooperative victims in a private residence or police facility.

The entirety of the interaction between Officer [REDACTED] and [REDACTED] occurred outside of a restaurant. After a thorough search of the Rochester Police Department's database, there is no video evidence of the interaction between Officer [REDACTED] and [REDACTED]. Officer [REDACTED] did not activate his body worn camera during this interaction. Due to the location of the interaction, no RPD exception applies and the interaction between Officer [REDACTED] and [REDACTED] should have been captured on his body worn camera.



Allegation 2 against Officer [REDACTED] is sustained.

Allegation 3: Officer [REDACTED] used an inappropriate amount of force in the detention of [REDACTED]

The Rochester Police Department's General Order 337 states that an Officer's use of force must be objectively reasonable, necessary and proportionate. Officers are further instructed to use the least amount of force necessary and to cease the use of force in its entirety once the subject becomes compliant. Furthermore, Officers are instructed to use verbal commands prior to using force in all situations which are safe and feasible to do so.

[REDACTED] [REDACTED] alleges that [REDACTED] was pushed up against [REDACTED] car and then snatched in the direction of a police vehicle. [REDACTED] [REDACTED] however, is unable to determine which officer pushed and snatched [REDACTED]. After a review of all of the body worn camera footage and written reports provided by the Rochester Police Department, this investigator is also unable to ascertain the identity of the officer accused of using an inappropriate amount of force against [REDACTED] [REDACTED]. More specifically, Officer [REDACTED] is the only officer to have activated [REDACTED] body worn camera during this incident concerning [REDACTED] [REDACTED]. Officer [REDACTED] body camera footage does not show any other officer engaging in physical contact with [REDACTED] [REDACTED]. Furthermore, there are not any use of force reports in the case file, as provided by the Rochester Police Department. Without any information as to the identity of the officer, as well as any evidence or documentation concerning the physical contact, this allegation is determined to be not sustained.

Allegation 3 against Officer [REDACTED] is not sustained.

Allegation 4: Officer [REDACTED] did not activate his body worn camera during his interaction with [REDACTED].

The Rochester Police Department's Body Worn Camera Policy states that Officers are to activate their body worn camera and record all activities and all contact with persons unless an enumerated exception applies. Some exceptions which may override the necessity of standard body camera recording are: during routine traffic patrols, when completing reports and outside of the presence of civilians, and when interviewing cooperative victims in a private residence or police facility.

The entirety of the interaction between Officer [REDACTED] and [REDACTED] [REDACTED] also occurred outside of a restaurant. After a thorough search of the Rochester Police Department's database, there is



no video evidence of the interaction between Officer [REDACTED] and [REDACTED]. Officer [REDACTED] did not activate his body worn camera during this interaction. Due to the location of the interaction, no RPD exception applies and the interaction between Officer [REDACTED] and [REDACTED] should have been captured on his body worn camera.

Allegation 4 against Officer [REDACTED] is sustained.

RECOMMENDED FINDINGS

| # | Officer | Allegation | Finding |
|---|--------------------|--|---------------|
| 1 | Officer [REDACTED] | General Order 337 (Use of Force): Officer [REDACTED] used an inappropriate amount of force in the detention of [REDACTED] | Not Sustained |
| 2 | Officer [REDACTED] | Body Worn Camera Policy (Recording Requirements and Restrictions): Officer [REDACTED] did not activate his body worn camera during his interaction with [REDACTED] | Sustained |
| 3 | Officer [REDACTED] | General Order 337 (Use of Force): Officer [REDACTED] used an inappropriate amount of force in the detention of [REDACTED] | Not Sustained |
| 4 | Officer [REDACTED] | Body Worn Camera Policy (Recording Requirements and Restrictions): Officer [REDACTED] did not activate his body worn camera during his interaction with [REDACTED] | Sustained |

RECOMMENDED DISCIPLINARY ACTION

AUTHORITY



Article XVIII of the Rochester City Charter further requires that the Police Accountability Board create a “written, consistent, progressive and transparent tool or rubric” that “shall include clearly delineated penalty levels with ranges of sanctions which progressively increase based on the gravity of the misconduct and the number of prior sustained complaints.” This disciplinary matrix is a non-binding set of guidelines for the Police Accountability Board’s own recommendations regarding officer misconduct.

According to the matrix, the disciplinary history of an officer will be considered when assessing an appropriate penalty resulting from the current investigation. Prior discipline changes the presumptive penalties according to the matrix. Mitigating and aggravating factors related to the misconduct may be considered when determining the level of discipline, so long as an explanation is provided.

The Recommended Disciplinary Action based on the above Recommended Findings is as follows:

Sustained Allegation 2 against Officer [REDACTED]

Disciplinary Matrix Appendix

| Misconduct | Level |
|--|-------|
| Body Worn Camera Policy: Officers shall activate their body worn camera and record all activities and all contact with persons unless an enumerated exception applies. | 4 |

- Recommended Level: 4 (“Significant negative impact to individuals, community, or public perception of the agency or relationships with other officers or agencies.”)
- Recommended Discipline (based on 0 prior sustained violations): **60 day suspension;** This officer’s failure to follow BWC policy resulted in the Reporter’s allegation of excessive force being uninvestigable.
- Explanation of deviation from presumptive penalty: No deviation.

Sustained Allegation 3 against Officer [REDACTED]



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Disciplinary Matrix Appendix

| Misconduct | Level |
|--|-------|
| Body Worn Camera Policy: Officers shall activate their body worn camera and record all activities and all contact with persons unless an enumerated exception applies. | 4 |

- Recommended Level: 4 (“Significant negative impact to individuals, community, or public perception of the agency or relationships with other officers or agencies.”)
- Recommended Discipline (based on 0 prior sustained violations): **60 day suspension;** This officer’s failure to follow BWC policy resulted in the Reporter’s allegation of excessive force being uninvestigable.
- Explanation of deviation from presumptive penalty: No deviation.