



## 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.

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## BOARD DECISION

**Public Tracking Number (PTN):** 2022-0057

**Date of Panel Review:** 26-Apr-2024 12:59 PM (EDT)

**Board Members Present:** [REDACTED]

**Case Findings:** Sustained

[REDACTED] notes that it appears that the relevant social media posts may have been deleted after, and potentially as a result of, the PAB initiating its investigation. He also notes that it would have been beneficial to obtain statements from the involved officers which may have justified their conduct.

**Disciplinary Recommendation:** 30 day suspension each for Inv. [REDACTED] Capt. [REDACTED] and Capt. [REDACTED].

**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:**

Investigator [REDACTED] NYS Election Law Section 17- 110 subsection 3, RPD Rule 4.12(c).

- **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 # 2:**

Captain [REDACTED] NYS Election Law Section 17- 110 subsection 3, RPD Rule 4.12(c).

- **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:**

Captain [REDACTED] The Hatch Act, NYS Election Law Section 17-110 subsection 1, RPD Rule 4.12(a), RPD Rule 4.12(c) and RPD Training Bulletin L-60-17.

- **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**

These allegations of police misconduct occurred in two instances, both of which involved the participation of Rochester Police Department officers in political activity. The reporter discovered the first potential instance of misconduct via an event flyer posted to Twitter on or about July 8, 2022. The event flyer advertised a scheduled fundraiser for U.S Congressional Candidate, La’Ron Singletary, at the address of 1 Morrie Silver Way, Rochester, NY 14608 (Innovative Field) on Sunday, July 31, 2022. The flyer lists two RPD officers by name as the hosts of this political fundraising event. The reporter submitted a complaint to the Policy and Oversight division of the Police Accountability Board on July 11, 2022. The reporter discovered the second potential instance of misconduct via a photograph posted to Twitter by the ‘@LaRon4Congress’ twitter user on September 3, 2022. The photo captured an RPD officer’s appearance at a campaign event for Candidate La’Ron Singletary on or about Saturday, September 3, 2022. This prompted the reporter to submit additional information to the Police Accountability Board on September 6, 2022. Reevaluation of the case details prompted reassignment of this case from the Policy and Oversight division to the Investigations division on July 7, 2023.

**INVOLVED OFFICERS**

| Officer Name                             | Officer Rank | Badge / Employee # | Date of Appointment | Sex | Race / Ethnicity         |
|--|--------------|--------------------|---------------------|-----|--------------------------|
| ██████████ aka ‘██████████’              | ██████████   | ██████████         | ██████████          | █   | ██████████               |
| ██ | ██████████   | ██████████         | ██████████          | █   | ██████████               |
| ██████████                               | ██████████   | ██████████         | ██████████          | █   | ██████████<br>██████████ |

**INVOLVED INDIVIDUALS**

| Name | Age | Sex | Race / Ethnicity |
|------|-----|-----|------------------|
| n/a  | -   | -   | -                |



## ALLEGATIONS

|   |                         |   |
|---|-------------------------|---|
| 1 | Investigator [REDACTED] | Investigator [REDACTED] participated in political activity in July of 2022, which violates NYS Election Law Section 17-110 subsection 3, RPD Rule 4.12(c) and RPD Training bulletin L-60-17.                |
| 2 | Captain [REDACTED]      | Captain [REDACTED] participated in political activity in July of 2022, which violates NYS Election Law Section 17-110 subsection 3, RPD Rule 4.12(c) and RPD Training bulletin L-60-17.                     |
| 3 | Captain [REDACTED]      | Captain [REDACTED] participated in political activity in September of 2022, which violates The Hatch Act, NYS Election Law Section 17-110 subsection 1, RPD Rule 4.12(a) and RPD Training bulletin L-60-17. |

## INVESTIGATION

The Police Accountability Board notified the Rochester Police Department of this investigation, and requested relevant evidence via a Source of Information request form, on November 28, 2023. On December 1, 2023, Captain [REDACTED] responded to the notification via the SharePoint File Transfer folder, but did not provide any requested evidence. In the notes section of the Source of Information Request, Captain [REDACTED] stated the following: "RPD received your request on 11-28-23 at 1617hrs. / This appears to be from well over a year as it is a 2022 case number I will mention that Officer [REDACTED] was murdered July 21, 2022 and the calling hours were on 7/31/22. Captain [REDACTED] is in charge of the unit where Officer [REDACTED] worked and had to work around the clock to organize and set up for calling hours and a funeral for Officer [REDACTED] <https://spectrumlocalnews.com/nys/rochester/community/2022/07/31/calling-hours-sunday-for-fallen-rpd-officer>. RPD would request that you send us whatever you are referencing in the complaint so we can see it. Thanks Captain [REDACTED] 12-1-23".

At the instruction of the PAB's Director of Investigations, the notification and source of information request was resubmitted to RPD on January 22, 2024, accompanied by picture evidence. On January 23, 2024, Captain [REDACTED] responded to the resubmitted notification via the SharePoint File Transfer folder, but did not provide any requested evidence. In the notes section of the Source of Information Request, Captain [REDACTED] stated the following: "RPD received the follow up information on 1-22-24 at 1250hrs. I appreciate the photos for reference. I do not have any information pertaining to this complaint. Thank you Captain [REDACTED] 1-23-24."

The PAB's Director of Investigations initiated email correspondence with Captain [REDACTED] on February 1, 2024. The purpose of this email was to request the work schedules of Captain [REDACTED] and Investigator [REDACTED] on the date of July 31, 2022. The work schedule of Captain [REDACTED] on the date of September 3, 2022 was also requested via email correspondence.

On February 2, 2024, Captain [REDACTED] uploaded four photos (.PNG files) to the SharePoint File Transfer folder. On February 7, 2024, Captain [REDACTED] uploaded one photo (.PNG file) and one Microsoft Excel spreadsheet (.xlsx file) to the SharePoint File Transfer folder.



## EVIDENCE REQUESTED

| Evidence                                       | Description   | Provided by                 | Reason Declined | Filename                       |
|--|---|-----------------------------|-----------------|--------------------------------|
| Facebook post                                  | July 9, 2022 a flyer posted on Facebook advertising a baseball fundraising event for La’Ron Singletary. The top left corner of this flyer lists [REDACTED] & [REDACTED] as hosts for this event.  | Acquired from reporter      | n/a             |                                |
| Instagram post .pdf file                       | July 9, 2022 a flyer posted by the ‘@singletary4congress’ user name on Instagram advertising a baseball fundraising event for La’Ron Singletary. The top left corner of this flyer lists [REDACTED] & [REDACTED] as hosts for this event.   | Acquired from instagram.com | n/a             |                                |
| La’Ron Singletary WinRed.com landing page .pdf | This pdf file was created from a webpage. The link in the caption of the Flyer photo posted to Facebook and Instagram on July 9, 2022 routes users to this landing page for La’Ron Singletary donors on WinRed.com. The short-code on the flyer also routes users to this landing page for La’Ron Singletary donors on WinRed.com.    | Acquired                    | n/a             |                                |
| WinRed.com About Page .pdf file                | This pdf file was created from a webpage. According to the about section of this website: “WinRed is the official secure payments technology designed to help GOP candidates and committees win across the US.”   | Acquired                    | n/a             |                                |
| Photo  | This photo is a partial screenshot of a PC calendar window. Listed atop the calendar is the name [REDACTED]. The date of 07/31/2022 has been selected which revealed a dialogue box. The dialogue box contains the following: “PD Officers 07:45-16:00 (No Holidays) (Day Off) 07/31/2022 07:45 8.2h RPD/MCU1/Police Investigator #3” | RPD                         | n/a             | [REDACTED] Off Day 7-31-22.PNG |
| Photo  | This photo is a partial screenshot of PC window. The window’s title is not visible in the file but consists of the following:   | RPD                         | n/a             | [REDACTED] 7-31-22.PNG         |



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| Evidence                       | Description  | Provided by                                     | Reason Declined | Filename                        |
|--------------------------------|--|---|-----------------|---------------------------------|
|                                | <ul style="list-style-type: none"> <li>• A text box titled “Work Code” is filled in with the text: “PD OT Project - Cash”</li> <li>• A drop down text bar titled “Detail Code” with the option titled “TACT.” Selected.</li> <li>• A shift duration describing 13.5 hours worked on from 09:00 through 07/31/2022 22:30.</li> <li>• A text box titled “Account” with nothing filled in.</li> <li>• A note field containing the following “officer max calling hours”</li> <li>• An edit field with the following “07/31/2022. Schedule for the target shift has been finalized. PD - Statement of hours is true and valid. PD Enter the Project Code in the Account Code Field when Appropriate. (NOT ALL CAPS)</li> </ul> |   |                 |                                 |
| Photo                          | <p>This photo is a partial screenshot of a PC calendar window. Listed atop the calendar is the name [REDACTED]. The dates of July 31, 2022 and August 1, 2022 are visible with several appointments listed. The appointments have codes, which all start with “PD”.</p>  | RPD   | n/a             | [REDACTED] Schedule 7-31-22.PNG |
| Photo                          | <p>This photo is a partial screenshot of a PC calendar window. Listed atop the calendar is the name [REDACTED]. The date of 07/31/2022 has been selected which revealed a dialogue box. The dialogue box contains the following: “PD Officers 07:00-15:15 (No Holidays) (Day Off) 07/31/2022 07:00 8.2h RPD//Community Relations Admin1/Police C”</p>  | RPD   | n/a             | [REDACTED] Roster Off Day.PNG   |
| RPD Bridging The Gap '22 Tweet | <p>This photo shows is a flyer promoting the September 3, 2022 “Bridging The Gap ‘22” event to be held at the Helping Hands Missionary Baptist Church located at 703 Joseph Avenue,</p>  | Acquired from x.com (formerly known as Twitter) | n/a             |                                 |



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| Evidence   | Description   | Provided by                                     | Reason Declined | Filename |
|--|---|---|-----------------|----------|
|  | Rochester, NY 14621. This flyer was posted to x.com (formerly known as Twitter) by the official '@RochesterNYPD' twitter account at 10:17am on August 31, 2022.   |   |                 |          |
| <p>██████<br/>         Twitter<br/>         Photo #1</p>   | An array of four pictures. The fourth of which in the bottom right corner shows the following from left to right: Captain ██████ unidentified woman, Candidate La'Ron Singletary, unidentified man all staring in the direction of a camera. Posted to x.com (formerly known as Twitter) by the official '@LaRon4Congress' user name on September 3, 2022 at 8:53pm with the caption: "Always a great time with Pastor Don Stevens at the 7th Annual Bridging The Gap event held at Helping Hand Missionary Baptist Church, 703 Joseph Ave. An event to build bridges between law enforcement and the community. singletary4congress.com" | Acquired from x.com (formerly known as Twitter) | n/a             |          |
| <p>██████<br/>         Instagram<br/>         Photo #1</p> | This photo from left to right: Captain ██████ unidentified woman, Candidate La'Ron Singletary, unidentified man all staring in the direction of a camera. Posted to Instagram.com by the '@singletary4congress' user name on September 5, 2022 with the caption: "Always a great time with Pastor Don Stevens at the 7th Annual Bridging The Gap event held at Helping Hand Missionary Baptist Church, 703 Joseph Ave. An event to build bridges between law enforcement and the community. singletary4congress.com"  | Acquired from instagram.com                     | n/a             |          |
| <p>██████<br/>         Twitter<br/>         Photo #2</p>   | An array of four pictures. The fourth of which in the bottom right corner shows the following: Candidate La'Ron Singletary and Captain ██████ facing each other. Posted to x.com (formerly known as Twitter) by   | Acquired from x.com (formerly known as Twitter) | n/a             |          |





| Evidence           | Description  | Provided by                                     | Reason Declined | Filename |
|--------------------|--|---|-----------------|----------|
|                    | the official '@LaRon4Congress' user name on September 3, 2022 at 8:54pm as a continuation of the 8:53pm tweet.   |   |                 |          |
| Instagram Photo #2 | This photo shows Candidate La'Ron Singletary and Captain [REDACTED] facing each other. Posted to Instagram.com by the '@singletary4congress' user name on September 5, 2022 wit the caption: "Always a great time with Pastor Don Stevens at the 7th Annual Bridging The Gap event held at Helping Hand Missionary Baptist Church, 703 Joseph Ave. An event to build bridges between law enforcement and the community. singletary4congress.com" | Acquired from instagram.com                     | n/a             |          |
| Twitter Photo #3   | An array of four pictures. The third of which in the bottom left corner shows Candidate La'Ron Singletary and Captain [REDACTED] facing each other. Posted to x.com (formerly known as Twitter) by the official '@LaRon4Congress' user name on September 3, 2022 at 8:56pm as a continuation of the 8:53pm tweet.  | Acquired from x.com (formerly known as Twitter) | n/a             |          |
| Instagram Photo #3 | This photo shows Candidate La'Ron Singletary and Captain [REDACTED] facing each other. Posted to Instagram.com by the '@singletary4congress' user name on September 5, 2022 wit the caption: "Always a great time with Pastor Don Stevens at the 7th Annual Bridging The Gap event held at Helping Hand Missionary Baptist Church, 703 Joseph Ave. An event to build bridges between law enforcement and the community. singletary4congress.com" | Acquired from instagram.com                     | n/a             |          |
| Twitter Photo #4   | An array of two pictures. The first of which shows from left to right: Captain [REDACTED] looking directly at the camera with a smile, Candidate La'Ron Singletary looking   | Acquired from x.com (formerly known as Twitter) | n/a             |          |



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| Evidence                            | Description  | Provided by                    | Reason Declined | Filename   |
|-------------------------------------|--|--------------------------------|-----------------|--|
|                                     | directly at the camera with a smile while his right arm rests around Captain [REDACTED] shoulders. An unidentified man looking directly at the camera with Candidate Singletary's left arm around his shoulders. Posted to x.com (formerly known as Twitter) by the official '@LaRon4Congress' user name on September 3, 2022 at 8:56pm as a continuation of the 8:53pm tweet.   |                                |                 |  |
| [REDACTED]<br>Instagram<br>Photo #4 | This photo shows from left to right: Captain [REDACTED] looking directly at the camera with a smile, Candidate La'Ron Singletary looking directly at the camera with a smile while his right arm rests around Captain [REDACTED] shoulders. An unidentified man looking directly at the camera with Candidate Singletary's left arm around his shoulders. Posted to Instagram.com by the '@singletary4congress' user name on September 5, 2022 with the caption: "Always a great time with Pastor Don Stevens at the 7th Annual Bridging The Gap event held at Helping Hand Missionary Baptist Church, 703 Joseph Ave. An event to build bridges between law enforcement and the community. singletary4congress.com" | Acquired from<br>instagram.com | n/a             |  |
| Photo                               | This photo is a partial screenshot of PC window. The window's title is "Edit: [REDACTED] and consists of the following: <ul style="list-style-type: none"> <li>A text box titled "Work Code" is filled in with the text: "PD OT Meeting - Cash"</li> <li>A drop down text bar titled "Detail Code" with the option titled "CAB-" Selected.</li> </ul>  | RPD                            | n/a             | Screen shot<br>[REDACTED]<br>Schedule 9-3-22.PNG |



| Evidence   | Description  | Provided by | Reason Declined | Filename                                   |
|--|--|-------------|-----------------|--|
|  | <ul style="list-style-type: none"> <li>A shift duration describing 2 hours worked starting at 12:00 and ending at 14:00.</li> <li>A text box titled "Account" is filled in with the text: "20100".</li> <li>A note field containing the following "Bridging The Gap- Joseph Avenue"</li> </ul>   |             |                 |  |
| Spreadsheet  | <p>The workbook contains one sheet titled "Roster Report".<br/>         Listed in Row 1: "Special Operations Division1 / Community Relations Admin1 / PD Officers 07:00-15:15 (No Holidays), PD Officers 09:45-18:00 (No Holidays)". The spreadsheet also lists the name [REDACTED] (CV/DT/EVOC/F/R) with the rank of Police Captain and an ID of [REDACTED].<br/>         The entry in cell F4 is "+OTMTCSHCAB-". Cell G4 = 12:00. Cell H4 = 14:00. Cell I4 = 2. There is also an entry in Row 3: "Community Relations Admin1 / Community Relations Admin1"</p> | RPD         | n/a             | Roster report<br>[REDACTED]<br>9-3-22.xlsx |
| 02/14//2024<br>Officer<br>Statement<br>Request for<br>Investigator<br>[REDACTED]<br>[REDACTED] | <p>A notice sent to RPD from [REDACTED] PAB Director of Investigations on February 14, 2024. The notice requests an interview or written statement from Investigator [REDACTED] regarding allegations of political activity, which occurred on or about 07/31/2022.</p>  | PAB         | n/a             |  |
| 02/14//2024<br>Officer<br>Statement<br>Request for<br>Captain<br>[REDACTED]<br>[REDACTED]      | <p>A notice sent to RPD from [REDACTED], PAB Director of Investigations on February 14, 2024. The notice requests an interview or written statement from Captain [REDACTED] regarding allegations of political activity, which occurred on or about 07/31/2022.</p>  | PAB         | n/a             |  |
| 02/14//2024<br>Officer<br>Statement<br>Request for   | <p>A notice sent to RPD from [REDACTED] PAB Director of Investigations on February 14, 2024. The notice requests an interview or</p>   | PAB         | n/a             |  |



| Evidence                    | Description   | Provided by | Reason Declined | Filename |
|-----------------------------|---|-------------|-----------------|----------|
| Captain<br>██████<br>██████ | written statement from Captain ██████<br>██████ regarding allegations of<br>political activity, which occurred on or<br>about 07/31/2022. |             |                 |          |

## APPLICABLE RULES & LAWS

### The Hatch Act of 1939: 5 USCA Part II § 1502(a)(1)

A State or local officer or employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

### NYS Election Law Section 17-110

Any person who, being a police commissioner or any officer or member of any police force in this state:

1. Uses or threatens or attempts to use his official power or authority, in any manner, directly or indirectly, in aid of or against any political party, organization, association or society, or to control, affect, influence, reward or punish, the political adherence, affiliation, action, expression or opinion of any citizen; or
2. Appoints, promotes, transfers, retires or punishes an officer or member of a police force, or asks for or aids in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or for or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society; or
3. Solicits, collects or receives any money for, any political fund, club, association, society or committee, is guilty of a misdemeanor.

### RPD Rule 4.12 POLITICAL ACTIVITY

Members shall not:

- a) Use or threaten or attempt to use their power or authority in any manner, directly or indirectly, in aid of or against any political party, organization, association, or society or control, affect, influence, reward or punish, the political adherence, affiliation, action, expression or opinion of any citizen.
- b) Appoint, promote, transfer, retire or punish an officer or member of a police force, or ask for or aid in the promotion, transfer, retirement or punishment of an officer or member of



a police force because of the party adherence or affiliation of such officer or member, or for or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society.

- c) Solicit, collect or receive any money for any political fund, club, association, society, or committee.

#### RPD Training Bulletin L-60-17 Political Activity

It is impermissible to:

- Allow one's name or likeness to be used in campaign literature in the police officer's professional capacity;
- Host a fundraiser for a political candidate and recruit attendees using the officer's official title (however, a spouse who is not covered under this Act may host such a fundraiser and the officer may attend, but may not personally solicit contributions to the fundraiser);
- Allow the officer's name to appear on an invitation to a fundraiser as a sponsor of the fundraiser or as a point of contact for the fundraiser;
- Engage in campaigning during working hours;
- Use any official authority for influence for political purposes, including using the officer's official title or authority to coerce individuals to participate in political activity;
- Run for any elected partisan office if the employee's salary is paid entirely by federal funding or grants;
- Solicit, accept, or receive uncompensated individual volunteer services from a subordinate for any political purpose.

Note: Officers may collect signatures as long as they do not use their badge, office or police affiliation in any manner, do not use any police resources, and do not do so on duty time or in City buildings.

All RPD Officers must strictly comply with these legal and departmental rules. Any questions regarding political activity by police officers should be forwarded to the Deputy Chief of Administration through the chain-of-command.

### ANALYSIS

The flyer posted on Facebook and Instagram on July 9, 2022 advertises a baseball fundraising event for La'Ron Singletary. The flyer lists [REDACTED] (Investigator [REDACTED]) as one of the hosts for this event, which began at 1:05pm on Sunday July 31, 2022. It is acknowledged that the flyer omits the official RPD title. The respective captions for both the Facebook and Instagram posts feature a link to a landing page for Candidate La'Ron Singletary at WinRed.com. The short code listed on the flyer also routes to this landing page. According to the about section of this website: "WinRed is the official secure payments technology designed to help GOP candidates and committees win across the US." RPD provided

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a photo with the file name "[REDACTED] Off Day 7-31-22.PNG" which shows that Investigator [REDACTED] was off duty on July 31, 2022. On February 14, 2024, PAB sent RPD a request to interview Investigator [REDACTED] by February 23, 2024, allowing [REDACTED] an opportunity to answer questions related to these allegations. Investigator [REDACTED] answers would have helped to establish the nature of her involvement with La'Ron Singletary's campaign fundraising event, the means by which [REDACTED] agreed to volunteer, or the assignment(s), which permitted her hosting, participation, and attendance while on duty. As of the date of this report April 4, 2024, Investigator [REDACTED] has not availed herself for an interview with PAB. The request from PAB also indicated that a written statement from Investigator [REDACTED] narrowly tailored to respond to the allegations would be acceptable. As of the date of this report April 4, 2024, Investigator [REDACTED] has not provided PAB with a written statement. Nonetheless, actual attendance or involvement short of promotion are not required to be in violation of the law. Based on the evidence available to PAB, it is a fact that [REDACTED] name was listed on the flyer as a host of La'Ron Singletary's fundraising event, a form of campaign literature, which violates New York State Election Law § 17-110 and RPD Rule 4.12(c).

The flyer posted on Facebook and Instagram on July 9, 2022 advertises a baseball fundraising event for La'Ron Singletary. The flyer lists [REDACTED] (Captain [REDACTED] as one of the hosts for this event, which began at 1:05pm on Sunday July 31, 2022. It is acknowledged that the flyer omits the official RPD title. The respective captions for both the Facebook and Instagram posts feature a link to a landing page for Candidate La'Ron Singletary at WinRed.com. The short code listed on the flyer also routes to this landing page. According to the about section of this website: "WinRed is the official secure payments technology designed to help GOP candidates and committees win across the US." RPD provided a photo with the file name "[REDACTED] 7-31-22.PNG" which shows that Captain [REDACTED] worked a shift from 9am - 10:30pm on Sunday July 31, 2022, the same day of the event. Another photo provided by RPD with the file name "[REDACTED] Schedule 7-31-22.PNG" shows several appointments listed on Captain [REDACTED] calendar on Sunday July 31, 2022, the same day of La'Ron Singletary's fundraising event. The appointments have codes, and all but one of codes starts with "PD". There was no description or guide provided by RPD to indicate the meaning of each code. A comparison of the event flyer to Captain [REDACTED] schedule reveals that his attendance or involvement in La'Ron Singletary's campaign fundraiser would have occurred while he was on duty. On February 14, 2024, PAB sent RPD a request to interview Captain [REDACTED] by February 23, 2024, allowing him an opportunity to answer questions related to these allegations. Captain [REDACTED] answers would have helped to establish the nature of his involvement with La'Ron Singletary's campaign fundraising event, the means by which he agreed to volunteer, or the assignment(s), which permitted his hosting, participation, and attendance while on duty. As of the date of this report April 4, 2024, Captain [REDACTED] has not availed himself for an interview with PAB. The request from PAB also indicated that a written statement from Captain [REDACTED] narrowly tailored to respond to the allegations would be acceptable. As of the date of this report April 4, 2024, Captain [REDACTED] has not provided PAB with a written statement. Nonetheless, actual attendance or involvement short of promotion are not required to be in violation of the law. Based on the evidence available to PAB, it is a fact that [REDACTED] name was listed on the flyer as a host of La'Ron Singletary's fundraising event, a form of campaign literature, which violates New York State Election Law § 17-110 and RPD Rule 4.12(c).

During the investigation Captain [REDACTED] informed PAB that Captain [REDACTED] assumed responsibility for Officer [REDACTED] unit following his death. Captain [REDACTED]



also spoke at the memorial service for Officer ██████████ which took place on Sunday July 31, 2022, the same day of the scheduled fundraising event. PAB was unable to establish if the fundraiser took place as scheduled. It could not be determined if Captain ██████████ and Investigator ██████████ ██████████ attended and hosted the fundraising event as planned. Lastly it could not be determined if Captain ██████████ engaged in political activity while on duty.

On Saturday September 3, 2022, an event called “Bridging the Gap ‘22” was held at the Helping Hands Missionary Baptist Church located at 703 Joseph Avenue, Rochester, NY 14621. This event was originally reported to PAB as a campaign event for then Candidate La’Ron Singletary. The official ‘@RochesterNYPD’ twitter account posted a flyer promoting the event at 10:17am on August 31, 2022. A review of this flyer show that “Bridging the Gap” is not a campaign event, rather a community event “to bring peace, healing and reconciliation in the community”. There are four photographs of Captain ██████████ ██████████ in uniform standing alongside then congressional candidate La’Ron Singletary at “Bridging the Gap”. The official ‘@LaRon4Congress’ user name posted all four photos as part of a thread to Twitter on September 3, 2022. The same four photographs of Captain ██████████ ██████████ in uniform standing alongside then congressional candidate La’Ron Singletary at “Bridging the Gap” were also posted to Instagram on September 5, 2022 by the ‘@singletary4congress’ user name. Two of the photos reveal that Captain ██████████ was in discussion with candidate La’Ron Singletary at the time and may not have been aware that a photograph was taken. However, the other two photos reveal that Captain ██████████ is looking in the direction of the camera. In one of those two photos, Captain ██████████ is seen smiling at the camera with candidate La’Ron Singletary’s right arm around his shoulders. RPD provided a photo with the file name “Screen shot ██████████ Schedule 9-3-22.PNG” which seems to show that Captain ██████████ worked a shift from 12pm - 2pm on Saturday, September 3, 2022, the same day of the “Bridging the Gap” event. A comparison of ‘██████████ 7-31-22.PNG’ shows slight differences in the file “Screen shot ██████████ Schedule 9-3-22.PNG”. A major difference between the screenshots of both officer’s respective schedules is the window’s title, which says “Edit: ██████████ It is unclear if this is a finalized shift, or if some element was later changed in the time keeping system. To understand the difference, an RPD official would need to provide clarity. According to the flyer, “Bridging the Gap” was scheduled to begin at 12pm on Saturday September 3, 2022. It is unknown the exact time Captain ██████████ attended this event and the exact time he was photographed with candidate La’Ron Singletary. It is possible Captain ██████████ was on assignment at the event but this has not been determined. It is possible Captain ██████████ was off-duty, yet still in uniform while in attendance but this has also not been determined. On February 14, 2024, PAB sent RPD a request to interview Captain ██████████ ██████████ by February 23, 2024, allowing him an opportunity to answer questions related to his attendance at the event, the photos taken while in uniform with candidate La’Ron Singletary, and his knowledge of how those photos would be used. As of the date of this report April 4, 2024, Captain ██████████ has not availed himself for an interview with PAB. The request from PAB also indicated that a written statement from Captain ██████████ narrowly tailored to respond to the allegations would be acceptable. As of the date of this report April 4, 2024, Captain ██████████ has not provided PAB with a written statement. Therefore, PAB could not determine if Captain ██████████ attended the event and posed for pictures with a congressional candidate during or after his shift. Regardless of this, it is a fact based on the evidence that Captain ██████████ was present at the “Bridging the Gap” event at some point while in uniform. Based on the evidence it is also a fact that Captain ██████████ knowingly took pictures with a U.S. congressional candidate while in uniform. Based on the evidence, it is also fact that the photos of Captain ██████████ with a U.S. congressional candidate were posted on two social media platforms by the candidate with links to the candidate’s



campaign website. These factual occurrences violate The Hatch Act of 1939: 5 USCA Part II § 1502(a)(1), New York State Election Law § 17–110 and RPD Rule 4.12 (a) and (c).

It is acknowledged that RPD issued Training Bulletin L-60-17 on 02/23/2017, which reiterates RPD member adherence to The Hatch Act of 1939, NYS Election Law: § 17–110 and RPD Rule 4.12.

Language taken from NYS Election Law: § 17–110 is repeated in Training Bulletin L-60-17. The rule states: “Members shall not: Use or threaten or attempt to use their power or authority in any manner, directly or indirectly, in aid of or against any political party, organization, association, or society or control, affect, influence, reward or punish, the political adherence, affiliation, action, expression or opinion of any citizen.”

The Rochester Police Department issued Training Bulletin L-60-17 on 02/23/2017, which reiterates RPD member adherence to The Hatch Act of 1939, NYS Election Law: § 17–110 and RPD Rule 4.12. Additionally, the training bulletin notes the following: “Note: Officers may collect signatures as long as they do not use their badge, office or police affiliation in any manner, do not use any police resources, and do not do so on duty time or in City buildings. All RPD Officers must strictly comply with these legal and departmental rules. Any questions regarding political activity by police officers should be forwarded to the Deputy Chief of Administration through the chain-of-command.”

### STANDARD OF PROOF

Comparing ██████████ 7-31-22.PNG to Screen shot ██████████ Schedule 9-3-22.PNG there are some differences in what appears to be the same type of window. There are missing components, which suggests that one is a window showing a time detail, which has previously been approved perhaps, vs the other, which appears to be in an unapproved status. Would like to question the officers more about this.

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.

### RECCOMENDED FINDINGS





Allegation 1: The allegation that Investigator [REDACTED] participated in political activity in July of 2022 is sustained based on the preponderance of evidence.

Allegation 2: The allegation that Captain [REDACTED] participated in political activity in September of 2022 is sustained based on the preponderance of evidence.

Allegation 3: The allegation that Captain [REDACTED] participated in political activity in July of 2022 is sustained based on the preponderance of evidence.

| # | Officer                 | Allegation   | Finding/Recommendation |
|---|-------------------------|--|------------------------|
| 1 | Investigator [REDACTED] | NYS Election Law Section 17-110 subsection 3, RPD Rule 4.12(c).  | Sustained              |
| 2 | Captain [REDACTED]      | NYS Election Law Section 17-110 subsection 3, RPD Rule 4.12(c).  | Sustained              |
| 3 | Captain [REDACTED]      | The Hatch Act, NYS Election Law Section 17-110 subsection 1, RPD Rule 4.12(a), RPD Rule 4.12(c) and RPD Training Bulletin L-60-17. | Sustained              |



**PAB**

City of Rochester  
**Police Accountability Board**  
Established 2019

245 E. Main Street  
Rochester, NY 14604

**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 1 against Police Investigator [REDACTED]

Disciplinary Matrix Appendix

| Misconduct  | Level |
|---|-------|
| NYS Election Law Section 17- 110 subsection 3, RPD Rule 4.12(c) | 4     |

- Recommended Level: 4 (significant negative impact on the community or department image or operations, or relationships with other officers or agencies)
- Recommended Discipline (based on 0 prior sustained violations): 30 day suspension
- Explanation of deviation from presumptive penalty: This is Investigator [REDACTED] first sustained violation. While it’s unknown whether funds were raised, the solicitation occurred. It is a criminal misdemeanor for a member of the police department to solicit funds for a political candidate.



Sustained Allegation 2 against Captain [REDACTED]

Disciplinary Matrix Appendix

| Misconduct  | Level |
|---|-------|
| NYS Election Law Section 17- 110 subsection 3, RPD Rule 4.12(c) | 4     |

- Recommended Level: 4 (significant negative impact on the community or department image or operations, or relationships with other officers or agencies)
- Recommended Discipline (based on 0 prior sustained violations): 30 day suspension
- Explanation of deviation from presumptive penalty: This is Captain [REDACTED] first sustained violation. While it's unknown whether funds were raised, the solicitation occurred. It is a criminal misdemeanor for a member of the police department to solicit funds for a political candidate.
- 

Sustained Allegation 3 against Captain [REDACTED]

Disciplinary Matrix Appendix

| Misconduct  | Level |
|---|-------|
| The Hatch Act, NYS Election Law Section 17-110 subsection 1, RPD Rule 4.12(a), RPD Rule 4.12(c) and RPD Training Bulletin L-60-17 | 4     |

- Recommended Level: 4 (significant negative impact on the community or department image or operations, or relationships with other officers or agencies)
- Recommended Discipline (based on 0 prior sustained violations): 30 day suspension
- Explanation of deviation from presumptive penalty: This is Captain [REDACTED] first sustained violation.