



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): 2022-0063

Date of Panel Review: 15-Aug-2024 4:00 PM (EDT)

Board Members Present: [REDACTED]

Case Findings:

Sustained: Allegations 1, 2, 4, 5, 6, 7, 8, 9, 10, 11

Not Sustained: Allegation 3

Disciplinary Recommendation: 1. Investigator [REDACTED] Termination

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] Investigator [REDACTED] violated RPD General Order 585 (Arrests), Rule and Regulation 2.15 (Arrests), General Order 401 (Investigation Process), Article I, § 12 of the New York State Constitution and the Fourth Amendment of the United States Constitution regarding unreasonable searches and seizures by unlawfully arresting [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 # 2:

Investigator [REDACTED] Investigator [REDACTED] violated RPD General Order 335 (Subject Resistance Report) and General Order 337 (Use of Force) by using unnecessary force when arresting [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:

Investigator [REDACTED] Investigator [REDACTED] violated RPD General Order 502 (Equitable Policing) by engaging in bias-based policing when interacting with and arresting [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:

Investigator [REDACTED] Investigator [REDACTED] violated RPD General Order 520 (Prisoner Transporting and Processing) by failing to double lock the handcuffs he placed on [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 # 5:

Investigator [REDACTED] Investigator [REDACTED] violated RPD General Order 575 (De-Escalation) by failing to de-escalate and failing to attempt to resolve the incident without using force.

- **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 # 6:

Investigator [REDACTED] Investigator [REDACTED] violated RPD Rule and Regulation 2.1a by failing to protect life and preserve the peace when interacting with [REDACTED] and when disrupting patient care.

- **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 # 7:

Investigator [REDACTED] Investigator [REDACTED] violated RPD Rule and Regulation 2.1b by failing to perform his duties in a competent manner when interacting with [REDACTED] and when disrupting patient care.

- **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 # 8:

Investigator [REDACTED] Investigator [REDACTED] violated RPD Rule and Regulation 4.1a, by conducting himself in a manner that brought discredit upon the department.

- **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 # 9:

Investigator [REDACTED] Investigator [REDACTED] violated RPD Rule and Regulation 4.1b engaging in conduct that adversely affected the efficiency of the Department.

- **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 # 10:

Investigator [REDACTED] Investigator [REDACTED] violated RPD Rule and Regulation 4.2a regarding courtesy when he failed to remain courteous, civil and tactful in the performance of his duties when interacting with [REDACTED] and when disrupting patient care.

- **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 # 11:

Investigator [REDACTED] Investigator [REDACTED] violated RPD Rule and Regulation 4.18 by failing to inspect his patrol car and the previously sustained damage to his passenger side mirror.

- **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

On July 11, 2022, at approximately 3:50 PM, Investigator ("Inv.") [REDACTED] arrived at Strong Memorial Hospital to complete a photo array. Inv. [REDACTED] was operating an unmarked, black Chevy Impala. He did not have a passenger in his vehicle. Inv. [REDACTED] parked in the ambulance bay to the left of a Monroe Ambulance truck. Soon after arrival, EMT [REDACTED] opened her driver's side door and struck Inv. [REDACTED] passenger side door. Initially, [REDACTED] was unaware she had hit his vehicle. However, it later became apparent when lining up her door to scratch marks on his car. Inv. [REDACTED] initially thought [REDACTED] also caused damage to his passenger mirror; however, Inv. [REDACTED] determined that it was old damage not caused by [REDACTED] (Allegation #11)

Inv. [REDACTED] asked [REDACTED] for her ID, but [REDACTED] indicated that she needed to assist her partner, [REDACTED] with their patient. According to witness testimony, Inv. [REDACTED] placed [REDACTED] in a "bear hug" as she tried to walk away. However, he released [REDACTED] as the patient's gurney became unstable (Allegations # 6, 7, 10) and allowed them to walk into the emergency department.

Once inside the emergency room, [REDACTED] and [REDACTED] began checking their patient in. Inv. [REDACTED] was captured on video following [REDACTED] through the hospital; as she worked with the patient. The emergency room (ER) video has no sound. However, Inv. [REDACTED] and [REDACTED] appear to have exchanged words in the ER. [REDACTED] was seen next to Inv. [REDACTED] pointing at the patient.

Less than a minute had passed since entering the ER when Inv. [REDACTED] walked away from the registration area and toward a side room. Inv. [REDACTED] did not have handcuffs on him, so he borrowed a pair from a deputy. Approximately 25 seconds later, Inv. [REDACTED] walked back



toward [REDACTED] and [REDACTED] moved their patient to the registration desk during this time.

[REDACTED] and [REDACTED] were at the patient's side when Inv. [REDACTED] approached [REDACTED]. [REDACTED] moved her right arm backward as Inv. [REDACTED] neared. Inv. [REDACTED] continued approaching [REDACTED] as she moved backward. Inv. [REDACTED] placed his arms around the middle of [REDACTED] body and pushed [REDACTED] into the registration desk, which caused her body to jerk. (Allegations # 2, 5-10) Inv. [REDACTED] then pulled [REDACTED] back toward him by her right arm and moved her hands behind her back to cuff her. (Allegation # 1) [REDACTED] was compliant as Inv. [REDACTED] cuffed her. According to Inv. [REDACTED] Professional Standards Section (PSS) statement, Inv. [REDACTED] failed to double-lock the handcuffs he placed on [REDACTED] (Allegation # 4)

Inv. [REDACTED] escorted [REDACTED] out of the ER and to his unmarked car while he awaited the arrival of a marked patrol car with a "cage," which is a partition between the front and back seats. Prior, Inv. [REDACTED] had called out over the radio requesting a car for the incident. During his interview, Sergeant (Sgt.) [REDACTED] (Inv. [REDACTED] supervisor) noted that it was unusual for an investigator to call out on the radio in that fashion.

Several RPD officers arrived to assist, including Sgt. [REDACTED] and Officer [REDACTED]. [REDACTED] was transferred to Officer [REDACTED] patrol vehicle. While in the back of the car, Inv. [REDACTED] spoke to [REDACTED]. The officers on the scene made a collaborative decision to release [REDACTED]. Lieutenant [REDACTED] was the highest-ranking officer on the scene and had the ultimate say. Following this incident, [REDACTED] complained of pain stemming from Inv. [REDACTED] use of force. [REDACTED] was seen at Urgent Care and diagnosed with a contusion. [REDACTED] also noted that she felt if she had been a white woman, Inv. [REDACTED] would not have acted that way toward her. (Allegation # 3)

INVOLVED OFFICERS

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

INVOLVED INDIVIDUALS

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



INVOLVED INDIVIDUALS

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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ALLEGATIONS

1	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 585 (Arrests), Rule and Regulation 2.15 (Arrests), General Order 401 (Investigation Process), Article I, § 12 of the New York State Constitution and the Fourth Amendment of the United States Constitution regarding unreasonable searches and seizures by unlawfully arresting [REDACTED] [REDACTED]
2	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 335 (Subject Resistance Report) and General Order 337 (Use of Force) by using unnecessary force when arresting [REDACTED] [REDACTED]
3	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 502 (Equitable Policing) by engaging in bias-based policing when interacting with and arresting [REDACTED] [REDACTED]
4	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 520 (Prisoner Transporting and Processing) by failing to double lock the handcuffs he placed on [REDACTED] [REDACTED]
5	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 575 (De-Escalation) by failing to de-escalate and failing to attempt to resolve the incident without using force.
6	Investigator [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 2.1a by failing to protect life and preserve the peace when interacting with [REDACTED] [REDACTED] and when disrupting patient care.
7	Investigator [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 2.1b by failing to perform his duties in a competent manner when interacting with [REDACTED] [REDACTED] and when disrupting patient care.
8	Investigator [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 4.1a, by conducting himself in a manner that brought discredit upon the department.
9	Investigator [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 4.1b engaging in conduct that adversely affected the efficiency of the Department.



10	Investigator [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 4.2a regarding courtesy when he failed to remain courteous, civil and tactful in the performance of his duties when interacting with [REDACTED] [REDACTED] and when disrupting patient care.
11	Investigator [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 4.18 by failing to inspect his patrol car and the previously sustained damage to his passenger side mirror.

INVESTIGATION

On 07/11/2022, an anonymous reporter reported this incident to the PAB.

On 07/14/2022, [REDACTED] [REDACTED] reported this incident to the PAB via telephone.

On 07/18/2022, an additional anonymous report was submitted to the PAB.

On 09/16/2022, RPD was notified that the PAB had opened an investigation into this incident.

Documents were uploaded to the RPD-PAB SharePoint File Transfer on 09/28/2022. Additional information was uploaded on 10/06/2022. The PAB reviewed reports, statements obtained by the RPD Professional Standards Section, Emergency Communications Department records, medical documentation, security footage, body-worn camera footage, photos, and other relevant evidence.

On 11/08/2022, The PAB submitted a secondary Source of Information request requesting materials surrounding Inv. [REDACTED] previously sustained allegations and the final report and recommendations from the Professional Standards Section investigation into this incident. RPD denied this request.

On 05/04/2023, [REDACTED] [REDACTED] was interviewed at the PAB office. This interview was video and audio recorded.

On 05/17/2023, [REDACTED] [REDACTED] was interviewed at the PAB office. This interview was video and audio recorded.



The PAB attempted to locate contact information for [REDACTED] but his information could not be located, so he was not interviewed.

A subpoena for testimony was signed on 03/07/2024. This subpoena was later withdrawn and resubmitted to include officer rights. The subpoena was re-served on 04/10/2024. However, the City of Rochester Corporation Counsel denied the request, citing the Locust Club Collective Bargaining Agreement. Therefore, the PAB was unable to obtain an independent statement from Inv. [REDACTED]

A review of the [Police Department Discipline Database](#) reveals that in 2013, Inv. [REDACTED] had a sustained violation of RPD Rule and Regulation 1.1 regarding Obedience to Laws, Ordinances, and Rules, and Rochester Police Department Training Bulletin L-56 regarding strip searches. Inv. [REDACTED] pled guilty to searching a man, including visually checking his testicle area, without obtaining a search warrant before commencing the search. In 2014, Inv. [REDACTED] also pled guilty to several charges, which resulted in a 30-day suspension without pay. Inv. [REDACTED] hit a man in the mouth with a flashlight, swore at him, and submitted an erroneous report.

EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
Officer Disciplinary History Report	Sergeant [REDACTED] printed the Officer Discipline History report for Investigator [REDACTED] on August 2, 2022. The report outlines the following discipline: Vehicle Accident <ul style="list-style-type: none"> • 01/26/2007: Memorandum of Record - [Action/discipline completed] Vehicle Accident <ul style="list-style-type: none"> • 07/20/2007: Driving School - [Action/discipline completed] • 07/25/2007: Memorandum of Record - [Action/discipline completed] Citizen Complaints <ul style="list-style-type: none"> • 05/14/2011: Memorandum of Record - [Action/discipline completed] 	RPD	RPD provided an Officer Disciplinary History Report. However, they did not provide complete disciplinary files.	Inv. [REDACTED] disciplinary record.pdf



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	<p>Citizen Complaints - farmout</p> <ul style="list-style-type: none"> 04/05/2013: Letter of Reprimand - [Action/discipline completed] <p>Memorandums</p> <ul style="list-style-type: none"> 10/11/2012: Memorandum of Record - [Action/discipline completed] Memo - Failure to execute a command order <p>Citizen Complaints</p> <ul style="list-style-type: none"> 08/14/2021: Suspension without pay - [Action/discipline completed] 30-day suspension <p>Memorandums</p> <ul style="list-style-type: none"> 02/11/2018: Memorandum of Record - [Action/discipline completed] Memo - Pursuit driving in an unmarked vehicle 			
<p>Medical Records</p>	<p>The Medical Records for ██████████ include an Authorization for Release of Medical Record Information to the Rochester Police Department.</p> <p>██████████ was seen on 07/11/2022 at Immediate Care. The paperwork indicates that ██████████ stated that she was assaulted at work earlier in the day and was experiencing right wrist pain. ██████████ received an ACE wrap (splint) on her right wrist.</p> <p>██████████ returned to Immediate Care on 07/12/2022. ██████████ reported that she had been seen the previous day for a work injury where she was thrown against a desk. ██████████ indicated that her pain had worsened. Additionally, she complained of pain in her upper back/shoulder/arm.</p>	<p>RPD</p>	<p>N/A</p>	<p>Medical Records - ██████████.pdf</p>



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EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	Imaging concluded that there was no evidence of a fracture or dislocation. ■■■■■ was diagnosed with a shoulder contusion and cleared to return to work.			
■■■■■ Monroe Ambulance Incident Report	Assistant Chief ■■■■■ completed an incident report for Monroe Ambulance on 07/11/2022 at 10:04 PM. Mr. ■■■■■ report outlined similar circumstances to those he testified to during his Professional Standards Section interview.	RPD	N/A	Monroe Amb. Incident Report - ■■■■■.pdf
■■■■■ Monroe Ambulance Incident Report	EMT ■■■■■ completed an incident report for Monroe Ambulance on 07/11/2022 at 6:03 PM. ■■■■■ report outlined similar circumstances to those he testified to during his Professional Standards Section interview.	RPD	N/A	Monroe Amb. Incident Report - ■■■■■.pdf
Passenger Door Damage Photo	The photo "Passenger Door Damage" shows a scuff on a dark-colored vehicle.	RPD	N/A	passenger door damage.jpg
Police Vehicle Damage Estimate 2	The document "Police Vehicle Damage Estimate 2" is a preliminary estimate from Alliance Collision, Inc., dated 07/20/2022. The damage is noted to be on the vehicle's right side, license plate GES4493. The repair damage totaled out to \$361.60.	RPD	N/A	Police Vehicle Damage Estimate 2.pdf
Police Vehicle Damage Estimate	The document "Police Vehicle Damage Estimate" is a preliminary estimate from Sofia Collision, dated 07/20/2022. The damage is noted to be on the right side of the vehicle. The repair damage totaled out to \$395.80.	RPD	N/A	Police Vehicle Damage Estimate.pdf
Incident Report	Investigator ■■■■■ completed the RPD Incident Report, which was classified as a non-criminal incident. The incident occurred on 07/11/2022 at 3:59 PM at 601 Elmwood Avenue. There is no body-worn camera footage of the incident.	RPD	N/A	RPD Incident Report.pdf



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	<p>Investigator ██████ indicated that he was parked in the Strong Emergency Department parking lot, waiting for Investigator ██████ so they could conduct a photo array for an investigation. According to Inv. ██████ he was parked facing northbound, and a Monroe Ambulance (NY:10002EB) was parked East of him, also facing Northbound. While sitting in his vehicle, ██████ opened the driver door of the ambulance and struck the front passenger door of Inv. ██████ vehicle.</p> <p>Inv. ██████ stated that he rolled down the passenger window and informed ██████ that she had struck his vehicle, but ██████ denied doing so and said there was no damage.</p> <p>Inv. ██████ saw a chunk of plastic missing from the passenger side rearview mirror. He exited the vehicle and walked to the passenger side, where he observed white marks on his passenger that lined up with the ambulance door. Inv. ██████ reported that "once it was apparent that her door struck" his, ██████ became "argumentative" and claimed that Inv. ██████ was parked "too close."</p> <p>Inv. ██████ said that ██████ attempted to walk past him and leave, stating that she had a patient. Inv. ██████ indicated that he needed to see ██████ license, and ██████ reiterated that she had a patient. Inv. ██████ stated that he was a police officer investigating the damage caused to his door and noted that he was wearing a polo marked "Rochester Police Department," with his police badge visible on his waist/belt, where his firearm was also located.</p> <p>According to Inv. ██████ ██████ attempted to walk past him, so he grabbed onto one of her arms,</p>			



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Evidence	Description	Provided by	Reason declined	Filename
	<p>escorted her back toward his car, and told her he needed her license or she would be arrested if she did not comply. █ █ responded that she had a patient who needed to be wheeled into the Emergency Room, and her partner (█ █) could not do it herself. Inv. █ noted that there was a patient on the gurney, and █ was standing by. █ stated she would give Inv. █ her ID once she got her patient into the Emergency Department.</p> <p>Inv. █ reported that the patient "did not appear to be in any kind of emergency situation," but he told █ okay and walked into the Emergency Department with them. Inv. █ stated that the patient was placed to the side, so he requested her ID again, to which █ responded that she did not have it on her. Inv. █ reported that he then asked █ for her name, but █ ignored him. Inv. █ said that he told █ that he needed her information or ID, or she would be placed under arrest. Inv. █ stated that █ continued to ignore him, so he walked to a nearby room where Deputies were sitting to borrow handcuffs.</p> <p>According to Inv. █ he approached █ and told her she was under arrest and to place her hands behind her back. Inv. █ said that █ backed away from him as he attempted to handcuff her, and she attempted to pull her arm free from his grasp, but he handcuffed her after "a brief use of force."</p> <p>Inv. █ escorted █ to his unmarked patrol car, where he had her sit until marked units arrived and she could be transferred. During her transfer, █ directed Inv. █ to her ID, which was in her bag in the center console of the ambulance.</p>			



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Evidence	Description	Provided by	Reason declined	Filename
	Inv. ██████ stated that he inspected his car and determined that the chunk missing from the vehicle's mirror was old damage, and the marks from the ambulance "appeared to be mostly superficial and could probably be buffed out." ██████ was released from custody.			
Revised Incident Report	<p>The Revised Incident Report includes a case update from Sergeant (Sgt.) ██████ on 08/29/2022. Sgt. ██████ indicated that Captain ██████ advised him to complete a new incident report, as the original report was in "rejected" status and could not be modified by the original owner. Therefore, Sgt. ██████ completed a new incident report, as it was unknown when Investigator ██████ would return.</p> <p>Sgt. ██████ stated that the original report was a crime report, closed out with "exceptional clearance, prosecution declined." Sgt. ██████ wrote that the current iteration of the report was a non-criminal incident report. Sgt. ██████ noted that the repair estimates were received for the damage to the vehicle. The report was closed as a non-criminal incident report.</p>	RPD	N/A	03 RPD Incident Report - Revised.pdf
Side View Mirror Photo	The photo "Side View Mirror" shows a passenger-side rearview mirror missing a chunk of plastic. In his Incident Report, Investigator ██████ indicated that although he noticed the damage after ██████ allegedly struck his door, upon further inspection, he realized the damage to his mirror was old.	RPD	N/A	Side view mirror.jpg
Subject Resistance Report	Investigator ██████ completed the Use of Force form on 07/11/2022 at 9:50 PM. Inv. ██████ described the use of force as follows: "I approached ██████ and told her that she was under arrest and ordered her to place her hands behind her back. ██████ backed away from me while I attempted to handcuff her. I grabbed onto one of her wrists with my hands, and she pulled her arm away in [SIC] attempt to prevent the arrest. I maintained my grip on her wrist while pushing	RPD	N/A	SRR.pdf



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	<p>my right shoulder forward into her right shoulder, securing her up against the ED desk. I then overcame her resistance with force and was able to pull her arm into a handcuffing position. I was then able to handcuff her and escort her to my unmarked patrol car without incident."</p>			
<p>Professional Standards Section Statement from [REDACTED]</p>	<p>The RPD Professional Standards Section (PSS) took the statement of [REDACTED] on 07/18/2022.</p> <p>In her statement, [REDACTED] recollected the events of July 11, 2022. [REDACTED] noted that Investigator ("Inv.") [REDACTED] parked his vehicle too close to the ambulance, which, in conjunction with the incline of the parking lot, led to the ambulance door striking his vehicle. [REDACTED] stated that she was parked in the ambulance bay first, and Inv. [REDACTED] pulled up beside her after. [REDACTED] said that she checked the ambulance and his car, and there was no damage.</p> <p>According to [REDACTED] she started to walk away, but Inv. [REDACTED] stopped her. [REDACTED] said that at this time, she realized there was some paint on the passenger side of Inv. [REDACTED] vehicle, but he was able to wipe it away. [REDACTED] noted that she did not hit the vehicle intentionally. [REDACTED] said that the Investigator asked her for her ID, but she explained that she needed to check her patient in and would give him everything he required afterward. [REDACTED] could not recall the patient's medical emergency but noted that he was elderly.</p> <p>[REDACTED] stated that Inv. [REDACTED] grabbed her from behind as the patient started to roll down the hill, so she got Inv. [REDACTED] off her so she could hold the gurney. [REDACTED] said that Inv. [REDACTED] said she was under arrest, and she asked why.</p>	<p>RPD</p>	<p>N/A</p>	<p>Statement - [REDACTED].pdf</p>



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Evidence	Description	Provided by	Reason declined	Filename
	<p>█████ indicated that she and her partner walked inside (the hospital), and Inv. █████ asked for her ID again. █████ explained that she told him again that she would give him her ID as soon as she checked her patient in. █████ took her patient's temperature and Inv. █████ continued to follow her.</p> <p>█████ reported that Inv. █████ walked away. She finished taking her patient's temperature and talked to her partner when Inv. █████ started walking toward her. █████ stated that Inv. █████ grabbed her arms and said she was under arrest. █████ indicated that she put her hands up and did not say anything as Inv. █████ put his shoulder into her chest, threw her against the registration desk, and then walked her to his car. █████ stated that Inv. █████ caused her to go backward, resulting in a contusion of her right shoulder. █████ explained that Inv. █████ forcibly turned her around, dragged her to the open door, and then walked her to the car.</p> <p>█████ stated that Inv. █████ took her out of his unmarked car and placed her into an RPD vehicle. After running all her information, █████ said that Inv. █████ got into the back of the car with her and said that if she had just said, "My bad," it wouldn't have gone this far. █████ explained to him that the situation with the car was not as serious as the patient's needs, which was her priority. █████ said that they work closely with police and thought he would have been more understanding. █████ said that her supervisor, █████ came, and they released her. Later in her interview, █████ noted that she had asked Inv. █████ to remove the cuffs after he spoke to her in the back seat, and he did.</p>			



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Evidence	Description	Provided by	Reason declined	Filename
	<p>According to [REDACTED] [REDACTED] later that night, she realized her wrist was swollen and her arm was hurting, so she went to Urgent Care. [REDACTED] [REDACTED] stated that Urgent Care said her wrist was "sprung," and she had a "contusion." The following day, [REDACTED] [REDACTED] returned to urgent care for pain in her shoulder and back, where she was diagnosed with a shoulder contusion.</p> <p>PSS investigators clarified that neither vehicle was moving, despite Inv. [REDACTED] reportedly stating that [REDACTED] [REDACTED] was under arrest for a hit and run. Sergeant [REDACTED] [REDACTED] noted that [REDACTED] [REDACTED] arm was wrapped from the injury stemming from this incident. [REDACTED] [REDACTED] indicated she never resisted arrest but was shocked and did not understand what was happening. [REDACTED] [REDACTED] noted that Inv. [REDACTED] [REDACTED] demeanor was angry.</p> <p>[REDACTED] [REDACTED] stated she never spoke to Inv. [REDACTED] [REDACTED] supervisor, and she was never provided an explanation as to why she was not being arrested.</p> <p>[REDACTED] [REDACTED] noted that Inv. [REDACTED] [REDACTED] was driving an older vehicle, and the side mirror was already chipped, so she was confused about why he was "carrying on over a scratch."</p> <p>[REDACTED] [REDACTED] reiterated that her priority is her patient and their safety and that she would have gone into the hospital, dropped the patient off, and returned to the ambulance to work everything out. [REDACTED] [REDACTED] said that if they needed to complete reports for their jobs, she could not have done that with the patient on the stretcher, ready to be transported into the hospital.</p> <p>[REDACTED] [REDACTED] reported she was wearing her Monroe Ambulance uniform at the time of the incident and that the ambulance was marked with distinct numbers. [REDACTED]</p>			



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	<p>█████ stated she never swore at Inv. █████ or raised her voice toward him. When asked why she thought Inv. █████ got so upset, █████ said that she told him to wait, and he did not like that, but she really did not know why he was so upset. After her interview concluded, █████ returned on record to state that she felt if she had been a white woman, Inv. █████ would not have acted that way toward her.</p>			
<p>Professional Standards Section Statement from █████</p>	<p>The RPD Professional Standards Section (PSS) took █████ statement on 07/20/2022.</p> <p>In her statement, █████ recollected the July 11, 2022 events. █████ stated that she was riding with █████ to Strong Hospital. █████ was driving, and their patient was in the back. The patient had been picked up from Kendall, New York, and was an older gentleman. They responded with lights and sirens when picking up the patient, but they were off when traveling to Strong. █████ recalled that the patient was having complications with his PICC line, which is an IV that delivers medications directly to the heart.</p> <p>According to █████ there was nothing out of the ordinary upon arrival. They parked, and she went to the back door where her partner (█████ usually is. However, █████ was not there. █████ brought the patient out of the ambulance and peered down to see █████ talking to someone she assumed was a detective, based on his red polo and the gun on his hip. (█████ later identified this person as Investigator █████</p> <p>█████ heard Inv. █████ say a few times, "It doesn't matter how close I was." █████ noted that █████ was not "talking back" to Inv. █████ and that █████ was trying to get the</p>	<p>RPD</p>	<p>N/A</p>	<p>Statement █████.pdf</p>



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	<p>patient into the hospital. [REDACTED] indicated that she did not see the damage to the car, as she never looked. [REDACTED] reported that Inv. [REDACTED] was "in a rage," and nothing could be said to calm him down. [REDACTED] stated, "Out of nowhere, it was like something set him off. Like, I don't - I've seen it with people who have got bipolar and go into rages and stuff like that. And they just - you have to let it play out, and then they're calm." [REDACTED] indicated that Inv. [REDACTED] was yelling "a little bit" and talking loudly, almost yelling. [REDACTED] described Inv. [REDACTED] tone as irritated. [REDACTED] could not recall if Inv. [REDACTED] was swearing. She noted that she was on the phone with Operations at this time.</p> <p>[REDACTED] reported that Inv. [REDACTED] allowed [REDACTED] to walk toward the back of the ambulance. [REDACTED] grabbed the back of the stretcher, and they went to walk into the hospital. While [REDACTED] back was turned, [REDACTED] reported Inv. [REDACTED] grabbed [REDACTED] from behind, pulled her back toward the two vehicles, and told her she was under arrest. [REDACTED] did not hear Inv. [REDACTED] say why [REDACTED] was under arrest. [REDACTED] stated that she noticed the stretcher had lost control, she turned, and watched the situation develop. [REDACTED] explained that the stretcher started to tip because it was moving forward, and there was no longer control at the back of the gurney. The stretcher began to "kick out," which [REDACTED] noted was dangerous, as the patient could have been hurt from the gurney losing balance. [REDACTED] noted that she was able to catch and control the stretcher, and Inv. [REDACTED] allowed [REDACTED] to bring the patient into the hospital.</p>			



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	<p>██████████ reported that she was immediately on the phone with Operations to alert them that ██████████ was being threatened with arrest. ██████████ said she did not know what was happening as the situation was still unfolding.</p> <p>██████████ reported that while in the hospital, Inv. ██████████ was asking ██████████ more questions "apparently" about her ID. ██████████ indicated that they brought the patient to the registration desk as it was their turn to register their patient. ██████████ explained that you have to check the patient into the hospital so they know why the patient is seeking treatment. ██████████ said this is typically a two-person job because one person stays with the patient, the other goes to registration, and two people are needed to move the stretcher safely.</p> <p>██████████ went to get a thermometer and then told ██████████ that Inv. ██████████ kept asking for her ID, and she kept telling him it was in the truck and she would get it after they got the patient off the stretcher.</p> <p>██████████ reported that Inv. ██████████ walked to the sub-waiting room before walking toward ██████████ and telling her she was under arrest. ██████████ indicated that ██████████ threw her arms up submissively to signal she was not resisting or fighting, but Inv. ██████████ grabbed her, slammed her into the desk, and "whipped" her arms behind her back. During the interview, ██████████ demonstrated ██████████ reaction by raising her hands and facing her palms outward.</p> <p>██████████ said that as this unfolded, she immediately got on the phone with Operations to inform them that ██████████ had been arrested and taken outside. ██████████ noted three minutes had</p>			



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	<p>elapsed from her first phone call to Operations to her second. [REDACTED] reported that an EMT from another agency saw what happened and had to help her with her patient, as he had quadriplegia, and she could not get him through triage and onto a bed alone.</p> <p>[REDACTED] indicated that the next time she saw [REDACTED] was when she was sitting in the ambulance. [REDACTED] was not cuffed at this time. [REDACTED] said that [REDACTED] had marks on her wrists, and she was complaining about rubbing them.</p> <p>Furthermore, [REDACTED] noted that she and [REDACTED] had been partners for some time and had previously discussed police interactions with people of color. [REDACTED] reportedly said that you "don't add fuel to the fire" by fighting or resisting. After this incident occurred, [REDACTED] stated that she checked on [REDACTED] and [REDACTED] asked her if she had seen it on the news, but they had not talked in detail about the events.</p> <p>[REDACTED] noted that she had her ID on her, but some people keep it in the ambulance to avoid losing it. [REDACTED] indicated that it is Monroe Ambulance's policy to carry your ID or have it accessible and that keeping it in the ambulance is considered accessible. Additionally, [REDACTED] stated that they would have to return to the ambulance regardless. [REDACTED] did not believe Inv. [REDACTED] had to act quickly, as their rig and phone numbers were on the ambulance, and he could have called dispatch to handle the situation. [REDACTED] said, "We can't hide. We can't sneak away. Kind of [SIC] big billboard."</p>			



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	<p>When asked if she ever found out why [REDACTED] was under arrest, [REDACTED] responded that she assumed it stemmed from [REDACTED] tapping his vehicle, causing damage. [REDACTED] said other than that, she did not know Inv. [REDACTED] exact reasoning. [REDACTED] reported that she was inside the vehicle when [REDACTED] tapped the vehicle, but she did not hear the door strike Inv. [REDACTED] car. [REDACTED] stated, "I didn't know anything was happening until it all was exploding." [REDACTED] was unaware of why [REDACTED] was released from custody, but it may have been due to Assistant Chief [REDACTED] being on the scene.</p> <p>[REDACTED] stated she had never heard Inv. [REDACTED] ask [REDACTED] for her name or information.</p>			
<p>Professional Standards Section Statement from [REDACTED]</p>	<p>The RPD Professional Standards Section (PSS) took the statement of Monroe Ambulance Assistant Chief of Operations [REDACTED] on 07/18/2022. [REDACTED], the Monroe Ambulance Chief Operations Officer was present during the interview.</p> <p>In his statement, [REDACTED] recollected the events of July 11, 2022. [REDACTED] stated EMT [REDACTED] called him around 4:04 PM to tell him that her partner, [REDACTED] was being arrested. [REDACTED] said that [REDACTED] was unsure what to do, and he said he was on his way.</p> <p>Upon arrival, [REDACTED] said an RPD road patrol officer gave him a brief synopsis. As he was speaking with the officer, Lieutenant (Lt.) [REDACTED] called him, as they requested through ECD (Emergency Communications Department) to call Monroe Ambulance, as they were trying to sort things out. [REDACTED] indicated that he told Lt. [REDACTED] what he knew and asked if he was</p>	<p>RPD</p>	<p>N/A</p>	<p>Statement Audio - [REDACTED].MP3</p> <p>13 Statement - [REDACTED].pdf</p> <p>(provided as an audio recording and stenographic statement.)</p>



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	<p>responding. [REDACTED] said he wanted "both sides of the supervisors" present to come to a resolution.</p> <p>[REDACTED] stated that he was concerned about why his EMT was placed in handcuffs over what was a relatively minor infraction, if anything, in his opinion. [REDACTED] also asked if there were charges for [REDACTED]. According to [REDACTED] Lt. [REDACTED] stated that on RPD's end, they were not doing anything regarding the accident or an investigation into the accident, and Lt. [REDACTED] was going to have Inv. [REDACTED] speak with [REDACTED]. [REDACTED] asked what had to be done to get [REDACTED] out of cuffs, considering she was not being arrested. [REDACTED] reported that Lt. [REDACTED] said that they were not doing an investigation but needed to complete a Subject Resistance Report (SRR, also called a Use of Force form.)</p> <p>[REDACTED] asked to speak to [REDACTED] to hear her story. An officer unlocked the police cruiser where [REDACTED] was sitting. [REDACTED] said he heard [REDACTED] story, and then Inv. [REDACTED] talked to [REDACTED] and her cuffs were taken off. [REDACTED] asked again if he needed to do anything regarding the accident and door damage, but Lt. [REDACTED] said no. [REDACTED] noted that the Investigator said he was waiting for his supervisor to arrive to ensure there were no additional steps to take. [REDACTED] was released to sit in the ambulance.</p> <p>However, [REDACTED] indicated he was confused about why [REDACTED] was detained when she was in a marked Monroe Ambulance and not going anywhere. [REDACTED] explained that their phone number was on both sides of the vehicle, and had he called it, he would have been connected to a supervisor. Additionally, [REDACTED] said it seemed unprofessional to detain [REDACTED] at the registration desk.</p>			



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	<p>██████████ stated that he had not heard the discussion between ██████████ and Inv. ██████████ but asked Inv. ██████████ asked if they had come to a resolution because ██████████ had been "very upset, and rightfully so." Inv. ██████████ replied that he believed so. ██████████ said that when speaking with Inv. ██████████ it felt as if he was trying to "cover" himself "a little bit." ██████████ described Inv. ██████████ demeanor as "frustrated and irritated."</p> <p>██████████ noted that he had over 20 years of experience in the field and had never encountered a similar situation in the past. ██████████ indicated that EMS and police generally extend professional courtesy toward each other.</p> <p>██████████ reported that the passenger side door of Inv. ██████████ car had two scuff marks that lined up with the ambulance door and appeared as if they could potentially be buffed out. ██████████ noted that there were other scuffs and marks on the vehicle as well. When asked if an argument could be made that there was no damage, ██████████ replied, "That argument, yes, could be made."</p> <p>Additionally, ██████████ stated that the priority of the ambulance crew is patient care and that it is his job to worry about "the ancillary stuff that may come with that." ██████████ said a damaged vehicle would fall under his purview of responsibilities to handle. ██████████ indicated that the patient and their care come first for the ambulance crew, per policy and procedure.</p> <p>When asked if it would have been a policy violation for ██████████ to delay the patient's care, ██████████ responded, "I would even take it a step further than that,</p>			



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	<p>it's really part of New York State Emergency Medical Services," and that it was her duty to care for her patient until transferring the patient to an equal or higher level of care. [REDACTED] also noted that the gurney started to move when [REDACTED] was not in direct contact with the stretcher, which was "risky." [REDACTED] said their responsibility was to ensure the patient was always safe. [REDACTED] noted everything could have waited until the crew completed patient care.</p>			
<p>Professional Standards Section Statement from Investigator [REDACTED]</p>	<p>The RPD Professional Standards Section (PSS) took the statement of Investigator ("Inv.") [REDACTED] on 08/24/2022.</p> <p>In his statement, Inv. [REDACTED] recollected the events of July 11, 2022. Inv. [REDACTED] stated that on this day, he was partnered with Inv. [REDACTED] but he was riding alone in his own unmarked vehicle.</p> <p>Inv. [REDACTED] responded to Strong Hospital after Inv. [REDACTED] to complete a photo array. When Inv. [REDACTED] arrived, he observed uniformed officers talking to Inv. [REDACTED] and an EMT, [REDACTED] in the back of his unmarked car. Inv. [REDACTED] clarified that he did not witness anything before his arrival - which included the car damage and the use of force incident inside the hospital.</p> <p>When he arrived, Inv. [REDACTED] spoke to the officers and Inv. [REDACTED] briefly to find out what had happened. Inv. [REDACTED] stated that he believed [REDACTED] to be under arrest and in handcuffs at this time due to the positioning of her hands. Inv. [REDACTED] noted that he saw [REDACTED] cuffs when she was transferred from the unmarked car to a marked patrol vehicle. Inv. [REDACTED] said that he did not know what [REDACTED] was under arrest for at this time, but he later learned that she damaged Inv. [REDACTED] unmarked vehicle. Reportedly,</p>	<p>RPD</p>	<p>N/A</p>	<p>15 Statement - Inv [REDACTED].pdf</p>



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	<p>while Inv. [REDACTED] was trying to obtain her information, "from [Inv. [REDACTED]] understanding," [REDACTED] was "kind of aggressive and hostile, denying the accusations" from Inv. [REDACTED]. Inv. [REDACTED] indicated that Inv. [REDACTED] detained [REDACTED] so he could get her identity, assess the situation, and obtain "both sides of the story." Inv. [REDACTED] clarified that he was unaware of the specific charge [REDACTED] was under arrest for and never learned what her charges were.</p> <p>Inv. [REDACTED] described the damage to Inv. [REDACTED] vehicle as "a white mark or scrape consistent with the driver door of the ambulance on his passenger side." Inv. [REDACTED] categorized the damage as minor in nature.</p> <p>Inv. [REDACTED] reported that he was present when [REDACTED] was released from custody, and to his knowledge, she was released because the supervisors on the scene "figured it out." Inv. [REDACTED] said he did not involve himself in the investigation and let the supervisors handle everything. He was not privy to or involved in the decision to release [REDACTED]. Inv. [REDACTED] said he did not complete any reports regarding the incident with [REDACTED]. Inv. [REDACTED] indicated that he did not overhear any conversations regarding the incident, as he "stayed off to the side."</p> <p>Inv. [REDACTED] stated that he did not hear [REDACTED] complain of pain following the incident and noted that he spoke to her after because he grew up a few houses down from her and has known her family for years. When asked about [REDACTED] "credibility as a person" since he knew her, Inv. [REDACTED] responded that he did not know if that was for him to decide but that he did know that she had no signs of injury after she was released.</p>			



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	<p>Inv. ██████ explained that he knew ██████ in the past but had no current affiliation with her.</p>			
<p>Professional Standards Section Statement from Officer ██████</p>	<p>The RPD Professional Standards Section (PSS) took the statement of Officer ██████ on 08/24/2022.</p> <p>In his statement, Officer ██████ recollected the events of July 11, 2022. Officer ██████ indicated that he reviewed his Body-Worn Camera ("BWC") footage the day before his interview. Officer ██████ stated that he was partnered with "Officer ██████" and driving a marked patrol vehicle that day. Officer ██████ reported that an investigator called for assistance, as he needed a car at the hospital, so Officer ██████ responded to Strong Hospital. Officer ██████ noted that the Investigator did not provide any specificities as to why he needed a car.</p> <p>Officer ██████ stated that upon arrival, Investigator ("Inv.") ██████ approached them and indicated that he needed uniformed officers and a car "with a cage" to put someone in the back of. Officer ██████ reported that ██████ was in the back seat of Inv. ██████ unmarked vehicle with her hands cuffed behind her back.</p> <p>Officer ██████ said that once ██████ was in the back of his vehicle, he sat with her "at one point" and may "have had a brief conversation with her through the divider." Officer ██████ clarified that he was unaware of the circumstances and refrained from going into an in-depth discussion with ██████. Officer ██████ stated that he was not asked to do anything other than run her name.</p> <p>When asked if ██████ was under arrest at this time, Officer ██████ replied that he was unsure. Sergeant Kavanaugh then asked if Officer ██████ was under the</p>	<p>RPD</p>	<p>N/A</p>	<p>16 Statement - Ofc ██████.pdf</p>



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	<p>impression [REDACTED] was not free to go, to which he replied, "Yes," but Officer [REDACTED] stated that he was still unsure if she was under arrest. Officer [REDACTED] indicated that, at this time, he did not recall whether anyone had told him if [REDACTED] was under arrest for anything. However, Officer [REDACTED] stated that he believed Inv. [REDACTED] told him [REDACTED] was under arrest at some point while explaining the situation.</p> <p>Officer [REDACTED] said he did not know what she was under arrest for, nor was he asked to start any paperwork, such as a Prisoner Data Report. Officer [REDACTED] stated that beyond running [REDACTED] background information and records, he was just in a holding pattern with [REDACTED] as someone was needed to sit in the vehicle. Officer [REDACTED] indicated that he took a "hands-off approach," as a "senior investigator" was "running the show."</p> <p>When asked if he could hear Inv. [REDACTED] conversation with [REDACTED] Officer [REDACTED] replied that upon reviewing his BWC, Inv. [REDACTED] was sitting in the back seat with [REDACTED] and that the audio on his footage was not that good. Officer [REDACTED] noted that he did not hear any raised voices, and to the best of his knowledge, Inv. [REDACTED] was explaining the circumstances of what happened to [REDACTED] but that he did not hear his exact words. Officer [REDACTED] noted that he was preoccupied with other things at the time and was only staying close "in case anything happened."</p> <p>Officer [REDACTED] indicated that at some point, [REDACTED] was released. However, he could not recall if he or Inv. [REDACTED] un-cuffed her. Officer [REDACTED] reported that he was not privy to the reason why she was released. Officer [REDACTED] stated that he believed her to be under arrest and was not directly told why she was released but</p>			



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	<p>noted that there were a number of senior officers on the scene. Officer ██████ said he "just went with what they were doing" before correcting himself and stating, "I mean, went with my own training and experience." Officer ██████ indicated that he did not have contact with ██████ after she was released.</p> <p>Officer ██████ reported that he saw the doors of the ambulance and the unmarked vehicle and noted paint transfer from the unmarked patrol vehicle to the door of the ambulance and a small scratch on the unmarked vehicle's door. Sergeant ██████ asked if someone could rub the paint transfer out with their finger. Officer ██████ replied that he did not try to and was unaware if anyone else had. Officer ██████ categorized the damage as minor.</p> <p>Sergeant ██████ asked if he was on the scene to investigate the damage to the unmarked vehicle or just to assist in holding onto an individual. Officer ██████ replied that he interviewed EMT ██████ because he was told to do so, as though he was conducting a neighborhood check to find out what happened. Officer ██████ believed this directive was related to the use of force incident, not the damage to the vehicle.</p> <p>Sergeant ██████ asked again if Officer ██████ main focus was to investigate the damage to the police vehicle. Officer ██████ responded that he did not think so, but he did not initially even know what they were at the hospital for, and as time went on, it seemed as though "an SRR" (Subject Resistance Report) had occurred.</p> <p>Sergeant ██████ asked about ██████ statement. Officer ██████ stated that he obtained her</p>			



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	<p>pedigree information, such as her name and date of birth. [REDACTED] [REDACTED] also recollected the events.</p> <p>Officer [REDACTED] noted that [REDACTED] [REDACTED] did not complain of pain after the incident and only complained of the heat in the vehicle's backseat.</p>			
<p>Professional Standards Section Statement from Lieutenant [REDACTED]</p>	<p>The RPD Professional Standards Section (PSS) took the statement of Lieutenant ("Lt.") [REDACTED] on 08/23/2022.</p> <p>In his statement, Lt. [REDACTED] recollected the events of July 11, 2022. Lt. [REDACTED] noted that he did not have any Body-Worn Camera ("BWC") related to this incident. Lt. [REDACTED] stated that he did not view any BWC related to this incident.</p> <p>According to Lt. [REDACTED] he was assigned to "Staff Duty" that day and operated a marked patrol vehicle. Lt. [REDACTED] indicated he was assigned "a rider" from the Chief's Office this day, who he believed to be "Mr. [REDACTED]," from "City Planning."</p> <p>Lt. [REDACTED] reported that he received a message through dispatch and found out a Monroe Ambulance Supervisor was questioning why one of his employees was handcuffed in the back seat of a police car and being arrested. Lt. [REDACTED] said he called him and said he did not know but would meet him at the hospital. Lt. [REDACTED] stated that he heard through transmission that "an investigator asked for a car to Strong Hospital for a minor incident and called one in custody." Lt. [REDACTED] indicated that other than that, he did not know what was going on.</p> <p>Lt. [REDACTED] reported that once he arrived, he met with the Monroe Ambulance supervisor (Assistant Chief [REDACTED]). Lt. [REDACTED] noted there were also a few</p>	<p>RPD</p>	<p>N/A</p>	<p>17 Statement - Lt [REDACTED].pdf</p>



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	<p>RPD officers present, but his interaction was with [REDACTED]. [REDACTED] Lt. [REDACTED] learned that there was an allegation that a Monroe Ambulance employee ([REDACTED] [REDACTED]) opened her car door and caused damage to (Investigator ("Inv.") [REDACTED] [REDACTED] vehicle. He stated that [REDACTED] [REDACTED] may have gone inside Strong Hospital and failed to provide information to the Investigator, so she was subsequently handcuffed and put into the backseat of a police car. Lt. [REDACTED] said this information may have been given to him by [REDACTED] or perhaps another officer on the scene.</p> <p>Lt. [REDACTED] said he only briefly spoke to Inv. [REDACTED] about the damage to the door of his vehicle. Lt. [REDACTED] stated that he never spoke to [REDACTED] [REDACTED] who was in the backseat of a marked police car. Lt. [REDACTED] indicated that [REDACTED] [REDACTED] was in custody at the time of his arrival. When asked if [REDACTED] [REDACTED] was under arrest, Lt. [REDACTED] said that, to his knowledge, she was just in custody in the back of a police car, and he did not know if there was an arrest. Lt. [REDACTED] explained that [REDACTED] [REDACTED] was not free to go, Miranda rights would apply, and it was similar to being detained. When asked why [REDACTED] [REDACTED] was not arrested, Lt. [REDACTED] stated that he and Sergeant [REDACTED] [REDACTED] felt there was a lack of intent for a crime to have occurred. Lt. [REDACTED] said that he and [REDACTED] [REDACTED] agreed they were on the "same team" and wanted to ensure they had a good working relationship, so there was no reason to make an arrest. Lt. [REDACTED] stated that he did not ask Inv. [REDACTED] [REDACTED] if [REDACTED] [REDACTED] was under arrest. Lt. [REDACTED] [REDACTED] was asked, "Since Investigator [REDACTED] [REDACTED] is the one that put the handcuffs on her, placed her in the police vehicle, would he have really been the only one that knew if she was under arrest or not?" Lt. [REDACTED] [REDACTED] replied, "I believe so." When asked why Inv. [REDACTED] [REDACTED] wasn't asked if she was under arrest, Lt. [REDACTED] [REDACTED] responded that Inv. [REDACTED] [REDACTED] was having a "very</p>			



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	<p>cordial" conversation with [REDACTED] and did not want to interrupt.</p> <p>According to Lt. [REDACTED] he spoke with [REDACTED] and Sergeant [REDACTED] on the phone and agreed that [REDACTED] would not be under arrest. Sergeant [REDACTED] said to take the handcuffs off [REDACTED] and they were removed. Lt. [REDACTED] stated that the subsequent reports followed as "not an arrest at that time."</p> <p>Lt. [REDACTED] noted that he was aware force was used, but when asked if there was probable cause for an arrest, Lt. [REDACTED] stated that he had not witnessed the event. Lt. [REDACTED] indicated that he did not believe there was malice intent to warrant a charge.</p> <p>When asked if he believed Inv. [REDACTED] acted appropriately, Lt. [REDACTED] responded that he did not find it fair to draw an opinion, as he had not witnessed the event and had limited information at the time. Lt. [REDACTED] noted it "probably" could have been handled "better or differently."</p> <p>Lt. [REDACTED] stated that he did not "necessarily" order the release of [REDACTED] and that it was a collaboration between himself, Sergeant [REDACTED] and [REDACTED] Lt. [REDACTED] indicated that he was the commanding officer on the scene. Sergeant [REDACTED] said, "So at the scene, the decision to release her would be your final decision, would it not?" Lt. [REDACTED] replied, "I didn't order anybody. We kind of came up with it as an agreement that this is the best way to handle this right now." Sergeant [REDACTED] expressed that he was having difficulty with Lt. [REDACTED] answer, as he was the staff duty officer, the commanding officer of the scene, the incident commander, and someone had to make the final decision. Lt. [REDACTED] responded, "Okay. If you would</p>			



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	<p>like to do that, then that's fine." Lt. ██████ said, "Yes, so ultimately, I mean, yes, it will fall on me that sure, I was the highest commanding officer at the scene, absolutely," but that the decision was made through a collaborative effort with ██████ and Sergeant ██████ who was Inv. ██████ supervisor.</p> <p>Sergeant ██████ expressed that he believed he and Lt. ██████ were on the same page and that if ██████ were in custody and it turned into an arrest, Lt. ██████ would have to "approve that in some way." Lt. ██████ agreed.</p> <p>Sergeant ██████ then asked, when looking at the totality of the incident, what Lt. ██████ thought of the resolution. Lt. ██████ responded that ██████ stated that they support the police and whatever decision is made, but they needed to talk about it and figure it out. Lt. ██████ noted that he asked ██████ if they ever had any problems with ██████ and ██████ responded that he did not know anything specifically but that she is "kind of special." Lt. ██████ said that was how ██████ "put it." Lt. ██████ stated that ██████ reiterated that they are on the same team, and they "chalked it up to kind of a big misunderstanding."</p>			
<p>Professional Standards Section Statement from Sergeant Andrew ██████</p>	<p>The RPD Professional Standards Section (PSS) took the statement of Sergeant ("Sgt.") Andrew ██████ on 08/23/2022.</p> <p>In his statement, Sgt. ██████ recollected the events of July 11, 2022. Sgt. ██████ noted that he did not have any Body-Worn Camera ("BWC") related to this incident, nor did he view any BWC. Sgt. ██████ stated that he became aware of the incident after Investigator ("Inv.") ██████ initiated a radio broadcast requesting a car for a miscellaneous incident. Sgt. ██████ noted that it was</p>	<p>RPD</p>	<p>N/A</p>	<p>18 Statement - Sgt ██████.pdf</p>



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	<p>unusual for an investigator to be calling out on the radio in that fashion, so he started heading that way.</p> <p>Sgt. ██████ stated that he was able to speak with Inv. ██████ over the phone while en route, and Inv. ██████ explained the circumstances. Sgt. ██████ was also about to talk to Lieutenant ("Lt.") ██████ over the phone and at the scene. Sgt. ██████ reported that Inv. ██████ said that he arrived at Strong for a photo array, and while seated in his car, he felt a "violent shake of the car and a loud noise." Inv. ██████ got out of his car and realized the vehicle had been struck. Inv. ██████ reportedly told the driver of the ambulance, ██████ that she hit his car. Sgt. ██████ said that according to Inv. ██████ ██████ denied this. Inv. ██████ viewed the damage and attempted to obtain ██████ information for the report; at this point, she requested to transport her patient inside. Inv. ██████ reportedly agreed, but ██████ refused to provide her information and was "obstructing the investigation."</p> <p>Sgt. ██████ indicated that Inv. ██████ informed him that he used force and that he had to stabilize her and pull her hands behind her back when he placed cuffs on ██████. Sgt. ██████ could not recall the exact wording Inv. ██████ used but believed In ██████ said that ██████ was under arrest for potential criminal mischief. Sgt. ██████ then clarified that she was in custody under investigative detention.</p> <p>Sgt. ██████ noted that criminal mischief would involve intent or recklessness and depend on the cost of damage. Sgt. ██████ agreed. Sgt. ██████ asked if ██████ had intent. Sgt. ██████ indicated that he could not determine that over the phone and relied on Inv. ██████ to conduct his investigation. Sgt. ██████ noted</p>			



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	<p>that [REDACTED] had already been released from his custody when he arrived on the scene.</p> <p>Sgt. [REDACTED] stated that [REDACTED] was released because the circumstances became clearer. Therefore, as a matter of discretion and professional courtesy, [REDACTED] was un-arrested. Sgt. [REDACTED] questioned whether it was discretion or the fact that [REDACTED] had not committed a crime. Sgt. [REDACTED] stated it was discretion. Sgt. [REDACTED] asked if there was a crime. Sgt. [REDACTED] responded that he believed that the value of the damage to the vehicle exceeded \$250, which would rise to the level of reckless criminal mischief. Sgt. [REDACTED] asked if, based on the information he received from Inv. [REDACTED] the situation was criminal and not a simple accident of someone opening the door and causing damage. Sgt. [REDACTED] stated that it may have started that way, but [REDACTED] tried to deny and distance herself from the act. According to Sgt. [REDACTED] what could have been an exchange of information became obstruction and an unwillingness to cooperate with an investigation regarding property damage. Sgt. [REDACTED] said that he believed there to be indications of guilt and an unwillingness to accept responsibility.</p> <p>Sgt. [REDACTED] expressed that he did not understand why [REDACTED] was released, as an SRR (Subject Resistance Report) was involved, possibly indicating that [REDACTED] resisted arrest, and Sgt. [REDACTED] described an act of reckless criminal mischief. Sgt. [REDACTED] stated, "I'm sorry, I'm just not quite understanding why she was released, based on what you're testifying to." Sgt. [REDACTED] replied that they had an opportunity to speak with [REDACTED] supervisors, and as he understood, Inv. [REDACTED] had a lengthy discussion and interview with [REDACTED]. Sgt. [REDACTED] said that it was not uncommon for people not to be taken into custody and criminally</p>			



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	<p>prosecuted for lower-level offenses. Sgt. [REDACTED] indicated that as a professional courtesy and with discretion, they opted not to move forward. Furthermore, Sgt. [REDACTED] noted that the administration likely would have intervened and not prosecuted regardless.</p> <p>Sgt. [REDACTED] reported that he was unaware of the value of the damage at the time of the incident and that if more evidence came to light that [REDACTED] acted intentionally, they would have pursued criminal prosecution, but everything appeared to be in line with a reckless act. Additionally, Inv. [REDACTED] was initially unaware that some of the damage to his vehicle was old. Sgt. [REDACTED] noted that he believed Inv. [REDACTED] report indicated that he went back and realized the damage he thought was from the initial act was not the actual damage. Sgt. [REDACTED] asked again if [REDACTED] had intent to damage the patrol vehicle. Sgt. [REDACTED] responded that he did not believe [REDACTED] had malice or intent. Sgt. [REDACTED] stated, "But, because the door accidentally struck the police door, causing enough damage to elevate the cost to a reckless, there was sufficient evidence to support a criminal mischief?" Sgt. [REDACTED] replied that whether it was negligent or accidental, he did not believe it rose to the level of intent. Sgt. [REDACTED] said that he did not think [REDACTED] noticed that it was a police car or someone else's car that appeared unoccupied and made a conscious decision to cause damage.</p> <p>Sgt. [REDACTED] asked if there was enough evidence to charge [REDACTED] with reckless criminal mischief. Sgt. [REDACTED] explained that there was evidence of damage to the vehicle, which was the grounds for the initial detention. The damage's apparent value was over \$250, which fit the standard for reckless criminal mischief. Sgt. [REDACTED] stated that he believed there was sufficient probable</p>			



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	<p>cause to make an arrest, and they decided that discretion was warranted. Sgt. [REDACTED] asked Sgt. [REDACTED] in his opinion, whether [REDACTED] being released had anything to do with Inv. [REDACTED] acting inappropriately. Sgt. [REDACTED] said that was not part of the determination to release her, and there was never any discussion about the appropriateness of Inv. [REDACTED] actions.</p> <p>Sgt. [REDACTED] indicated it was a collective decision to release [REDACTED] and he and Lieutenant [REDACTED] felt the most appropriate action was to document everything without prosecuting criminally.</p> <p>Sgt. [REDACTED] stated that the non-criminal incident report concerning this event was not in the Law Enforcement Records Management System (LERMS) as Sgt. [REDACTED] had rejected it. [REDACTED] Sgt. [REDACTED] explained that he had asked for some clarifying points, and he believed the best course of action was to outline the circumstances of a criminal investigation, where a crime was committed, and indicate that prosecution was declined. Sgt. [REDACTED] said that he rejected the incident report so it could be changed to a crime report, which was closed out.</p> <p>Sgt. [REDACTED] reported that he watched the video of the use of force incident and approved the SRR (Subject Resistance Report.) Sgt. [REDACTED] asked Sgt. [REDACTED] if he believed Inv. [REDACTED] used proper force given the totality of the circumstances. Sgt. [REDACTED] replied yes, Inv. [REDACTED] attempted to gain compliance; he instructed her to put her hands behind her back and then used a low-level force for low-level resistance. When asked if things could have been handled differently, Sgt. [REDACTED] responded that [REDACTED] [REDACTED] could have provided her information at any time during the interaction.</p>			



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	<p>Additionally, Sgt. [REDACTED] noted that carrying cuffs in the field is prudent rather than borrowing a set.</p> <p>Furthermore, Sgt. [REDACTED] stated that there was an understanding that another route was to contact the appropriate supervisor to handle the personnel issue on Monroe's side. Sgt. [REDACTED] indicated that Inv. [REDACTED] came to that conclusion on his own. Sgt. [REDACTED] stated that he was not there to be "a Monday morning quarterback" and that Inv. [REDACTED] actions were within policy and law. Sgt. [REDACTED] explained that this was a Level 3 DeBour encounter, as he had reasonable suspicion a crime was committed, so he made a detention in which he used a reasonable amount of force when met with resistance. Inv. [REDACTED] then contacted Sgt. [REDACTED] to make him aware force was used, and due to the "optics," a higher level of RPD supervision was contacted. Supervisors on scene debriefed, "Everyone shook hands and went about their day."</p> <p>Sgt. [REDACTED] noted that he contacted Lt. [REDACTED] and Captain [REDACTED] regarding this event. Sgt. [REDACTED] clarified that when he first spoke to Inv. [REDACTED] he did not cite a Penal Law offense; Rather, he explained the circumstance of the encounter and the damage to the vehicle. Sgt. [REDACTED] indicated that he saw the damage to the car, and he believed the damage was sufficient to be reckless.</p>			
<p>Professional Standards Section Statement from Investigator [REDACTED]</p>	<p>The RPD Professional Standards Section (PSS) took the statement of Investigator [REDACTED] on 08/30/2022.</p> <p>In his statement, Inv. [REDACTED] recollected the events of July 11, 2022. Inv. [REDACTED] noted that he did not have any Body-Worn Camera ("BWC") related to this incident, but he did view Officer [REDACTED] footage a few weeks after the incident occurred. Inv. [REDACTED]</p>	<p>RPD</p>	<p>N/A</p>	<p>14 Statement - Inv [REDACTED].pdf</p>



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	<p>indicated that the day this happened, he was operating an unmarked Chevy Impala, and he did not have a rider or partner in the vehicle. Inv. ██████ noted that the vehicle is only slightly different from a "normal" vehicle, with lights on the interior and antennas on the exterior. On this day, he was dressed in a polo, which was marked with an emblem and the words "Rochester Police Department." He has his badge visible on his belt, as well as his radio and his firearm.</p> <p>Inv. ██████ reported that he was operating his regularly assigned vehicle, on which he is required to do vehicle inspections. Inv. ██████ could not recall if he completed an exterior vehicle inspection on the day of the incident. During previous inspections, Inv. ██████ stated that he noticed some small scrapes around the bumper. Inv. ██████ believed his vehicle to be a 2013 and noted that he had not been the only vehicle operator.</p> <p>On the day of the incident, Inv. ██████ arrived at Strong Hospital to conduct a photo array with Inv. ██████. When he arrived, Inv. ██████ parked in the lot northwest of the emergency department. Inv. ██████ noted that he did not believe there to be any marked "stalls" in the parking lot due to construction. Inv. ██████ pulled in facing forward, an ambulance parked to his right and another vehicle to the left. Inv. ██████ could not recall the distance from his vehicle to the ambulance but characterized the space as "normal." When asked to clarify what "normal" was, Inv. ██████ replied, "A few feet." Inv. ██████ noted that he had plenty of room to exit from the car's driver's side.</p> <p>Inv. ██████ reported that he was sitting in his vehicle looking down at his phone when he saw movement from the corner of his eye to his right. Inv. ██████ looked</p>			



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	<p>over and saw [REDACTED] [REDACTED] an EMT with Monroe Ambulance, getting into the driver's door of the ambulance. Inv. [REDACTED] said that when she got in the ambulance, she swung the driver's door open. Inv. [REDACTED] stated that she was not looking at his car but was looking north toward the ambulance. Inv. [REDACTED] said that [REDACTED] [REDACTED] forcefully swung her door open and hit the front passenger door of his car, which made "a big whack sound" and caused the vehicle to shake.</p> <p>Inv. [REDACTED] indicated that he was startled, and he waited a moment for [REDACTED] [REDACTED] to respond. Inv. [REDACTED] stated, "You know, it's fairly common if you bump a vehicle, a door in a parking lot; this was not that, this was not just a normal incidental bump, but I would expect that someone would look to see if there was any damage. So I waited for a moment to see if she would do that, and she didn't. She just got into her -- the driver door."</p> <p>Inv. [REDACTED] stated that [REDACTED] [REDACTED] got back out and was standing in her doorway. Inv. [REDACTED] said that he rolled down his front passenger window and said, "Miss, you hit my door." Inv. [REDACTED] reported that [REDACTED] [REDACTED] said she did not. Inv. [REDACTED] indicated that he told [REDACTED] [REDACTED] that she knew she hit the door, and he felt the car shake. According to Inv. [REDACTED] [REDACTED] [REDACTED] continued to deny hitting his vehicle.</p> <p>Inv. [REDACTED] said he was confused. [REDACTED] [REDACTED] reportedly started pointing to his front passenger mirror. Inv. [REDACTED] stated that he observed a large chunk of plastic missing from the mirror. Inv. [REDACTED] reported that it struck him as odd because she was saying there was no damage, yet there was visible damage on the mirror.</p>			



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	<p>Inv. ██████ indicated he got out of his car to Investigate. He walked around the back of his car and over to the passenger side. Inv. ██████ stated that he and ██████ were both standing between the two vehicles. Inv. ██████ reported that no one else was present at the time. Inv. ██████ indicated that he looked at his front passenger door, and there was "obvious" damage and marks on his door.</p> <p>Inv. ██████ said that ██████ opened her door, and it touched where the marks were on his door. ██████ then noted that he was parked too close. According to Inv. ██████ he was suspicious, as ██████ had been "deceptive" and told him there was no damage when "the damage was very obvious." Inv. ██████ said that if a vehicle is parked too close, he would be cautious when opening the door, but ██████ was not. Inv. ██████ said he suspected "there was more to this," that the act was "intentional," and "that she did it on purpose."</p> <p>Inv. ██████ stated that he asked for her ID, and ██████ said she was giving him her ID. Inv. ██████ reported that he said, "Miss, I'm a police officer; you caused damage to the door; I said it's not a big deal, I just need your ID." Inv. ██████ said that ██████ told him that she was not giving him her ID as she had a patient. Inv. ██████ said that ██████ proceeded to leave. Inv. ██████ stated the incident was now a criminal mischief investigation, so he could not allow ██████ to leave.</p> <p>Inv. ██████ reported that ██████ walked past his right side, and he grabbed onto her right wrist to stop her from leaving. Inv. ██████ said that ██████ tensed up and "sort of tried to twist her wrist a little bit, as he maintained his grip and said, "Hold on." Inv. ██████</p>			



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	<p>then directed her back to stand in front of him. Inv. ██████ said he released his grip on her and told her she caused damage to the door, therefore, she could not refuse to give her ID and leave. Inv. ██████ told ██████ she could be arrested. Inv. ██████ said that ██████ stated that she was not giving him her ID and he was not going to arrest her. She reportedly stated that she had a patient, and it took two people to move the gurney. Inv. ██████ indicated that he did not believe two people were needed to move the gurney.</p> <p>Inv. ██████ stated that he decided to allow ██████ to take the patient into the emergency department. Inv. ██████ said that he walked behind the EMTs, but they did not interact. He also noted that he radioed for a marked patrol car since he was conducting a criminal investigation.</p> <p>Inv. ██████ was then asked if he witnessed ██████ strike his vehicle with her door. Inv. ██████ replied yes. However, he indicated that he did not see whether she just flung the door open or remained in control of it with her hand. Inv. ██████ noted that it all happened so quickly. Additionally, Inv. ██████ reported that he never walked up behind ██████ and told her she was under arrest for hit and run, and reported that this event was not a hit and run or even a vehicle accident.</p> <p>Furthermore, Inv. ██████ stated that he never put ██████ in a "bear hug" style grip, and the only time he placed his hands on her while outside was when he grabbed her wrist to prevent her from leaving. Inv. ██████ stated that, at this point, he knew ██████ was an EMT but was unaware of what company she worked at.</p>			



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	<p>Inv. [REDACTED] was asked why he believed [REDACTED] [REDACTED] intentionally struck his door. Inv. [REDACTED] replied that it was the way "it occurred combined with the way she responded afterward" and "the force behind the door strike," which Inv. [REDACTED] described as "out of the ordinary" and "very forceful." Inv. [REDACTED] described the damage as more than just a simple paint transfer. When asked if the damage was major or minor, Inv. [REDACTED] replied that it depended on perspective. Inv. [REDACTED] characterized the damage as clearly noticeable.</p> <p>Inv. [REDACTED] noted that [REDACTED] [REDACTED] did not deny the damage after witnessing the door line up to the paint scratch but stated that there was still an "ongoing Investigation," specifically regarding her intent. Inv. [REDACTED] noted that the City of Rochester owns the vehicle, and he was responsible for notifying his supervisor of any damage.</p> <p>According to Inv. [REDACTED] the EMTs parked the patient to the right after entering the emergency department. Inv. [REDACTED] said he waited for [REDACTED] [REDACTED] to give him her ID as she was "just standing there." [REDACTED] then started to walk away. Inv. [REDACTED] said he followed behind her because he did not know what she was doing. [REDACTED] [REDACTED] got something off a wall and walked toward the gurney. Inv. [REDACTED] stated that he asked [REDACTED] [REDACTED] for her ID again, but [REDACTED] [REDACTED] ignored him. Inv. [REDACTED] repeated his request, and [REDACTED] [REDACTED] responded that she did not have her ID on her. Inv. [REDACTED] said he asked [REDACTED] [REDACTED] for her name, but she ignored him. Inv. [REDACTED] stated that [REDACTED] [REDACTED] walked away, so he followed behind and told her that if she did not give him her name, he would have no choice but to arrest her. Inv. [REDACTED] indicated that [REDACTED] [REDACTED] continued to ignore him.</p>			



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	<p>Inv. [REDACTED] reported that he did not have handcuffs on him, so he walked down the hall where law enforcement officers were in a side room and asked if he could borrow a pair of handcuffs. One of the officers gave Inv. [REDACTED] a pair, and Inv. [REDACTED] walked back to the emergency department and reportedly told [REDACTED] she was under arrest and to put her hands behind her back. Inv. [REDACTED] said that [REDACTED] did not comply and began backing up with her hands in the air. Inv. [REDACTED] indicated that he grabbed [REDACTED] wrist, and she "yanked it backward" to try to pull it free from his grasp. Inv. [REDACTED] said that [REDACTED] pulled him into her, so he pushed his body forward toward the registration desk behind her to secure [REDACTED] gain control, and prevent her from fleeing.</p> <p>Inv. [REDACTED] stated he was able to gain control of [REDACTED] and handcuff the wrist he had a hold of. According to Inv. [REDACTED] [REDACTED] then became compliant, and he was able to finish cuffing her and escort her to his car. Inv. [REDACTED] noted that during the interaction, he told her to stop resisting.</p> <p>When asked if [REDACTED] resisted in any other way, Inv. [REDACTED] stated, "She refused my verbal commands, and then in addition to pulling the wrist back, I mean, she maintained tension on it and was trying to twist it, but other than that, no."</p> <p>Sgt. [REDACTED] asked Inv. [REDACTED] if "resistive tension" in the arms is typical of someone being arrested. Inv. [REDACTED] replied, "Yes. It could, yes." Sgt. [REDACTED] said, "She wasn't fighting with you, is what I'm getting at?" Inv. [REDACTED] said, "No."</p>			



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	<p>Sgt. [REDACTED] stated that it is understood, based on Inv. [REDACTED] testimony, that he had an investigation to conduct, which involved city property damage. Sgt. [REDACTED] asked if that was the urgency was to place [REDACTED] in custody. Inv. [REDACTED] replied, "Yes." Sgt. [REDACTED] confirmed that Inv. [REDACTED] was aware that [REDACTED] worked for an ambulance company and asked if she appeared to be working with a patient when she was in the emergency department. Inv. [REDACTED] stated, "No, I -- I mean, she was with the patient, but she wasn't doing anything." Sgt. [REDACTED] asked if the patient had been checked in yet, and Inv. [REDACTED] replied, "No."</p> <p>Sgt. [REDACTED] asked where [REDACTED] could run or flee. Inv. [REDACTED] indicated that she could have fled to several places, including into the hospital or out of the emergency room. Inv. [REDACTED] noted that there was no high probability of that happening. Sgt. [REDACTED] asked again what the urgency was to place [REDACTED] in custody when there was not a high probability she would flee, and she had yet to check in the patient. Inv. [REDACTED] stated that he would not say there was "urgency or non-urgency," but rather the Investigation led there based on [REDACTED] responses. Inv. [REDACTED] reported that it was apparent that [REDACTED] would not provide her ID or identify herself. In addition to the possibility of flight, Inv. [REDACTED] stated that he did not know [REDACTED] and she may have been wanted or had a warrant out.</p> <p>Sgt. [REDACTED] asked if Inv. [REDACTED] considered contacting his supervisor before placing [REDACTED] in custody. Inv. [REDACTED] responded that he did not, as it was a "very active investigation," and there was no realistic opportunity to do so.</p>			



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	<p>Sgt. [REDACTED] noted that Inv. [REDACTED] was able to somewhat de-escalate the situation outside when he released [REDACTED] from his grip and allowed her to conduct her business. Sgt. [REDACTED] then indicated that Inv. [REDACTED] decided to "somewhat escalate the situation" inside the hospital. Inv. [REDACTED] said he would not say he escalated the situation, and [REDACTED] responses led to his actions.</p> <p>Inv. [REDACTED] reported that a few minutes passed since he entered the emergency department and when he placed [REDACTED] in custody. Inv. [REDACTED] noted that he failed to double lock the handcuffs because the event happened quickly. Inv. [REDACTED] also did not believe he alerted the officers who took over custody of [REDACTED] that her cuffs were not double locked.</p> <p>Inv. [REDACTED] stated that when talking to and observing [REDACTED] she did not complain of pain or injury.</p> <p>Inv. [REDACTED] reported that he escorted [REDACTED] to his car, which does not have a cage (a partition between the front and back seat of the vehicle.) No other officers had arrived at this time. [REDACTED] was eventually transferred to Officer [REDACTED] patrol vehicle. When [REDACTED] was in the back of Officer [REDACTED] car, Inv. [REDACTED] spoke to [REDACTED]. Inv. [REDACTED] characterized the conversation as "good." He said he had an opportunity to calm things down and connect with [REDACTED] personally. Inv. [REDACTED] noted that he wasn't "necessarily looking for incriminating statements" because he did not read [REDACTED] Miranda Rights. He said he was trying to understand better what transpired to feel more comfortable with the situation. Inv. [REDACTED] stated they both explained their perspectives.</p>			



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	<p>Inv. ██████ reported that after speaking with ██████ in the back of the vehicle, a group of supervisors on the scene determined not to arrest ██████. Inv. ██████ believed Lieutenant ██████ to be the highest-ranking officer on the scene.</p> <p>Inv. ██████ was asked if he had an opportunity to have a closer inspection of his vehicle, and how sure he was that the scratches and marks occurred on this day. Inv. ██████ replied that he had further inspected the car and that the marks on the vehicle were worse than he had initially thought. He stated that he was 100 percent sure the marks were from that day.</p> <p>Sgt. ██████ noted that the incident made the news and that ██████ had obtained legal counsel to file a suit against the City of Rochester. Sgt. ██████ asked Inv. ██████ if he believed his actions discredited himself or the Rochester Police Department. Inv. ██████ responded that he did not think so and that everything he did was reasonable and appropriate based on the circumstances. Inv. ██████ was asked if his actions affected the Department's efficiency, and he stated, "No, not at all." Inv. ██████ said that the Department continued to function without his presence.</p> <p>Inv. ██████ stated that he would not have acted differently if ██████ had been a Caucasian female EMT. Inv. ██████ was not aware of anyone calling 911 and specifically asking that he not show up to their house, nor was he aware of anyone saying that they didn't want him to perform his duties.</p> <p>Sgt. ██████ then began his examination. Sgt. ██████ asked if Inv. ██████ had an opportunity to speak with the Monroe Ambulance Supervisor and whether he was concerned with Inv. ██████ actions.</p>			



PAB

City of Rochester
Police Accountability Board
 Established 2019

245 E. Main Street
 Rochester, NY 14604

EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	<p>Inv. ██████ said he spoke with ██████ supervisor, who did not seem concerned about Inv. ██████ actions. Sgt. ██████ asked if ██████ ever took ownership of her actions or apologized. Inv. ██████ stated that ██████ apologized for not providing her name.</p> <p>Inv. ██████ then began his examination. Inv. ██████ asked Inv. ██████ if he knew this incident became a media event. Inv. ██████ said yes. Inv. ██████ asked Inv. ██████ if the video shown on the media depicted the whole course of the event. Inv. ██████ said no; it was a very small portion of what occurred.</p> <p>Inv. ██████ asked if a representative of the Department could have been transparent regarding what transpired to eliminate the concern for the public's reaction to this incident. Inv. ██████ said sure and that having the entire context of the situation was important.</p> <p>Inv. ██████ asked about ██████ ID, which Inv. ██████ indicated was a non-driver ID that ██████ said would come back as a license. Inv. ██████ asked if this raised a concern as to why ██████ was so reluctant, bearing that she was responsible for having a valid New York State driver's license. Inv. ██████ replied, "Yes." Inv. ██████ asked if potential problems with ██████ license would affect her employment. Inv. ██████ said, "Certainly, yes."</p> <p>Sgt. ██████ asked Inv. ██████ if there was ever any discussion of ██████ conduct being reckless. Inv. ██████ responded, "For me, yes, I don't know that I ever discussed it." Inv. ██████ interjected to state there is a legal definition of reckless. Sgt. ██████ stated that Inv. ██████ was correct and asked, from a legal standpoint, if there was ever any discussion at the</p>			



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	<p>scene about her conduct being reckless relative to causing damage to the police vehicle. Inv. ██████ stated that was what he believed in that instance based on his observation. Sgt. ██████ stated that earlier, Inv. ██████ had testified that the act might have been intentional and asked Inv. ██████ to clarify. Sgt. ██████ noted that he was confused that Inv. ██████ was now saying the conduct could be reckless and asked whether Inv. ██████ believed the conduct to be intentional or reckless at the time. Inv. ██████ stated, "I believed it was definitely reckless; I believed it could have been intentional." Inv. ██████ indicated that regardless, it was potentially criminal mischief. Sgt. ██████ noted that in addition to criminal mischief, Inv. ██████ testified that ██████ could have been characterized as resisting arrest. Sgt. ██████ asked why ██████ was not charged with anything. Inv. ██████ remarked that he did not want to charge ██████ that there was no great justice in charging her, and that he believed they had come to a good conclusion.</p>			
<p>Computer Aided-Dispatch card (Net Viewer Event Information)</p>	<p>Outlines the 911 call and subsequent police response.</p>	<p>RPD</p>	<p>N/A</p>	<p>01 ECD Printout.pdf</p>
<p>Emergency Communications Department (ECD) audio</p>	<p>Audio of Investigator Charles ██████ radio call requesting a marked vehicle to respond to a miscellaneous incident.</p>	<p>RPD</p>	<p>N/A</p>	<p>02 ECD Audio.mp3</p>
<p>Officer ██████ Body-Worn Camera</p>	<p>Officer ██████ ██████ Body-Worn Camera (BWC) footage. Officer ██████ responded to the incident.</p>	<p>RPD</p>	<p>N/A</p>	<p>Downloadable BWC</p>



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
(BWC) footage	It should be noted that there is no BWC of the incident itself. Investigator [REDACTED] is not required to wear a BWC; therefore, no such footage exists.			
Security footage from Strong Memorial Hospital parking lot	<p>Security footage from the Strong Memorial Hospital parking lot captures [REDACTED] opening the driver's side of the ambulance as her partner, [REDACTED] opens the rear door at timestamp 2:27.</p> <p>At 3:34, [REDACTED] is standing at the back of the ambulance with the patient. Investigator [REDACTED] is standing between his vehicle and the ambulance, and [REDACTED] is sitting on the driver's side with her door open, facing Inv. [REDACTED]</p> <p>At 4:44, [REDACTED] and the patient are captured moving toward the hospital.</p> <p>The security cameras are continually scanning the lot. Therefore, the entire duration of the incident is not captured on security footage.</p>	<p>Outside source</p> <p>(RPD also provided this footage. However, the file does not play correctly.)</p>	N/A	Cam 42 S and A Lot West 2022-07-11.mp4
Emergency Room video 1	<p>Security footage from the Strong Memorial Hospital lobby captures [REDACTED] and [REDACTED] checking their patient in. Inv. [REDACTED] was captured on video following [REDACTED] as she worked with the patient. The emergency room (ER) video has no sound. However, Inv. [REDACTED] and [REDACTED] appear to have exchanged words in the ER. [REDACTED] was seen next to Inv. [REDACTED] pointing at the patient.</p> <p>Less than a minute had passed since entering the ER when Inv. [REDACTED] walked away from the registration area and toward a side room. Approximately 25 seconds later, Inv. [REDACTED] walked back toward [REDACTED] and [REDACTED] moved their patient to the registration desk during this time.</p>	<p>Outside source</p> <p>(RPD also provided this footage. However, the file does not play correctly.)</p>	N/A	Emergency Room #1.mp4



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	<p>██████████ and ██████████ were at the patient's side when Inv. ██████████ approached ██████████. ██████████ moved her right arm backward as Inv. ██████████ neared. Inv. ██████████ continued charging toward ██████████ as she moved backward. Inv. ██████████ placed his arms around the middle of ██████████ body and pushed ██████████ into the registration desk, which caused her body to jerk. Inv. ██████████ then pulled ██████████ back toward him by her right arm and moved her hands behind her back to cuff her. ██████████ was compliant as Inv. ██████████ cuffed her. Inv. ██████████ escorted ██████████ out of the ER.</p> <p>The video's length is 1 minute and 56 seconds.</p>			
<p>Emergency Room video 2</p>	<p>The second emergency room video is a more extended cut of the footage, at 16 minutes and 16 seconds. No additional relevant evidence is captured in this video.</p>	<p>Outside source (RPD also provided this footage. However, the file does not play correctly.)</p>	<p>N/A</p>	<p>Emergency Room #2.mp4</p>
<p>Notice of Officer Interview (compelled)</p>	<p>Notice to Investigator ██████████ to participate in a PAB interview.</p>	<p>PAB</p>	<p>Corporation Counsel declined to comply with the interview request, citing the Locust Club Collective</p>	<p>https://cityofrochester.i-sight.com/file/ed3621fb-a07e-47a6-a2ca-17b4fc6713cd</p>



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
Professional Standards Section (PSS) Investigative Summary	<p>Sergeant (Sgt.) ██████ sent this report via inter-departmental correspondence to Lieutenant ██████, Commanding Officer of PSS. In the report Sgt. ██████ summarized the incident and provided recommended findings for the General Orders that Investigator ██████ potentially violated.</p> <p>Sgt. ██████ provided the following recommendations:</p> <p>General Order 585, Arrests: Unprovable General Order 335, Subject Resistance Report: Sustained General Order 575, De-Escalation: Sustained Rules and Regulations 4.1, Conduct: Unprovable General Order 502, Equitable Policing: Unfounded General Order 520, Prisoner Transporting and Processing: Sustained</p>	Outside source	N/A	FOIL.zip
Patrol Commander Review	<p>Commanding Officer ██████ reviewed the case and recommended the following:</p> <p>Allegation #1: The Investigation of Procedure (justification to detain/arrest) – Sustained Allegation #2: The Investigation of Force – Sustained Allegation #3: The Investigation of Procedure (potential failing to de-escalate) Sustained Allegation #4: The Investigation of Conduct – Sustained Allegation #5: The Investigation of Procedure (possible bias) – Unfounded Satellite Issue #1 The Investigation of Procedure (improper handcuffing) Sustained</p> <p>█████ recommended termination stating, “There is no</p>	Outside source	N/A	FOIL.zip



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	scenario that would warrant additional opportunities for this Investigator to call himself a member of the Rochester Police Department.”			
Division Command Officer (DCO) Review	<p>DCO ██████ reviewed the case and recommended the following:</p> <p>Allegation #1: (Arrest) – Unprovable Allegation #2: (Force) – Sustained Allegation #3: (De-escalation) Sustained Allegation #4: (Conduct) – Sustained Allegation #5: (Bias) – Unfounded Satellite Issue: (Improper handcuffing) – Sustained</p> <p>DCO ██████ recommended Investigator ██████ be terminated.</p>	Outside source	N/A	FOIL.zip
Lieutenant Review Document	<p>Lieutenant ██████ reviewed the case and recommended the following:</p> <p>Allegation #1: (Arrest) – Exonerated Allegation #2: (Force) – Exonerated Allegation #3: (De-escalation) Sustained Allegation #4: (Conduct) – Unprovable Allegation #5: (Bias) – Unfounded Satellite Issue: (Improper handcuffing) – Sustained</p> <p>Lieutenant ██████ recommended Investigator ██████ receive a 60-day suspension based on his prior disciplinary history.</p>	Outside source	N/A	FOIL.zip
Captain Review Document	<p>Captain ██████ reviewed the case and recommended the following:</p> <p>Allegation #1: (Arrest) – Unprovable Allegation #2: (Force) – Sustained Allegation #3: (De-escalation) Sustained Allegation #4: (Conduct) – Sustained Allegation #5: (Bias) – Unfounded Satellite Issue: (Improper handcuffing) – Sustained</p>	Outside source	N/A	FOIL.zip



EVIDENCE REQUESTED

Evidence	Description	Provided by	Reason declined	Filename
	Captain ██████ recommended Investigator ██████ receive a 60-day suspension without pay based on his prior disciplinary history. Further, Captain ██████ recommended Inv. ██████ be trained in de-escalation and handcuffing.			
Chief Review	Chief ██████ reviewed the case and recommended the following: Allegation #1: (Arrest) – Sustained Allegation #2: (Force) – Sustained Allegation #3: (De-escalation) Sustained Allegation #4: (Conduct) – Sustained Allegation #5: (Bias) – Unfounded Satellite Issue: (Improper handcuffing) – Sustained The Chief recommended that Investigator ██████ be terminated.	Outside source	N/A	FOIL.zip

APPLICABLE RULES & LAWS

New York Penal Law § 15.05 (Culpability; definitions of culpable mental states)

1. "Intentionally." A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct.

3. "Recklessly." A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts recklessly with respect thereto.



New York Penal Law § 145.00 (Criminal mischief in the fourth degree)

A person is guilty of criminal mischief in the fourth degree when, having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

1. Intentionally damages property of another person; or
3. Recklessly damages property of another person in an amount exceeding two hundred fifty dollars;

New York Penal Law § 120.15 (Menacing in the third degree)

A person is guilty of menacing in the third degree when, by physical menace, he or she intentionally places or attempts to place another person in fear of death, imminent serious physical injury or physical injury.

Article I, § 12 of the New York State Constitution

[Security against unreasonable searches, seizures and interceptions]

§12. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Fourth Amendment of the United States Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

General Order 335 (Subject Resistance Report)

I. DEFINITIONS

A. Appropriate Force - The reasonable force, based upon the totality of the circumstances known by the member, to affect an arrest, overcome resistance, control an individual or situation, defend oneself or others, or prevent a subject's escape.



B. Force - Any intentional physical strength or energy exerted or brought to bear upon or against a person for the purpose of compulsion, constraint or restraint.

II. POLICY

A. Members may use only that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the Rochester Police Department (RPD).

Appropriateness of force used is dependent on the “totality of the circumstances” at the moment the force is used. The Use of Deadly Physical Force will be governed by G.O. 340.

It is the responsibility of each member to be aware of the requirements of Article 35 and to guide their actions based upon that law and Departmental policy and training.

General Order 337 (Use of Force)

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.

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.

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.

General Order 401 (Preliminary/Follow-up Investigations/Investigative Suspension Guidelines/Case Management System)

B. Members of the Rochester Police Department (RPD) will:

1. Comply with all legal and constitutional requirements applicable during criminal investigations.

RPD General Order 502 (Equitable Policing)

III. POLICY

A. The Rochester Police Department (RPD) neither condones nor permits the use of any bias-based profiling in arrests, traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts, and is committed to equitable policing and equal rights for all.

RPD General Order 520 (Prisoner Transporting and Processing)

III. PROCEDURES FOR TRANSPORTING PRISONERS

8. This search will include, but is not limited to:



d) Unless injuries or physical deformities interfere, all prisoners, including juveniles, will be handcuffed before being placed in the police vehicle. Handcuffs will be applied behind the prisoner's back, with palms of hands placed outward, and the handcuffs will be double locked. Note: If, due to prisoner resistance or other compelling circumstances, handcuffs cannot be double locked when they are first applied, members will double lock the handcuffs once it is safe and feasible to do so.

RPD General Order 575 (De-Escalation)

I. PURPOSE

The purpose of this general order is to set forth the Rochester Police Department's (RPD) commitment to de-escalation principles by establishing a de-escalation policy. Members should always seek to de-escalate a situation, whenever it is safe and feasible to do so. Employing de-escalation techniques may reduce the likelihood of harm to all those involved and may increase the safety of both citizens and officers.

II. DEFINITIONS

A. De-escalation – Using techniques and tactics to stabilize a situation, by strategically slowing down an incident in a manner that allows officers more time, distance, space, and tactical flexibility during dynamic situations.

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—civilian and police alike.

B. 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 in response to resistance and to increase the likelihood of securing a subject's voluntary compliance with police instructions.

C. Though Members are authorized to use reasonable force in response to resistance when necessary, members should attempt to resolve situations without using force whenever possible.

D. When force is used, Members must use only the level of force that is necessary and proportional to the threat.



E. Members shall continually assess the situation and modify their response to resistance as appropriate based on the totality of the circumstances, including stopping any use of force when it is no longer necessary.

F. Members shall not deliberately use tactics to escalate an encounter with a subject that create the need to use force.

RPD General Order 585 and Rule and Regulation 2.15 regarding arrests

RPD Rule and Regulation 2.15

Members shall make arrests in full compliance and conformity with all laws and Department procedures.

General Order 585

I. DEFINITIONS

B. Reasonable Cause: “Reasonable cause to believe that a person has committed an offense” exists when evidence or information which appears reliable discloses facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment and experience that it is reasonably likely that such offense was committed and that such person committed it. NY Criminal Procedure Law (CPL), § 70.10-2. NOTE: This term may be used interchangeably with the term “probable cause.”

II. POLICY

A. The authority to arrest, granted by the people of the State of New York to a police officer, carries with it the responsibility to exercise discretion, but that discretion is necessarily limited. A variety of circumstances (e.g., seriousness of conduct, willingness of the victim to prosecute with exception of domestic violence mandatory arrests, age of the suspect, recidivism), as well as various options (e.g., resolution, warning, referral, summons, appearance ticket, physical arrest), warrant due consideration prior to any action.

B. It is the policy of the Rochester Police Department (RPD) that no person will be arrested without reasonable cause to believe that an offense has been committed. Authority to arrest is strictly limited to those situations where the Criminal Procedure Law (CPL) of the State of New York authorizes an arrest.

C. The RPD neither condones nor permits the use of any bias-based profiling as defined in G.O. 502, Equitable Policing, in arrests, traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts, and is committed to equitable policing and equal rights for all.

RPD Rule and Regulation 2.1a

GENERAL DUTIES

a) Members shall protect life and property, preserve the peace, prevent violations of the law, detect and arrest violators of the law and enforce those laws of the United States, the State of New York, and the local laws and Ordinances of the City of Rochester over which the Department has jurisdiction.

RPD Rule and Regulation 2.1b

GENERAL DUTIES

b) Employees shall perform their duties in a competent manner.

RPD Rule and Regulation 2.11

ATTITUDE AND IMPARTIALITY

Employees must exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects, or any other person.

RPD Rule and Regulation 2.23c

PERFORMANCE OF DUTIES

c) Employees shall not commit an act of malfeasance.

RPD Rule and Regulation 4.1a

CONDUCT

a) Employees shall so conduct themselves in both their private and professional lives as to avoid bringing discredit upon the Department.



RPD Rule and Regulation 4.1b

CONDUCT

b) Employees shall not engage in conduct on or off-duty which adversely affects the efficiency of the Department, or engage in conduct on or off-duty which has a tendency to impair public respect for the employee and/or the Department, and/or impair confidence in the operation of the Department.

RPD Rule and Regulation 4.2a

COURTESY

a) Employees shall be courteous, civil and tactful in the performance of their duties.

RPD Rule and Regulation 4.18

DEPARTMENT PROPERTY AND EQUIPMENT

Employees shall be held responsible for the proper care and use of property and equipment assigned to or used by them. When obtaining any equipment, and again upon its return, it is the employee's responsibility to inspect the equipment. Upon discovery, employees shall immediately report in writing all damage to vehicles and equipment. Such report shall contain all known facts surrounding the cause and nature of the damage.

Training Bulletin L-05-97: Police Initiated Encounters with Citizens

1. The first level can be called a REQUEST FOR INFORMATION. This type of citizen contact is one step above a casual conversation and is further described by the following factors.

- There is an objective, credible reason for the request.
- There need not be an indication of a crime.
- Request may be for identity, destination, purpose for presence and if the individual is carrying something that would appear to be unusual to a trained police officer, the police officer may ask about the object.
- The individual may refuse to answer and leave.



Information obtained at this level may authorize actions at a higher level if appropriate factors are established. (This may include the development of probable cause.)

2. The second level is referred to as A COMMON LAW RIGHT OF INQUIRY. The many factors are the same as in level 1 (above), the most significant difference is in the reason for the inquiry.

- There must be a founded SUSPICION that criminal activity is afoot.
- Questions focusing on the individual that are more accusatory and/or incriminating, than in level one, may be asked.
- Questions relating to ownership of an item may be asked.
- You may request permission to search.
- The individual may refuse the search.
- The individual may refuse to answer.
- The individual may leave.

Information obtained at this level may authorize actions at a higher level. (This may include establishing probable cause.)

3. The third level is that of REASONABLE SUSPICION. At this level your suspicion must focus on the person.

- You must have reasonable suspicion that the person has been, is now, or is about to be involved in the commission of an offense. The following facts are examples which may be used to develop reasonable suspicion and must be articulable:
 - the time of the incident
 - the location of the incident
 - actions which a police officer knows from experience to be consistent with criminal activity.
 - flight by the individual (Caution: flight alone is NOT ENOUGH to justify a stop or pursuit and does NOT constitute reasonable suspicion.)
- The person may be pursued, forcibly stopped, and detained for a short time until probable cause is established. (The detainment may be for the purpose of briefly transporting the individual for a show-up).
- A pat-down FOR WEAPONS is permissible at this level for your safety. Reasonable suspicion DOES NOT justify a full search for contraband or evidence even if it is felt during the pat-down.



ONLY ITEMS THAT COULD BE USED TO HARM YOU ARE CONSIDERED WEAPONS.
(This does not include soft, spongy bags, vials, etc.)

NOTE: New York State has taken a more restrictive view than the United States Supreme Court in this area and has held that “plain touch” does NOT apply here. Therefore, the “plain touch” doctrine, announced by the United States Supreme Court in *Minnesota v. Dickerson*, does not apply in New York State.

Information obtained at this level may establish probable cause.

4. The fourth level involves the arrest and search of an individual for contraband or evidence of criminal activity. A police officer needs PROBABLE CAUSE to take such action. Probable cause requires information sufficient to support a reasonable belief that an offense has been or is being committed by the suspect. Under these circumstances, the search of the suspect should be conducted after the suspect is arrested.

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: Investigator [REDACTED] violated RPD General Order 585 (Arrests), Rule and Regulation 2.15 (Arrests), General Order 401 (Investigation Process), Article I, § 12 of the New York State Constitution and the Fourth Amendment of the United States Constitution regarding unreasonable searches and seizures by unlawfully arresting [REDACTED].

Investigator [REDACTED] indicated that he was investigating [REDACTED] for criminal mischief. According to Inv. [REDACTED] he subsequently arrested [REDACTED]. Although [REDACTED] was not formally charged, [REDACTED] was cuffed and placed in a squad car that was called to the scene by Inv. [REDACTED]. Supervising officers ultimately chose to release [REDACTED] however, Inv. [REDACTED] actions suggest that he placed [REDACTED] in custody with the intent to arrest her. Inv. [REDACTED] lacked probable cause to do so.

New York Penal Law § 145.00 indicates that a person is guilty of criminal mischief in the fourth degree when having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

Intentionally damages property of another person; or Recklessly damages property of another person in an amount exceeding two hundred fifty dollars.

New York Penal Law § 15.05 defines "Intentionally" as when a person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct.

When asked why he believed [REDACTED] struck his door intentionally, Inv. [REDACTED] stated that it was the way "it occurred combined with the way she responded afterward" and "the force behind the door strike," which Inv. [REDACTED] described as "out of the ordinary" and "very forceful." However, Inv. [REDACTED] Incident Report contradicts this statement, wherein Inv. [REDACTED] stated that the marks from the ambulance "appeared to be mostly superficial and could probably be buffed out."

Photographs of the damage revealed a small paint transfer and no dents on the vehicle. Furthermore, [REDACTED] reported that she did not hit the door intentionally and agreed to provide Inv. [REDACTED] with her ID after the patient was checked in. Inv. [REDACTED] arrested [REDACTED] before she finished assisting her patient. During his Professional Standards Section interview,



Lieutenant [REDACTED] stated that he and Sergeant [REDACTED] felt there was a lack of intent for a crime to have occurred.

Inv. [REDACTED] also suggested [REDACTED] [REDACTED] could have acted recklessly. New York Penal Law § 15.05 defines "Recklessly" as when a person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts recklessly with respect thereto.

Based on the circumstances of the event, there is no evidence that [REDACTED] [REDACTED] was aware of and consciously disregarded a substantial and unjustifiable risk when she opened her door and struck Inv. [REDACTED] passenger door. Nor was the action of such a nature and degree that disregard thereof constituted a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

Additionally, reports of Inv. [REDACTED] being "in a rage," and his demeanor being "irritated," and "angry" suggests that Inv. [REDACTED] response was personal rather than in pursuit of a criminal investigation.

The allegation that Investigator [REDACTED] violated RPD General Order 585 (Arrests), Rule and Regulation 2.15 (Arrests), General Order 401 (Investigation Process), Article I, § 12 of the New York State Constitution and the Fourth Amendment of the United States Constitution regarding unreasonable searches and seizures by unlawfully arresting [REDACTED] [REDACTED] is sustained.

Allegation 2: Investigator [REDACTED] violated RPD General Order 335 (Subject Resistance Report) and General Order 337 (Use of Force) by using unnecessary force when arresting [REDACTED] [REDACTED]

General Order 335 defines appropriate force as "The reasonable force, based upon the totality of the circumstances known by the member, to affect an arrest, overcome resistance, control an individual or situation, defend oneself or others, or prevent a subject's escape."

During the incident, [REDACTED] [REDACTED] wore a Monroe Ambulance shirt and operated a marked ambulance. [REDACTED] [REDACTED] was on duty and assisting her patient. It was not reasonable for Inv. [REDACTED] to believe that force was necessary to prevent her from escaping while she was on a job site performing her work duties.



Furthermore, based on the video evidence from the Strong Memorial Hospital lobby, Inv. [REDACTED] appeared to resort to force before allowing [REDACTED] time to comply with his requests. Inv. [REDACTED] and [REDACTED] were inside the emergency room for approximately a minute and a half before he used force while arresting her. [REDACTED] had yet to finish checking the patient in.

Although [REDACTED] is captured moving away from Inv. [REDACTED] she does not resist arrest. The level of force Inv. [REDACTED] used was not proportionate to the totality of the circumstances.

The allegation that Investigator [REDACTED] violated RPD General Order 335 (Subject Resistance Report) and General Order 337 (Use of Force) by using unnecessary force when arresting [REDACTED] is sustained.

Allegation 3: Investigator [REDACTED] violated RPD General Order 502 (Equitable Policing) by engaging in bias-based policing when interacting with and arresting [REDACTED].

[REDACTED] reported that she felt if she had been a white woman, Inv. [REDACTED] would not have acted that way toward her. However, there is insufficient evidence to make a determination regarding this claim.

The allegation that Investigator [REDACTED] violated RPD General Order 502 (Equitable Policing) by engaging in bias-based policing when interacting with and arresting [REDACTED] is not sustained.

Allegation 4: Investigator [REDACTED] violated RPD General Order 520 (Prisoner Transporting and Processing) by failing to double lock the handcuffs he placed on [REDACTED].

General Order 520 states, "Handcuffs will be applied behind the prisoner's back, with palms of hands placed outward, and the handcuffs will be double locked."

During his Professional Standards Section interview, Inv. [REDACTED] reported that he failed to double lock [REDACTED] cuffs.

The allegation that Investigator [REDACTED] violated RPD General Order 520 (Prisoner Transporting and Processing) by failing to double lock the handcuffs he placed on [REDACTED] is sustained.



Allegation 5: Investigator [REDACTED] violated RPD General Order 575 (De-Escalation) by failing to de-escalate and failing to attempt to resolve the incident without using force.

General Order 575 defines de-escalation as "Using techniques and tactics to stabilize a situation by strategically slowing down an incident in a manner that allows officers more time, distance, space, and tactical flexibility during dynamic situations." General Order 575 indicates that members are authorized to use reasonable force in response to resistance when necessary, though they should attempt to resolve situations without using force whenever possible.

The Strong Memorial Hospital lobby footage depicts Inv. [REDACTED] following [REDACTED] [REDACTED] closely as she assisted her patient. Inv. [REDACTED] and [REDACTED] were inside the emergency room for approximately a minute and a half before he used unnecessary force when affecting her arrest. [REDACTED] [REDACTED] reported that she agreed to give Inv. [REDACTED] her ID after she finished assisting her patient. However, [REDACTED] [REDACTED] had yet to finish checking the patient in when Inv. [REDACTED] arrested her. Additionally, he appeared to resort to force before allowing [REDACTED] [REDACTED] time to comply with his requests.

Inv. [REDACTED] unnecessarily escalated the incident. He failed to give [REDACTED] [REDACTED] time, distance, and space to stabilize the situation. Furthermore, he failed to resolve the event without the use of force.

The allegation that Investigator [REDACTED] violated RPD General Order 575 (De-Escalation) by failing to de-escalate and failing to attempt to resolve the incident without using force is sustained.

Allegation 6: Investigator [REDACTED] violated RPD Rule and Regulation 2.1a by failing to protect life and preserve the peace when interacting with [REDACTED] [REDACTED] and when disrupting patient care.

During this incident, Inv. [REDACTED] asked [REDACTED] [REDACTED] for her ID, but [REDACTED] [REDACTED] indicated that she needed to assist her partner, [REDACTED] [REDACTED] with their patient. According to witness testimony, Inv. [REDACTED] placed [REDACTED] [REDACTED] in a "bear hug" as she tried to walk away.

However, he released [REDACTED] [REDACTED] and allowed them to walk into the emergency department when the patient's gurney became unstable as a result of Inv. [REDACTED] [REDACTED] actions. Once inside the emergency room, Inv. [REDACTED] [REDACTED] continued to disrupt patient care. Inv. [REDACTED] [REDACTED] also never inquired to determine what medical emergency was being treated. Based on these actions, Inv. [REDACTED] [REDACTED] failed to protect life and preserve the peace.



The allegation that Investigator [REDACTED] violated RPD Rule and Regulation 2.1a by failing to protect life and preserve the peace when interacting with [REDACTED] [REDACTED] and when disrupting patient care is sustained.

Allegation 7: Investigator [REDACTED] violated RPD Rule and Regulation 2.1b by failing to perform his duties in a competent manner when interacting with [REDACTED] [REDACTED] and when disrupting patient care.

During this incident, Inv. [REDACTED] asked [REDACTED] for her ID, but [REDACTED] [REDACTED] indicated that she needed to assist her partner, [REDACTED] [REDACTED] with their patient. According to witness testimony, Inv. [REDACTED] placed [REDACTED] [REDACTED] in a "bear hug" as she tried to walk away.

He released [REDACTED] [REDACTED] and allowed them to walk into the emergency department when the patient's gurney became unstable. Once inside the emergency room, Inv. [REDACTED] continued to disrupt patient care. Inv. [REDACTED] arrested [REDACTED] [REDACTED] while using excessive force before she was able to finish checking the patient into the emergency room, and did so without a lawful basis to arrest. Based on these actions, Inv. [REDACTED] failed to perform his duties competently.

The allegation that Investigator [REDACTED] violated RPD Rule and Regulation 2.1b by failing to perform his duties in a competent manner when interacting with [REDACTED] [REDACTED] and when disrupting patient care is sustained.

Allegation 8: Investigator [REDACTED] violated RPD Rule and Regulation 4.1a by conducting himself in a manner that brought discredit upon the Department.

Inv. [REDACTED] engaged in conduct throughout this incident which resulted in violations of the law and multiple violations of RPD's rules, regulations, and general orders. Inv. [REDACTED] conduct discredited the Rochester Police Department.

The allegation that Investigator [REDACTED] violated RPD Rule and Regulation 4.1a by conducting himself in a manner that brought discredit upon the Department is sustained.

Allegation 9: Investigator [REDACTED] violated RPD Rule and Regulation 4.1b by engaging in conduct that adversely affected the efficiency of the Department.

Subsequent to this incident, Inv. [REDACTED] radioed for additional assistance, as he did not have a partition in his vehicle. During his interview, Sgt. [REDACTED] noted that it was unusual for an investigator to call out on the radio in that fashion, so he went to the hospital.



Several officers responded to the scene, including Officer [REDACTED]. At timestamp 16:23:41 of Officer [REDACTED] Body Worn Camera, Officer [REDACTED] expressed that was not sure if the Person in Crisis team was needed for his previous job, as he had to leave to respond to the hospital to assist Inv. [REDACTED]. Additionally, at timestamp 16:31:23, Officer [REDACTED] notes that he believed that he had seven jobs holding.

Inv. [REDACTED] escalated the situation, which led to the wrongful arrest of [REDACTED] [REDACTED] [REDACTED] [REDACTED]. The arrest prompted the need for additional RPD cars and officers, which adversely affected the Department's efficiency.

The allegation that Investigator [REDACTED] violated RPD Rule and Regulation 4.1b by engaging in conduct that adversely affected the efficiency of the Department is sustained.

Allegation 10: Investigator [REDACTED] violated RPD Rule and Regulation 4.2a regarding courtesy when he failed to remain courteous, civil, and tactful in the performance of his duties when interacting with [REDACTED] [REDACTED] and when disrupting patient care.

During the incident, Inv. [REDACTED] was reportedly "in a rage," and his demeanor was "irritated," and "angry." Inv. [REDACTED] violated multiple laws, rules, regulations, and general orders, which included excessive use of force. Inv. [REDACTED] escalated the incident as he failed to perform his duties tactfully.

The allegation that Investigator [REDACTED] violated RPD Rule and Regulation 4.2a regarding courtesy when he failed to remain courteous, civil, and tactful in the performance of his duties when interacting with [REDACTED] [REDACTED] and when disrupting patient care is sustained.

Allegation 11: Investigator [REDACTED] violated RPD Rule and Regulation 4.18 by failing to inspect his patrol car and the previously sustained damage to his passenger side mirror.

RPD Rule and Regulation 4.18 states, "Employees shall be held responsible for the proper care and use of property and equipment assigned to or used by them. When obtaining any equipment, and again upon its return, it is the employee's responsibility to inspect the equipment. Upon discovery, employees shall immediately report in writing all damage to vehicles and equipment. Such report shall contain all known facts surrounding the cause and nature of the damage."

In his Incident Report, Investigator [REDACTED] indicated that although he noticed the damage to his mirror after [REDACTED] [REDACTED] struck his door, upon further inspection, he realized the damage was old. Had Inv. [REDACTED] previously inspected his equipment properly, he would have been aware of the prior damage to the passenger side mirror.



The allegation that Investigator [REDACTED] violated RPD Rule and Regulation 4.18 by failing to inspect his patrol car and the previously sustained damage to his passenger side mirror is sustained.

RECOMMENDED FINDINGS

#	Officer	Allegation	Finding/ Recommendation
1	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 585 (Arrests), Rule and Regulation 2.15 (Arrests), General Order 401 (Investigation Process), Article I, § 12 of the New York State Constitution and the Fourth Amendment of the United States Constitution regarding unreasonable searches and seizures by unlawfully arresting [REDACTED]	Sustained
2	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 335 (Subject Resistance Report) and General Order 337 (Use of Force) by using unnecessary force when arresting [REDACTED]	Sustained
3	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 502 (Equitable Policing) by engaging in bias-based policing when interacting with and arresting [REDACTED]	Not Sustained
4	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 520 (Prisoner Transporting and Processing) by failing to double lock the handcuffs he placed on [REDACTED]	Sustained
5	Investigator [REDACTED]	Investigator [REDACTED] violated RPD General Order 575 (De-Escalation) by failing to de-escalate and failing to attempt to resolve the incident without using force.	Sustained
6	Investigator [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 2.1a by failing to protect life and preserve the peace when interacting with [REDACTED] and when disrupting patient care.	Sustained
7	Investigator [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 2.1b by failing to perform	Sustained



#	Officer	Allegation	Finding/ Recommendation
		his duties in a competent manner when interacting with [REDACTED] [REDACTED] and when disrupting patient care.	
8	Investigator [REDACTED] [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 4.1a, by conducting himself in a manner that brought discredit upon the department.	Sustained
9	Investigator [REDACTED] [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 4.1b engaging in conduct that adversely affected the efficiency of the Department.	Sustained
10	Investigator [REDACTED] [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 4.2a regarding courtesy when he failed to remain courteous, civil and tactful in the performance of his duties when interacting with [REDACTED] [REDACTED] and when disrupting patient care.	Sustained
11	Investigator [REDACTED] [REDACTED]	Investigator [REDACTED] violated RPD Rule and Regulation 4.18 by failing to inspect his patrol car and the previously sustained damage to his passenger side mirror.	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.

This is Investigator [REDACTED] first sustained PAB investigation. However, he has a history of police misconduct including two motor vehicle accidents, three citizen complaints, and two RPD memorandums.

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

Sustained Allegation 1 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
Investigator [REDACTED] violated RPD General Order 585 (Arrests), Rule and Regulation 2.15 (Arrests), General Order 401 (Investigation Process), Article I, § 12 of the New York State Constitution and the Fourth Amendment of the United States Constitution regarding unreasonable searches and seizures by unlawfully arresting [REDACTED] [REDACTED]	5

- Recommended Level: 5 (“Criminal misdemeanor, felony, or severe misconduct, or; major negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies, or; demonstrates serious lack of integrity, ethics, or character and includes conduct that could effectively disqualify an officer from continued employment as a law enforcement officer.”)
- Recommended Discipline: **Termination for a Level 5 offense and the egregious circumstances surrounding it.**

Sustained Allegation 2 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
Investigator [REDACTED] violated RPD General Order 335 (Subject Resistance Report) and General Order 337 (Use of Force) by using unnecessary force when arresting [REDACTED] [REDACTED]	5



- Recommended Level: 5 (“Criminal misdemeanor, felony, or severe misconduct, or; major negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies, or; demonstrates serious lack of integrity, ethics, or character and includes conduct that could effectively disqualify an officer from continued employment as a law enforcement officer.”)
- Recommended Discipline: **Termination for a Level 5 offense and the egregious circumstances surrounding it.**

Sustained Allegation 3 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
Investigator [REDACTED] violated RPD General Order 520 (Prisoner Transporting and Processing) by failing to double lock the handcuffs he placed on [REDACTED].	1

- Recommended Level: 1 (“Minimal negative impact to individuals, community, or public perception of the agency with no impact on relationships with other agencies.”)
- Recommended Discipline: **Written reprimand.**

Sustained Allegation 4 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
Investigator [REDACTED] violated RPD General Order 575 (De-Escalation) by failing to de-escalate and failing to attempt to resolve the incident without using force.	5

- Recommended Level: 5 (“Criminal misdemeanor, felony, or severe misconduct, or; major negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies, or; demonstrates serious lack of integrity, ethics, or character



and includes conduct that could effectively disqualify an officer from continued employment as a law enforcement officer”)

- **Recommended Discipline: Termination for a Level 5 offense and the egregious circumstances surrounding it.**

Sustained Allegation 5 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
Investigator [REDACTED] violated RPD Rule and Regulation 2.1a by failing to protect life and preserve the peace when interacting with [REDACTED] [REDACTED] and when disrupting patient care.	3

- **Recommended Level:** 3 (“Pronounced negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies”)
- **Recommended Discipline:** 10 day suspension.

Sustained Allegation 6 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
Investigator [REDACTED] violated RPD Rule and Regulation 2.1b by failing to perform his duties in a competent manner when interacting with [REDACTED] [REDACTED] and when disrupting patient care.	2

- **Recommended Level:** 2 (“More than minimal negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies”)
- **Recommended Discipline:** 5-day suspension.

Sustained Allegation 7 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX



Misconduct	Level
Investigator [REDACTED] violated RPD Rule and Regulation 4.1a, by conducting himself in a manner that brought discredit upon the department.	1

- Recommended Level: 1 (“Minimal negative impact to individuals, community, or public perception of the agency with no impact on relationships with other agencies.”)
- Recommended Discipline: **Written reprimand.**

Sustained Allegation 8 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
Investigator [REDACTED] violated RPD Rule and Regulation 4.1b engaging in conduct that adversely affected the efficiency of the Department.	4

- Recommended Level: 4 (“Significant negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies.”)
- Recommended Discipline: **60-day suspension.**

Sustained Allegation 9 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
Investigator [REDACTED] violated RPD Rule and Regulation 4.2a regarding courtesy when he failed to remain courteous, civil and tactful in the performance of his duties when interacting with [REDACTED] [REDACTED] and when disrupting patient care.	3

- Recommended Level: 3 (“Pronounced negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies.”)
- Recommended Discipline: **10-day suspension.**



PAB

City of Rochester
Police Accountability Board
Established 2019

245 E. Main Street
Rochester, NY 14604

Sustained Allegation 10 against Investigator [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
Investigator [REDACTED] violated RPD Rule and Regulation 4.18 by failing to inspect his patrol car and the previously sustained damage to his passenger side mirror.	1

- Recommended Level: 1 (“Minimal negative impact to individuals, community, or public perception of the agency with no impact on relationships with other agencies”)
- Recommended Discipline: **Written reprimand.**