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): 2022-0026

Date of Panel Review: 30-Apr-2024 1:00 PM (EDT)

Board Members Present: [redacted]

Case Findings:

Not Sustained as to allegations 1-4.

Sustained as to allegations 5-7.

Disciplinary Recommendation:

The Board felt that selectively turning the body worn camera on and off is not a mitigating factor, but rather suggests intentional lack of transparency.

Officer [redacted] should recieve a written reprimand and a 10 day suspension.

Officer [redacted] should recieve a written reprimand and a 10 day suspension.

[redacted] should receive a written reprimand.

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] - Use of Force (G.O. 337): Officer [redacted] used unreasonable force when brandishing his firearm when approaching [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] - Use of Force (G.O. 337) Officer [redacted] used unreasonable force when brandishing [redacted] firearm when approaching [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 # 3:

Officer [redacted] - Use of Force (G.O. 337) Officer [redacted] used unreasonable force when brandishing his firearm when approaching [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:

[redacted] - Use of Force (G.O. 337) [redacted] used unreasonable force when brandishing his firearm when approaching [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 # 5:

Officer [redacted] Subject Resistance Report (G.O. 335): Officer [redacted] did not have his body-worn camera on during the initial brandishing of his weapon.

- **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?** No

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Officer Name- Allegation # 6:

Officer [redacted] Subject Resistance Report (G.O. 335): Officer [redacted] did not have his Body body-worn camera on during the initial brandishing of his weapon.

- **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?** No

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Officer Name- Allegation # 7:

[redacted] Subject Resistance Report (G.O. 335): [redacted] did not have his body-worn camera on during the use of force. Board votes to SUSTAIN based on the fact that the Sergeant's actions fell outside of what is permitted by the RPD BWC SOP and that when the [redacted] arrived it was to a use of force event.

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- **Does the Board Agree with the Findings of Fact?** Yes
- **Does the Board Agree with the Substantiated Evidence of Misconduct?** Board finds it to be present
- **Does the Board Agree with the Proposed Disciplinary Action?** Board recommends discipline

PAB
City of Rochester
Police Accountability Board
Established 2019

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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 event took place on May 27th, 2022, at 1:40 a.m. at 60 Clifton St Rochester, NY 14608. Reporter [redacted] filed a report with the Police Accountability Board (PAB) on July 24, 2022.

On May 27th, 2022 [redacted] was involved in a traffic stop conducted by Rochester Police Department officers [redacted] and Sergeant [redacted] The reasons for the traffic stop from the officers were due to being in the area of two shot spotter activations, traveling at an excessively high speed in the shot spotter area, as well as the tint on [redacted] vehicle. [redacted] comes to a stop at [redacted] and backs into [redacted] driveway. Officers responded by drawing their guns at the vehicle while demanding [redacted] to keep [redacted] hands where they can be seen, turn the car off, and step out of the vehicle.

The stop prompted the fiancé and nephew [redacted] to come outside. Officer [redacted] first asked the nephew about his relation to [redacted] The nephew confirmed his relationship with [redacted] (reporter). Officer [redacted] then questioned [redacted] fiancé who stated [redacted] was coming home from work at the airport. The fiancé also confirmed to Officer [redacted] that it was [redacted] scheduled time to arrive home.
During the traffic stop, [redacted] was handcuffed and was eventually placed in the police vehicle while continuing to be questioned. When asked why [redacted] was pulled over, [redacted] insisted that [redacted] was not who they (RPD) were looking for. Sergeant [redacted] explained the reason for being pulled over - due to speeding in the same area as a shot spotter activation. Sergeant [redacted] further explained RPD was attempting to rule out [redacted] as a suspect. During the conversation with the officers, [redacted] becomes frustrated about the guns being drawn on [redacted] after backing into the driveway, resulting in verbal disagreements between both parties. Officers did explain that they were unaware that the driveway was [redacted] and by backing into the driveway, it gave the appearance there was a risk of a threat; therefore, drawing their guns was their form of taking precaution.

As the questioning concluded, and [redacted] was confirmed to not be a suspect, Sergeant [redacted] informed [redacted] a photo was needed of [redacted] and that [redacted] will not be released

unless the photo is taken. This required photo is part of the subject resistance report General Order that states, "After force is used, photograph all subjects upon whom the techniques were used before being released or brought to booking." [redacted] stated [redacted] would be filing a complaint with the sheriff, and Officer [redacted] states, "We don't work for the sheriff so that's not going to give you a whole lot." [redacted] responds by saying they are going to the police station, following up Officer [redacted] states, "That might help you, the sheriff doesn't do anything". The incident concluded with [redacted] being released from the police vehicle as well as removing the handcuffs and all parties proceeded to leave the scene.

INVOLVED OFFICERS

Officer Name	Officer Rank	Badge/Employee #	Date of Appointment	Sex	Race/Ethnicity
[redacted]					

INVOLVED INDIVIDUALS

Name	Age	Sex	Race/ Ethnicity
[redacted]			

ALLEGATIONS

1	Officer [redacted]	Use of Force (G.O. 337): Officer [redacted] used unreasonable force when brandishing his firearm when approaching [redacted]
2	Officer [redacted]	Use of Force (G.O. 337) Officer [redacted] used unreasonable force when brandishing her firearm when approaching [redacted]
3	Officer [redacted]	Use of Force (G.O. 337) Officer [redacted] used unreasonable force when brandishing his firearm when approaching [redacted]
4	Sergeant [redacted]	Use of Force (G.O. 337) Sergeant [redacted] used unreasonable force when brandishing his firearm when approaching [redacted]
5	Officer [redacted]	Subject Resistance Report (G.O. 335): Officer [redacted] did not have his body-worn camera on during the use of force.

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6	Officer [redacted]	Subject Resistance Report (G.O. 335): Officer [redacted] did not have his body-worn camera on during the use of force.
7	Sergeant [redacted]	Subject Resistance Report (G.O. 335): Sergeant [redacted] did not have his body-worn camera on during the use of force.

INVESTIGATION

The Rochester Police Department was notified of PAB's investigation on August 16th, 2022. Captain [redacted] responded on September 29th, 2022, and provided the PAB with one police report, discipline records of Officers [redacted] and [redacted] body-worn camera footage from Officer [redacted] and Sergeant [redacted] a report for use of force, shot spotter reports, and audio files from PSS. Throughout the investigation there were multiple attempts to contact the reporter by phone, email, and physical letter for more information, but did not receive a response.

A second request for information was sent on October 23rd, 2023. This request was to retrieve working audio files, as the ones sent from the original case package provided did not work. A response came on October 25th, 2023 informing me that the PAB's digital forensic analyst was able to download the audio for investigations. On November 2nd, 2023 Digital Forensic Analyst, [redacted] provided downloaded audio of the PSS phone interview between Sergeant [redacted] and [redacted]

Officer Statement Request letters for Officers [redacted] and Sergeant [redacted] were sent to Rochester Police Department Chief of Police [redacted] on December 5, 2023. Officers were given 3 business days to schedule an interview or provide a statement to PAB regarding the alleged misconduct. PAB received no response regarding the interviews; however, the City of Rochester Deputy Corporation Counsel [redacted] provided a blanket denial of Officer Statements and/or interviews on November 30th, 2023 (in response to a previous request for a separate matter).

This is the first time Sergeant [redacted] has been the subject of an investigation closed by the PAB. Sergeant [redacted] has been named on the District Attorney's *Giglio* list. *Giglio* (from Giglio v. *United States* 405 U.S. 150 (1972)) is a list of officers who have been impeached or have otherwise demonstrated a lack of veracity that would likely render them an unreliable witness.

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EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
Police Report	Incident report by Officer [redacted]	Cpt. [redacted]	N/A	Report 22-104831.pdf
Disciplinary Records	Disciplinary record of Officer [redacted]	Cpt. [redacted]	N/A	Ofc. [redacted] discipline record.pdf
Disciplinary Records	Disciplinary record of Officer [redacted]	Cpt. [redacted]	N/A	Ofc. [redacted] discipline record.pdf
Disciplinary Records	Disciplinary record of Officer [redacted]	Cpt. [redacted]	N/A	Ofc. [redacted] discipline record.pdf
Body-worn camera footage	Body-worn camera footage from Officer [redacted]	Cpt. [redacted]	N/A	01640_[redacted]0220527012139_0018.MP4
Body-worn camera footage	Body-worn camera footage from Officer [redacted]	Cpt. [redacted]	N/A	01640_[redacted]0220527013302_0019.MP4
Body-worn camera footage	Body-worn camera footage from [redacted]	Cpt. [redacted]	N/A	00328_[redacted]0220527012815_0010.MP4
Body-worn camera footage	Body-worn camera footage [redacted]	Cpt. [redacted]	N/A	00328_[redacted]0220527013146_0011.MP4

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EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	Officer [redacted]			
Body-worn camera footage	Body-worn camera footage from Officer [redacted]	Cpt. [redacted]	N/A	00465_[redacted]20220527012318_0008.MP4
Body-worn camera footage	Body-worn camera footage from Officer [redacted]	Cpt. [redacted]	N/A	00465_[redacted]20220527012437_0009.MP4
Body-worn camera footage	Body-worn camera footage from Officer [redacted]	Cpt. [redacted]	N/A	00465_[redacted]20220527013243_0012.MP4
Body-worn camera photo	Body-worn camera photo from Officer [redacted]	Cpt. [redacted]	N/A	00465_[redacted]20220527013204_0010.JPG
Body-worn camera photo	Body-worn camera photo from Officer [redacted]	Cpt. [redacted]	N/A	00465[redacted]20220527013229_0011.JPG
Body-worn camera footage	Body-worn camera footage from Officer [redacted]	Cpt. [redacted]	N/A	01630_[redacted]20220527012121_0007.MP4
Body-worn camera footage	Body-worn camera footage	Cpt. [redacted]	N/A	01630_[redacted]20220527013344_0008.MP4

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EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	from Officer [redacted]			
Export Log	Export log of body-worn camera footage	Cpt. [redacted]	N/A	ExportLog_20220906_100235.txt
Use of Force Report	Use of force report from Officer [redacted]	Cpt. [redacted]	N/A	UOF_22-104831.pdf
CAD Card	Dispatch report	Cpt. [redacted]	N/A	Job card.pdf
PSS Entry	PSS Entry from Sgt [redacted]	Cpt. [redacted]	N/A	Admin entry.pdf
PSS Call	PSS Call from Sgt [redacted] to Reporter	DFA [redacted]	N/A	1532773 1.mp3
PSS Call	PSS Call from Sgt [redacted] to Reporter	DFA [redacted]	N/A	1533004 2.mp3
Shot Spotter Report	Shot spotter report for Iceland Park	Cpt. [redacted]	N/A	ILS 23-363276 Shotspotter.pdf
Shot Spotter Report	Shot spotter report for Iceland Park	Cpt. [redacted]	N/A	ILS 23-363277 Shotspotter.pdf
Interview/Statement Request from Officer [redacted]	Statement request	Inv. [redacted]	Deputy Corporation Counsel [redacted]	

EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
			Denied Request	
Interview/Statement Request from Officer [redacted]	Statement request	Inv. [redacted]	Deputy Corporation Counsel [redacted] Denied Request	
Interview/Statement Request from Officer [redacted]	Statement request	Inv. [redacted]	Deputy Corporation Counsel [redacted] Denied Request	
Interview/Statement Request from Sergeant [redacted]	Statement request	Inv. [redacted]	Deputy Corporation Counsel [redacted] Denied Request	
Interview/Statement Request from [redacted]	Statement request	Inv. [redacted]	No response	

APPLICABLE RULES & LAWS

- G.O. 335 Subject Resistance Report
- II. POLICY
  - C. All force used, to include displaying a chemical agent (PLS, O.C. and chemical munitions), with the exception of mere handcuffing, blanketing, escorting or application of hobble, will require a Subject Resistance Report (SRR). This report will be completed in the current electronic format (Blue Team).
- III. PROCEDURES
  - A. Any member using force pursuant to their duties, or any off–duty member using force regardless of whether or not it is pursuant to their duty as a police

officer, will: 1. If on-duty and assigned a Body-Worn Camera (BWC), ensure the BWC is activated and recording in accordance with policy. See Body Worn Camera Manual.

- 10. Prepare and submit the SRR and related reports to their supervisor by the end of their tour of duty, unless directed otherwise by a platoon supervisor. All criminal incidents will be documented on an RMS Incident Report with the appropriate 'Occurred Incident Type.' All copies of these report(s) will be forwarded together, along with other applicable reports, to the coordinating supervisor for approval.
  - c) Brandishing only exception:
    - (1) A Show of Force report will be utilized via the current electronic format.
    - (2) If more than one officer is involved in a "brandishing/display only" the "primary" officer may complete one report and document the brandishing technique(s) of all "assisting" officers. Similarly, multiple subjects can be documented on one Show of Force report in a brandishing only event (i.e.: high risk traffic stop or search warrant).

- G.O. 337 Use of Force
- III. POLICY
  - 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
  - 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.
- VI. USE OF LESS LETHAL FORCE OPTIONS
  - A) General Principles: Less lethal force options are techniques and devices to apply force or restrain aggressive subjects but that is less likely to cause death or serious physical injury than those techniques and devices categorized as Deadly Physical Force.
  - H) Show of Force: 1) any member who brandishes (also known as pointing or displaying) a chemical agent, firearm, electronic control weapon, or impact weapon at a person, shall document such action by General Order 335 (Subject Resistance Report).

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ANALYSIS

STANDARD OF PROOF

For the purpose of PAB's investigations, findings must be made pursuant to a "substantial evidence" standard of proof. City Charter 18-5(I)(10). 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)).

Substantial evidence means more than a mere scintilla but less than a preponderance; it means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. See NLRB v. Int'l Bhd. of Elec. Workers, Local 48, 345 F.3d 1049, 1054 (9th Cir. 2003); De la Fuente II v. FDIC, 332 F.3d 1208, 1220 (9th Cir. 2003). However, for the purposes of this case, the higher standard of by a preponderance of evidence is applied. Merriam Webster defines preponderance of evidences as, "The standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not." (https://www.merriam-webster.com/legal/preponderance%20of%20the%20evidence). This is understood to be a greater than 50% chance that the claim is true (https://www.law.cornell.edu/wex/preponderance_of_the_evidence#:~:text=Preponderance%20of%20the%20evidence%20is,that%20the%20claim%20is%20true).

Allegation 1: Use of Force (G.O. 337): Officer [redacted] used unreasonable force by brandishing his firearm when approaching [redacted]

Based on the Use of Force GO, Officer [redacted] is required to take necessary, yet reasonable steps to gain compliance of the subject. Officer [redacted] is also required to ensure the safety of all parties. Officer [redacted] decision to use verbal commands while using the less lethal force of brandishing the firearm was used based on factors presented (shot spotter activation, time of night, tint, backing in the driveway and facing officers, and alleged speeding). The combination of these factors could reasonably be perceived as a threat to Officers and their safety.

The policy portion of GO 337 states that "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." Officer [redacted] did display a decrease in resistance by lowering the weapon when the subject was out of the car, which is seen in body camera footage. Although the reporter did believe that the choice of force was unreasonable, this investigation concluded that the officer had reason to brandish the weapon.

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Allegation 2: Use of Force (G.O. 337): Officer [redacted] used unreasonable force by brandishing his firearm when approaching [redacted]

Based on the Use of Force GO, Officer [redacted] is required to take necessary, yet reasonable steps to gain compliance of the subject. Officer [redacted] is also required to ensure the safety of all parties. Officer [redacted] decision to use verbal commands while using the less lethal force of brandishing the firearm was used based on factors presented (shot spotter activation, time of night, tint, backing in the driveway and facing officers, and alleged speeding). The combination of these factors could be perceived as a threat to Officers and their safety.

The policy portion of GO 337 states that "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." Officer [redacted] did display a decrease in resistance when lowering the weapon when the subject was out of the car, which is seen in body camera footage. Although the reporter did believe that the choice of force was unreasonable, this investigation concluded the officer had reason to brandish the weapon.

Allegation 3: Use of Force (G.O. 337): Officer [redacted] used unreasonable force by brandishing his firearm when approaching [redacted]

Based on the Use of Force GO, Officer [redacted] is required to take necessary, yet reasonable steps to gain compliance of the subject. Officer [redacted] is also required to ensure the safety of all parties. Officer [redacted] decision to use verbal commands while using the less lethal force of brandishing the firearm was used based on factors presented (shot spotter activation, time of night, tint, backing in the driveway and facing officers, and alleged speeding). The combination of these factors could be perceived as a threat to Officers and their safety.

The policy portion of GO 337 states that "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." Officer [redacted] did display a decrease in resistance when lowering the weapon when the subject was out of the car, which is seen in body camera footage. Although the reporter did believe that the choice of force was unreasonable, this investigation concluded the officer had reason to brandish the weapon.

Allegation 4: Use of Force (G.O. 337): Sergeant [redacted] used unreasonable force by brandishing his firearm when approaching [redacted]

Based on the Use of Force GO, Sergeant [redacted] is required to take necessary, yet reasonable steps to gain compliance of the subject. Sergeant [redacted] is also required to ensure the safety of all parties. Sergeant [redacted] decision to use verbal commands while using the less lethal force of brandishing the firearm was used based on factors presented (shot spotter activation, time of

night, tint, backing in the driveway and facing officers, and alleged speeding). The combination of these factors could be perceived as a threat to Officers and their safety.

The policy portion of GO 337 states that "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." Sergeant [redacted] did display a decrease in resistance when lowering the weapon when the subject was out of the car, which is seen in body camera footage. Although the reporter did believe that the choice of force was unreasonable, this investigation concluded due to the officer had a reason to brandish the weapon.

Allegation 5: Subject Resistance Report (G.O. 335): Officer [redacted] did not have his body-worn camera on during the use of force.
While conducting a traffic stop Officer [redacted] brandished his weapon at [redacted] According to the Subject Resistance Report (G.O. 335) it states that any member using force in their duties must have their body camera on. Based on the footage provided, Officer [redacted] appeared to turn his camera on as all officers were approaching the vehicle with weapons pointed at [redacted] The entire incident spanned from 1:20 am to 1:45 according to the job card collected during the PSS investigation. Based on collected evidence from the body-worn camera, Officer [redacted] has a gap in footage from 1:24 am to 1:32 am that possibly shows the officers placing the subject in the vehicle. To further show the missing information, when comparing footage between all involved officers, you can see that some officers have footage that shows different parts of the incidents that you are unable to see from the other officer's point of view. Therefore, the only violation of this GO is that the officer did not have his body-worn camera on for the duration of the incident.

Allegation 6: Subject Resistance Report (G.O. 335): Officer [redacted] did not have his Body body-worn camera on during the use of force.
While conducting a traffic stop Officer [redacted] brandished his weapon at [redacted] According to the Subject Resistance Report (G.O. 335) it states that any member using force in their duties must have their body camera on. Based on the footage provided, the body-worn camera shows that the officer had their camera for one minute from 1:22 am to 1:23 am, for less than one minute at 1:24, and at 1:32 am for one minute. The entire incident spanned from 1:20 am to 1:45 according to the job card collected during the PSS investigation. Based on those time frames, the body-worn camera footage from Officer [redacted] is not present from 1:24 am through 1:32 am, and from 1:32 am to the end of the incident. In the Use of Force report completed by [redacted] he states that his body-worn camera was not on immediately due to safety reasons, but officers [redacted] and [redacted] had their body-worn cameras on during that time frame. To further show the missing information, when comparing footage between all involved officers, you can see that some officers have footage that shows different parts of the incidents that you are unable to see from the other officer's point of view. In conclusion, Officer [redacted] did not follow the procedure by turning on his body-worn camera and also did not keep it on during the whole interaction with [redacted]

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Allegation 7: Subject Resistance Report (G.O. 335): [redacted] did not have his Body body-worn camera on during the use of force.
While conducting a traffic stop [redacted] brandished his weapon at [redacted]
According to the Subject Resistance Report (G.O. 335) it states that any member using force in their duties must have their body camera on. Based on the footage provided, the body-worn camera provided footage of [redacted] from 1:27 am until 1:29 am talking with the fiancé of [redacted] and from 1:31 am until 1:33 am showing the interaction with [redacted] detained in the police vehicle. The entire incident spanned from 1:20 am to 1:45 according to the job card collected during the PSS investigation. Therefore, body-worn camera footage is missing from 1:20 am through 1:27 am when the body-worn camera turned on as well as 1:33 am until [redacted] proceeds into the house. To further show the missing information, when comparing footage between all involved officers, you can see that some officers have footage that shows different parts of the incidents that you are unable to see from the other officer's point of view. None of the footage shows [redacted] brandishing his weapon and it was undetermined if [redacted] was at the location of the incident from the beginning of the stop. However, his camera was not on the whole time during the interaction with [redacted]

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RECOMMENDED FINDINGS

#	Officer	Allegation	Finding/Recommendation
1	Officer [redacted]	Use of Force (G.O. 337): Officer [redacted] used unreasonable force when brandishing his firearm when approaching [redacted]	Not Sustained
2	Officer [redacted]	Use of Force (G.O. 337) Officer [redacted] used unreasonable force when brandishing her firearm when approaching [redacted]	Not Sustained
3	Officer [redacted]	Use of Force (G.O. 337) Officer [redacted] used unreasonable force when brandishing his firearm when approaching [redacted]	Not Sustained
4	Sergeant [redacted]	Use of Force (G.O. 337) Sergeant [redacted] used unreasonable force when brandishing his firearm when approaching [redacted]	Not Sustained
5	Officer [redacted]	Subject Resistance Report (G.O. 335) Officer [redacted] did not have his body-worn camera on during the use of force.	Sustained
6	Officer [redacted]	Subject Resistance Report (G.O. 335) Officer [redacted] did not have his body-worn camera on during the use of force.	Sustained
7	Sergeant [redacted]	Subject Resistance Report (G.O. 335) Sergeant [redacted] did not have his body-worn camera on during the use of force.	Not Sustained

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Sustained Allegation 5 against Officer [redacted]

Disciplinary Matrix Appendix

Misconduct	Level
Violation of GO 335 §III (A.1) Subject Resistance Report (G.O. 335) Officer [redacted] did not have his Body body-worn camera on during the initial brandishing of his weapon.	#4

- Recommended Level: 1 ("Minimal negative impacts on the community or department image or operations with no impact on relationships with other agencies")
- Recommended Discipline (based on 0 prior sustained violations): Written reprimand and training
- Explanation of deviation from presumptive penalty: The officer appears to have deactivated his body worn camera during a portion of the interaction, but had it on during most of the interaction.

Sustained Allegation 6 against Officer [redacted]

Disciplinary Matrix Appendix

Misconduct	Level
Violation of GO 335 §III (A.1) Subject Resistance Report (G.O. 335) Officer [redacted] did not have his Body body-worn camera on during the initial brandishing of his weapon.	#4

- Recommended Level: 1 ("Minimal negative impacts on the community or department image or operations with no impact on relationships with other agencies")
- Recommended Discipline (based on 0 prior sustained violations): Written reprimand and training
- Explanation of deviation from presumptive penalty: The officer appears to have deactivated his body worn camera during a portion of the interaction, but had it on during most of the interaction.