





## **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:**

██████████ Rules and Regulations 2.11 (Attitude and Impartiality): Officer ██████████ exhibited partiality in ██████ interaction with ██████████

- **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:**

██████████ Rules and Regulations 4.2 (a) (Courtesy): Officer ██████████ was discourteous in ██████ interaction with ██████████

- **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:**

██████████ General Order 465 (RMS Incident Report): Officer ██████████ did not submit the incident report within the proscribed amount of time.

- **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 # 4:**

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

- **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**



City of Rochester  
Police Accountability Board  
Established 2019

245 E. Main Street  
Rochester, NY 14604

---

## CLOSING REPORT

---

---

### STATEMENT OF AUTHORITY

---

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

---

---

### EXECUTIVE SUMMARY

---

The following events took place on June 16, 2022, at approximately 3:30 pm, at [REDACTED], [REDACTED].

On the above mentioned date and time, Officer [REDACTED] responded to [REDACTED] after [REDACTED] placed a call to 911 to report that [REDACTED] had just been assaulted. Once there, [REDACTED] informed Officer [REDACTED] that [REDACTED] wished to file a report due to [REDACTED] being assaulted by a tenant in [REDACTED] apartment complex.

Officer [REDACTED] informed [REDACTED] that if [REDACTED] wished to proceed with filing charges, then charges would also be filed against [REDACTED] due to allegations of mutual combat. [REDACTED] responded by informing Officer [REDACTED] that [REDACTED] still wished to proceed with filing assault charges. Officer [REDACTED] then documented the incident and provided [REDACTED] with a report number.

[REDACTED] also later informed Officer [REDACTED] that [REDACTED] did not assault the other party and that the other party was lying. Officer [REDACTED] responded by telling [REDACTED] that she looked up [REDACTED] criminal record and she knows all about [REDACTED].

[REDACTED] subsequently visited the City of Rochester Public Safety Building on at least two occasions in an effort to obtain a copy of the report so that [REDACTED] may proceed in pressing charges. [REDACTED] was told on each occasion that the report had not yet been [REDACTED] then followed up with Officer [REDACTED] via phone.

Officer [REDACTED] began the phone conversation by asking [REDACTED] why [REDACTED] was calling her. [REDACTED] then told Officer [REDACTED] that [REDACTED] was calling because it had been almost a month and the report had still not been filed. Officer [REDACTED] responded by stating that filing the report was on her list of things to do. [REDACTED] then asked Officer [REDACTED] if she could "hurry up and do it" because there was a deadline associated with filing charges. Officer [REDACTED] responded by telling [REDACTED] that she would "get around to it when [she] got around to it".

[REDACTED] then reported these interactions to the Police Accountability Board. [REDACTED] chief complaints related to the manner in which Officer [REDACTED] spoke to [REDACTED], and the time in which it took Officer [REDACTED] to enter the incident report into the law enforcement system.



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

245 E. Main Street  
 Rochester, NY 14604

**INVOLVED OFFICERS**

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

**INVOLVED INDIVIDUALS**

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

**ALLEGATIONS**

1	Officer [REDACTED]	Rules and Regulations 2.11 (Attitude and Impartiality): Officer [REDACTED] exhibited partiality in her interaction with [REDACTED].
2	Officer [REDACTED]	Rules and Regulations 4.2 (a) (Courtesy): Officer [REDACTED] was discourteous in her interaction with [REDACTED].
3	Officer [REDACTED]	General Order 465 (RMS Incident Report): Officer [REDACTED] did not submit the incident report within the proscribed amount of time.
4	Officer [REDACTED]	Body Worn Camera Policy (Recording Requirements and Restrictions): Officer [REDACTED] did not activate her body worn camera during her interaction with [REDACTED].

**INVESTIGATION**

Reporter [REDACTED] filed a complaint with the Police Accountability Board on July 22, 2022.

The Police Accountability Board notified the Rochester Police Department of its investigation and requested corresponding documents to which the Rochester Police Department responded on September 28, 2022.

On September 28, 2022, the Rochester Police Department provided the Police Accountability Board with one detailed report, one incident report, one job card, and one report detailing Officer [REDACTED] disciplinary history. These documents show that a report was created on June 16,



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

245 E. Main Street  
 Rochester, NY 14604

2022 and were entered by Officer [REDACTED] on July 19, 2022. [S-SharePoint File Transfer - Incident Report, Officer cor \[REDACTED\], Supervisor cor \[REDACTED\], Merged By COR \[REDACTED\] - All Documents.](#)

On April 25, 2024, the Police Accountability Board conducted an in-person interview of [REDACTED]. During this interview, [REDACTED] stated that Officer [REDACTED] made comments to [REDACTED] such as “I looked at your criminal record. I know all about you”; and “I’ll get around to it [filing the incident report] when I get around to it”.

This investigation concluded after a thorough review of all available evidence which included the four documents provided by the Rochester Police Department and the interview with [REDACTED]. There are no audio and/or visual recordings of these events, as Officer [REDACTED] did not activate her body camera. A request was made to the Rochester Police Department for an officer statement, however, such request was denied and deemed to be in violation of the collective bargaining agreement which governs the Rochester Police Department. Furthermore, there was one eye witness to the events of this complaint; however, that witness has dementia and was under the care of [REDACTED] during all times relevant. [REDACTED] is also no longer in contact with the witness and the Police Accountability Board does not have any contact information for that witness.

**EVIDENCE PROVIDED**

Evidence	Description	Provided by	Filename
Intake Report	[REDACTED] initial report	[REDACTED]	<a href="#">i-Sight   Case 2022-0073   Details   Overview</a>
Request for Information Response	Detailed Report	Rochester Police Department	<a href="#">S-SharePoint File Transfer - 2022-00121459.pdf - All Documents</a>
Request for Information Response	Incident Report	Rochester Police Department	<a href="#">S-SharePoint File Transfer - Incident Report, Officer cor [REDACTED], Supervisor cor [REDACTED], Merged By COR [REDACTED].pdf - All Documents</a>
Request for Information Response	Job Card	Rochester Police Department	<a href="#">S-SharePoint File Transfer - JOB CARD.pdf - All Documents</a>
Request for Information Response	Officer [REDACTED] Disciplinary History	Rochester Police Department	<a href="#">S-SharePoint File Transfer - Ofc. [REDACTED] discipline record.pdf - All Documents</a>
Audio and Visual Interview	Interview of Alaina [REDACTED]	Police Accountability Board	<a href="#">IMG_0032.MOV (sharepoint.com)</a>



**EVIDENCE DENIED**

<b>Evidence</b>	<b>Description</b>	<b>Reason declined</b>
Body Camera Footage	Request from the Police Accountability Board to the Rochester Police Department	None exists.
Formal Officer Statement	Request from the Police Accountability Board to the Rochester Police Department	Compelled police officer statements are in direct conflict with the collective bargaining agreement.

**APPLICABLE RULES & LAWS**

**Rochester Police Department Rules and Regulations**

2.11 ATTITUDE AND IMPARTIALITY

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

4.2 COURTESY

- a) Employees shall be courteous, civil and tactful in the performance of their duties.
- b) Employees shall not express or otherwise manifest any prejudice concerning age, marital status, handicap, disability, race, creed, color, religion, national or ethnic origin, sex, sexual preference, or other personal characteristics.
- c) Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or other person.

**Rochester Police Department General Order**

465 RMS INCIDENT REPORT<sup>1</sup>

II. POLICY

A. The RMS Incident Report (IR) will be used to record investigations of all criminal and non-criminal incidents, including Missing Person investigations, that have occurred within the City of Rochester (COR). Additionally, all out-of-jurisdiction incidents (e.g. property stolen outside the COR but recovered within the COR) will be recorded on an IR.

---

<sup>1</sup> The RMS Incident Report policy has been condensed for the purposes of this document. The entirety of which may be found at [GO 465 Incident Report \(1\).pdf](#).



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

245 E. Main Street  
Rochester, NY 14604

---

1. Violations, misdemeanors, felony DWIs and AUOs under the Vehicle and Traffic Law, and Municipal Code Violations will NOT be recorded on the IR.
2. All other Vehicle and Traffic Law felonies (e.g. unregistered dismantler, leaving the scene of a personal injury accident resulting in death or serious physical injury) will be recorded on the IR.

B. Members will ensure that the proper Occurred Incident Type is selected when completing an IR.

1. For criminal incidents involving multiple charges, members will select the first one shown on the 'occurred incident type' drop-down field, as this is the most serious offense in the incident according to UCR and IBR standards.
2. For non-criminal incidents, select the description that best fits the circumstances of the incident.

C. Members will document all investigative steps and relevant information on an IR whenever there is reasonable cause to believe a felony has been committed. The IR will also be submitted for felonies, whether or not the victim is cooperative, at the time of the incident.

D. The responsibility to ensure compliance with all applicable provisions of the New York State Executive Law, Article 22, regarding crime victim compensation and services will be shared by all employees. Employees will provide victims with a copy of the Victim Information Sheet, (Attachments A or B), which contains this information.

E. Preliminary investigations will be guided by the policies and procedures detailed in the Rochester Police Department Preliminary Investigation Manual and other current directives. The member will conduct a thorough preliminary investigation and record all information as required on an IR.

F. Members will complete and submit reports by the end of their tour of duty, unless directed otherwise by competent authority in accordance with this order.

## **Rochester Police Department Body Worn Camera Manual**

### **IV. Recording Requirements and Restrictions<sup>2</sup>**

A. Members assigned a BWC will activate it and record all activities, and all contact with persons, in the course of performing police duties as soon as it is safe and practical to do so, as set forth in this Manual.

1. Members will activate and record with the BWC preferably upon being dispatched and prior to exiting their police vehicle, or prior to commencing any activity if on foot patrol, as set forth below.

---

<sup>2</sup> The body worn camera policy has been condensed for purposes of this document. The entirety of which may be viewed using the following link. [Body Worn Camera \(BWC\) Manual | Rochester, NY Police Department Open Data Portal \(arcgis.com\)](#)





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

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

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

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

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

1. While driving or a passenger during routine vehicle patrol.
2. Traffic control and traffic points.
3. Walking beats, directed patrol, corner posts, and special attention checks.
4. Completing reports when no longer in the presence of civilians (e.g., in a police car or in a police facility).
5. Interviewing cooperative victims, witnesses, and persons with knowledge in a private residence or a police facility.



City of Rochester  
Police Accountability Board  
Established 2019

245 E. Main Street  
Rochester, NY 14604

6. Conducting general photo queries, photo arrays, and physical line-ups.
7. While conducting parking enforcement if no civilians are present.
8. Completing security surveys.
9. Conducting a neighborhood canvass.
10. During community or neighborhood meetings; or meetings of government bodies or agencies.
11. Routine walk-up requests for information or assistance (e.g., giving directions).
12. Civilian transports.

---

### STANDARD OF PROOF

---

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

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

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

---

### ANALYSIS

---

The following findings are made based on the above standards:

Allegation 1: Officer [REDACTED] exhibited partiality in her interaction with [REDACTED]

The Rochester Police Department’s Rules and Regulations 2.11 states that Officers must exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects, or any other person. Impartiality is defined as “the terms used for something unbiased, fair, and neutral”. [IMPARTIAL Definition & Meaning - Black’s Law Dictionary \(thelawdictionary.org\)](#). It is also commonly understood to mean objective and unprejudiced.

Officer [REDACTED] responded to [REDACTED] after [REDACTED] placed a call to 911 to report that [REDACTED] had just been assaulted. Once there, Officer [REDACTED] informed



City of Rochester  
Police Accountability Board  
Established 2019

245 E. Main Street  
Rochester, NY 14604

---

██████████ that if ██████████ wanted to file assault charges, then charges would be filed against ██████████ as well due to allegations of mutual combat. ██████████ insisted that ██████████ did not assault the other party and that ██████████ still wished to file assault charges on ██████████ own behalf. In response, Officer ██████████ completed an incident report at the request of ██████████ and provided ██████████ with the report number.

██████████ followed up with Officer ██████████ via phone call, approximately four weeks later in an attempt to get a physical copy of the actual report. During their follow up conversation, Officer ██████████ informed ██████████ that she looked at ██████████ criminal record and Officer ██████████ knows all about ██████████

Officer ██████████ exhibited partiality by mentioning ██████████ criminal record.

*Allegation 1 against Officer ██████████ is sustained.*

Allegation 2: Officer ██████████ was discourteous in her interaction with ██████████

The Rochester Police Department's Rules and Regulations 4.2 (a) states that Officers shall be courteous, civil, and tactful in the performance of their duties.

When ██████████ and Officer ██████████ spoke on the phone regarding the filing of the incident report, ██████████ informed Officer ██████████ that ██████████ was calling because it had been almost a month and the report had still not been filed. Officer ██████████ responded by stating that filing the report was on her list of things to do. ██████████ then asked Officer ██████████ if she could "hurry up and do it" because there was a deadline associated with filing charges. Officer ██████████ responded by telling ██████████ that she would "get around to it when [she] got around to it". Officer ██████████ responded by saying that she "will get to it when [she] gets to it". This response did not provide a tangible timeline in which ██████████ could expect the report in which ██████████ was entitled to. Furthermore, Officer ██████████ displayed a lack of courtesy by informing ██████████ that she will get to her report when she gets to it.

*Allegation 2 against Officer ██████████ is sustained.*

Allegation 3: Officer ██████████ did not submit the incident report within the proscribed amount of time.

The Rochester Police Department's General Order 465 states that Officers will complete and submit reports by the end of their tour of duty, unless directed otherwise by competent authority in accordance with this order. A tour of duty, when referring to a law enforcement officer, is commonly understood to mean shift. See 29 CFR § 553.220 - "Tour of duty" defined. | Electronic Code of Federal Regulations (e-CFR) | US Law | LII / Legal Information Institute (cornell.edu).

On June 16, 2022, Officer ██████████ completed an incident report detailing ██████████ assault claims. However, it was not until July 19, 2022, that the reports were submitted into the police database. This month- delay is egregiously outside of the end of shift "tour of duty" proscribed time frame. Officer ██████████ did not submit the incident report within the proscribed amount of time.



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

245 E. Main Street  
 Rochester, NY 14604

*Allegation 3 against Officer [REDACTED] is sustained.*

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

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

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

*Allegation 4 against Officer [REDACTED] is sustained.*

**RECOMMENDED FINDINGS**

#	Officer	Allegation	Finding
1	Officer [REDACTED]	Rules and Regulations 2.11 (Attitude and Impartiality): Officer [REDACTED] exhibited partiality in her interaction with [REDACTED]	Sustained
2	Officer [REDACTED]	Rules and Regulations 4.2 (a) (Courtesy): Officer [REDACTED] was discourteous in her interaction with [REDACTED]	Sustained
3	Officer [REDACTED]	General Order 465 (RMS Incident Report): Officer [REDACTED] did not submit the incident report within the proscribed amount of time.	Sustained
4	Officer [REDACTED]	Body Worn Camera Policy (Recording Requirements and Restrictions): Officer [REDACTED] did not activate her body worn camera during her interaction with [REDACTED]	Sustained

**RECOMMENDED DISCIPLINARY ACTION**

**AUTHORITY**



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

245 E. Main Street  
 Rochester, NY 14604

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

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

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

Sustained Allegation 1 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Rules and Regulations 2.11: Employees must exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects, or any other person.	2

- Recommended Level: 2 (“More than minimal negative impact to individuals, community, or public perception of the agency or relationships with other officers or agencies.”)
- Recommended Discipline (based on 0 prior sustained violations): **5 day suspension**
- Explanation of deviation from presumptive penalty: No deviation.

Sustained Allegation 2 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Rules and Regulations 4.2 (a): Employees shall be courteous, civil, and tactful in the performance of their duties.	3

- Recommended Level: 3 (“Pronounced negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies.”)
- Recommended Discipline (based on 0 prior sustained violations): **10 day suspension**
- Explanation of deviation from presumptive penalty: No deviation.



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

245 E. Main Street  
Rochester, NY 14604

Sustained Allegation 3 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
General Order 465: Employees will complete and submit RMS reports by the end of their tour of duty, unless directed otherwise by competent authority in accordance with this order.	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 (based on 0 prior sustained violations): **Written reprimand**
- Explanation of deviation from presumptive penalty: No deviation

Sustained Allegation 4 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Body Worn Camera Policy: Officers shall activate their body worn camera and record all activities and all contact with persons unless an enumerated exception applies.	3

- Recommended Level: 1 (“Pronounced negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies”)
- Recommended Discipline (based on 0 prior sustained violations): **10 day suspension**
- Explanation of deviation from presumptive penalty: No deviation