



INTRODUCTION

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

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

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

BOARD DECISION

Public Tracking Number (PTN): 2023-0193

Date of Panel Review: 14-May-2024 6:11 PM (EDT)

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

Case Findings:

Allegations 1 and 2 - Exonerated

Allegations 3-8 - Not Sustained

Disciplinary Recommendation: N/A.

Dissenting Opinion/Comment: N/A.



DEFINITIONS

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

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

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

Closed: Vote to close the case.



Officer Name- Allegation # 1:

Officer [REDACTED] violated ethical standards A and B by running [REDACTED] license plate for personal reasons unrelated to police work. Officer [REDACTED] violated ethical standards A and B by running [REDACTED] license plate for personal reasons unrelated to police work.

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

Officer Name- Allegation # 2:

Officer [REDACTED] violated ethical standards A and B by running [REDACTED] license plate for personal reasons unrelated to police work. Officer [REDACTED] violated ethical standards A and B by running [REDACTED] license plate for personal reasons unrelated to police work.

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

Officer Name- Allegation # 3:

Officer [REDACTED] violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23. Officer [REDACTED] violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23.

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

Officer Name- Allegation # 4:

Officer [REDACTED] violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23. Officer [REDACTED] violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23.

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



Officer Name- Allegation # 5:

Officer [REDACTED] violated Rule 3.2 (Conducting Private Business or Association On Duty) when he responded to Citizens Bank in Webster on 10/16/23. Officer [REDACTED] Officer [REDACTED] violated Rule 3.2 (Conducting Private Business or Association On Duty) when he responded to Citizens Bank in Webster on 10/16/23.

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

Officer Name- Allegation # 6:

Officer [REDACTED] violated Rule 3.2 (Conducting Private Business or Association On Duty) when he responded to Citizens Bank in Webster on 10/16/23. Officer [REDACTED] Officer [REDACTED] violated Rule 3.2 (Conducting Private Business or Association On Duty) when he responded to Citizens Bank in Webster on 10/16/23.

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

Officer Name- Allegation # 7:

Officer [REDACTED] violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23. Officer [REDACTED] Officer [REDACTED] violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23.

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

Officer Name- Allegation # 8:

Officer [REDACTED] violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23. Officer [REDACTED] Officer [REDACTED] violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23.

- **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**



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 incident involves ██████████ Citizens Bank in Webster, New York. In a complaint to the Rochester Police Department ("RPD")'s Professional Standards Section ("PSS"), ██████████ stated that ██████████ and ██████████ boyfriend, ██████████ have been dealing with harassment and threats from ██████████. In an interview with PSS, ██████████ alleged that ██████████ have had to involve police in several incidents regarding ██████████ including ██████████ allegedly attempting to damage ██████████ vehicle and telling ██████████ children that ██████████ was going to stab ██████████ ██████████ alleges that ██████████ has been looking for ██████████ license plate number, and that a week prior to the incident in question, the Ring camera at ██████████ home captured a video of ██████████ searching for ██████████ vehicle and ultimately popping ██████████ tire before driving away. ██████████ alleges that ██████████ has a close contact in the RPD but does not know his name. ██████████ provided a photograph to PSS of ██████████ with a person ██████████ believes is an RPD officer.

On 10/16/2023 at 11:43 AM, ██████████ observed an RPD officer parked in a police vehicle in the Citizens Bank parking lot at 1950 Empire Boulevard, Webster, NY 14580, which is where ██████████ works. ██████████ observed the vehicle pull into the parking lot, where it parked for approximately 10 seconds before pulling away. (Allegation 1, Allegation 2, Allegation 3, Allegation 4, Allegation 5, Allegation 6, Allegation 7, Allegation 8). ██████████ believes that during this 10-second window, an officer was running ██████████ license plate number in order to obtain damaging information about ██████████ or arrest ██████████. ██████████ based this allegation on ██████████ observation of an RPD vehicle operating outside of the Department's jurisdiction, and ██████████ belief that ██████████ is using a personal connection within the RPD to harass and intimidate ██████████

INVOLVED OFFICERS

Officer Name	Officer Rank	Badge/Employee #	Date of Appointment	Sex	Race/Ethnicity
██████████	██████████	██████████	██████████	██████████	██████████
██████████	██████████	██████████	██████████	██████████	██████████



INVOLVED INDIVIDUALS

Name	Age	Sex	Race/ Ethnicity
██████████	██	██████	██████████
██████████	██	██████	██████████
██████████	██████████	██████	██████████

ALLEGATIONS

Officer ██████████	Officer ██████████ violated ethical standards A and B by running ██████████ license plate for personal reasons unrelated to police work
Officer ██████████	Officer ██████████ violated ethical standards A and B by running ██████████ license plate for personal reasons unrelated to police work
Officer ██████████	Officer ██████████ violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23.
Officer ██████████	Officer ██████████ violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23.
Officer ██████████	Officer ██████████ violated Rule 3.2 (Conducting Private Business or Association On Duty) when he responded to Citizens Bank in Webster on 10/16/23.
Officer ██████████	Officer ██████████ violated Rule 3.2 (Conducting Private Business or Association On Duty) when he responded to Citizens Bank in Webster on 10/16/23.
Officer ██████████	Officer ██████████ violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23.
Officer ██████████	Officer ██████████ violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23.

INVESTIGATION

On 10/23/2023, ██████████ submitted a complaint to PSS. At 8:38 AM, Sergeant ██████████ and Sergeant ██████████ interviewed ██████████ at ██████████ about ██████████ allegations.

On 10/25/2023, ██████████ provided the PAB with a notice of their investigation into the incident, as well as: a transcription of the interview with ██████████ a photograph provided to the Professional Standards Section by ██████████ via email; one audio recording of a phone call from ██████████ to the RPD on 10/23/2023; one audio recording of a phone call from the RPD to ██████████ on 10/23/2023; a copy of the personnel complaint form; two CAD job cards; one Incident Report; and one Investigative Action Report.

Officer Statement Request letters for Officers ██████████ 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 [REDACTED] on 11/30/2023.

On 3/11/2023, former PAB Director of Investigations [REDACTED] reassigned this case from former PAB Investigator [REDACTED] to PAB Investigator [REDACTED]

On 3/19/2024, a Source of Information request was sent to RPD requesting the DMV Records Check for NY License Plate GAP 7598 performed on 10/16/2023, and records or data verifying attempts to ping the cell phone of [REDACTED] on 10/16/2023 by Officer [REDACTED] and Officer [REDACTED] both of which were referenced in the documents previously provided by [REDACTED]

On 3/19/2024, [REDACTED] responded to the Source of Information request, and informed that RPD does not have any data related to either request, and referred the request to the Emergency Communications Department (ECD), as the process for both DMV records checks and cellphone pings is conducted by ECD at the request of RPD.

On 4/17/2024, once a process to make information requests of ECD had been established, PAB Deputy Executive Director and Acting Director of Investigations [REDACTED] requested the DMV Records Check for NY License Plate GAP 7598 performed on 10/16/2023, and records or data verifying attempts to ping the cell phone of [REDACTED] on 10/16/2023 by Officer [REDACTED] and Officer [REDACTED]

On 4/24/2024, PAB Deputy Executive Director and Acting Director of Investigations obtained discs with information requested of ECD. None of the discs contained data relating to either request made in this case and ECD notified PAB that this data does not exist.

This is the first time Officer [REDACTED] and Officer [REDACTED] have been the subjects of an investigation closed by the PAB.

EVIDENCE REVIEWED

Evidence	Description	Provided by	Reason declined	Filename
Notice of PSS investigation	A notice of [REDACTED] complaint to PSS sent to PAB on 10/25/2023	Capt. [REDACTED]	N/A	PSS NOTIFY to PAB RPD IA # 2023-0689 [REDACTED].pdf
Interview transcription	A transcription of [REDACTED] interview with PSS on 10/23/2023 detailing [REDACTED] allegation	Capt. [REDACTED]	N/A	[REDACTED].steno.pdf
Phone call	Call from [REDACTED] to PSS asking for	Capt. [REDACTED]	N/A	Call 23Oct23.mp3



EVIDENCE REVIEWED

Evidence	Description	Provided by	Reason declined	Filename
	directions to the building. File was transcoded by PAB to .mp3 format for stream compatibility on SharePoint.			
Phone call	Call from PSS to [REDACTED] asking to re-send the photograph by email. File was transcoded by PAB to .mp3 format for stream compatibility on SharePoint.	Capt. [REDACTED]	N/A	Call24October23 [REDACTED].mp3
RPD 1253	Personnel Complaint form signed by [REDACTED]	Capt. [REDACTED]	N/A	RPD 1253 23-0689.pdf
Photograph	Photograph provided to PSS by [REDACTED] allegedly depicting [REDACTED] and an off-duty Rochester Police Officer	Capt. [REDACTED]	N/A	FW Picture.msg
Incident Report	Incident Report regarding the Missing Person investigation that led RPD officers to Webster, NY	Capt. [REDACTED]	N/A	23-244468 Original Report.pdf
Investigative Action Report	IAR regarding the missing person investigation that led RPD officers to Webster, NY	Capt. [REDACTED]	N/A	23-244468 IAR [REDACTED].pdf
CAD Job Card	CAD card showing dispatch activity on 10/16/23	Capt. [REDACTED]	N/A	Job Card.pdf



EVIDENCE REVIEWED

Evidence	Description	Provided by	Reason declined	Filename
	regarding the missing person investigation			
CAD Unit Response	CAD card showing police unit response on 10/16/23 regarding the missing person investigation	Capt. [REDACTED]	N/A	Event Unit.pdf
Officer Statement Request: [REDACTED]	Officer Statement Request from PAB to Officer [REDACTED] on 11/27/2023	PAB	N/A	Officer Statement Request [REDACTED] 23-0193.docx
Officer Statement Request: [REDACTED]	Officer Statement Request from PAB to Officer [REDACTED] on 11/27/2023	PAB	N/A	Officer Statement Request [REDACTED] 23-0193.docx
DMV Records Check for NY License Plate GAP 7598 performed on 10/16/2023	N/A	N/A	ECD notified PAB that this data does not exist.	N/A
Records or data verifying attempts to ping the cell phone of [REDACTED] on 10/16/2023 by Officer [REDACTED] and Officer [REDACTED]	N/A	N/A	ECD notified PAB that this data does not exist.	N/A

APPLICABLE RULES & LAWS



Rochester Police Department Rules & Regulations

ETHICAL STANDARDS

a) No City officer or employee shall have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation, as a result of which, directly or indirectly, he would have an interest that would impair his independence of judgment or action in the performance of his official duties or that would be in conflict with the performance of his official duties.

d) No City officer or employee, acting in the performance of his official duties, shall treat, whether by action or omission to act, any person more favorably than it is the custom and practice to treat the general public.

e) No City officer or employee shall use or permit the use of City owned vehicles, equipment, materials or property for the convenience or profit of himself or any other person.

2.10 LEAVING AREA OF ASSIGNMENT

Employees shall not leave their area of assignment unless:

- a) on assignment from dispatchers; or
- b) authorized by a supervisor; or
- c) an incident outside of their immediate area requires police attention;
- d) in close pursuit of a violator of law.

3.2 CONDUCTING PRIVATE BUSINESS OR ASSOCIATION ON DUTY

Employees shall not utilize their on-duty time to the pursuit of any private business, private enterprise or personal association.

3.3 USE OF BADGE OR POSITION FOR PERSONAL GAIN

Employees shall not use or attempt to use their official position, badge, or credentials for any personal gain.

ANALYSIS

STANDARD OF PROOF

For the purpose of PAB's investigations, findings must be made pursuant to a "substantial evidence" standard of proof. City Charter 18-5(l)(10). This standard is met when there is enough relevant and credible evidence in the record as a whole that a reasonable person could support the conclusion made. (See 4 CFR §28.61(d)).



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

Allegation 1: Officer [REDACTED] violated ethical standards A and B by running [REDACTED] license plate for personal reasons unrelated to police work.

The RPD's Rules & Regulations: Ethics states that police officers will not engage in any professional activity in which they would have "an interest that would impair his independence of judgment...or would be in conflict with the performance of his duties." The Ethics subsection further states that officers, acting in the performance of their official duties, shall not treat any person more favorably than is the custom and practice to treat the public. Lastly, the Ethics subsection states that officers shall not use City-owned vehicles for the convenience or profit of themselves or another person.

A review of the CAD documents provided shows that Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there. [REDACTED] alleges the purpose of this activity was to obtain potentially damaging information [REDACTED] from [REDACTED] license plate number.

A review of the Incident Report and Investigative Action Report provided by the Department shows Officer [REDACTED] was attempting to locate a missing person when he arrived at the location. CAD documents show that Officer [REDACTED] arrived at or near 1935 Empire Boulevard at 11:43 AM, within two minutes of the time noted by [REDACTED] in [REDACTED] complaint, to investigate the missing person incident. Officer [REDACTED] responded to the location on official duty as part of a valid investigation.

This investigator attempted to obtain verification that a DMV Records Check for NY License Plate GAP 7598 was performed on 10/16/2023 from the Emergency Communications Department (ECD) and nothing was found., Accordingly, the allegation that Officer [REDACTED] violated ethical standards A and B is recommended as Exonerated.

Allegation 2: Officer [REDACTED] violated ethical standards A and B by running [REDACTED] license plate for personal reasons unrelated to police work.

The RPD's Rules & Regulations: Ethics states that police officers will not engage in any professional activity in which they would have "an interest that would impair his independence of judgment...or would be in conflict with the performance of his duties." The Ethics subsection further states that officers, acting in the performance of their official duties, shall not treat any person more favorably than is the custom and practice to treat the public. Lastly, the Ethics subsection states that officers shall not use City-owned vehicles for the convenience or profit of themselves or another person.



A review of the CAD documents provided shows that Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there. [REDACTED] alleges the purpose of this activity was to obtain potentially damaging information about [REDACTED] from [REDACTED] license plate number.

A review of the Incident Report and Investigative Action Report provided by the Department shows Officer [REDACTED] was attempting to locate a missing person when he arrived at the location. CAD documents show that Officer [REDACTED] arrived at or near 1935 Empire Boulevard at 11:43 AM, within two minutes of the time noted by [REDACTED] in [REDACTED] complaint, to investigate the missing person incident. Officer [REDACTED] responded to the location on official duty as part of a valid investigation.

This investigator attempted to obtain verification that a DMV Records Check for NY License Plate GAP 7598 was performed on 10/16/2023 from ECD and nothing was found. Accordingly, the allegation that Officer [REDACTED] violated ethical standards A and B is recommended as Exonerated.

Allegation 3: Officer [REDACTED] violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23.

The RPD's Rule 2.10 states that police officers shall not leave their area of assignment unless an incident outside of their immediate area requires police attention. Officer [REDACTED] is assigned to patrol the Clinton section of the City of Rochester.

A review of the CAD documents provided shows that Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there. This location is outside of Officer [REDACTED] area of assignment. However, a review of the Incident Report and Investigative Action Report provided by the Department shows Officer [REDACTED] was attempting to locate a missing person when he arrived at the location.

Officers were continuing an investigation that had begun the day prior, and documents provided by RPD state that officers were investigating locations where the missing person's cell phone provided a location "ping" indicating the person's possible whereabouts. However, ECD did not have any record of this officer attempting to "ping" the person's cell phone. This makes it impossible to determine the reason Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there.

The allegation that Officer [REDACTED] violated Rule 2.10 (Leaving Area of Assignment) is recommended as Not Sustained.

Allegation 4: Officer [REDACTED] violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23.

The RPD's Rule 2.10 states that police officers shall not leave their area of assignment unless an incident outside of their immediate area requires police attention. Officer [REDACTED] is assigned to patrol the Clinton section of the City of Rochester.

A review of the CAD documents provided shows that Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there. This location is outside of Officer [REDACTED] area of assignment. However, a review of the Incident Report and Investigative Action Report provided by the Department shows Officer [REDACTED] was attempting to locate a missing person when he arrived at the location.



Officers were continuing an investigation that had begun the day prior, and documents provided by RPD state that officers were investigating locations where the missing person's cell phone provided a location "ping" indicating the person's possible whereabouts. However, ECD has no record that such a "ping" had ever been done, making it impossible to determine the reason Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there.

The allegation that Officer [REDACTED] violated Rule 2.10 (Leaving Area of Assignment) is recommended as Not Sustained.

Allegation 5: Officer [REDACTED] violated Rule 3.2 (Conducting Private Business or Association on Duty) when he responded to Citizens Bank in Webster on 10/16/23.

The RPD's Rule 3.2 states that police officers shall not use their on-duty time for pursuit of private business or personal association.

A review of the CAD documents provided shows that Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there. [REDACTED] alleges the purpose of this activity was to obtain potentially damaging information about [REDACTED] from [REDACTED] license plate number.

A review of the Incident Report and Investigative Action Report provided by the Department shows Officer [REDACTED] was attempting to locate a missing person when he arrived at the location. Officers were continuing an investigation that had begun the day prior, and documents provided by RPD state that officers were investigating locations where the missing person's cell phone provided a location "ping" indicating the person's possible whereabouts.

CAD documents show that Officer [REDACTED] arrived at or near 1935 Empire Boulevard at 11:43 AM, within two minutes of the time noted by [REDACTED] in [REDACTED] complaint, in response to a "ping" indicating the missing person's possible whereabouts. However, ECD was unable to verify that such a "ping" had ever been requested, making it impossible to determine the reason Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there.

The allegation that Officer [REDACTED] violated Rule 3.2 is recommended as Not Sustained.

Allegation 6: Officer [REDACTED] violated Rule 3.2 (Conducting Private Business or Association on Duty) when he responded to Citizens Bank in Webster on 10/16/23.

The RPD's Rule 3.2 states that police officers shall not use their on-duty time for pursuit of private business or personal association.

A review of the CAD documents provided shows that Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there. [REDACTED] alleges the purpose of this activity was to obtain potentially damaging information about [REDACTED] from [REDACTED] license plate number.



A review of the Incident Report and Investigative Action Report provided by the Department shows Officer [REDACTED] was attempting to locate a missing person when he arrived at the location. Officers were continuing an investigation that had begun the day prior, and documents provided by RPD state that officers were investigating locations where the missing person's cell phone provided a location "ping" indicating the person's possible whereabouts.

CAD documents show that Officer [REDACTED] arrived at or near 1935 Empire Boulevard at 11:43 AM, within two minutes of the time noted by [REDACTED] in [REDACTED] complaint, in response to a "ping" indicating the missing person's possible whereabouts. However, ECD was unable to verify that such a "ping" had ever been requested, making it impossible to determine the reason Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there.

The allegation that Officer [REDACTED] violated Rule 3.2 is recommended as Not Sustained.

Allegation 7: Officer [REDACTED] violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23.

The RPD's Rule 3.3 states that police officers shall not use their official position for personal gain.

A review of the CAD documents provided shows that Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there. [REDACTED] alleges the purpose of this activity was to obtain potentially damaging information about [REDACTED] from [REDACTED] license plate number.

A review of the Incident Report and Investigative Action Report provided by the Department shows Officer [REDACTED] was attempting to locate a missing person when he arrived at the location. Officers were continuing an investigation that had begun the day prior, and documents provided by RPD state that officers were investigating locations where the missing person's cell phone provided a location "ping" indicating the person's possible whereabouts.

CAD documents show that Officer [REDACTED] arrived at or near 1935 Empire Boulevard at 11:43 AM, within two minutes of the time noted by [REDACTED] in [REDACTED] complaint, in response to a "ping" indicating the missing person's possible whereabouts. However, ECD has no record that such a "ping" was requested, making it impossible to determine the reason Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there.

The allegation that Officer [REDACTED] violated Rule 3.3 is recommended as Not Sustained.

Allegation 8: Officer [REDACTED] violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23.

The RPD's Rule 3.3 states that police officers shall not use their official position for personal gain.

A review of the CAD documents provided shows that Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there. [REDACTED] alleges the purpose of this activity was to obtain potentially damaging information about [REDACTED] from [REDACTED] license plate number.



City of Rochester
Police Accountability Board
Established 2019

245 E. Main Street
Rochester, NY 14604

A review of the Incident Report and Investigative Action Report provided by the Department shows Officer [REDACTED] was attempting to locate a missing person when he arrived at the location. Officers were continuing an investigation that had begun the day prior, and documents provided by RPD state that officers were investigating locations where the missing person's cell phone provided a location "ping" indicating the person's possible whereabouts.

CAD documents show that Officer [REDACTED] arrived at or near 1935 Empire Boulevard at 11:43 AM, within two minutes of the time noted by [REDACTED] in [REDACTED] complaint, in response to a "ping" indicating the missing person's possible whereabouts. However, ECD has no record that such a "ping" was requested, making it impossible to determine the reason Officer [REDACTED] was at the location [REDACTED] described, at the time [REDACTED] said [REDACTED] observed him there.

The allegation that Officer [REDACTED] violated Rule 3.2 is recommended as Not Sustained.



RECOMMENDED FINDINGS

#	Officer	Allegation	Finding/Recommendation
1	Officer ██████████	Officer ██████████ violated ethical standards A and B by running ██████████ license plate for personal reasons unrelated to police work.	Exonerated
2	Officer ██████████	Officer ██████████ violated ethical standards A and B by running ██████████ license plate for personal reasons unrelated to police work.	Exonerated
3	Officer ██████████	Officer ██████████ violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23.	Not Sustained
4	Officer ██████████	Officer ██████████ violated Rule 2.10 (Leaving Area of Assignment) when he responded to Citizens Bank in Webster on 10/16/23.	Not Sustained
5	Officer ██████████	Officer ██████████ violated Rule 3.2 (Conducting Private Business or Association On Duty) when he responded to Citizens Bank in Webster on 10/16/23.	Not Sustained
6	Officer ██████████	Officer ██████████ violated Rule 3.2 (Conducting Private Business or Association On Duty) when he responded to Citizens Bank in Webster on 10/16/23.	Not Sustained
7	Officer ██████████	Officer ██████████ violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23.	Not Sustained
8	Officer ██████████	Officer ██████████ violated Rule 3.3 (Using Badge or Position for Personal Gain) when he responded to Citizens Bank in Webster on 10/16/23.	Not Sustained