



## 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):** 2023-0201

**Date of Panel Review:** 12-Apr-2024 1:37 PM (EDT)

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

**Case Findings:** Sustained as to charges 3, 7, 8, and 9. Exonerated for 1, 2, 4, 5, and 6.

**Disciplinary Recommendation:** Verbal apology and written reprimand.

**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:**

Sergeant [REDACTED] - Rules and Regulations 2.2 (Identification): Sergeant [REDACTED] failed to provide [REDACTED] with the names of officers involved in [REDACTED] complaint.

- **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 Name- Allegation # 2:**

Sergeant [REDACTED] - Rules and Regulations 2.13 (Assistance to Citizens): Sergeant [REDACTED] did not assist [REDACTED] in reporting [REDACTED] assault claims against hospital security.

- **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 Name- Allegation # 3:**

Sergeant [REDACTED] - Rules and Regulations 4.2 (Courtesy): Sergeant [REDACTED] used harsh and/or insolent language when speaking to [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
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**Officer Name- Allegation # 4:**

Acting Sergeant [REDACTED] - Rules and Regulations 2.13 (Assistance to Citizens): Acting Sergeant [REDACTED] did not assist [REDACTED] in reporting [REDACTED] assault claims against hospital security.

- **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:**

Acting Sergeant [REDACTED] - Rules and Regulations 2.23 (Performance of Duties): Acting Sergeant [REDACTED] conducted an act of malfeasance by deleting hospital security footage.

- **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 Name- Allegation # 6:**

Acting Sergeant [REDACTED] - Rules and Regulations 4.2 (Courtesy): Acting Sergeant [REDACTED] used harsh and/or insolent language when speaking to [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
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**Officer Name- Allegation # 7:**

Officer [REDACTED] - Rules and Regulations 2.14 (Medical Attention for Ill Persons): Officer [REDACTED] did not assist [REDACTED] in [REDACTED] request to obtain medical treatment.

- **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 Name- Allegation # 8:**

Officer [REDACTED] - Rules and Regulations 4.2 (Courtesy): Officer [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]

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



**Officer Name- Allegation # 9:**

Officer [REDACTED] - Rules and Regulations 4.2 (Courtesy): Officer [REDACTED] used harsh and/or insolent language when speaking to [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**



**PAB**

City of Rochester  
Police Accountability Board  
Established 2019

245 E. Main Street  
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## 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 following events took place on October 28, 2023 at approximately 1:45 am, at Highland Hospital located at 1000 South Avenue, Rochester, New York, 14620.

On the above mentioned date and time Acting Sergeant [REDACTED] Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] responded to the above location in response to a fight taking place in the emergency room waiting area between Highland Hospital security staff and patrons. All physical interactions between the parties had ceased by the time the Rochester Police Department Officers arrived on scene. Officers began to interview [REDACTED] and [REDACTED] who were handcuffed in the security office.<sup>1</sup>

The officers attempted to speak to [REDACTED] and [REDACTED] while they were in the same room. As a result all parties began yelling over each other in an effort to convey their points of view.

On November 9, 2023, [REDACTED] filed a complaint with the Rochester Police Department's Professional Standards Section alleging that Acting Sergeant [REDACTED] denied her medical treatment and failed to investigate [REDACTED] assault claim against Highland Hospital Security. [REDACTED] also alleged that Acting Sergeant [REDACTED] deleted hospital security video containing footage of the altercation between [REDACTED] and hospital security officers. [REDACTED] further alleged that Officer [REDACTED] also denied [REDACTED] medical treatment.

Sergeant [REDACTED] began to investigate [REDACTED] claims and spoke with [REDACTED] both in-person and over the phone. [REDACTED] then reported that Sergeant [REDACTED] failed to investigate [REDACTED] claim against Hospital Security, did not allow [REDACTED] to press charges regarding the matter, and failed to provide [REDACTED] with any of the names of the other officers involved.

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<sup>1</sup> It is soon revealed that [REDACTED] and [REDACTED] were also with [REDACTED] and [REDACTED] however, [REDACTED] and [REDACTED] remained in the waiting room.


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### INVOLVED OFFICERS

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

### INVOLVED INDIVIDUALS

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

### ALLEGATIONS

1	Sergeant [REDACTED]	Rules and Regulations 2.2 (Identification): Sergeant [REDACTED] failed to provide [REDACTED] with the names of officers involved in [REDACTED] complaint.
2	Sergeant [REDACTED]	Rules and Regulations 2.13 (Assistance to Citizens): Sergeant [REDACTED] did not assist [REDACTED] in reporting [REDACTED] assault claims against hospital security.
3	Sergeant [REDACTED]	Rules and Regulations 4.2 (Courtesy): Sergeant [REDACTED] used harsh and/or insolent language when speaking to [REDACTED].
4	Acting Sergeant [REDACTED]	Rules and Regulations 2.13 (Assistance to Citizens): Acting Sergeant [REDACTED] did not assist [REDACTED] in reporting [REDACTED] assault claims against hospital security.
5	Acting Sergeant [REDACTED]	Rules and Regulations 2.23 (Performance of Duties): Acting Sergeant [REDACTED] conducted an act of malfeasance by deleting hospital security footage.

<sup>2</sup> Officer [REDACTED] was a responding Officer, however no allegations of policy violations or wrongdoing has been made against this Officer and he is not being further investigated for this matter.



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6	Acting Sergeant [REDACTED]	Rules and Regulations 4.2 (Courtesy): Acting Sergeant [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]
7	Officer [REDACTED]	Rules and Regulations 2.14 (Medical Attention for Ill Persons): Officer [REDACTED] did not assist [REDACTED] in request to obtain medical treatment.
8	Officer [REDACTED]	Rules and Regulations 4.2 (Courtesy): Officer [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]
9	Officer [REDACTED]	Rules and Regulations 4.2 (Courtesy): Officer [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]

## INVESTIGATION

These events were reported on multiple occasions. Reporter [REDACTED] filed a complaint with the Police Accountability Board on November 14, 2023. It was assigned a case number of 2023-0200. Reporter [REDACTED] filed a complaint with the Police Accountability Board on November 14, 2023. It was assigned a case number of 2023-0201. Reporter [REDACTED] then filed a second complaint with the Police Accountability Board on February 5, 2024. It was assigned a case number of 2024-0017. These cases have been merged and case number 2023-0200 and case number 2024-0017 have been administratively closed.

The Rochester Police Department notified the Police Accountability Board on November 13, 2023, of an investigation concerning these events, being conducted by the Police Department's Professional Standards Section.

On November 16, 2023, the Rochester Police Department provided the Police Accountability Board with a written complaint made by [REDACTED] to the Professional Standards Section, a transcript of a statement made by [REDACTED] to the Professional Standards Section, [REDACTED] witness advisement form, one incident report, two computer aided dispatch reports, [REDACTED] complainant advisement form, a written complaint made by [REDACTED] to the Professional Standards Section, [REDACTED] HIPAA release, a transcript of a statement made by [REDACTED] to the Professional Standards Section, a prisoner data report, and one investigative action report.

On November 22, 2023, the Rochester Police Department provided the Police Accountability Board with twelve body worn camera videos, six photographs, medical records for [REDACTED]





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medical records for [REDACTED] medical records for [REDACTED] one social media recording of the event, one cell phone video of the event, and two cell phone videos capturing an audio conversation between [REDACTED] and Sergeant [REDACTED]

On December 1, 2023, the Rochester Police Department provided the Police Accountability Board with the supporting deposition of [REDACTED], four computer aided dispatch reports, four photographs depicting four Rochester Police Department Officers, and two Rochester Police Department fax cover pages.

On December 6, 2023, the Rochester Police Department provided the Police Accountability Board with intra-departmental correspondences directed towards responding officers regarding these events.

On December 8, 2023, the Rochester Police Department provided the Police Accountability Board with a letter addressed to [REDACTED] from the Professional Standards Section, and three signed intra-departmental correspondences directed towards responding officers, acknowledging their receipt of such requests.

On December 28, 2023, the Rochester Police Department provided the Police Accountability Board with a Highland Hospital Security Officer's medical records, an email from [REDACTED] to the Professional Standards Section, two Information/Complaints against [REDACTED] three memos completed by Rochester Police Department Officers in response to the intra-departmental correspondence request, two computer aided dispatch reports, an email response from the Professional Standards Section to [REDACTED] and one body camera video capturing an audio conversation between [REDACTED] and Sergeant [REDACTED]

On January 4, 2024, the Rochester Police Department provided the Police Accountability Board with a letter from the Professional Standards Section to [REDACTED] one Rochester Police Department additional training report, one inter-departmental correspondence, one letter from the Professional Standards Section to [REDACTED] one UR Medicine fax cover sheet, and an email from [REDACTED] to Sergeant [REDACTED]

The Police Accountability Board notified the Rochester Police Department of its subsequent investigation and requested corresponding documents on February 28, 2024.

The Rochester Police Department responded to the Police Accountability Board's subsequent investigation notification on February 29, 2024, informing the Board of its previously submitted documents.



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On March 4, 2024, the Rochester Police Department provided the Police Accountability Board with a letter addressed to [REDACTED] from the Professional Standards Section and a letter addressed to [REDACTED] from the Professional Standards Section.

The Police Accountability Board conducted in-person interviews of [REDACTED] [REDACTED] [REDACTED], and [REDACTED] on March 5, 2024.

The Rochester Police Department also provided the Police Accountability Board with eleven audio files which were transcoded and uploaded on March 7, 2024.

### EVIDENCE PROVIDED

Evidence	Description	Provided by	Filename
Intake Report	[REDACTED] initial report	[REDACTED]	<a href="#">i-Sight   Case 2024-0017   Details   Overview</a>
Notification of Investigation	Rochester Police Department's notification of a Professional Standards Section investigation	Rochester Police Department	<a href="#">S-SharePoint File Transfer - 2023-0731.pdf - All Documents</a>
Various Documents	Documents sent to the Police Accountability Board on November 16, 2023	Rochester Police Department	<a href="#">S-SharePoint File Transfer - Sent 11-16-23 - All Documents</a>
Various Documents	Documents sent to the Police Accountability Board on November 22, 2023	Rochester Police Department	<a href="#">Genetec Clearance   Collaborative investigation management</a>
Various Documents	Documents sent to the Police Accountability Board on December 1, 2023	Rochester Police Department	<a href="#">S-SharePoint File Transfer - sent 12-1-23 - All Documents</a>
Various Documents	Documents sent to the Police Accountability Board on December 6, 2023	Rochester Police Department	<a href="#">S-SharePoint File Transfer - Sent 12-6-23 - All Documents</a>
Various Documents	Documents sent to the Police Accountability Board	Rochester Police Department	<a href="#">S-SharePoint File Transfer - Sent 12-8-23 - All Documents</a>



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Evidence	Description	Provided by	Filename
	on December 8, 2023		
Various Documents	Documents sent to the Police Accountability Board on December 28, 2023	Rochester Police Department	<a href="#">S-SharePoint File Transfer - sent 12-28-23 - All Documents</a>
Various Documents	Documents sent to the Police Accountability Board on January 4, 2024	Rochester Police Department	<a href="#">S-SharePoint File Transfer - Sent 1-4-24 - All Documents</a>
Various Documents	Documents sent to the Police Accountability Board on March 4, 2024	Rochester Police Department	<a href="#">S-SharePoint File Transfer – Sent 3-4-24 – All Documents</a>
Various Audio Files	Sent to the Police Accountability Board and uploaded on March 7, 2024	Rochester Police Department	<a href="#">PAB Reports – TranscodedAudioFiles – All Documents (sharepoint.com)</a>
Information Request	First Source of Information Request to the Rochester Police Department and response	Police Accountability Board	<a href="#">S-SharePoint File Transfer – InitialNotification 2024-0017 RPD response began 2-29-24 sent 3-4-24.pdf – All Documents</a>
Audio and Visual Interviews	Interviews of [REDACTED] and [REDACTED]	Police Accountability Board	<a href="#">PAB Reports - 03.05.24 - All Documents (sharepoint.com)</a>

### EVIDENCE DENIED

Evidence	Description	Reason declined
Personnel Records of the Officers involved	Request from the Police Accountability Board to the Rochester Police Department	No response given.

### APPLICABLE RULES & LAWS

Rochester Police Department Rules and Regulations



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## 2.2 IDENTIFICATION

- a) Officers shall respectfully furnish their name and badge number to any person requesting that information when they are on duty or presenting themselves as police officers. Exceptions may be made for person on special duties and assignments (e.g., undercover, vice assignments) with permission of their supervisor.
- b) Non-sworn employees shall respectfully furnish their names to any person requesting that information when they are on duty or presenting themselves as Rochester Police Department employees.

## 2.13 ASSISTANCE TO CITIZENS

Employees shall, in accordance with policies and procedures of the Department, render all possible police service to any citizen seeking information or assistance.

## 2.14 MEDICAL ATTENTION FOR ILL PERSONS

Employees shall ensure that any injured or ill person is given the opportunity for medical attention.

## 2.23 PERFORMANCE OF DUTIES

- a) Employees shall not neglect their duty.
- b) Employees shall not commit an act of misfeasance.
- c) Employees shall not commit an act of malfeasance.
- d) Nonfeasance is prohibited.

## 4.2 COURTESY

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

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## **STANDARD OF PROOF**

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

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

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

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## ANALYSIS

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The following findings are made based on the above standards:

Allegation 1: Sergeant [REDACTED] failed to provide [REDACTED] with the names of officers involved in [REDACTED] complaint.

The Rochester Police Department’s Rules and Regulations 2.2. states that Officers shall respectfully furnish their name and badge number to any person requesting that information when they are on duty or presenting themselves as police officers.

On more than one occasion, [REDACTED] requested that Sergeant [REDACTED] provide [REDACTED] with the names of the other Officers involved in [REDACTED] complaint. On all occasions, Sergeant [REDACTED] responded by telling [REDACTED] that the names and information of all parties involved will be included on the reports received. It must also be noted that Sergeant [REDACTED] has never failed to identify himself in his interactions with [REDACTED]. Sergeant [REDACTED] has not violated any Rochester Police Department policy in regards to identifying other officers, as he is not required to.

*Allegation 1 against Sergeant [REDACTED] is exonerated.*

Allegation 2: Sergeant [REDACTED] did not assist [REDACTED] in reporting [REDACTED] assault claims against hospital security.

The Rochester Police Department’s Rules and Regulations 2.13 states that Officers shall, in accordance with policies and procedures of the Department, render all possible police service to any citizen seeking information or assistance.

During a phone call placed on December 22, 2023, [REDACTED] informed Sergeant [REDACTED] that [REDACTED] wanted to file charges against Highland Hospital Security for assault. See [22Dec23Conversation with \[REDACTED\].mp3 \(sharepoint.com\)](#) beginning at 4:22.



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Sergeant [REDACTED] responded by informing [REDACTED] that his duty was to investigate potential wrongdoings of Rochester Police Department Officers. Sergeant [REDACTED] did not provide any other information or instructions as to how [REDACTED] would be able to file such assault charges. Because Sergeant [REDACTED] is not considered a generalized Rochester Police Department Officer, but rather a Sergeant within the Professional Standards section, he conducted himself within policy by remaining within his specialized job description and informing [REDACTED] of his limitations. Sergeant [REDACTED] has not violated any Rochester Police Department policy in regards to assisting [REDACTED] in filing an assault claim against hospital security.

*Allegation 2 against Sergeant [REDACTED] is exonerated.*

Allegation 3: Sergeant [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]

The Rochester Police Department's Rules and Regulations 4.2 states that Officers shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or person.

Sergeant [REDACTED] spoke to [REDACTED] on several occasions during the course of his investigation. Also on several occasions, Sergeant [REDACTED] can be heard speaking to [REDACTED] harsh discourteous tone. See [22Dec23Conversation with \[REDACTED\].mp3 \(sharepoint.com\)](#) beginning at 8:10, in which Sergeant [REDACTED] tells [REDACTED] that [REDACTED] is not listening to him and then he hangs up on [REDACTED] while [REDACTED] is talking. See also [Conversation 14Dec23.mp3 \(sharepoint.com\)](#) beginning at 7:05 in which Sergeant [REDACTED] begins to talk over [REDACTED] and then instructs [REDACTED] to stop talking over him and then tells [REDACTED] "I am done talking to you, have a nice day" and hangs up on [REDACTED]. Sergeant [REDACTED] was discourteous in his interactions with [REDACTED].

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

Allegation 4: Acting Sergeant [REDACTED] did not assist [REDACTED] in reporting [REDACTED] assault claims against hospital security.

The Rochester Police Department's Rules and Regulations 2.13 states that Officers shall, in accordance with policies and procedures of the Department, render all possible police service to any citizen seeking information or assistance.

While at Highland Hospital, [REDACTED] told Acting Sergeant [REDACTED] that [REDACTED] wanted to press charges against Highland Hospital security for assaulting [REDACTED]. Acting Sergeant [REDACTED] responded by telling [REDACTED] that the hospital security staff was just doing their jobs and she could not press charges. See [Genetec Clearance | Collaborative investigation management](#) beginning at 02:54:05. Acting Sergeant [REDACTED] then advised [REDACTED] that [REDACTED] may contact Hospital Relations if [REDACTED] wished to file a charge against the hospital.

Acting Sergeant [REDACTED] then called [REDACTED] after leaving the hospital. [REDACTED] immediately told Acting Sergeant [REDACTED] that [REDACTED] wanted to file charges against Highland Hospital Security for assaulting [REDACTED] as well as [REDACTED]. Acting Sergeant [REDACTED] failed to provide [REDACTED] with instructions as to





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how [REDACTED] can file charges. Instead, Acting Sergeant [REDACTED] responded by telling [REDACTED] that [REDACTED] punched a security guard. No further instructions or explanations were given during that phone call. See [Genetec Clearance | Collaborative investigation management](#). Acting Sergeant [REDACTED] failed to assist [REDACTED] in the filing of [REDACTED] assault claim; however, Sergeant [REDACTED] had previously provided [REDACTED] with instructions as to how [REDACTED] could file a complaint against Highland Hospital.

*Allegation 4 against Acting Sergeant [REDACTED] is unfounded.*

Allegation 5: Acting Sergeant [REDACTED] conducted an act of malfeasance by deleting hospital security footage.

The Rochester Police Department's Rules and Regulations 2.23 states that Officers shall not commit an act of malfeasance. The Rules further define malfeasance as "the doing of an unlawful act in office".

[REDACTED] alleges that Acting Sergeant [REDACTED] deleted Highland Hospital security footage depicting the altercation between herself, [REDACTED] and hospital security.

Acting Sergeant [REDACTED] body camera footage shows him standing behind the computer in close proximity while security footage is being reviewed. However, no footage shows Acting Sergeant [REDACTED] operating the computer or manipulating any data. Body camera footage also fails to show Acting Sergeant [REDACTED] give any commands, directives, or instructions, to any individual to manipulate or delete any data. See [Genetec Clearance | Collaborative investigation management](#). Acting Sergeant [REDACTED] did not delete hospital security footage.

*Allegation 5 against Acting Sergeant [REDACTED] is exonerated.*

Allegation 6: Acting Sergeant [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]

The Rochester Police Department's Rules and Regulations 4.2 states that Officers shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or person.

Acting Sergeant [REDACTED] placed a call to [REDACTED] on October 30, 2023. There are a few moments in which Acting Sergeant [REDACTED] can be heard talking over [REDACTED]. However, although firm, Acting Sergeant [REDACTED] is never rude or disrespectful in his communication with [REDACTED]. It must be noted however, that Acting Sergeant [REDACTED] does hang up on [REDACTED] but this is after [REDACTED] calls him a lying a\*\* bi\*\*\*. See [REDACTED] [BWC 7.mp4 \(sharepoint.com\)](#). Acting Sergeant [REDACTED] did not use harsh and/or insolent language when speaking to [REDACTED].

*Allegation 6 against Acting Sergeant [REDACTED] is unfounded.*



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Allegation 7: Officer [REDACTED] did not assist [REDACTED] in [REDACTED] request to obtain medical treatment.

The Rochester Police Department's Rules and Regulations 2.14 states that Officers shall ensure that any injured or ill person is given the opportunity for medical attention.

[REDACTED] told Officer [REDACTED] that [REDACTED] needed assistance calming down and that [REDACTED] needs to see a doctor. Officer [REDACTED] responded by informing [REDACTED] that a doctor will not be giving [REDACTED] any medicine. See [Genetec Clearance | Collaborative investigation management](#) beginning at 2:21:00. Shortly after, [REDACTED] makes a second request for medical treatment. [REDACTED] then told Officer [REDACTED] that [REDACTED] felt as if Officer [REDACTED] was denying [REDACTED] medical treatment. Officer [REDACTED] responded by informing [REDACTED] that she, Officer [REDACTED] did not say that but that the Officer was unable to hear the request being made due to everyone yelling. [Genetec Clearance | Collaborative investigation management](#) beginning at 2:28. Officer [REDACTED] then told [REDACTED] that there was an investigation going on and once the investigation concludes they "will get everything situated for you". [Genetec Clearance | Collaborative investigation management](#) beginning at 2:30. Officer [REDACTED] then informed [REDACTED] that [REDACTED] would need to go to another facility because the hospital no longer wanted [REDACTED] and [REDACTED] there. Officer [REDACTED] does not further address [REDACTED] request for medical treatment. Nor does Officer [REDACTED] assist [REDACTED] in obtaining medical treatment as a patient of Highland Hospital or any other facility.

*Allegation 7 against Officer [REDACTED] is sustained.*

Allegation 8: Officer [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]

The Rochester Police Department's Rules and Regulations 4.2 states that Officers shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or person.

Officer [REDACTED] entered the security office at Highland Hospital and began to have a conversation with [REDACTED]. [REDACTED] was also speaking during this time. Officer [REDACTED] then said to [REDACTED] "please stop talking, please stop talking, I'm not going to ask again". [REDACTED] continues to speak and then [REDACTED] begins to speak at the same time. Officer [REDACTED] responds by yelling and saying "everybody keeps yelling and no one can talk". Officer [REDACTED] then engages in a brief interaction with [REDACTED] in which she tells [REDACTED] "yeah, you're right, you're in handcuffs, ok anyways..., [REDACTED], what happened here tonight". [Genetec Clearance | Collaborative investigation management](#) beginning at 2:25:10. Officer [REDACTED] was discourteous and dismissive in the way she spoke to [REDACTED].

*Allegation 8 against Officer [REDACTED] is sustained.*

Allegation 9: Officer [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]

The Rochester Police Department's Rules and Regulations 4.2 states that Officers shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or person.

Officer [REDACTED] can be seen standing over [REDACTED] within close proximity. While standing over [REDACTED] Officer [REDACTED] can be heard yelling at [REDACTED] and telling [REDACTED] to stop yelling at him. See [Genetec Clearance | Collaborative investigation management](#) beginning at 2:21:10. Officer [REDACTED] behavior towards [REDACTED] during this interaction was harsh and discourteous.





*Allegation 9 against Officer [REDACTED] is sustained.*

### RECOMMENDED FINDINGS

#	Officer	Allegation	Finding
1	Sergeant [REDACTED]	Rules and Regulations 2.2 (Identification): Sergeant [REDACTED] failed to provide [REDACTED] with the names of officers involved in [REDACTED] complaint.	Exonerated
2	Sergeant [REDACTED]	Rules and Regulations 2.13 (Assistance to Citizens): Sergeant [REDACTED] did not assist [REDACTED] in reporting [REDACTED] assault claims against hospital security.	Unfounded
3	Sergeant [REDACTED]	Rules and Regulations 4.2 (Courtesy): Sergeant [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]	Sustained
4	Acting Sergeant [REDACTED]	Rules and Regulations 2.13 (Assistance to Citizens): Acting Sergeant [REDACTED] did not assist [REDACTED] in reporting [REDACTED] assault claims against hospital security.	Exonerated
5	Acting Sergeant [REDACTED]	Rules and Regulations 2.23 (Performance of Duties): Acting Sergeant [REDACTED] conducted an act of malfeasance by deleting hospital security footage.	Exonerated
6	Acting Sergeant [REDACTED]	Rules and Regulations 4.2 (Courtesy): Acting Sergeant [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]	Unfounded
7	Officer [REDACTED]	Rules and Regulations 2.14 (Medical Attention for Ill Persons): Officer [REDACTED] did not assist [REDACTED] in [REDACTED] request to obtain medical treatment.	Sustained
8	Officer [REDACTED]	Rules and Regulations 4.2 (Courtesy): Officer [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]	Sustained



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#	Officer	Allegation	Finding
9	Officer [REDACTED]	Rules and Regulations 4.2 (Courtesy): Officer [REDACTED] used harsh and/or insolent language when speaking to [REDACTED]	Sustained

## RECOMMENDED DISCIPLINARY ACTION

### AUTHORITY

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

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

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

Sustained Allegation 3 against Sergeant [REDACTED]

#### Disciplinary Matrix Appendix

Misconduct	Level
Rules and Regulations 4.2 (c): Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any person.	3

- Recommended Level: 2 (“More than minimal negative impact to individuals, community, or public perception of the agency or relationships with other officers or agencies.”)
- Recommended Discipline (based on 0 prior sustained violations): **Verbal apology to [REDACTED] and [REDACTED]**
- Explanation of deviation from presumptive penalty: This is the first time Sergeant [REDACTED] has been the subject of an investigation closed by the Police Accountability Board. While Sergeant [REDACTED] could have and should have conducted himself with greater professionalism, his tone and communication did not necessitate the need for a suspension.



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Sustained Allegation 7 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Rules and Regulations 2.14: Employees shall ensure that any injured or ill person is given the opportunity for medical attention.	4

- Recommended Level: 1 (“minimal negative impact to individuals, community, or public perception of the agency with no impact on relationships with other agencies.”)
- Recommended Discipline (based on 0 prior sustained violations): **Written reprimand**
- Explanation of deviation from presumptive penalty: This is the first time Officer [REDACTED] has been the subject of an investigation closed by the Police Accountability Board. While Officer [REDACTED] did not directly respond to [REDACTED] request for medical treatment, [REDACTED] did receive the information necessary, albeit from another officer.

Sustained Allegation 8 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Rules and Regulations 4.2 (c): Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any person.	3

- Recommended Level: 2 (“More than minimal negative impact to individuals, community, or public perception of the agency or relationships with other officers or agencies.”)
- Recommended Discipline (based on 0 prior sustained violations): **Verbal apology to [REDACTED] and [REDACTED]**
- Explanation of deviation from presumptive penalty: This is the first time Officer [REDACTED] has been the subject of an investigation closed by the Police Accountability Board. While Officer [REDACTED] could have and should have conducted herself with greater professionalism, her tone and communication did not necessitate the need for a suspension.



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Sustained Allegation 8 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Rules and Regulations 4.2 (c): Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any person.	3

- Recommended Level: 2 (“More than minimal negative impact to individuals, community, or public perception of the agency or relationships with other officers or agencies.”)
- Recommended Discipline (based on 0 prior sustained violations): **Verbal apology to [REDACTED] and [REDACTED]**
- Explanation of deviation from presumptive penalty: This is the first time Officer [REDACTED] has been the subject of an investigation closed by the Police Accountability Board. While Officer [REDACTED] could have and should have conducted himself with greater professionalism, his tone and communication did not necessitate the need for a suspension.