



## INTRODUCTION

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

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

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

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## BOARD DECISION

**Public Tracking Number (PTN):** 2023-0108

**Date of Panel Review:** 22-May-2024 11:54 AM (EDT)

**Board Members Present:** [REDACTED], [REDACTED], [REDACTED]

### Case Findings:

- Allegation 1: Sustained
- Allegation 2: Sustained
- Allegation 3: Not sustained
- Allegation 4: Not sustained
- Allegation 5: Sustained
- Allegation 6: Not sustained
- Allegation 7: Not sustained
- Allegation 8: Not sustained
- Allegation 9: Sustained
- Allegation 10: Not sustained
- Allegation 11: Sustained
- Allegation 12: Sustained

### Disciplinary Recommendation:

[REDACTED] 60-day suspension and Written reprimand/Training.

[REDACTED] Written reprimand/Training.

[REDACTED] Termination.

[REDACTED] 60-day suspension.

**Dissenting Opinion/Comment:** N/A.



## **DEFINITIONS**

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

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

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

**Closed:** Vote to close the case.



**Officer [REDACTED] [REDACTED] - Allegation # 1:**

G.O. 465 (Incident Report): Officer [REDACTED] [REDACTED] failed to complete an Incident Report by the end of his tour of duty on 06/10/2022.

- **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**
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**Officer [REDACTED] [REDACTED] - Allegation # 2:**

G.O. 465 (Incident Report): Officer [REDACTED] [REDACTED] failed to complete an Incident Report by the end of his tour of duty on 06/10/2022.

- **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**
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**Officer [REDACTED] [REDACTED] - Allegation # 3:**

Body Worn Camera Manual: Officer [REDACTED] [REDACTED] failed to activate his body-worn camera as required by the body-worn camera manual.

- **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**
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**Officer [REDACTED] [REDACTED] - Allegation # 4:**

Body Worn Camera Manual: Officer [REDACTED] [REDACTED] failed to activate his body-worn camera as required by the body-worn camera manual.

- **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 [REDACTED] [REDACTED] - Allegation # 5:**

G.O. 511 (Towing): Officer [REDACTED] [REDACTED] failed to complete Tow Report RPD 1212 on 06/11/2022.

- **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**
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**Officer [REDACTED] [REDACTED] - Allegation # 6:**

G.O. 511 (Towing): Officer [REDACTED] [REDACTED] failed to complete Tow Report RPD 1212 on 06/11/2022.

- **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**
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**Officer [REDACTED] [REDACTED] - Allegation # 7:**

G.O. 480 (Investigative Action Report): Officer [REDACTED] [REDACTED] failed to report the vehicle as recovered.

- **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**
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**Officer [REDACTED] [REDACTED] - Allegation # 8:**

G.O. 480 (Investigative Action Report): Officer [REDACTED] [REDACTED] failed to report the vehicle as recovered.

- **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 [REDACTED] [REDACTED] - Allegation # 9:**

5.1 (Altering, Delaying or Falsifying Reports): Officer [REDACTED] [REDACTED] knowingly entered false information on the Incident Report.

- **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**

**[REDACTED] [REDACTED] [REDACTED] - Allegation # 10:**

6.2 (Subordinate Incompetency or Misconduct): [REDACTED] [REDACTED] [REDACTED] overlooked, condoned and failed to take action when he approved the falsified report completed by Officer [REDACTED] [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 [REDACTED] [REDACTED] - Allegation # 11:**

5.1 (Altering, Delaying or Falsifying Reports): Officer [REDACTED] [REDACTED] knowingly entered false information on the Investigative Action Report.

- **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**

**[REDACTED] Shaun Zeluff - Allegation # 12:**

6.2 (Subordinate Incompetency or Misconduct): [REDACTED] [REDACTED] overlooked, condoned and failed to take action when he approved the falsified report completed by Officer [REDACTED] [REDACTED]

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

## CLOSING REPORT

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### STATEMENT OF AUTHORITY

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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."

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### EXECUTIVE SUMMARY

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The events took place on 06/10/2022, 06/11/2022, and 06/20/2022. On 06/10/2022, [REDACTED] called 911 several times to report that [REDACTED] car, a silver Honda Civic, was stolen near [REDACTED]. [REDACTED] called again at 1:25 PM to say that [REDACTED] was still waiting for an officer to respond. [REDACTED] called a third time at 2:54 PM and said that [REDACTED] would be waiting [REDACTED] at [REDACTED] for an officer to take the report. At 4:56 PM, officers [REDACTED] and [REDACTED] responded to [REDACTED] residence and completed a Stolen Vehicle Reporting Deposition (RPD 1272). (Allegation 1, Allegation 2). The Rochester Police Department ("RPD") did not possess body worn camera footage of Officer [REDACTED] and Officer [REDACTED] interaction with [REDACTED] (Allegation 3, Allegation 4).

The following day, [REDACTED] called 911 at 8:43 PM to report that [REDACTED] had located [REDACTED] vehicle with the keys locked inside at [REDACTED]. In [REDACTED] complaint to the Police Accountability Board ("PAB"), [REDACTED] alleges that [REDACTED] called a tow company while waiting for officers to respond, and that upon arrival, the tow truck operators said they would need to confirm with the police that the vehicle belonged to [REDACTED]. [REDACTED] alleges that officers [REDACTED] and [REDACTED] arrived and confirmed the vehicle had been reported stolen and belonged to [REDACTED] but left without taking additional information. (Allegation 5, Allegation 6). [REDACTED] told the PAB that the vehicle was towed to a Honda dealership on Ridge Road. The Rochester Police Department ("RPD") was unable to locate any reports completed by either officer on 06/11/2022 regarding the recovered vehicle. (Allegation 7, Allegation 8).

On 06/20/2022, [REDACTED] and [REDACTED] family were driving to Bowie, Maryland [REDACTED] car was pulled over on the highway by Maryland State Troopers who believed [REDACTED] was operating a stolen vehicle. Evidence provided to the PAB by the RPD shows that Officer [REDACTED] of the Maryland Transportation Authority called the RPD to confirm that [REDACTED] was the owner of the vehicle. [REDACTED] alleges that Maryland Troopers approached [REDACTED] vehicle with guns drawn and placed [REDACTED] in handcuffs, traumatizing the children in the vehicle, and that this trauma could have been avoided if the RPD had documented the recovery of [REDACTED] vehicle on 06/11/2022.

On 06/29/2022, nineteen days after the vehicle was reported stolen, Officer [REDACTED] completed an Incident Report ("IR") for the stolen vehicle. In the report, Officer [REDACTED] stated that [REDACTED] called the RPD on 06/14/2022 to report that [REDACTED] vehicle was recovered, and [REDACTED] was "all set" with police. (Allegation 9). The RPD could not locate any record of a call from [REDACTED] on 06/14/2022. In a follow-up interview with the PAB, [REDACTED] denied making this call, and re-stated that [REDACTED] reported the vehicle as found and

recovered on 06/11/2022. [REDACTED] [REDACTED] [REDACTED] reviewed Officer [REDACTED] IR on 07/01/2022. (Allegation 10).

Also on 06/29/2022, Officer [REDACTED] signed the Stolen Vehicle Reporting Deposition (RPD 1272) originally created on 06/10/2022.

On 07/07/2022, Officer [REDACTED] [REDACTED] completed an Investigative Action Report ("IAR") regarding [REDACTED] vehicle and the traffic stop in Maryland. In this report, Officer [REDACTED] states that [REDACTED] neighbor "located the vehicle at some point telling [REDACTED] and never called police to notify that it was recovered." (Allegation 11). This report was reviewed and approved by [REDACTED] [REDACTED] [REDACTED] on 07/07/2022 (Allegation 12).

**INVOLVED OFFICERS**

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

**INVOLVED INDIVIDUALS**

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



**ALLEGATIONS**

1	Officer [REDACTED]	G.O. 465 (Incident Report): Officer [REDACTED] failed to complete an Incident Report by the end of [REDACTED] our of duty on 06/10/2022.
2	Officer [REDACTED]	G.O. 465 (Incident Report): Officer [REDACTED] failed to complete an Incident Report by the end of [REDACTED] tour of duty on 06/10/2022.
3	Officer [REDACTED]	Body Worn Camera Manual: Officer [REDACTED] failed to activate [REDACTED] body-worn camera as required by the body-worn camera manual.
4	Officer [REDACTED]	Body Worn Camera Manual: Officer [REDACTED] failed to activate [REDACTED] body-worn camera as required by the body-worn camera manual.
5	Officer [REDACTED]	G.O. 511 (Towing): Officer [REDACTED] failed to complete Tow Report RPD 1212 on 06/11/2022.
6	Officer [REDACTED]	G.O. 511 (Towing): Officer [REDACTED] failed to complete Tow Report RPD 1212 on 06/11/2022.
7	Officer [REDACTED]	G.O. 480 (Investigative Action Report): Officer [REDACTED] failed to report the vehicle as recovered.
8	Officer [REDACTED]	G.O. 480 (Investigative Action Report): Officer [REDACTED] failed to report the vehicle as recovered.
9	Officer [REDACTED]	5.1 (Altering, Delaying or Falsifying Reports): Officer [REDACTED] knowingly entered false information on the Incident Report.
10	[REDACTED]	6.2 (Subordinate Incompetency or Misconduct): [REDACTED] overlooked, condoned and failed to take action when [REDACTED] approved the falsified report completed by Officer [REDACTED]
11	Officer [REDACTED]	5.1 (Altering, Delaying or Falsifying Reports): Officer [REDACTED] knowingly entered false information on the Investigative Action Report.
12	[REDACTED]	6.2 (Subordinate Incompetency or Misconduct): [REDACTED] overlooked, condoned and failed to take action when [REDACTED] approved the falsified report completed by Officer [REDACTED]



## INVESTIGATION

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Reporter ██████ filed a complaint over the phone with the PAB on 06/13/2023. The RPD was notified of the PAB's investigation on 09/22/2023. The RPD responded to the PAB on 09/26/2023 and provided two CAD job cards, one IR, one IAR, and one Stolen Vehicle Reporting Deposition. The PAB sent a second request for clarifying information on 10/05/2023. The RPD responded to the PAB on 10/10/2023 and provided two additional CAD records.

The PAB contacted ██████ for additional information on 10/12/2023, and ██████ responded via text message and a follow-up email.

A third request for information was sent to the RPD on 10/23/2023. The RPD responded on 10/25/2023 with an additional CAD job card. The PAB put in a request for ██████ to submit a photograph of the receipt on 10/31/2023. On 11/07/2023, ██████ emailed the PAB and said ██████ was unable to locate the receipt.

On 11/14/2023, the PAB requested general information from RPD Captain ██████ regarding the report writing process, and exigent circumstances that may delay the report-writing process. PAB received a response on 11/15/2023, and the corresponding answers were used to contextualize the evidence.

Officer Statement Request letters for officers ██████ ██████ ██████ ██████ ██████ and for sergeants ██████ ██████ and ██████ ██████ were sent to RPD Chief of Police ██████ on 11/27/2023. Officers were given five business days to schedule an interview or provide a statement to PAB regarding the alleged misconduct. The request was denied by City of Rochester Deputy Corporation Counsel ██████ on 11/30/2023.

**EVIDENCE REQUESTED**

Evidence	Description	Provided by	Reason declined	Filename
CAD sheet	Shows initial call from [REDACTED] & [REDACTED] reporting the vehicle as stolen on 6/10/2022	Rochester Police Department	N/A	<a href="#">NetViewer Event Information.pdf</a>
CAD sheet	Shows additional calls from [REDACTED] & [REDACTED] reporting the vehicle as stolen on 6/10/2022	Rochester Police Department	N/A	<a href="#">NetViewer Event Information original job.pdf</a>
CAD sheet	Shows Officer [REDACTED] & Officer [REDACTED] response to the stolen vehicle report on 6/10/2022	Rochester Police Department	N/A	<a href="#">NetViewer Event Unit.pdf</a>
CAD sheet	Shows additional calls from [REDACTED] reporting the vehicle as stolen on 6/10/2022	Rochester Police Department	N/A	<a href="#">NetViewer Event Information [REDACTED] Dup Case Number.pdf</a>
CAD sheet	Shows additional call from [REDACTED] reporting the vehicle as stolen on 6/10/2022	Rochester Police Department	N/A	<a href="#">NetViewer Event Information [REDACTED].pdf</a>
Stolen Vehicle Reporting Deposition (RPD 1272)	RPD 1272 completed by [REDACTED] on [REDACTED]	Rochester Police Department	N/A	<a href="#">svdepo.pdf</a>

**EVIDENCE REQUESTED**

Evidence	Description	Provided by	Reason declined	Filename
	06/10/2022 and signed by Officer [REDACTED] on 06/29/2022			
CAD sheet	Shows call from [REDACTED] to 911 reporting the vehicle as found on 06/11/2022	Rochester Police Department	N/A	<a href="#">NetViewer Event Information [REDACTED] #2621.pdf</a>
CAD sheet	Cross-referenced CAD sheet showing call from [REDACTED] reporting the vehicle as found on 06/11/2022	Rochester Police Department	N/A	<a href="#">NetViewer Event Information SUSPA 6-11-22.pdf</a>
CAD sheet	Shows Officer [REDACTED] & Officer [REDACTED] response to the report that the vehicle was found on 6/11/2022	Rochester Police Department	N/A	<a href="#">NetViewer Event Unit SUSPA 6-11-22.pdf</a>
Incident Report	Officer [REDACTED] IR completed 06/29/2022	Rochester Police Department	N/A	<a href="#">Incident Report, Officer cor [REDACTED], Supervisor cor [REDACTED], Merged By COR [REDACTED].pdf</a>
IAR Case Update	Officer [REDACTED] IAF completed 07/07/2022	Rochester Police Department	N/A	<a href="#">IAR Case Update, Officer cor [REDACTED], Supervisor cor [REDACTED], Merged By COR [REDACTED].pdf</a>
CAD Code Sheet	CAD code key provided 10/12/2023	Rochester Police Department	N/A	<a href="#">CAD CODES 10-12-23.docx</a>
Response to Notification of Investigation/Source of Information Request #1	NOI/SOI sent to RPD on 9/22/2023 with attached response on 9/26/2023	Rochester Police Department	N/A	<a href="#">InitialNotification 2023-0108 RP2 response 9-26-23.pdf</a>

**EVIDENCE REQUESTED**

Evidence	Description	Provided by	Reason declined	Filename
Response to Source of Information Request #2	SOI sent to RPD on 10/05/2023 with attached response on 10/10/2023	Rochester Police Department	N/A	<a href="#">SOI_2023-0108-02 RPD response 10-10-23.pdf</a>
Response to Source of Information Request #3	SOI sent to RPD on 10/23/2023 with attached response on 10/25/2023	Rochester Police Department	N/A	<a href="#">SOI_2023-0108-03 RPD response 10-25-23.pdf</a>
Intake Report	Shows [REDACTED] initial report to PAB on 06/13/2023	PAB	N/A	Original_Intake _ Case 2023-0108.pdf
Text Messages	Text exchange w/ [REDACTED] on 10/12/2023 providing updated contact info	PAB	N/A	BFDC45CA-390F-48AF-8BC3-DD08F76DC535.jpeg
Emails	Email exchange w/ [REDACTED] on 10/13/2023 providing additional information	PAB	N/A	[REDACTED].pdf
Email	Email to Honda Dealership on 10/30/2023 requesting confirmation of tow	PAB	N/A	emailtoHonda1030.pdf
Email	Response from Honda Dealership regarding lack of security footage	PAB	N/A	Emailtohonda1030response.pdf
Email	Email to [REDACTED] on 10/31/2023 making final	PAB	N/A	RE Request for information regarding Police Accountability Board complaint.msg

**EVIDENCE REQUESTED**

Evidence	Description	Provided by	Reason declined	Filename
	request for locksmith receipt			
Email	Response from [redacted] on 11/17/2023 stating [redacted] is unable to locate receipt	PAB	N/A	[redacted].pdf
Email	Response from Capt. [redacted] on 11/15/2023 with context about Incident Reports	Rochester Police Department	N/A	[redacted]EmailIRs11-15-23.pdf
Officer Statement Request: [redacted]	Officer Statement Request from PAB to [redacted] sent 11/27/2023	PAB	N/A	Officer Statement Request [redacted] 23-0108.docx
Officer Statement Request: [redacted]	Officer Statement Request from PAB to [redacted] sent 11/27/2023	PAB	N/A	Officer Statement Request [redacted] 23-0108.docx
Officer Statement Request: [redacted]	Officer Statement Request from PAB to Officer [redacted] sent 11/27/2023	PAB	N/A	Officer Statement Request [redacted] 23-0108.docx
Officer Statement Request: [redacted]	Officer Statement Request from PAB to Officer [redacted] sent 11/27/2023	PAB	N/A	Officer Statement Request [redacted] 23-0108.docx

**EVIDENCE REQUESTED**

<b>Evidence</b>	<b>Description</b>	<b>Provided by</b>	<b>Reason declined</b>	<b>Filename</b>
Officer Statement Request: [REDACTED]	Officer Statement Request from PAB to Officer [REDACTED] sent 11/27/2023	PAB	N/A	Officer Statement Request_[REDACTED]23-0108.docx
Officer Statement Request Response	Response from Corporation Counsel denying request for statement	City of Rochester	N/A	11.30.23 Letter to PAB re Officer Statement Requests.pdf
Source of Information Request #4	Request for Disciplinary Records & Personnel Files	Rochester Police Department	N/A	<a href="#">SOI 2023-0108-04 RPD response 12-11-23.pdf</a>
Supplemental SOI Response # 1	Response to request for clarification regarding personnel files, disciplinary records	Rochester Police Department	N/A	<a href="#">SupplementalSOI 2023-0108-12112023 RPD Response 12-12-23.pdf</a>
Supplemental SOI Response # 2	Response to request for clarification regarding disciplinary records	Rochester Police Department	N/A	<a href="#">SupplementalSOI 2023-0108-12112023 RPD Response 12-18-23.pdf</a>
Email request for information to RPD	Response regarding IR reporting times	Rochester Police Department	N/A	RE_ Question regarding IR writing process .pdf

## **APPLICABLE RULES & LAWS**

### General Order 465 (Incident Report)

#### **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.
  - 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.
  
- 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.

#### **III. PROCEDURES**

- A. A complete description of the incident and any additional information not included in the drop-down data boxes will be recorded on the narrative page.

#### **IV. STOLEN VEHICLE REPORTING PROCEDURES**

- A. Classifications
  - 1. Grand Larceny 4<sup>th</sup> (NYSPL 155.30-8) will be used, with the exceptions outlined in Section IV.A.2, to report all instances of auto theft when the value of the motor vehicle exceeds \$100.00.
  
  - 4. Members will notify City Records to ensure New York State Police Information Network (NYSPIN) entry is made, except in situation identified in Section IV.
  
- D. Documenting Recovered Stolen Vehicles



1. The Investigative Action Report (IAR) Case Update will be used to document the recovery (with or without an arrest) of a vehicle previously reported stolen by this Department (refer to G.O. 480).

## VII. DISTRIBUTION

### A. Members will:

3. Complete and submit reports by the end of that tour of duty, unless directed otherwise by competent authority.

4. Notify a platoon supervisor for any report that cannot be completed by the end of that tour of duty. The supervisor will grant approval to complete the report immediately, grant approval for completion during their following tour of duty or reassign it to the next platoon. If the following factors are present, the supervisor will NOT approve completion of the report during the following tour of duty, but will direct the original responding member to complete the report or arrange for it to be assigned to the next platoon:

- a. Cases involving a felony offense
- b. Cases in which a physical arrest has been made;
- c. Cases involving Domestic Disputes or Family Offenses (See G.O. 442—Domestic Disputes/Offenses);
- d. Missing Person cases;
- e. Cases in which there are significant solvability factors that must be followed up to properly complete the preliminary investigation.
- f. Cases in which a delay in filing the report could impair the victim from obtaining needed assistance (e.g. a victim seeking an Order of Protection, a victim injured in a motor vehicle accident seeking medical insurance coverage, etc.);
- g. Cases involving evidence that might be lost if there is a delay in reporting (e.g. video evidence, physical evidence, etc.);
- h. Cases that require immediate investigative follow-up; and
- i. When the original assigned member will not be on duty the following day (e.g. R- days, furlough, or other time off).

5. A platoon supervisor will review submitted reports by the end of that tour of duty or defer to a supervisor on the next platoon, depending on the circumstances of the incident. All reports must, however, be reviewed and accepted or rejected no later than the member's following tour of duty.

NOTE: IARS and other associated reports cannot be approved in RMS until the IR is submitted and approved.

## IV. RECOVERED STOLEN VEHICLES

### A. PROCEDURES

1. When an unoccupied stolen vehicle is recovered, a thorough check of the area for witnesses will be performed. The investigating member will document this, noting the names of persons contacted, the addresses checked and any other information received.

2. If notified by another jurisdiction that a vehicle reported stolen from the City of Rochester has been recovered in that jurisdiction, the notified employee will complete an IAR as outlined in Section IV.B.2. of this order.

5. In accordance with NYS Penal Law § 450.10 (4)(c), and to satisfy requirements by the Monroe County District Attorney's Office, a recovered motor vehicle alleged to have been stolen, but not alleged to have been used in connection with any crime or criminal transaction other than the theft or unlawful use of said motor vehicle, which is in the custody of a police/peace officer or district attorney, may be released expeditiously to its registered owner or the owner's representative without prior notice to the defendant. Placing a "hold" on such vehicle is inappropriate, and employees will document the notice of such release on the IAR. EXCEPTION: For reasons of liability and safety of the owner, if there is apparent damage or condition that would make the vehicle unsafe to drive, the vehicle will be towed to the City of Rochester Auto Pound. Before such release, employees must ensure that evidentiary photographs of the vehicle are taken (with either a Department issued camera or by an evidence technician), to include the following:

- a) Vehicle identification number (VIN)
- b) Registration sticker on the windshield;
- c) Each side of the vehicle;
- d) Vent windows, door locks and handles;
- e) Front and back of the vehicle, including license plates;
- f) Interior of the vehicle, including ignition lock, seat to floor clearance, center console, radio receptacle and dashboard area;
- g) Motor; and
- h) Any other interior or exterior surfaces showing any and all damage to the vehicle.

## B. IAR COMPLETION FOR RECOVERED STOLEN VEHICLES

In addition to the required information to be documented on the IAR, members will ensure that the following information is completed:

1. For vehicles that are stolen and recovered in the City:
  - a) Location of Offense - enter the City of Rochester address from where the vehicle was stolen.
  - b) CR # - enter the original RPD CR#.
  - c) Location Recovered - enter the City of Rochester address where the vehicle was recovered.
  - d) Continuance of/Changed to/Closed by - Investigative case status to the originally reported theft will be closed out if an arrest is made.
  
3. For vehicles stolen from other jurisdictions and recovered by RPD in the City of Rochester, document the recovery on a RMS Incident Report (IR).
  - a) Location of Offense - enter the City of Rochester address where the vehicle was recovered.
  - b) CR # - enter the RPD (recovery) CR#.
  - c) Location Recovered - enter the City of Rochester address where the vehicle was recovered.

- d) Note in the narrative the other jurisdiction's address of where the vehicle was stolen from, as well as the other jurisdiction's original CR #, date and time the vehicle was stolen.

## General Order 480: Investigative Action Report

### II. POLICY

- A. The RMS Investigative Action Report (IAR) will be used to record follow-up action or additional information relating to a crime or incident previously reported to the Rochester Police Department (RPD).
  1. The IAR Case Update will be used when additional information is provided that can directly affect the outcome of the case (e.g., neighborhood check results in a possible suspect description, property collected, vehicle recovered, actions of evidence technicians.)
  2. The IAR Narrative Only will be used when additional investigative tasks have been completed that will not affect the outcome of the case (e.g., neighborhood check with no information obtained).
- B. Any property, including stolen vehicles, recovered in the City will only be documented on an IAR if the property was stolen from within the City. Property reported stolen outside of the City and recovered within the City will be documented on a RMS Incident Report (IR). Additionally, any out-of-jurisdiction information will not be documented on an IAR, but rather an Incident Report.
- C. More than one employee may submit an IAR on the same incident. On major incidents where several employees perform important tasks, each employee's involvement will be documented on a separate IAR.

### III. PROCEDURES

- A. Completion and Distribution
  2. Completed IARs will be submitted in RMS for supervisory review. Members must complete and submit reports by the end of that tour of duty. Members will notify a platoon supervisor for any report that cannot be completed by the end of that tour of duty, and will obtain approval to either complete the report immediately or during their following tour of duty.
  3. Once the IAR is submitted, a platoon supervisor will review submitted reports by the end of that tour of duty, or defer to a different platoon supervisor depending on the circumstances of the incident. All reports must, however, be reviewed no later than the member's following tour of duty.
  4. The reviewing supervisor will make a decision on either suspension or continuance of the investigation. After review and case status decision, the supervisor will approve or reject the report.
  7. TSS employees will:
    - a) Notify the Teletype Room at the Headquarters Unit when a stolen vehicle is recovered.
- D. Recovered stolen vehicles can be towed for evidence processing when a technician is not available, however, a member must follow the vehicle to the Auto Impound until it is secured in order to maintain the chain of custody.

## General Order 511: Towing

### III. GENERAL TOWING PROCEDURES

#### A. In all towing situations, members will:

1. Determine if the vehicle is stolen, wanted or a scofflaw.
2. Determine the nature of the towing service required and notify the administrative channel dispatcher, describing:
  - a) Specific location;
  - b) Year and make of vehicle;
  - c) Color and body style;
  - d) Vehicle Identification Number (from VIN plate, not registration);
  - e) License plate number (if the plates do not return to the vehicle, remove them and deliver to the Property Clerk; make proper notation on the Tow Report.);
  - f) Reason for towing;
  - g) CR number; and
  - h) Any special requirements (e.g. dolly, flatbed, etc.) or any other condition requiring special equipment.
3. When towing a recovered stolen vehicle, complete an Investigative Action Report (IAR) for all vehicles stolen in the City of Rochester, regardless of where it is recovered, and an Incident Report (IR) for all vehicles stolen from other jurisdictions and recovered in the City.
4. Complete a Tow Report RPD 1212, (Attachment A) for each vehicle towed, and conduct an inventory search in order to:
  - a) Protect an owner's property while it is in the custody of the police;
  - b) Ensure against claims of lost, stolen or damaged property and;
  - c) Protect police and others from dangerous instrumentalities or items that would otherwise go undetected.
5. Unless a vehicle is to be processed for evidence:
  - a) Conduct an inventory search consisting of:
    - (1) The interior, including any unlocked and unsealed containers (e.g. glove compartment); NOTE: Documentation pertaining to the vehicle's ownership (e.g. registration, title, insurance ID card, rental agreement, etc.) will be kept in vehicle.
    - (2) The trunk, if accessible;
    - (3) The engine compartment; and
    - (4) Any other area large enough to conceal any dangerous instrument or items of value.
  - b) Remove any loose articles of value and/or articles identified as belonging to anyone other than the vehicle's registered or titled owner and describe in Block 21 on the Tow Report. Any articles too large to be removed from the vehicle and taken to the Property Clerk's Office (such as ladders, containers, etc.) will be secured with the vehicle in the best manner possible. A note of these items will be made on the Tow Report in Block 21. NOTE: Vehicles towed to the Auto Impound with items of value will result in a supervisor being notified and the

member returning to the Auto Impound to collect the items and secure them in Property Custody in the Property Clerks Office.

c) Inventory articles removed and record inventory on a Property Custody Report prior to towing. The legal property owner's name should be ascertained before submitting the property report to the Property Clerk's Office.

d) Complete the "Damage Check-off List for Officers" on the reverse of ply 1 of the Tow Report.

6. Immediately notify their supervisor of the circumstances of unsatisfactory or improper towing service. Supervisors will investigate and forward documentation of the complaint through the chain of command to the Commanding Officer of Technical Services Section (TSS).

#### D. Stolen Vehicle Recovered Towing – Not Connected with Other Crimes

1. It is not mandatory that all recovered stolen vehicles be processed for evidence.

Members recovering such a vehicle should make an informed decision as to whether or not a recovered stolen vehicle should be processed for evidence. Examples of criteria to use in making this decision are: method of theft, location where recovered (is it an area where stolen vehicles are normally abandoned), knowledge of possible suspects, M.O., length of time suspect(s) had vehicle, etc.

2. When a stolen vehicle is recovered, City records will verify the status of the vehicle and a teletype check will be completed to obtain additional information regarding the vehicle.

3. A recovered stolen vehicle may be released to its owner if:

a) No evidence processing is necessary and;

b) There is no apparent damage or condition which would make the vehicle unsafe to drive; and

c) The method of theft was anything other than tampering with the wiring, ignition or steering column. NOTE: In all other cases, for reasons of liability and safety of the owner, the vehicle will be towed to the Auto Impound, which will have responsibility for notifying the owner of the recovery.

4. If a vehicle is released to its owner at the scene, members will make note of any damage and record such damage on the reverse of ply 1 of the Tow Report. The owner must agree with the Tow Report, and will sign the Tow Report acknowledging receipt of the vehicle. NOTE: If the vehicle cannot be removed from the scene by the owner due to damage, the owner may ask a member to complete the tow or may make other towing arrangements after signing receipt.

#### VI. TOW REPORT DISTRIBUTION

##### A. Vehicles towed to the Auto Impound

1. Ply 1 and 2 – along with the vehicle documentation identified in Section III.A.5.a.1, will be given to the tow truck operator.

2. The tow truck operator will forward ply 1 and the vehicle documentation to the Auto Impound.

3. The tow company will retain ply 2 for their records.

4. Ply 3 will be forwarded through inter-departmental mail to the property clerk.

##### B. Vehicles towed to the tow company garage

1. Ply 1 and 2 – to be retained by the tow truck operator for their records.

2. Ply 3 will be forwarded through inter-departmental mail to the property clerk.

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## I. DEFINITIONS

A. Body-Worn Camera (BWC): Overt mobile audio- and video-capture device issued by the Rochester Police Department (RPD) designed to be worn by RPD employees in the course of their duties.

B. BWC Program Manager: A sworn supervisory member assigned to the Research and Evaluation Section (R&E) who is responsible to supervise and coordinate the administrative duties within R&E relating to the BWC Program.

C. BWC Recordings: Audio and video recordings, and associated metadata from BWCs.

F. Critical Incident: An unusual occurrence or event that requires a coordinated law enforcement response to protect identified potential victims, general public safety, and police. This includes barricaded armed subjects; active killers or snipers; hostage situations; violent protests, demonstrations, or other civil disturbances; transportation disasters (e.g., plane crash, train derailment, etc.); weather disasters; and major HAZ MAT situations.

I. Enforcement Activities: For purposes of this Manual, “enforcement activities” are:

- (1) arrests and prisoner transports (including issuance of appearance tickets and mental hygiene arrests);
- (2) pursuits (pursuit driving as defined by G.O. 530, Pursuit Driving, and foot pursuits);
- (3) detentions/stops of persons and vehicles (includes street stops, traffic stops, persons on bicycles, and field interviews as defined by G.O. 570, Field Interview Form); and, (4) force (use of force or deadly physical force as defined by G.O. 335, Subject Resistance Report and NY Penal Law § 10.00-11).

J. Mandatory Recording: Any event or activity that requires BWC recording without exception, i.e., upon direction of a supervisor, and “enforcement activities” as defined in this Manual.

L. Optional Recording: Any event or activity that does not require BWC recording but recording is permitted.

M. Standard Recording: Any event or activity that requires BWC recording unless a specific exception exists.

N. Prohibited Recording: An event or incident for which BWC recording is prohibited.

O. Serious Incident: Any incident or event which involves use of deadly physical force by a police officer, or results in serious physical injury or death to any person as a result of police action or involvement, including use of force or deadly physical force, vehicle or foot pursuits, motor vehicle accidents, other accidental injury or death, or any death or serious physical injury occurring while in police custody

## II. USE OF BWCS

A. RPD will utilize BWCS in accordance with law, this Manual, and other applicable departmental policies, procedures, rules, and regulations.

C. Members who are issued BWCS will use them in accordance with this Manual and other applicable departmental policies, procedures, rules, and regulations.

H. RPD will review and retain BWC recordings in accordance with the retention schedule established in Appendix A.

K. No RPD employee will alter, tamper with, delete, damage, or destroy any BWC or BWC recording or attempt to do the same unless assigned as a System Administrator and specifically authorized to do so by departmental policy.

## III. ASSIGNMENT OF BWCS

A. The following personnel will be assigned BWCS as available:

1. Police Officers and Sergeants assigned to the Patrol Sections and regularly assigned to patrol duties.
2. Police Officers and Sergeants assigned to the following components of the Special Operations Division:
  - a. Tactical Unit;
  - b. Traffic Enforcement Unit;
  - c. Canine Unit; and,
  - d. School Resource Officers;
3. Other personnel as directed by the Chief of Police

## IV. RECORDING REQUIREMENTS AND RESTRICTIONS

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

1. Members will activate and record with the BWC preferably upon being dispatched and prior to exiting their police vehicle, or prior to commencing any activity if on foot patrol, as set forth below.
2. Members will immediately activate the BWC when required unless it is not safe and practical, i.e., the member cannot immediately activate the BWC due to an imminent threat to the member's safety, physical resistance, flight, or other factors rendering



immediate activation impractical. In such cases, the member will activate the BWC as soon as possible.

#### B. Mandatory BWC Recording.

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 (includes street stops, traffic stops, persons on bicycles, and field interviews as defined by G.O. 570, Field Interview Form);

d. force (use of force or deadly physical force as defined by G.O. 335, Subject Resistance Report and NY Penal Law § 10.00-11).

#### C. Standard BWC Recordings.

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

#### D. Optional BWC Recording.

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

1. While driving or a passenger during routine vehicle patrol.

2. Traffic control and traffic points.

3. Walking beats, directed patrol, corner posts, and special attention checks.

4. Completing reports when no longer in the presence of civilians (e.g., in a police car or in a police facility).

5. Interviewing cooperative victims, witnesses, and persons with knowledge in a private residence or a police facility

6. Conducting general photo queries, photo arrays, and physical lineups (see G.O. 413, Eyewitness Identification).

7. While conducting parking enforcement if no civilians are present.

8. Completing security surveys (see G.O. 490, Crime Prevention and Community Involvement).

9. Conducting a neighborhood canvass.
10. During community or neighborhood meetings; or meetings of government bodies or agencies (e.g., City Council meetings).
  - a. Note: members may demonstrate the operation of BWCs at community meetings if requested.
11. Routine walk-up requests for information or assistance (e.g., giving directions).
12. Civilian transports.

## 2. Civilian Requests to Stop Recording.

Requests by civilians to stop recording with a BWC will be handled as follows:

- a. If the situation involves an enforcement activity (mandatory recording event), the member will not grant the request and will continue recording.
- b. If the situation involves a Standard or Optional Recording event, members will record the verbal request to stop recording, and may exercise their discretion based on the circumstances in deciding to continue or stop recording.
- c. If the requesting person is a prisoner who is offering information about criminal activity but will not do so if recorded, the member may briefly stop recording while the information is provided, and must resume recording once the information is given. Note: If the member stops recording upon request of a civilian, then ■ or ■ must resume recording as soon as possible if ■ or ■ anticipates or commences an enforcement activity.

## F. Prohibited BWC Recording.

Members will not activate or record with a BWC under the following circumstances, and will deactivate and stop recording if any of these circumstances arise.

1. Members will not record with BWCs internal police conversations either openly or surreptitiously, including conversations among members or other RPD employees, conversations between supervisors and subordinates, or conversations relating to personnel matters including but not limited to performance evaluations, selection interviews, discipline, or counseling. NOTE: This refers only to conversations in which all parties are on duty and acting in a law enforcement capacity. Members interacting with an off-duty police or law enforcement officer who is not acting in a law enforcement capacity (e.g., complainant, victim, witness, person with knowledge, involved party in call for service, suspect, arrestee, etc.) will follow all BWC recording requirements.
2. Members will not record with BWCs interviews relating to departmental investigations being conducted by PSS or by any other section performing similar functions, e.g., “farm-out” PSS investigations.
3. Members will not record with BWCs while in a locker room or bathroom in a RPD facility, or while using any bathroom.
4. Members will not record with BWCs personal, non-police conversations with other members or other City employees that do not occur in the course of an official police duty, e.g., conversations during personal breaks.
5. Members will not utilize BWCs in lieu of using the designated recording facilities in an approved interview room while recording custodial interviews or interrogations pursuant to G.O. 405, Video Recording of Interviews and Interrogations. However, in the event of a malfunction or

other unavailability of a designated recording facility, a supervisor may authorize use of a BWC if necessary to comply with the recording requirements in G.O. 405. In such cases the member will note the circumstances in [REDACTED] or her report, including the identity of the approving supervisor.

a. In the event a BWC is used to record a custodial interview or interrogation the investigating members will secure the assistance of R&E to limit access to the BWC recording as needed.

6. Members will not record with a BWC while attending internal RPD meetings, other law enforcement meetings, or meetings with prosecutors.

7. Members will not record strip searches and body cavity searches (see G.O. 415, Searches, § VII).

#### G. Civilian Requests to Record.

If a civilian requests that their interaction is recorded, members will do so unless it is prohibited under this policy.

### Rochester Police Department Rules & Regulations

#### SECTION V - REPORTS

##### 5.1 ALTERING, DELAYING, OR FALSIFYING REPORTS

a) Employees shall not steal, alter, falsify, tamper with, withdraw, or request that any other person do the same to any report, letter, request, or other communication that is being forwarded through the chain of command. The removal of any record, card, report, letter, document, or other official file from the Department, or the permitting of inspection of same, except by process of law or as directed by the Chief of Police or a superior, is prohibited. Additionally, the obtaining/duplicating or attempted obtaining or duplicating of any information from Department files, sources or reports other than that to which one is properly entitled in accordance with one's duties/assignments is prohibited. This shall not apply to the correction of errors.

b) Employees shall not dissuade any other employee from originating and submitting any lawful or proper report, whether on criminal or disciplinary matters.

c) Employees shall not falsely make or submit any type of official report or knowingly enter or cause to be entered any inaccurate, false, or improper information on the records of the Department.

#### SECTION VI - RESPONSIBILITIES OF COMMANDING OFFICERS AND SUPERVISORS

6.2 SUBORDINATE INCOMPETENCY OR MISCONDUCT: Supervisors who overlook, condone or fail to take action on incompetence or misconduct on the part of their subordinates shall be guilty of neglect of duty.

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## ANALYSIS

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### STANDARD OF PROOF

For 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 evidence 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](https://www.law.cornell.edu/wex/preponderance_of_the_evidence#:~:text=Preponderance%20of%20the%20evidence%20is,that%20the%20claim%20is%20true)).

The following recommendations are recommended based on the above standards:

Allegation 1: G.O. 465 (Incident Report): Officer [REDACTED] failed to complete an Incident Report by the end of [REDACTED] tour of duty on 06/10/2022.

The RPD's General Order 465 (Incident Reports) requires Officer [REDACTED] to complete the Incident Report ("IR") by the end of [REDACTED] tour of duty, unless instructed otherwise, at which point [REDACTED] must complete the report by the end of [REDACTED] next tour of duty. The order further states, "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."

Officer [REDACTED] responded to [REDACTED] to take [REDACTED] report on 06/10/2022, CAD documents confirm. However, an IR about the vehicle was not submitted until 06/29/2022. On that day, Officer [REDACTED] submitted an IR that states [REDACTED] had called and reported the vehicle as recovered on 06/14/2022, but there is no evidence that such a call took place.

*The allegation that Officer [REDACTED] failed to complete an Incident Report by the end of [REDACTED] tour of duty is recommended as sustained.*

Allegation 2: G.O. 465 (Incident Report): Officer [REDACTED] failed to complete an Incident Report by the end of [REDACTED] tour of duty on 06/10/2022.

RPD's general order regarding investigative reports requires Officer [REDACTED] to complete the Incident Report by the end of [REDACTED] tour of duty, unless instructed otherwise, at which point [REDACTED] must complete the report by the end of [REDACTED] next tour of duty. The order further states, "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."

Officer [REDACTED] responded to [REDACTED] to take [REDACTED] report on 06/10/2022, CAD documents confirm. However, an IR about the vehicle was not submitted until 06/29/2022. Additionally, Officer [REDACTED] did complete a Stolen Vehicle Reporting Deposition (RPD 1272) on June 10, 2022, but it was not signed until June 29, 2022, the day Officer [REDACTED] submitted the IR.

*The allegation that Officer [REDACTED] failed to complete an Incident Report by the end of [REDACTED] tour of duty is recommended as sustained.*

Allegation 3: Body-worn Camera Manual: Officer [REDACTED] failed to activate [REDACTED] body-worn camera in accordance with the manual's policy.

The RPD's body-worn camera manual states that 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.

No body-worn camera footage of Officer [REDACTED] interactions with [REDACTED] on 06/10/2022 or 06/11/2022 could be located by the RPD.

On 06/10/2022, it is confirmed by the evidence that Officer [REDACTED] spoke to [REDACTED], which ordinarily would require him to activate [REDACTED] body-worn camera. However, Officer [REDACTED] met with [REDACTED] in [REDACTED]. According to the RPD's Body-Worn Camera Manual, recording while interviewing cooperative victims in a [REDACTED] or a police facility is optional.

On 06/11/2022, Officer [REDACTED] responded to [REDACTED] call of a recovered vehicle. [REDACTED] alleges that [REDACTED] interacted with both Officer [REDACTED] and Officer [REDACTED] on 06/11/2022 at the location where the vehicle was found. However, it cannot be conclusively shown through provided evidence that Officer [REDACTED] and [REDACTED] interacted on 06/11/2022, as there is no record of Officer [REDACTED] response to her call aside from the CAD documents.

*Because it is not possible to prove Officer [REDACTED] interacted with [REDACTED] directly on 06/11/2022, the allegation that Officer [REDACTED] violated the RPD's Body-Worn Camera Manual is recommended as not sustained.*



Allegation 4: Body-worn Camera Manual: Officer [REDACTED] failed to activate [REDACTED] body-worn camera in accordance with the manual's policy.

The RPD's body-worn camera manual states that 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.

No body-worn camera footage of Officer [REDACTED] interactions with [REDACTED] on 06/10/2022 or 06/11/2022 could be located by the RPD.

On 06/10/2022, it is confirmed by the evidence that Officer [REDACTED] spoke to [REDACTED], which ordinarily would require him to activate [REDACTED] body-worn camera. However, Officer [REDACTED] met with [REDACTED] in her private residence. According to the RPD's Body-Worn Camera Manual, recording while interviewing cooperative victims in a private residence or a police facility is optional.

On 06/11/2022, Officer [REDACTED] responded to [REDACTED] call of a recovered vehicle. [REDACTED] alleges that [REDACTED] interacted with both Officer [REDACTED] and Officer [REDACTED] on 06/11/2022 at the location where the vehicle was found. However, it cannot be conclusively shown through provided evidence that Officer [REDACTED] and [REDACTED] interacted on 06/11/2022, as there is no record of Officer [REDACTED] response to [REDACTED] call aside from the CAD documents.

*Because it is not possible to prove Officer [REDACTED] interacted with [REDACTED] directly on 06/11/2022, the allegation that Officer [REDACTED] violated the RPD's Body-Worn Camera Manual is recommended as not sustained.*

Allegation 5: G.O. 480 (Investigative Action Report): Officer [REDACTED] failed to report the vehicle as recovered.

The RPD's General Order 480 states, "Any property, including stolen vehicles, recovered in the City will only be documented on an IAR if the property was stolen from within the City."

CAD documents provided by the RPD show that [REDACTED] called 911 to report that [REDACTED] found her vehicle on 06/11/2022, the day after [REDACTED] had reported it stolen. CAD documents further show that Officer [REDACTED] responded to this call at 9:18 PM and was at the scene for 10 minutes.

[REDACTED] alleges that while waiting for officers to respond, [REDACTED] called a tow company that arrived at the location before the police. [REDACTED] alleges that the tow truck operators required officers to arrive before releasing the vehicle to [REDACTED], and once they did, they towed the vehicle to the Honda dealership on Ridge Road.

In an interview with the PAB, [REDACTED] stated that [REDACTED] paid for the tow in cash so does not have a receipt, but does have a receipt for the locksmith who made new keys for the vehicle the following day. However, [REDACTED] was unable to locate the receipt. To confirm the vehicle was towed on the evening of 06/11/2022 to the Honda dealership on Ridge Road, the PAB emailed the dealership. In an email response on 10/30/2023, Manager [REDACTED] stated the dealership's security cameras do not hold footage as far back as 06/11/2022, so it is not possible to confirm or deny that the vehicle was towed to that location.

Because officers [REDACTED] and [REDACTED] did not complete IRs or IARs regarding the vehicle until 06/29/2022, it is not possible to determine with certainty whether the vehicle was in fact recovered on 06/11/2022. According to Officer [REDACTED] IR completed on 06/29/2022, [REDACTED] called 911 on 06/14/2022 to report that [REDACTED] had found her vehicle and was "all set" with police. However, the RPD was unable to locate a record of that call, and [REDACTED] denies that [REDACTED] called on that date. The only record that exists regarding the recovery of the vehicle is the record of [REDACTED] call to 911 on 06/11/2022 stating that [REDACTED] had found it.

While there are discrepancies about the date the vehicle was recovered, both Officer [REDACTED] report and [REDACTED] indicate that the vehicle was recovered and reported to police before [REDACTED] was pulled over in Maryland on 06/20/2022. RPD's General Order states that vehicles recovered within city limits will prompt the completion of an IAR, and no such report was completed until 06/29/2022.

*The allegation that Officer [REDACTED] [REDACTED] failed to report the vehicle as recovered is recommended as sustained.*

Allegation 6: G.O. 480 (Investigative Action Report): Officer [REDACTED] [REDACTED] failed to report the vehicle as recovered.

The RPD's General Order 480 states, "Any property, including stolen vehicles, recovered in the City will only be documented on an IAR if the property was stolen from within the City."

CAD documents provided by RPD show that [REDACTED] called 911 to report that [REDACTED] found [REDACTED] vehicle on 06/11/2022, the day after [REDACTED] had reported it stolen. CAD documents further show that Officer [REDACTED] responded to this call at 9:18 PM and was at the scene for 10 minutes.

[REDACTED] alleges that while waiting for officers to respond, [REDACTED] called a tow company that arrived at the location before the police. [REDACTED] alleges that the tow truck operators required officers to arrive before releasing the vehicle to [REDACTED], and once they did, they towed the vehicle to the Honda dealership on Ridge Road.

In an interview with the PAB, [REDACTED] stated that [REDACTED] paid for the tow in cash so does not have a receipt but does have a receipt for the locksmith who made new keys for the vehicle the following day. However, [REDACTED] was unable to locate the receipt. To confirm the vehicle was towed on the evening of 06/11/2022 to the Honda dealership on Ridge Road, the PAB emailed the dealership. In an email response on 10/30/2023, Manager [REDACTED] stated the dealership's security cameras do not hold footage as far back as 06/11/2022, so it is not possible to confirm or deny that the vehicle was towed to that location.

Because officers [REDACTED] and [REDACTED] did not complete IRs or IARs regarding the vehicle until 06/29/2022, it is not possible to determine with certainty whether the vehicle was in fact recovered on 06/11/2022. According to Officer [REDACTED] IR completed on 06/29/2022, [REDACTED] called 911 on 06/14/2022 to report that [REDACTED] had found [REDACTED] vehicle and was "all set" with police. However, the RPD was unable to locate a record of that call, and [REDACTED] denies that [REDACTED] called on that date. The only record that exists regarding the recovery of the vehicle is the record of [REDACTED] call to 911 on 06/11/2022 stating that [REDACTED] had found it.

While there are discrepancies about the date the vehicle was recovered, both Officer [REDACTED] report and [REDACTED] indicate that the vehicle was recovered and reported to police before [REDACTED] was pulled



over in Maryland on 06/20/2022. RPD's General Order states that vehicles recovered within city limits will prompt the completion of an IAR, and no such report was completed until 06/29/2022.

However, the RPD's General Order notes that it is not possible to file an IAR until an Incident Report has been filed. Therefore, if Officer [REDACTED] did try to complete an IAR on 06/11/2022 or at any point thereafter, [REDACTED] would have been unable to do so before 06/29/2022, when Officer [REDACTED] filed the Incident Report regarding the vehicle.

*The allegation that Officer [REDACTED] [REDACTED] failed to report the vehicle as recovered is recommended as not sustained.*

Allegation 7: G.O. 511 (Towing): Officer [REDACTED] [REDACTED] failed to complete Tow Report RPD 1212 on June 11, 2022.

A review of the CAD documents confirms that [REDACTED] did locate her vehicle on 06/11/2022 with the keys locked inside and reported this discovery to the police. However, based on the available evidence, it is not possible to conclude with certainty that the vehicle was towed that evening. [REDACTED] alleges that a tow truck waited for officers [REDACTED] and [REDACTED] to arrive to confirm that the vehicle had been stolen and belonged to [REDACTED]. After officers cleared the vehicle for towing, [REDACTED] alleges the vehicle was towed to a Honda dealership on Ridge Road. [REDACTED] alleges that officers [REDACTED] and [REDACTED] declined to take additional information from [REDACTED] after they arrived and cleared the vehicle for towing. Captain [REDACTED] was unable to locate any associated tow reports or IARs.

[REDACTED] states that [REDACTED] paid the tow company in cash and doesn't have a receipt for the service. [REDACTED] told the PAB [REDACTED] does have a receipt from a locksmith who made keys for the vehicle the following day, but [REDACTED] was unable to locate it. An emailed statement from a manager at the Honda dealership explained that any security footage that might have showed the vehicle arriving at the dealership would no longer be stored in the system, so it is not possible to confirm or deny that the vehicle was towed to the location that evening. Officers [REDACTED] and [REDACTED] did not document their response to the call about the vehicle found on 06/11/2022 in an IR or IAR.

While it is possible to conclude with certainty that [REDACTED] located [REDACTED] vehicle, notified police, and recovered her vehicle before [REDACTED] was detained in Maryland on 06/20/2022, the available evidence does not conclusively show the vehicle was towed on 06/11/2022.

*The allegation that Officer [REDACTED] [REDACTED] failed to complete Tow Report RPD 1212 on 06/11/2022 is recommended as not sustained.*

Allegation 8: G.O. 511 (Towing): Officer [REDACTED] [REDACTED] failed to complete Tow Report RPD 1212 on June 11, 2022.

A review of the CAD documents confirms that [REDACTED] did locate [REDACTED] vehicle on 06/11/2022 with the keys locked inside and reported this discovery to the police. However, based on the available evidence, it is not possible to conclude with certainty that the vehicle was towed that evening. [REDACTED] alleges that a tow truck waited for officers [REDACTED] and [REDACTED] to arrive to confirm that the vehicle had been stolen and belonged to [REDACTED]. After officers cleared the vehicle for towing, [REDACTED] alleges the vehicle was towed to a Honda dealership on Ridge Road. [REDACTED] alleges that officers [REDACTED] and [REDACTED] declined to take additional information from [REDACTED] after they arrived and cleared the vehicle for towing. Captain [REDACTED] was unable to locate any associated tow reports or IARs.

██████████ states that ██████████ paid the tow company in cash and doesn't have a receipt for the service. ██████████ told the PAB ██████████ does have a receipt from a locksmith who made keys for the vehicle the following day, but ██████████ was unable to locate it. An emailed statement from a manager at the Honda dealership explained that any security footage that might have showed the vehicle arriving at the dealership would no longer be stored in the system, so it is not possible to confirm or deny that the vehicle was towed to the location that evening. Officers ██████████ and ██████████ did not document their response to the call about the vehicle found on 06/11/2022 in an IR or IAR.

While it is possible to conclude with certainty that ██████████ located her vehicle, notified police, and recovered her vehicle before ██████████ was detained in Maryland on 06/20/2022, the available evidence does not conclusively show the vehicle was towed on 06/11/2022.

*The allegation that Officer ██████████ failed to complete Tow Report RPD 1212 on 06/11/2022 is recommended as not sustained.*

Allegation 9: 5.1 (Altering, Delaying or Falsifying Reports): Officer ██████████ knowingly delayed and entered false information on the Incident Report.

Officer ██████████ completed an IR on 06/29/2022, nine days after ██████████ was detained in Maryland. The RPD's General Order states that IRs must be filled out by the end of that tour of duty or, if allowed by a supervisor, by the end of the following tour of duty. There was a 19-day delay between ██████████ stolen vehicle report and Officer ██████████ submission of the IR.

In addition to the delay, there are a number of apparent errors and/or inconsistencies on Officer ██████████ IR. The vehicle is incorrectly listed as a Honda Accord rather than a Honda Civic. The report also states that the vehicle was recovered on 06/14/2022. Per the IR: "A few days later on 06/14/2022 ██████████ called and stated that ██████████ vehicle was located and ██████████ was all set with police."

It is unclear why Officer ██████████ indicated that ██████████ called and reported ██████████ vehicle as recovered on 06/14/2022 and stated that ██████████ was "all set with police." The RPD was unable to locate any calls to police from ██████████ on that day. Officer ██████████ personally responded to ██████████ call on 06/11/2022 reporting that ██████████ had found ██████████ vehicle.

It is possible, given the considerable amount of time that passed between when ██████████ vehicle was stolen and when the IR was submitted, that Officer ██████████ forgot the exact day on which ██████████ responded to ██████████ report that the vehicle was recovered. However, a review of CAD cards regarding the incident would have indicated the day that ██████████ called to report that ██████████ had located ██████████ vehicle. There is no evidence that the call from ██████████ to the police on 06/14/2022 noted by Officer ██████████ in ██████████ report took place.

*The allegation that Officer ██████████ knowingly delayed and entered false information on the Incident Report is recommended as sustained.*

Allegation 10: 6.2 (Subordinate Incompetence or Misconduct): [REDACTED] [REDACTED] [REDACTED] overlooked, condoned and failed to take action when [REDACTED] approved the falsified report completed by Officer [REDACTED]

In [REDACTED] complaint to the PAB, [REDACTED] alleges that at some point after [REDACTED] was detained in Maryland, [REDACTED] spoke with [REDACTED] [REDACTED] and requested that [REDACTED] take [REDACTED] vehicle off the "hot sheet." Considering the IR was completed by Officer [REDACTED] and approved by [REDACTED] [REDACTED] shortly after the event in Maryland, [REDACTED] [REDACTED] phone call with [REDACTED] and/or the request from Maryland officers may have prompted him to ask Officer [REDACTED] to complete the IR so the car could be properly reported as recovered on an IAR.

It is unclear how much information [REDACTED] [REDACTED] received from [REDACTED] or officers [REDACTED] and [REDACTED] when approving Officer [REDACTED] IR. Because no prior IR existed, [REDACTED] [REDACTED] ability to note the discrepancies in dates or erroneous information may have been limited by lack of information.

*The allegation that [REDACTED] [REDACTED] [REDACTED] overlooked, condoned and failed to take action when [REDACTED] approved the falsified report completed by Officer [REDACTED] [REDACTED] is recommended as not sustained.*

Allegation 11: 5.1 (Altering, Delaying or Falsifying Reports): Officer [REDACTED] [REDACTED] knowingly entered false information on the Investigative Action Report.

On 07/07/2022, Officer [REDACTED] [REDACTED] completed an IAR regarding [REDACTED] vehicle. In the report, Officer [REDACTED] detailed [REDACTED] encounter with Maryland State Troopers on 06/20/2022. Regarding when the vehicle was reported to the RPD as recovered, Officer [REDACTED] wrote, "[REDACTED] [REDACTED] neighbor located the vehicle at some point telling [REDACTED] and never called the police to notify that it was recovered."

Officer [REDACTED] report enters another conflicting account of when and how the vehicle was recovered, and whether that information was reported to the police. Officer [REDACTED] report states that [REDACTED] learned from her neighbor "at some point" that [REDACTED] car had been located, but never contacted police. Officer [REDACTED] report, submitted eight days before Officer [REDACTED] Investigative Action Report, states that [REDACTED] called police and notified them that [REDACTED] had recovered the vehicle on 06/14/2022. The only evidence of a call reporting [REDACTED] vehicle as found was on 06/11/2022, consistent with [REDACTED] report to the PAB.

It is unclear what information, if any, led to Officer [REDACTED] written statement that police were never notified when [REDACTED] vehicle was recovered "at some point." Officer [REDACTED] completed this report on 07/07/2022, by which date Officer [REDACTED] IR showing that [REDACTED] had reported her vehicle as found had been submitted and approved. This IR would have been available to Officer [REDACTED] when [REDACTED] completed [REDACTED] IAR. In fact, Officer [REDACTED] would not have been able to complete the IAR without the existence of Officer [REDACTED] IR, per RPD's General Orders. It is unclear why Officer [REDACTED] did not ensure the information on the IAR was consistent with the existing IR, or acknowledge and clarify the conflicting information.

*The allegation that Officer [REDACTED] [REDACTED] knowingly entered false information on the Investigative Action Report is recommended as sustained.*



Allegation 12: 6.2 (Subordinate Incompetency or Misconduct): [REDACTED] [REDACTED] [REDACTED] overlooked, condoned and failed to take action when [REDACTED] approved the falsified report completed by Officer [REDACTED]

On 07/07/2022, Officer [REDACTED] [REDACTED] completed an IAR regarding [REDACTED] vehicle. In the report, Officer [REDACTED] details [REDACTED] encounter with Maryland State Troopers on 06/20/2022. Regarding when the vehicle was reported as recovered, Officer [REDACTED] wrote, “[REDACTED] neighbor located the vehicle at some point telling [REDACTED] and never called the police to notify that it was recovered.”

Officer [REDACTED] report enters another conflicting account of when and how the vehicle was recovered, and whether that information was reported to the police. Officer [REDACTED] report states that [REDACTED] learned from [REDACTED] neighbor “at some point” that [REDACTED] car had been located, but never contacted police. Officer [REDACTED] report submitted eight days before Officer [REDACTED] IAR states that [REDACTED] called police and notified them that [REDACTED] had recovered the vehicle on 06/14/2022. The only evidence of a call reporting [REDACTED] vehicle as found was on 06/11/2022, consistent with [REDACTED] report to the PAR

Officer [REDACTED] completed this report on 07/07/2022, by which date Officer [REDACTED] IR showing that [REDACTED] had reported [REDACTED] vehicle as found had been submitted and approved. This information would have been available to [REDACTED] [REDACTED] when [REDACTED] reviewed Officer [REDACTED] report. It is unclear why [REDACTED] did not ensure the information on the IAR was consistent with the IR, or ask Officer [REDACTED] to clarify the conflicting information.

*The allegation that [REDACTED] [REDACTED] [REDACTED] overlooked, condoned and failed to take action when [REDACTED] approved the falsified report completed by Officer [REDACTED] [REDACTED] is recommended as sustained.*

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**RECOMMENDED FINDINGS**

	<b>Officer</b>	<b>Allegation</b>	<b>Finding/Recommendation</b>
1	Officer [REDACTED]	G.O. 465 (Incident Report): Officer [REDACTED] failed to complete an Incident Report by the end of [REDACTED] tour of duty on 06/10/2022.	Sustained
2	Officer [REDACTED]	G.O. 465 (Incident Report): Officer [REDACTED] failed to complete an Incident Report by the end of [REDACTED] tour of duty on 06/10/2022.	Sustained
3	Officer [REDACTED]	Body Worn Camera Manual: Officer [REDACTED] failed to activate [REDACTED] body-worn camera as required by the body-worn camera manual.	Not Sustained
4	Officer [REDACTED]	Body Worn Camera Manual: Officer [REDACTED] failed to activate [REDACTED] body-worn camera as required by the body-worn camera manual.	Not Sustained
5	Officer [REDACTED]	G.O. 480 (Investigative Action Report): Officer [REDACTED] failed to report the vehicle as recovered.	Sustained
6	Officer [REDACTED]	G.O. 480 (Investigative Action Report): Officer [REDACTED] failed to report the vehicle as recovered.	Not Sustained
7	Officer [REDACTED]	G.O. 511 (Towing): Officer [REDACTED] failed to complete Tow Report RPD 1212 on 06/11/2022.	Not Sustained
8	Officer [REDACTED]	G.O. 511 (Towing): Officer [REDACTED] failed to complete Tow Report RPD 1212 on 06/11/2022.	Not Sustained
9	Officer [REDACTED]	5.1 (Altering, Delaying or Falsifying Reports): Officer [REDACTED] knowingly entered false information on the Incident Report.	Sustained
10	[REDACTED]	6.2 (Subordinate Incompetency or Misconduct): [REDACTED] overlooked, condoned and failed to take action when [REDACTED] approved the falsified report completed by Officer [REDACTED]	Not Sustained

	Officer	Allegation	Finding/Recommendation
11	Officer [REDACTED] [REDACTED]	5.1 (Altering, Delaying or Falsifying Reports): Officer [REDACTED] [REDACTED] knowingly entered false information on the Investigative Action Report.	Sustained
12	[REDACTED] [REDACTED] [REDACTED]	6.2 (Subordinate Incompetency or Misconduct): [REDACTED] [REDACTED] overlooked, condoned and failed to take action when [REDACTED] approved the falsified report completed by Officer [REDACTED]	Sustained

### DISCIPLINARY RECOMMENDATIONS

Section 18 of the City Charter requires that the PAB 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 PAB’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. On 12/18/2023, RPD confirmed that they provided PAB with all disciplinary records in their possession for the involved officers.

According to the PAB’s Disciplinary Matrix, mitigating and aggravating factors related to the misconduct may be considered when determining the level of discipline, so long as an explanation for the deviation is provided.

According to Section 75 of the New York Civil Service Law, no disciplinary proceeding shall be commenced more than eighteen months after the occurrence of the alleged misconduct, unless the alleged misconduct would constitute a crime if proven in the appropriate court of jurisdiction. In this case, 18-months has passed since the alleged misconduct, however, the sustained violations of RPD Rules & Regulations 5.1 (Altering, Delaying or Falsifying Reports) could constitute a criminal violation of Section 175.25 of the NY Penal Law, a Class D Felony. Therefore, the PAB is recommending discipline in this case.

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

Officer [REDACTED] [REDACTED]

This is the first time Officer [REDACTED] [REDACTED] has been the subject of an investigation closed by the PAB.

Officer [REDACTED] is named on the District Attorney's Giglio list. According to the International Association of Chiefs of Police, a Giglio list contains "the names and details of law enforcement officers who have had sustained incidents of untruthfulness, criminal convictions, candor issues, or some other type of issue placing their credibility into question."

**Allegation 1: G.O. 465 (Incident Report):** Officer [REDACTED] [REDACTED] failed to complete an Incident Report by the end of [REDACTED] tour of duty on 06/10/2022.

Disciplinary Matrix

Misconduct	Level
465 §II ( F) Members 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

- Presumptive 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/counseling and training**

**Allegation 5: G.O. 480 (Investigative Action Report):** Officer [REDACTED] [REDACTED] failed to report the vehicle as recovered.

Disciplinary Matrix

Misconduct	Level
480 §III (A)(2) Members must complete and submit reports by the end of that tour of duty. Members will notify a platoon supervisor for any report that cannot be completed by the end of that tour of duty, and will obtain approval to either complete the report immediately or during their following tour of duty	1

- Presumptive 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 / counseling and training**



**Allegation 9: 5.1(c) (Altering, Delaying or Falsifying Reports): Officer [REDACTED] [REDACTED] knowingly entered false information on the Incident Report.**

Disciplinary Matrix

Misconduct	Level
5.1(c) Employees shall not falsely make or submit any type of official report or knowingly enter or cause to be entered any inaccurate, false, or improper information on the records of the Department.	5

- Presumptive Level: 4 (“Significant 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): 60 day suspension
- Reason for deviation: This is Officer [REDACTED] first sustained finding by the PAB. While [REDACTED] mistake in this case had egregious consequences for a citizen and her family, [REDACTED] failure to act does not appear to reflect a deliberate attempt to cover for himself, but rather an error due to the late filing of [REDACTED] report.

**Officer [REDACTED] [REDACTED]**

This is the first time Officer [REDACTED] [REDACTED] has been the subject of an investigation closed by the PAB.

**Allegation 2: G.O. 465 (Incident Report): Officer [REDACTED] [REDACTED] failed to complete an Incident Report by the end of [REDACTED] tour of duty on 06/10/2022.**

Disciplinary Matrix

Misconduct	Level
465 §II ( F) Members 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

- Presumptive 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/counseling and training**

Officer [REDACTED] [REDACTED]

This is the first time Officer [REDACTED] [REDACTED] has been the subject of an investigation closed by the PAB.

**Allegation 11: 5.1 (Altering, Delaying or Falsifying Reports):** Officer [REDACTED] [REDACTED] knowingly entered false information on the Investigative Action Report

Disciplinary Matrix

Misconduct	Level
5.1(c) Employees shall not falsely make or submit any type of official report or knowingly enter or cause to be entered any inaccurate, false, or improper information on the records of the Department.	5

- Presumptive 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 (based on 0 prior sustained violations): **Termination for a Level 5 offense.** Officer [REDACTED] deliberately falsified [REDACTED] report to make it seem that the reporter had not notified RPD that [REDACTED] vehicle had been recovered, alleviating their responsibility, even though [REDACTED] knew that [REDACTED] had in fact notified RPD based on the report of [REDACTED] fellow officer.

[REDACTED] [REDACTED] [REDACTED]

This is the first time [REDACTED] [REDACTED] [REDACTED] has been the subject of an investigation closed by the PAB.

**Allegation 12: 6.2 (Subordinate Incompetency or Misconduct):** [REDACTED] [REDACTED] [REDACTED] overlooked, condoned and failed to take action when [REDACTED] approved the falsified report completed by Officer [REDACTED] [REDACTED]

Disciplinary Matrix

Misconduct	Level
6.2 Supervisors who overlook, condone or fail to take action on incompetence or misconduct on the part of their subordinates shall be guilty of neglect of duty.	4

Recommended Level: 4 ("Significant 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): **60-day suspension**