



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): 2024-0041

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

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

Case Findings:

Sustained: Allegations 1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30.

Not Sustained: Allegations 6, 11, and 15.

Exonerated: Allegation 12. Though the search was within policy, the female individual was very uncomfortable being touched in her private areas by a male officer. The Board suggests considering whether it is appropriate to call a female officer for all searches of female individuals. The Board also states that this issue demonstrates the need for Right-to Know legislation around informing a person of the reason and nature of a search before it occurs.

Disciplinary Recommendation:

1. Officer [REDACTED] 10-day suspension and written reprimand/counseling and training.
2. Officer [REDACTED] 10-day suspension and written reprimand/counseling and training.
3. Officer [REDACTED] 10-day suspension and written reprimand/counseling and training.
4. Officer [REDACTED] 60-day suspension
5. Officer [REDACTED] Written reprimand/counseling and training.



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6. Officer [REDACTED] 5-day suspension and written reprimand/counseling and training.
7. Officer [REDACTED] Written reprimand/counseling and training.

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] Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [REDACTED]

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

Officer Name- Allegation # 2:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force 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**
-

Officer Name- Allegation # 3:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.

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

Officer Name- Allegation # 4:

Officer [REDACTED] Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor

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



Officer Name- Allegation # 5:

Officer [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [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 # 6:

Officer [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 4.6 as he was not truthful when communicating the reasons for pulling over [REDACTED] and [REDACTED] with other officers.

- **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] Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [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 # 8:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force 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**



Officer Name- Allegation # 9:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.

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

Officer Name- Allegation # 10:

Officer [REDACTED] Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

- **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 # 11:

Officer [REDACTED] Officer [REDACTED] violated General Order 337 § IV C as he used force as punishment or retaliation when he pushed [REDACTED]

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

Officer Name- Allegation # 12:

Officer [REDACTED] Officer [REDACTED] violated General Order 520 § III A 3 as he searched a prisoner who was not of the same sex as him.

- **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 # 13:

Officer [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [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 # 14:

Officer [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 2.2 (a) as he did not furnish his name and badge number 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 # 15:

Officer [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 4.6 as he was not truthful when communicating the reasons for pulling over [REDACTED] and [REDACTED] with other officers.

- **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 # 16:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [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 # 17:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force 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**
-

Officer Name- Allegation # 18:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.

- **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 # 19:

Officer [REDACTED] Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

- **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 # 20:

Officer [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [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 # 21:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [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 # 22:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § II C and § III A 3 and 10 (c) (1) and (2) as he did not complete a Subject Resistance Report, an Incident Report, or a Show of Force 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**

Officer Name- Allegation # 23:

Officer [REDACTED] Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.

- **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 # 24:

Officer [REDACTED] Officer [REDACTED] violated General Order 336 § III B as he did not report the use of force or other misconduct by Officers [REDACTED] [REDACTED] [REDACTED] and [REDACTED] to a supervisor.

- **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 # 25:

Officer [REDACTED] Officer [REDACTED] violated General Order 337 § IV C as he used force as punishment or retaliation when he pushed [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 # 26:

Officer [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [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 # 27:

Officer [REDACTED] Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

- **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 # 28:

Officer [REDACTED] Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

- **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 # 29:

Officer [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 2.11 and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [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 # 30:

Officer [REDACTED] Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

- **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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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

This case was reported to the PAB on March 11, 2024. The involved civilians are [REDACTED] and [REDACTED]. The involved officers are [REDACTED] and [REDACTED].

On March 8, 2024, around 4:00 AM, [REDACTED] was driving to work at the airport with [REDACTED] as a passenger. The complaint alleges that they had been followed closely by a patrol vehicle for several blocks. The available evidence shows that the initial pursuing vehicle was operated by Officers [REDACTED] and [REDACTED]. The complaint states that the involved parties pulled over on the corner of Joseph Avenue and Upper Falls Boulevard. Allegedly, the patrol vehicle did not activate its flashing lights to effect this stop., (Allegation 6, 15). Upon pulling over, the complaint alleges that Officers [REDACTED] and [REDACTED] appeared to signal for the involved parties to continue driving using the vehicle’s window-mounted spotlight by pointing it into the middle of the road. The involved parties pulled back onto Joseph Avenue and continued driving for about four blocks until reaching Clifford Avenue. At this point, Body Worn Camera (BWC) footage obtained by the PAB shows another patrol vehicle with its flashing lights on containing either Officer [REDACTED] or Officers [REDACTED] and [REDACTED] blocking the intersection. Upon reaching the intersection, the involved parties can be seen turning left onto Clifford Avenue to pull over. As they turn left, Officers [REDACTED] and [REDACTED] activate the flashing lights of their vehicle. Another patrol vehicle containing Officers [REDACTED] and [REDACTED] joins the traffic stop, having turned left onto Joseph Avenue from Sullivan Street and then left onto Clifford Avenue. The involved parties’ vehicle then pulls over on the right side of the road in front of 560 Clifford Avenue. After exiting their vehicles, Officers [REDACTED], [REDACTED], and [REDACTED] can be seen pointing their service weapons at [REDACTED] and [REDACTED] and order them to exit their vehicle. Officer [REDACTED] draws his gun but does not point it at their vehicle (Allegation 1, 7, 16, 21). Officer [REDACTED] then proceeds to detain and handcuff [REDACTED] and leads her towards his vehicle. During the process of leading her to the vehicle, she can be seen tripping and falling, bloodying both knees. She can be heard telling Officer [REDACTED] that he intentionally tripped her..No officer offered her medical attention. (Allegation 3, 9, 11, 18, 23). BWC footage



then shows Officer [REDACTED] patting her down over her clothing, making contact with her breasts, stomach, buttocks, and legs, at which point [REDACTED] demands a female officer to pat her down instead as she feels it is inappropriate for Officer [REDACTED] to pat her down (Allegation 12). [REDACTED] also asks for the reason she is being detained and for Officer [REDACTED] identifying information, neither of which he provides (Allegation 14). While [REDACTED] is placed in handcuffs by Officers [REDACTED] and [REDACTED] they frequently ask him why he felt justified in fleeing a traffic stop and state that he should not have pulled away from a police car with its flashing lights on. [REDACTED] attempts to explain that flashing lights were not activated and he believed that the officers in the vehicle were permitting him to carry on by pointing the patrol car's window-mounted spotlight into the road. Officers again state that the flashing lights were activated and that [REDACTED] should not have fled. [REDACTED] begins yelling that he needs to go to work, and eventually he is placed in the back of Officers [REDACTED] and [REDACTED] patrol vehicle, where he is told to calm down and act like a man. He is eventually released, and officers issue him a ticket for having a missing or faulty license plate lamp, which he tears up. He is then handcuffed again and receives another ticket for littering. Officers then remove the handcuffs once more, permitting [REDACTED] and [REDACTED] to leave. As they approach their vehicle, Officer [REDACTED] can be seen pushing [REDACTED] in the chest (Allegation 24). [REDACTED] then tells the officers to take him to jail, while officers can be heard saying "This doesn't make you tough" and "Why don't you leave? Just leave. Adios." He then kneels down on the ground, at which point all officers promptly return to their patrol vehicles and deactivate their BWCs. [REDACTED] did not receive a ticket for fleeing a traffic stop as a result of this incident. Both involved parties sustained physical injuries and stated that they no longer feel safe in Rochester as a result of this incident, leading them to avoid certain streets which are known to them to have RPD presence. [REDACTED] and [REDACTED] state that they both believe that the behavior exhibited and language used by the RPD officers during this interaction was not appropriate or professional (Allegation 5, 13, 20, 26, 29). No Use of Force, Show of Force, Incident Reports, or Subject Resistance Reports were filed as a result of this incident (Allegation 2, 8, 17, 22) and no misconduct was reported internally (Allegation 4, 10, 19, 24, 27, 28, 30).

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]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



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INVOLVED OFFICERS

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

INVOLVED INDIVIDUALS

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

ALLEGATIONS

1	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [REDACTED].
2	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.
3	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.
4	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.
5	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED].
6	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 4.6 as he was not truthful when communicating the reasons for pulling over [REDACTED] and [REDACTED] with other officers.
7	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G,



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		and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [REDACTED]
8	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.
9	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.
10	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.
11	Officer [REDACTED]	Officer [REDACTED] violated General Order 337 § IV C as he used force as punishment or retaliation when he pushed [REDACTED]
12	Officer [REDACTED]	Officer [REDACTED] violated General Order 520 § III A 3 as he searched a prisoner who was not of the same sex as him.
13	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED]
14	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.2 (a) as he did not furnish his name and badge number to [REDACTED]
15	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 4.6 as he was not truthful when communicating the reasons for pulling over [REDACTED] [REDACTED] and [REDACTED] with other officers.
16	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [REDACTED]



17	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.
18	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] [REDACTED] with medical attention.
19	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.
20	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] [REDACTED] and [REDACTED] [REDACTED].
21	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED].
22	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § II C and § III A 3 and 10 (c) (1) and (2) as he did not complete a Subject Resistance Report, an Incident Report, or a Show of Force report.
23	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] [REDACTED] with medical attention.
24	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report the use of force or other misconduct by Officers [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] to a supervisor.
25	Officer [REDACTED]	Officer [REDACTED] violated General Order 337 § IV C as he used force as punishment or retaliation when he pushed [REDACTED] [REDACTED] [REDACTED].
26	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED].



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27	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.
28	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.
29	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11 and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED].
30	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.



INVESTIGATION

On March 11, 2024, the incident was reported to the PAB via a phone call to the PAB hotline.

On March 13, 2024, a PAB investigator was assigned to the case.

On March 18, 2024, the initial notification package was sent to RPD.

RPD responded on March 19, 2024, by providing relevant documents and BWC footage.

On April 2, 2024, a supplemental Source of Information (SOI) request was sent to RPD.

RPD responded on April 3, 2024. On April 10 and 11, 2024, RPD provided more documents as requested on April 2, 2024.

On April 15, 2024, PAB investigators canvassed the area around where the incident took place. PAB also attempted to obtain security camera footage of the incident from surrounding residences and businesses, but did not succeed in obtaining any footage.

On June 11, 2024, an additional SOI was sent to RPD requesting any Use of Force or Subject Resistance Reports relating to the incident, as well as Car ID, Unit ID, and Terminal ID for the vehicle containing Officers [REDACTED] and [REDACTED] during the incident. RPD responded on June 12, 2024, with screenshots showing Unit ID and Terminal ID for both officers, however the screenshots did not contain the Car ID for either officer. On June 17, 2024, a Supplemental SOI was sent requesting Car ID for both officers. RPD responded on June 18, 2024, reiterating that the requested data was provided on June 12, 2024. On June 20, 2024, a Supplemental SOI was sent reiterating the request and explaining that Car ID was not displayed on either screenshot provided by RPD on June 12, 2024. On June 21, 2024, RPD provided the requested information via an Event Unit document which was created in accordance with a previous incident that took place approximately 45 minutes prior to the reported incident. No Use of Force or Subject Resistance Reports were provided in response to the additional SOI sent on June 11, 2024.

On June 12, 2024, the PAB investigator assigned to the case submitted Officer Interview/Statement Requests for each officer involved in the incident.

On June 17, 2024, PAB investigators conducted an investigative interview with both involved parties present.

On June 24, 2024, the PAB investigator assigned to the case requested GPS data from each vehicle that was present at the incident along with audio recordings or transcripts of outgoing



radio communications from the vehicle containing Officers [REDACTED] and [REDACTED] from the Emergency Communications Department (ECD).

On July 9, 2024, evidence requested from ECD was received and uploaded for review.

On July 10, 2024, Officer Statement Requests were sent directly to the involved officers.

As of the writing of this report, none of the involved officers have responded to interview/statement requests.

Evidence	Description	Provided by	Filename
CAD Folder	Folder containing Event Unit and Event Information of the incident.	RPD	CAD
PSS Email	Email from [REDACTED] to [REDACTED] describing [REDACTED] complaint made by voicemail.	RPD	Email.pdf
Traffic Ticket	Citation for no/inadequate plate lamps written by Officer [REDACTED] for [REDACTED]	RPD	[REDACTED] Citation.pdf
Phone call audio	Audio recording of PSS intake interview between [REDACTED] and RPD [REDACTED]	RPD	Phone Call 1.mp3
Phone call audio	Audio recording of conversation between [REDACTED] and RPD [REDACTED] providing update of preliminary investigation status.	RPD	Phone Call 2.mp3
Voicemail audio	Audio recording of voicemail left by [REDACTED] for RPD [REDACTED] requesting an update in the PSS investigation.	RPD	Voicemail.mp3
IA Pro Admin Entry	Copy of report for PSS IA No.: 2024-0140.	RPD	Admin Entry.pdf
Municipal Code Violation Ticket	Citation for littering issued by Officer [REDACTED] for [REDACTED]	RPD	Municipal Code Disposition.pdf
Unit History	Screenshot of Unit History for Officer [REDACTED] on date of incident.	RPD	Screen Shot [REDACTED] Unit History 3-8-24.PNG
Unit History	Screenshot of Unit History for Officer [REDACTED] on date of incident.	RPD	Screen shot [REDACTED] 3-8-24.PNG



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Evidence	Description	Provided by	Filename
CAD Event Unit	Event Unit of earlier incident on date of incident containing Car ID for Officers [REDACTED] and [REDACTED]	RPD	I NetViewer_Event Unit.pdf
Supporting Deposition	Deposition written by Officer [REDACTED] describing the traffic stop due to a missing rear plate lamp.	RPD	GenI101A-WS99HSNKGX.pdf
SOI Response	RPD Response to initial SOI sent by PAB on March 18, 2024.	RPD	InitialNotification_2024-0041 RPD Response 3-19-24.pdf
Supplemental SOI Response	RPD Response to supplemental SOI sent by PAB on April 2, 2024.	RPD	SupplementalSOI_2024-0041-040224 RPD Response 4-3-24.pdf
Supplemental SOI Response	RPD Response to supplemental SOI sent by PAB on June 17, 2024.	RPD	SupplementalSOI_2024-0041-061724 rec 6-17-24 1644hrs RPD response 6-18-24.pdf
Supplemental SOI Response	RPD Response to supplemental SOI sent by PAB on June 20, 2024.	RPD	SupplementalSOI_2024-0041-062024 Rec 1644hr, sent 6-21-24.pdf
BWC Camera Footage	BWC Footage captured by Officer [REDACTED]	RPD	2024-0041 #0234 [REDACTED]
BWC Footage	BWC Footage captured by Officer [REDACTED]	RPD	2024-0041 #0234 [REDACTED]
BWC Footage	BWC Footage captured by Officer [REDACTED]	RPD	2024-0041 #0234 [REDACTED]
BWC Footage	BWC Footage captured by Officer [REDACTED]	RPD	2024-0041 #0234 [REDACTED]
BWC Footage	BWC Footage captured by Officer [REDACTED]	RPD	2024-0041 #0234 [REDACTED]
BWC Footage	BWC Footage captured by Officer [REDACTED]	RPD	2024-0041 #0234 [REDACTED]
BWC Footage	BWC Footage captured by Officer [REDACTED]	RPD	2024-0041 #0234 [REDACTED]
Photographic evidence	Folder containing photos of injuries sustained by both involved parties [REDACTED] and [REDACTED]	[REDACTED]	Photos of Injuries 6.17.24
Interview	Audio recording of subject interview describing incident	n/a	2024-0041 subject interview export.mp3



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Evidence	Description	Provided by	Filename
Interview	PDF transcript of subject interview describing incident	n/a	Interview 01 2024-0041.pdf
ECD Data	Folder containing evidence provided by the Emergency Communications Department including dispatch reports and audio recordings. The audio recordings contain a description of the involved parties' vehicle's make and model, however further details regarding traffic stops are unclear.	ECD	ECD Data

APPLICABLE RULES & LAWS

Rochester Police Department General Orders

335: Subject Resistance Report

II. POLICY

A. Members may use only that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the Rochester Police Department (RPD). Appropriateness of force used is dependent on the “totality of the circumstances” at the moment the force is used. The Use of Deadly Physical Force will be governed by G.O. 340.

C: All force used, to include displaying a chemical agent (PLS, O.C. and chemical munitions), with the exception of mere handcuffing, blanketing, escorting or application of hobble, will require a Subject Resistance Report (SRR). This report will be completed in the current electronic format (Blue Team).

III. PROCEDURES

A. Any member using force pursuant to their duties, or any off-duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will:

3. In cases of a non-arrest or unarrest incident where force has been used, the member will obtain permission from a supervisor prior to the release of the subject. An Incident Report describing the incident must be completed.



4. After force is used, immediately evaluate the need for medical attention or treatment for that person upon whom the techniques were used and arrange for appropriate treatment when:

(a) The subject has a visible injury requiring medical attention, including injuries prior to the use of force;

(b) The Subject complains of injury or requests medical attention;

10. Prepare and submit the SRR and related reports to their supervisor by the end of their tour of duty, unless directed otherwise by a platoon supervisor. All criminal incidents will be documented on an RMS Incident Report with the appropriate 'Occurred Incident Type.' All copies of these report(s) will be forwarded together, along with other applicable reports, to the coordinating supervisor for approval.

(c) Brandishing only exception:

(1) A Show of Force report will be utilized via the current electronic format.

(2) If more than one officer is involved in a "brandishing/display only" the "primary" officer may complete one report and document the brandishing technique(s) of all "assisting" officers. Similarly, multiple subjects can be documented on one Show of Force report in a brandishing only event (i.e.: high risk traffic stop or search warrant).

336: Duty to Intervene

III. PROCEDURES

B. A member must as soon as practical, report the offending Member's unreasonable use of force or other misconduct to a supervisor.

337: Use of Force

III. POLICY

A. RPD recognizes and respects the value and sanctity of all human life. Members are expected to carry out their duties and act with the highest regard for the preservation of human life and the safety of all persons involved.

B. RPD's goal is to gain voluntary compliance of persons without resorting to the use of force. Though Members are authorized to use reasonable force when necessary, Members should attempt to resolve situations without using force whenever possible.



C. Members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to effect a lawful purpose, including to ensure the safety of a Member or third person, stop an attack, make an arrest, control a person evading a Member's lawful commands, or prevent escape.

D. Members shall use the least amount of force necessary based on the totality of circumstances and shall cease using any force once a person becomes compliant.

IV. PROHIBITED USES OF FORCE

C. Members will not use force in any of the following situations: As punishment or retaliation (e.g., force used to punish or retaliate against an individual for fleeing, resisting arrest or insulting a Member).

520: Prisoner Transporting & Processing

III. PROCEDURES FOR TRANSPORTING PRISONERS

A. Vehicle and Prisoner Searches

3. Members should search prisoners of the same sex.

575: De-escalation

III. POLICY

B. Members shall use de-escalation techniques and tactics, when it is safe and feasible to do so, to prevent and minimize the need to use force in response to resistance and to increase the likelihood of securing a subject's voluntary compliance with police instructions.

G. Members are expected to use de-escalation techniques and tactics that are consistent with departmental training and policies.

Rochester Police Department Rules and Regulations:

2.11: ATTITUDE AND IMPARTIALITY

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

2.14: MEDICAL ATTENTION FOR ILL PERSONS



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

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.

4.1: CONDUCT

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

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

4.2: COURTESY

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

c) Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or other person.

4.6: TRUTHFULNESS

Employees are required to be truthful in speech and writing, whether or not under oath.

New York State Penal Law:

§120.14: MENACING IN THE SECOND DEGREE

A person is guilty in of menacing in the second degree when he or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm. Menacing in the second degree is a class A misdemeanor.



ANALYSIS

STANDARD OF PROOF

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

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

Allegation 1: Officer ████████ violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of ██████████ and ██████████

A review of the BWC footage captured by Officers ████████ and ████████ shows that ████████ ████████ pulled over shortly after turning left onto Clifford Avenue after Officer ████████ activated the flashing lights of the vehicle he was operating. Upon exiting the vehicle, both ████████ ████████ and ████████ put their hands up and did not resist the application of handcuffs. Officer ████████ decision to point his gun at ████████ ████████ and ████████ upon exiting his vehicle while yelling orders at them immediately escalated the situation and constitutes a reasonable threat to their lives and safety. Additionally, the capacity for voluntary compliance with police orders was negated as their detention was compelled by the threat of deadly force. Despite responding officers’ claims that ████████ ████████ did not comply with an initial traffic stop on Upper Falls Boulevard and Joseph Avenue, ████████ ████████



██████ did comply with the second traffic stop as shown in Officer ██████ BWC footage. As such, the veracity of this claim is unrelated to whether the involved parties' actions presented a threat to officer safety and therefore the actions taken by Officer ██████ to effect the involved parties' detention were not necessary to control them as they were not evading his commands, and were not necessary to prevent their escape.

The allegation that Officer ██████ violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law §120.14 is recommended as Sustained.

Allegation 2: Officer ██████ violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.

Officer ██████ show of force to compel the detention of ██████ ██████ and ██████ involves the drawing of his firearm and, as such, requires the completion of a Show of Force Report to document the actions taken.

RPD confirmed that Officer ██████ did not complete an Incident Report or Show of Force Report despite the fact that he drew his firearm, pointed it at the subjects, and handcuffed ██████ ██████

The allegation that Officer ██████ violated General Order 335 § III A 3 and 10 (c) (1) and (2) is recommended as Sustained.

Allegation 3: Officer ██████ violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide ██████ ██████ with medical attention.

Following the detention and cuffing of ██████ ██████ by Officer ██████ Officer ██████ guides her to his vehicle, where she trips and lands on her knees on the curb. She repeatedly draws attention to this throughout the remainder of the interaction. In pictures provided by ██████ ██████ following the incident, both of her knees appear bloody through her jeans and her jeans have holes in them where she landed. None of the four officers present during the initial detention of ██████ ██████ ██████ and ██████ ██████ evaluate the need for medical attention or offer medical attention throughout the remainder of the interaction.

The allegation that Officer ██████ violated General Order 335 § III A 4 (a) and (c) and RPD Rules and Regulations 2.14 is recommended as Sustained.

Allegation 4: Officer ██████ violated General Order 336 § III B as he did not report Officer ██████ use of force or other misconduct to a supervisor.



As [REDACTED] and [REDACTED] are leaving the scene of the incident after [REDACTED] [REDACTED] is released from handcuffs for the final time, he glances at Officer [REDACTED] as he walks past him. Officer [REDACTED] pushes [REDACTED] in the chest and yells: “Back up, we’re not gonna do that. You’re not gonna eye me. Get in the car. Lets go, you’re not gonna eye me down.”

This incident is observed by Officer [REDACTED] as all of the responding officers are standing in the vicinity of [REDACTED] and Officer [REDACTED]. Officer [REDACTED] actions constitute a violation of General Order 337 § IV C as he used force on [REDACTED] as punishment or retaliation.

Officer [REDACTED] does not mention this interaction in any of the documents provided by RPD to the PAB.

The allegation that Officer [REDACTED] violated General Order 336 § III B is recommended as Sustained.

Allegation 5: Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED]

The BWC footage captured by Officer [REDACTED] at 4:22:40 shows him sitting in his patrol vehicle while [REDACTED] is in handcuffs in the back seat. [REDACTED] asks: “What is the accusation that you got against me and her? What are you accusing me for?” Officer [REDACTED] does not respond to [REDACTED] request for an explanation for being detained.

The BWC footage captured by Officer [REDACTED] at 4:23:57 shows him sitting in his patrol vehicle while [REDACTED] is in handcuffs in the back seat. [REDACTED] says: “I gotta go to work.” Officer [REDACTED] responds: “Well, you’re not going to work now.”

The BWC footage captured by Officer [REDACTED] at 4:35:36 shows him sitting in his patrol vehicle while [REDACTED] is in handcuffs in the back seat. At this point, the situation has escalated and [REDACTED] is making statements about how he feels that he is being abused and he hates America and hates Americans because they are abusive. At one point, he states: “Russia is going to win” several times. Officer [REDACTED] repeats: “Rocha”, mocking [REDACTED] accent and pronunciation of “Russia”.

The BWC footage captured by Officer [REDACTED] at 4:53:12, after [REDACTED] has been pushed by Officer [REDACTED] and as [REDACTED] is telling Officers to take him to jail, Officer [REDACTED] states: “This doesn’t make you any tough. This doesn’t make you tough. Just



leave.” This comes after several comments made by other officers throughout the interaction directed at [REDACTED] [REDACTED] [REDACTED] masculinity.

The BWC footage captured by Officer [REDACTED] at 4:53:52, after Officer [REDACTED] and Officer [REDACTED] get back into their vehicle, shows Officer [REDACTED] telling Officer [REDACTED] “Watch, he’s gonna like, kick the car or something.” Officer [REDACTED] responds: “Let him kick it.” Officer [REDACTED] then says: “look at that fucking...” and is interrupted by Officer [REDACTED] saying: “Are you off? Oh no, you’re on.” Officer [REDACTED] then proclaims: “Oh no.” and turns his BWC off.

In an interview conducted with the involved parties on June 17, 2024, both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] stated that they no longer feel safe in certain areas of the City of Rochester due to their interactions with the RPD. They avoid certain streets that are known to them to have a police presence and take a detour to their jobs at the airport. Additionally, both parties provided evidence of injuries sustained during the incident in question, which they state left them traumatized.

The allegation that Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) is recommended as Sustained.

Allegation 6: Officer [REDACTED] violated RPD Rules and Regulations 4.6 as he was not truthful when communicating the reasons for pulling over [REDACTED] [REDACTED] [REDACTED] and [REDACTED] with other officers.

The opening seconds of BWC footage captured by Officers [REDACTED] and [REDACTED] shows the vehicle they are in pulling out of Sullivan Street behind the vehicle operated by Officers [REDACTED] and [REDACTED] turning left onto Joseph Avenue, and then taking the next left onto Clifford Avenue, where the incident in question occurred. A review of BWC footage, data provided by ECD, and a neighborhood canvas performed by PAB Investigators did not produce sufficient evidence to determine if an initial traffic stop had been completed on the corner of Upper Falls Boulevard and Joseph Avenue as alleged in the report and mentioned repeatedly by officers during the incident in question. Nonetheless, the available evidence verifies that if the initial traffic stop had occurred as reported, Officers [REDACTED] and [REDACTED] did not witness it taking place, therefore suggesting that it was reported to them by Officers [REDACTED] and [REDACTED]

In their interactions with [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] and prior to having the chance to talk to Officers [REDACTED] and [REDACTED] Officers [REDACTED] and [REDACTED] make multiple statements indicating prior knowledge of the initial traffic stop and their belief that it was effected by Officers [REDACTED] and [REDACTED] using their vehicle’s flashing lights.



Officers [REDACTED] and [REDACTED] are sitting in their vehicle at 4:25:06, when Officer [REDACTED] BWC footage captures Officer [REDACTED] who is standing next to the vehicle, saying to [REDACTED] [REDACTED] “This would never have happened if you had complied with the initial traffic stop.” [REDACTED] [REDACTED] responds: “That’s your officer’s fault because he turned his headlights off and his lights off”. Officer [REDACTED] responds: “I’m sure he did that after you took off.” Shortly thereafter, at 4:25:18, Officer [REDACTED] taps Officer [REDACTED] on the arm to get his attention, moves his hand in front of his BWC, and whispers: “Should we tell them?” Officer [REDACTED] responds: “Hm?” Officer [REDACTED] repeats: “Should we tell them?” Officer [REDACTED] response is not captured, although either Officer [REDACTED] or Officer [REDACTED] loudly clears his throat. However, PAB investigators were unable to clarify the meaning of these remarks as Officers [REDACTED] and [REDACTED] did not respond to interview or statement requests.

[REDACTED] [REDACTED] [REDACTED] was not charged with fleeing a traffic stop, and it is not possible to verify if the civilians fled the initial traffic stop as alleged by the officers during the incident in question, as a neighborhood canvass performed by PAB investigators did not produce recordings of the initial stop at the corner of Upper Falls Boulevard and Joseph Avenue.

Despite BWC footage captured by Officers [REDACTED] and [REDACTED] indicating their belief that [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] fled a legitimate traffic stop, a review of the dispatch audio provided by ECD did not verify if Officers [REDACTED] and [REDACTED] deliberately misreported [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] fleeing a traffic stop after being pulled over by their patrol vehicle using lights and/or sirens.

The allegation that Officer [REDACTED] violated RPD Rules and Regulations 4.6 is recommended as Not Sustained.

Allegation 7: Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

The BWC footage captured by Officers [REDACTED] and [REDACTED] shows that [REDACTED] [REDACTED] [REDACTED] pulled over shortly after turning left onto Clifford Avenue after Officer [REDACTED] activated the flashing lights of the vehicle he was operating. Upon exiting the vehicle, both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] put their hands up and did not resist the application of handcuffs. Officer [REDACTED] decision to point his gun at [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] upon exiting his vehicle while yelling orders at them immediately escalated the situation and constitutes a reasonable threat to their lives and safety. Additionally, the capacity for voluntary compliance with police orders was negated as their detention was compelled by the threat of deadly force. Despite responding officers’ claims that [REDACTED] [REDACTED] [REDACTED] did not comply with an initial traffic stop on Upper Falls Boulevard and Joseph Avenue, [REDACTED] [REDACTED] [REDACTED] did



comply with the second traffic stop as shown in Officer [REDACTED] BWC footage. As such, the veracity of this claim is unrelated to whether the involved parties' actions presented a threat to officer safety and therefore the actions taken by Officer [REDACTED] to effect the involved parties' detention were not necessary to control them as they were not evading his commands, and were not necessary to prevent their escape.

The allegation that Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law §120.14 is recommended as Sustained.

Allegation 8: Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.

Officer [REDACTED] show of force to compel the detention of [REDACTED] [REDACTED] and [REDACTED] involves the drawing of his firearm and, as such, requires the completion of a Show of Force Report to document the actions taken.

RPD confirmed that Officer [REDACTED] did not complete an Incident Report or Show of Force Report despite the fact that he drew his firearm, pointed it at the subjects, and handcuffed [REDACTED]

The allegation that Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) is recommended as Sustained.

Allegation 9: Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] [REDACTED] with medical attention.

Following the detention and cuffing of [REDACTED] [REDACTED] by Officer [REDACTED] Officer [REDACTED] guides her to his vehicle, where she trips and lands on her knees on the curb. She repeatedly draws attention to this throughout the remainder of the interaction. In pictures provided by [REDACTED] following the incident, both of her knees appear bloody through her jeans and her jeans have holes in them where she landed. None of the four officers present during the initial detention of [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] evaluate the need for medical attention or offer medical attention throughout the remainder of the interaction.

The allegation that Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 is recommended as Sustained.

Allegation 10: Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.



As [REDACTED] and [REDACTED] are leaving the scene of the incident after [REDACTED] [REDACTED] is released from handcuffs for the final time, he glances at Officer [REDACTED] as he walks past him. Officer [REDACTED] pushes [REDACTED] in the chest and yells: “Back up, we’re not gonna do that. You’re not gonna eye me. Get in the car. Lets go, you’re not gonna eye me down.”

This incident is observed by Officer [REDACTED] as all of the responding officers are standing in the vicinity of [REDACTED] and Officer [REDACTED]. This incident constitutes a violation of General Order 337 § IV C as Officer [REDACTED] used force on [REDACTED] as punishment or retaliation.

Officer [REDACTED] does not mention this interaction in any of the documents provided by RPD to the PAB.

The allegation that Officer [REDACTED] violated General Order 336 § III B is recommended as Sustained.

Allegation 11: Officer [REDACTED] violated General Order 337 § IV C as he used force as punishment or retaliation when he pushed [REDACTED].

The BWC footage captured by Officer [REDACTED] at 4:10:52 shows Officer [REDACTED] approach [REDACTED] as she is saying: “I know my fuckin’ rights.” He then says: “Shut up” and grabs [REDACTED] wrists and put them behind her back. He begins guiding her towards his car as she says: “Don’t pull me bro, don’t pull on me bro.” multiple times and then falls towards his vehicle. As she is falling, he says: “Stop it!” followed by either: “get ahold of yourself” or “control yourself”.

At 4:11:22, [REDACTED] says: “you just tripped me bro, you tripped me, and I fell on the fucking curb.”

While the BWC footage captured by Officer [REDACTED] captures him detaining [REDACTED] and her falling as he guides her to his vehicle, the footage does not capture either party’s feet before she falls and as such is insufficient to prove whether she was intentionally tripped by Officer [REDACTED].

The allegation that Officer [REDACTED] violated General Order 337 § IV C is recommended as Not Sustained.

Allegation 12: Officer [REDACTED] violated General Order 520 § III A 3 as he searched a prisoner who was not of the same sex as him.



A review of the BWC footage captured by Officer [REDACTED] at 4:11:58 shows him asking [REDACTED] "You got any weapons on you?" He then proceeds to touch her legs, buttocks, and breasts as she says: "You shouldn't be fuckin touching me, I'm a female, I need a female officer." Officer [REDACTED] responds: "I can."

While Officer [REDACTED] did search [REDACTED] while she was detained, no arrest was made during this incident and as such, [REDACTED] was not a prisoner.

The allegation that Officer [REDACTED] violated General Order 520 § III A 3 is recommended as Exonerated.

Allegation 13: Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED]

In the BWC footage captured by Officer [REDACTED] at 4:10:52, while Officer [REDACTED] is handcuffing [REDACTED] she says: "I know my fucking rights." Officer [REDACTED] responds: "Shut up" and grabs her arms behind her back. He then begins to pull her towards his squad car and she says: "Don't pull me bro. Don't pull me bro. Don't pull on me bro. Don't pull-" and then she falls down the curb towards the squad car. As she is falling, he says: "Stop it!" followed by either: "get a hold of yourself" or "control yourself". Officer [REDACTED] then begins patting her down at 4:12:00, when she says: "You shouldn't be fucking touching me, I need a female officer." Officer [REDACTED] says: "I can" and [REDACTED] responds: "Get the fuck off of me" and begins pulling away. Officer [REDACTED] then grabs her, pulls her back towards his vehicle by her arm which is handcuffed behind her back, and says: "Don't pull away from me." Then, at 4:12:23, as [REDACTED] is complaining that Officer [REDACTED] is pushing her, Officer [REDACTED] says: "Stop looking at me."

The BWC footage captured by Officer [REDACTED] at 4:53:52, shortly after returning to his vehicle with Officer [REDACTED] records him saying to Officer [REDACTED] "Watch, he's gonna like kick the car or something." Officer [REDACTED] responds: "Let him kick it." Officer [REDACTED] then begins to say: "look at that fucking..." and is interrupted by Officer [REDACTED] saying: "Are you off? Oh no you're on." Officer [REDACTED] says: "Oh no." and turns his BWC off.

In an interview conducted with the involved parties on June 17, 2024, both [REDACTED] and [REDACTED] stated that they no longer feel safe in certain areas of the City of Rochester due to their interactions with the RPD. They avoid certain streets that are known to them to have a police presence and take a detour to their jobs at the airport. Additionally, both parties provided evidence of injuries sustained during the incident in question, which they state have left them traumatized.



The allegation that Officer ████████ violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) is recommended as Sustained.

Allegation 14: Officer ████████ violated RPD Rules and Regulations 2.2 (a) as he did not furnish his name and badge number to ████████.

██████████ makes multiple statements to Officer ████████ requesting his identifying information.

The BWC footage captured by Officer ████████ at 4:11:26 shows ████████ saying: “I want everybody’s name here. Yes I do, I want everybody’s fucking name.”

The BWC footage captured by Officer ████████ at 4:17:22 shows ████████ saying: “I want your badge number, and I want your fucking name.”

At no point during the incident did Officer ████████ provide ████████ with the requested identifying information.

The allegation that Officer ████████ violated RPD Rules and Regulations 2.2 (a) is recommended as Sustained.

Allegation 15: Officer ████████ violated RPD Rules and Regulations 4.6 as he was not truthful when communicating the reasons for pulling over ████████, ████████, and ████████ with other officers.

The opening seconds of BWC footage captured by Officers ████████ and ████████ shows the vehicle they are in pulling out of Sullivan Street behind the vehicle operated by Officers ████████ and ████████ turning left onto Joseph Avenue, and then taking the next left onto Clifford Avenue, where the incident in question occurred. A review of BWC footage, data provided by ECD, and a neighborhood canvas performed by PAB Investigators did not produce sufficient evidence to determine if an initial traffic stop had been completed on the corner of Upper Falls Boulevard and Joseph Avenue as alleged in the report and mentioned repeatedly by officers during the incident in question. Nonetheless, the available evidence verifies that if the initial traffic stop had occurred as reported, Officers ████████ and ████████ did not witness it taking place, therefore suggesting that it was reported to them by Officers ████████ and ████████

In their interactions with ████████, ████████, ████████ and ████████, ████████ and prior to having the chance to talk to Officers ████████ and ████████, Officers ████████ and ████████ make multiple statements indicating prior knowledge of the initial traffic stop and their belief that it was effected by Officers ████████ and ████████ using their vehicle’s flashing lights.



Officers [REDACTED] and [REDACTED] are sitting in their vehicle at 4:25:06, when Officer [REDACTED] BWC footage captures Officer [REDACTED] who is standing next to the vehicle, saying to [REDACTED] [REDACTED] “This would never have happened if you had complied with the initial traffic stop.” [REDACTED] [REDACTED] responds: “That’s your officer’s fault because he turned his headlights off and his lights off”. Officer [REDACTED] responds: “I’m sure he did that after you took off.” Shortly thereafter, at 4:25:18, Officer [REDACTED] taps Officer [REDACTED] on the arm to get his attention, moves his hand in front of his BWC, and whispers: “Should we tell them?” Officer [REDACTED] responds: “Hm?” Officer [REDACTED] repeats: “Should we tell them?” Officer [REDACTED] response is not captured, although either Officer [REDACTED] or Officer [REDACTED] loudly clears his throat. However, PAB investigators were unable to clarify the meaning of these remarks as Officers [REDACTED] and [REDACTED] did not respond to interview or statement requests.

[REDACTED] [REDACTED] [REDACTED] was not charged with fleeing a traffic stop, and it is not possible to verify if the civilians fled the initial traffic stop as alleged by the officers during the incident in question, as a neighborhood canvass performed by PAB investigators did not produce recordings of the initial stop at the corner of Upper Falls Boulevard and Joseph Avenue.

Despite BWC footage captured by Officers [REDACTED] and [REDACTED] indicating their belief that [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] fled a legitimate traffic stop, a review of the dispatch audio provided by ECD did not verify if Officers [REDACTED] and [REDACTED] deliberately misreported [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] fleeing a traffic stop after being pulled over by their patrol vehicle using lights and/or sirens.

The allegation that Officer [REDACTED] violated RPD Rules and Regulations 4.6 is recommended as Not Sustained.

Allegation 16: Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

The BWC footage captured by Officers [REDACTED] and [REDACTED] shows that [REDACTED] [REDACTED] [REDACTED] pulled over shortly after turning left onto Clifford Avenue after Officer [REDACTED] activated the flashing lights of the vehicle he was operating. Upon exiting the vehicle, both [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] put their hands up and did not resist the application of handcuffs. While Officer [REDACTED] did not point his gun directly at [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] his decision to draw his weapon upon exiting his vehicle while yelling orders at them immediately escalated the situation and constitutes a reasonable threat to their lives and safety. Additionally, the capacity for voluntary compliance with police orders was negated as their detention was compelled by the threat of deadly force. Despite responding officers’ claims that [REDACTED] [REDACTED] [REDACTED] did not comply with an initial traffic stop on Upper Falls Boulevard and



Joseph Avenue, [REDACTED] [REDACTED] did comply with the second traffic stop as shown in Officer [REDACTED] BWC footage. As such, the veracity of this claim is unrelated to whether the involved parties' actions presented a threat to officer safety and therefore the actions taken by Officer [REDACTED] to effect the involved parties' detention were not necessary to control them as they were not evading his commands, and were not necessary to prevent their escape.

The allegation that Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law §120.14 is recommended as Sustained.

Allegation 17: Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.

Officer [REDACTED] show of force to compel the detention of [REDACTED] [REDACTED] and [REDACTED] involves the drawing of his firearm and, as such, requires the completion of a Show of Force Report to document the actions taken.

RPD confirmed that Officer [REDACTED] did not complete an Incident Report or Show of Force Report despite the fact that he drew his firearm while shouting commands at [REDACTED] [REDACTED] and [REDACTED]

The allegation that Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) is recommended as Sustained.

Allegation 18: Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] [REDACTED] with medical attention.

Following the detention and cuffing of [REDACTED] [REDACTED] by Officer [REDACTED] Officer [REDACTED] guides her to his vehicle, where she trips and lands on her knees on the curb. She repeatedly draws attention to this throughout the remainder of the interaction. In pictures provided by [REDACTED] following the incident, both of her knees appear bloody through her jeans and her jeans have holes in them where she landed. None of the four officers present during the initial detention of [REDACTED] [REDACTED] and [REDACTED] evaluate the need for medical attention or offer medical attention throughout the remainder of the interaction.

The allegation that Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 is recommended as Sustained.

Allegation 19: Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.



As [REDACTED] and [REDACTED] are leaving the scene of the incident after [REDACTED] [REDACTED] is released from handcuffs for the final time, he glances at Officer [REDACTED] as he walks past him. Officer [REDACTED] pushes [REDACTED] in the chest and yells: “Back up, we’re not gonna do that. You’re not gonna eye me. Get in the car. Lets go, you’re not gonna eye me down.”

This incident is observed by Officer [REDACTED] as all of the responding officers are standing in the vicinity of [REDACTED] and Officer [REDACTED]. This incident constitutes a violation of General Order 337 § IV C as Officer [REDACTED] used force on [REDACTED] as punishment or retaliation.

Officer [REDACTED] does not mention this interaction in any of the documents provided by RPD to the PAB.

The allegation that Officer [REDACTED] violated General Order 336 § III B is recommended as Sustained.

Allegation 20: Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED]

The BWC footage captured by Officer [REDACTED] at 4:39:17 shows [REDACTED] tearing apart the ticket he was issued for driving without a plate lamp, and saying: “I don’t give a fuck, I’ve been 10 years in jail.” Officer [REDACTED] responds: “I wonder why, because you’re such a nice guy.” Based on the tone the officer was using, this appears to be sarcasm.

The BWC footage captured by Officer [REDACTED] at 4:39:27 shows [REDACTED] shortly after tearing apart the ticket he was issued for driving with a missing plate lamp. Officers are ordering him to pick the ticket up, and Officer [REDACTED] asks: “Would you like another ticket for littering or would you like to go to your job that you were bitching about?”

The BWC footage captured by Officer [REDACTED] at 4:40:19 shows [REDACTED] hugging [REDACTED] and pleading with him when Officer [REDACTED] says: “You need to back up” then pulls her back. She says: “Don’t put your hands on me” and he responds: “Then listen to what I’m saying. That’s what got you into this situation in the first place, your lack of listening. Have a nice day, I’m done with you. What’s gonna happen, is you’re gonna leave, and we’re gonna take care of him. How are you gonna take him with you if you if he’s in handcuffs? Use your brain!”



The BWC footage captured by Officer [REDACTED] at 4:50:20 shows [REDACTED] [REDACTED] [REDACTED] telling officers to take him to jail. Officer [REDACTED] tells him: “You know, the State that we live in holds my hand on who I can and cannot take to jail.”

In an interview conducted with the involved parties on June 17, 2024, both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] stated that they no longer feel safe in certain areas of the City of Rochester due to their interactions with the RPD. They avoid certain streets that are known to them to have a police presence and take a detour to their jobs at the airport. Additionally, both parties provided evidence of injuries sustained during the incident in question, which they state have left them traumatized.

The allegation that Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) is recommended as Sustained.

Allegation 21: Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] [REDACTED] and [REDACTED].

The BWC footage captured by Officers [REDACTED] and [REDACTED] shows that [REDACTED] [REDACTED] [REDACTED] pulled over shortly after turning left onto Clifford Avenue after Officer [REDACTED] activated the flashing lights of the vehicle he was operating. Upon exiting the vehicle, both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] put their hands up and did not resist the application of handcuffs. Officer [REDACTED] decision to point his gun at [REDACTED] [REDACTED] and [REDACTED] [REDACTED] upon exiting his vehicle while yelling orders at them immediately escalated the situation and constitutes a reasonable threat to their lives and safety. Additionally, the capacity for voluntary compliance with police orders was negated as their detention was compelled by the threat of deadly force. Despite responding officers’ claims that [REDACTED] [REDACTED] did not comply with an initial traffic stop on Upper Falls Boulevard and Joseph Avenue, [REDACTED] [REDACTED] did comply with the second traffic stop as shown in Officer [REDACTED] BWC footage. As such, the veracity of this claim is unrelated to whether the involved parties’ actions presented a threat to officer safety and therefore the actions taken by Officer [REDACTED] to effect the involved parties’ detention were not necessary to control them as they were not evading his commands, and were not necessary to prevent their escape.

The allegation that Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law §120.14 is recommended as Sustained.

Allegation 22: Officer [REDACTED] violated General Order 335 § II C and § III A 3 and 10 (c) (1) and (2) as he did not complete a Subject Resistance Report, an Incident Report, or a Show of Force report.



Officer [REDACTED] show of force to compel the detention of [REDACTED] [REDACTED] and [REDACTED] involves the drawing of his firearm and, as such, requires the completion of a Show of Force Report to document the actions taken.

Furthermore, Officer [REDACTED] used force when he pushed [REDACTED] [REDACTED] in the chest as he was leaving the scene of the incident.

RPD confirmed that Officer [REDACTED] did not complete a SRR or Incident Report to document his use of force in this case.

The allegation that Officer [REDACTED] violated General Order 335 § II C and General Order 335 § III A 3 and 10 (c) (1) and (2) is recommended as Sustained.

Allegation 23: Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] [REDACTED] with medical attention.

Following the detention and cuffing of [REDACTED] [REDACTED] by Officer [REDACTED] Officer [REDACTED] guides her to his vehicle, where she trips and lands on her knees on the curb. She repeatedly draws attention to this throughout the remainder of the interaction. In pictures provided by [REDACTED] following the incident, both of her knees appear bloody through her jeans and her jeans have holes in them where she landed. None of the four officers present during the initial detention of [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] evaluate the need for medical attention or offer medical attention throughout the remainder of the interaction.

The allegation that Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 is recommended as Sustained.

Allegation 24: Officer [REDACTED] violated General Order 336 § III B as he did not report the use of force or other misconduct by Officers [REDACTED] [REDACTED] [REDACTED] and [REDACTED] to a supervisor.

As a participant in the traffic stop and detention of [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] Officer [REDACTED] was one of four officers who brandished or pointed their service weapons at the involved parties to effect their detention, thereby failing to deescalate the situation and using unnecessary force and witnessing the same actions on the parts of the other three officers.

Furthermore, as one of the four initial responding officers, Officer [REDACTED] witnessed [REDACTED] [REDACTED] trip, complain of her injuries and not receive medical attention throughout the remainder of the interaction.



Officer [REDACTED] was also witness to the profanity and discourteous language used by other officers throughout the duration of the incident.

Officer [REDACTED] does not mention these incident details in any of the documents provided by RPD to the PAB.

The allegation that Officer [REDACTED] violated General Order 336 § III B is recommended as Sustained.

Allegation 25: Officer [REDACTED] violated General Order 337 § IV C as he used force as punishment or retaliation when he pushed [REDACTED], [REDACTED], [REDACTED].

As [REDACTED], [REDACTED], and [REDACTED] are leaving the scene of the incident after [REDACTED] is released from handcuffs for the final time, he glances at Officer [REDACTED] as he walks past him. Officer [REDACTED] pushes [REDACTED], [REDACTED] in the chest and yells: “Back up, we’re not gonna do that. You’re not gonna eye me. Get in the car. Lets go, you’re not gonna eye me down.”

The allegation that Officer [REDACTED] violated General Order 337 § IV C is recommended as Sustained.

Allegation 26: Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

The BWC footage captured by Officer [REDACTED] at 4:27:25 shows [REDACTED], [REDACTED] in the back seat of Officers [REDACTED] and [REDACTED] patrol vehicle. Officer [REDACTED] says: “If you break the window, I will charge you.” [REDACTED], [REDACTED] responds: “I don’t give a fuck.” Officer [REDACTED] says: “I give fucks. I give fucks. I give a lot of fucks.” And is pointing down at [REDACTED], [REDACTED] who is sitting in the car, restrained. [REDACTED], [REDACTED] continues to yell and cuss and at one point says: “I gotta go to work”. Officer [REDACTED] responds: “You’re not gonna make it then. You’re not gonna make it” then laughs and says: “I’m not gonna let you go when you’re this angry. What are you gonna do when I let you out of the handcuffs, make a big mistake as soon as I let you go? Is that what you’re gonna do? Either relax and be a freaking man, and calm down, or you stay in the back of the car.” During this interaction, [REDACTED], [REDACTED] is standing next to the vehicle and attempting to calm [REDACTED], [REDACTED] down through the window, who continues yelling. At 4:28:07, Officer [REDACTED] tells him: “You are such a nice guy, you speak to your wife so beautifully.” Based on the tone the officer uses, this appears to be sarcasm.



The BWC footage captured by Officer [REDACTED] at 4:51:10 shows [REDACTED] and [REDACTED] leaving the scene of the incident after [REDACTED] is released from handcuffs for the final time. He glances at Officer [REDACTED] as he walks past him. Officer [REDACTED] pushes [REDACTED] in the chest and yells: “Back up, we’re not gonna do that. You’re not gonna eye me. Get in the car. Lets go, you’re not gonna eye me down.”

In an interview conducted with the involved parties on June 17, 2024, both [REDACTED] and [REDACTED] stated that they no longer feel safe in certain areas of the City of Rochester due to their interactions with the RPD. They avoid certain streets that are known to them to have a police presence and take a detour to their jobs at the airport. Additionally, both parties provided evidence of injuries sustained during the incident in question, which they state have left them traumatized.

The allegation that Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) is recommended as Sustained.

Allegation 27: Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

As [REDACTED] and [REDACTED] are leaving the scene of the incident after [REDACTED] is released from handcuffs for the final time, he glances at Officer [REDACTED] as he walks past him. Officer [REDACTED] pushes [REDACTED] in the chest and yells: “Back up, we’re not gonna do that. You’re not gonna eye me. Get in the car. Lets go, you’re not gonna eye me down.”

This incident is observed by Officer [REDACTED] as all of the responding officers are standing in the vicinity of [REDACTED] and Officer [REDACTED]. Officer [REDACTED] actions constitute a violation of General Order 337 § IV C as he used force on [REDACTED] as punishment or retaliation.

Officer [REDACTED] does not mention this interaction in any of the documents provided by RPD to the PAB.

The allegation that Officer [REDACTED] violated General Order 336 § III B is recommended as Sustained.

Allegation 28: Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

As [REDACTED] and [REDACTED] are leaving the scene of the incident after [REDACTED] is released from handcuffs for the final time, he glances at Officer [REDACTED] as



he walks past him. Officer [REDACTED] pushes [REDACTED] [REDACTED] in the chest and yells: “Back up, we’re not gonna do that. You’re not gonna eye me. Get in the car. Lets go, you’re not gonna eye me down.”

This incident is observed by Officer [REDACTED] as all of the responding officers are standing in the vicinity of [REDACTED] [REDACTED] and Officer [REDACTED] Officer [REDACTED] actions constitute a violation of General Order 337 § IV C as he used force on [REDACTED] [REDACTED] as punishment or retaliation.

Officer [REDACTED] does not mention this interaction in any of the documents provided by RPD to the PAB.

The allegation that Officer [REDACTED] violated General Order 336 § III B is recommended as Sustained.

Allegation 29: Officer [REDACTED] violated RPD Rules and Regulations 2.11 and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] [REDACTED] and [REDACTED]

In the BWC footage captured by Officer [REDACTED] at 4:40:50, [REDACTED] [REDACTED] is detained and in handcuffs and Officer [REDACTED] tells him: “You need to act like a man, not like a fool...instead of being emotional, why don’t you just take your ticket. You’re not being abused.”

In the BWC footage captured by Officer [REDACTED] at 4:47:23, [REDACTED] [REDACTED] is identifying one of the officers in a conversation with Officer [REDACTED] and refers to the officer as looking Puerto Rican. Officer [REDACTED] says: “What’s wrong with being Puerto Rican, are you racist?” [REDACTED] [REDACTED] replies that he is also Puerto Rican, and Officer [REDACTED] says: “Oh, okay, then why don’t you relax?”

In the BWC footage captured by Officer [REDACTED] at 4:49:52, [REDACTED] [REDACTED] is still detained by Officer [REDACTED] who tells him: “Well that’s why you’re in handcuffs my sir, cuz you don’t know how to control yourself.” [REDACTED] [REDACTED] says: “You got me out of control.” Officer [REDACTED] responds: “No I mean I think you did that to yourself.” [REDACTED] [REDACTED] then asks why he is handcuffed, and Officer [REDACTED] says: “Cuz you don’t know how to act, you could just relax, you wouldn’t have to be cuffed.”

In the BWC footage captured by Officer [REDACTED] at 4:53:30, as officers are standing around [REDACTED] [REDACTED] after he was pushed by Officer [REDACTED] Officer [REDACTED] says: “Why don’t you just leave, just leave, adios.”

In an interview conducted with the involved parties on June 17, 2024, both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] stated that they no longer feel safe in certain areas of the City of



Rochester due to their interactions with the RPD. They avoid certain streets that are known to them to have a police presence and take a detour to their jobs at the airport. Additionally, both parties provided evidence of injuries sustained during the incident in question, which they state left them traumatized.

The allegation that Officer ████████ violated RPD Rules and Regulations 2.11 and 4.2 (a) and (c) is recommended as Sustained.

Allegation 30: Officer ████████ violated General Order 336 § III B as he did not report Officer ████████ use of force or other misconduct to a supervisor.

General Order 336 § III B states that “A member must as soon as practical, report the offending Member’s unreasonable use of force or other misconduct to a supervisor.”

As ████████ ████████ and ████████ ████████ are leaving the scene of the incident after ████████ ████████ is released from handcuffs for the final time, he glances at Officer ████████ as he walks past him. Officer ████████ pushes ████████ ████████ in the chest and yells: “Back up, we’re not gonna do that. You’re not gonna eye me. Get in the car. Lets go, you’re not gonna eye me down.”

This incident is observed by Officer ████████ as all of the responding officers are standing in the vicinity of ████████ ████████ and Officer ████████ Officer ████████ actions constitute a violation of General Order 337 § IV C as he used force on ████████ ████████ as punishment or retaliation.

Officer ████████ does not mention this interaction in any of the documents provided by RPD to the PAB.

The allegation that Officer ████████ violated General Order 336 § III B is recommended as Sustained.

RECOMMENDED FINDINGS

#	Officer	Allegation	Finding/Recommendation
1	Officer ████████	Officer ████████ violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law §	Sustained



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#	Officer	Allegation	Finding/Recommendation
		120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [REDACTED]	
2	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.	Sustained
3	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.	Sustained
4	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.	Sustained
5	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED]	Sustained
6	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 4.6 as he was not truthful when communicating the reasons for pulling over [REDACTED] and [REDACTED] with other officers.	Not Sustained
7	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his	Sustained



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#	Officer	Allegation	Finding/Recommendation
		gun to compel the handcuffing of [REDACTED] and [REDACTED]	
8	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.	Sustained
9	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.	Sustained
10	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.	Sustained
11	Officer [REDACTED]	Officer [REDACTED] violated General Order 337 § IV C as he used force as punishment or retaliation when he pushed [REDACTED]	Not Sustained
12	Officer [REDACTED]	Officer [REDACTED] violated General Order 520 § III A 3 as he searched a prisoner who was not of the same sex as him.	Exonerated
13	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED]	Sustained
14	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.2 (a) as he did not furnish his name and badge number to [REDACTED]	Sustained
15	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 4.6 as he	Not Sustained



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#	Officer	Allegation	Finding/Recommendation
		was not truthful when communicating the reasons for pulling over [REDACTED] and [REDACTED] with other officers.	
16	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [REDACTED].	Sustained
17	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.	Sustained
18	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.	Sustained
19	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.	Sustained
20	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED].	Sustained
21	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law §	Sustained



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#	Officer	Allegation	Finding/Recommendation
		120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [REDACTED]	
22	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § II C and § III A 3 and 10 (c) (1) and (2) as he did not complete a Subject Resistance Report, an Incident Report, or a Show of Force report.	Sustained
23	Officer [REDACTED]	Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] with medical attention.	Sustained
24	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report the use of force or other misconduct by Officers [REDACTED] [REDACTED] and [REDACTED] to a supervisor.	Sustained
25	Officer [REDACTED]	Officer [REDACTED] violated General Order 337 § IV C as he used force as punishment or retaliation when he pushed [REDACTED]	Sustained
26	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED]	Sustained
27	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.	Sustained



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#	Officer	Allegation	Finding/Recommendation
28	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.	Sustained
29	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 2.11 and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED]	Sustained
30	Officer [REDACTED]	Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.	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:

Officer [REDACTED]



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

A review of the [Rochester Police Department Discipline Database](#) located on the City of Rochester’s website suggests that Officer [REDACTED] has not been the subject of a previous investigation by the RPD Professional Standards Section (PSS).

However, the PAB understands that the database is incomplete.

RPD declined to provide disciplinary records for Officer [REDACTED]

Allegation #1: Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § II A states that “Members may use only that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the Rochester Police Department (RPD). Appropriateness of force used is dependent on the “totality of the circumstances” at the moment the force is used. The Use of Deadly Physical Force will be governed by G.O. 340.”</p> <p>General Order 337 § III A, B, C, and D state that “RPD recognizes and respects the value and sanctity of all human life. Members are expected to carry out their duties and act with the highest regard for the preservation of human life and the safety of all persons involved; RPD’s goal is to gain voluntary compliance of persons without resorting to the use of force. Though Members are authorized to use reasonable force when necessary, Members should attempt to resolve situations without using force whenever possible; Members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to effect a lawful purpose, including to ensure the safety of a Member or third person, stop an attack, make an arrest, control a person evading a Member’s lawful commands, or prevent escape; Members shall use the least amount of force necessary based on the totality of circumstances and shall cease using any force once a person becomes compliant.”</p>	5



<p>General Order 575 § III B and G state that “Members shall use de-escalation techniques and tactics, when it is safe and feasible to do so, to prevent and minimize the need to use force in response to resistance and to increase the likelihood of securing a subject’s voluntary compliance with police instructions; Members are expected to use de-escalation techniques and tactics that are consistent with departmental training and policies.”</p> <p>New York State Penal Law § 120.14 states that “A person is guilty in of menacing in the second degree when he or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm. Menacing in the second degree is a class A misdemeanor.”</p>	
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- **Recommended Level: 3** (“Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies”.)
- **Recommended Discipline:** 10-day suspension.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer ██████ first sustained finding of violating these policies. The force used here did not physically hurt or injure someone.

Allegation #2: Officer ██████ violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § III A 3 states that “Any member using force pursuant to their duties, or any off-duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will: In cases of a non-arrest or unarrest incident where force has been used, the member will obtain permission from a supervisor prior to the release of the subject. An Incident Report describing the incident must be completed.”</p> <p>General Order 335 § III A 10 states “Prepare and submit the SRR and related reports to their supervisor by the end of their tour of duty, unless directed otherwise by a platoon supervisor. All criminal incidents will be documented on</p>	2



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<p>an RMS Incident Report with the appropriate ‘Occurred Incident Type.’ All copies of these report(s) will be forwarded together, along with other applicable reports, to the coordinating supervisor for approval.</p> <p>(c) Brandishing only exception:</p> <p>(1) A Show of Force report will be utilized via the current electronic format.</p> <p>(2) If more than one officer is involved in a “brandishing/display only” the “primary” officer may complete one report and document the brandishing technique(s) of all “assisting” officers. Similarly, multiple subjects can be documented on one Show of Force report in a brandishing only event (i.e.: high risk traffic stop or search warrant).”</p>	
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- **Recommended Level: 1** (Minimal negative impacts on the community or department image or operations with no impact on relationships with other agencies.)
- **Recommended Discipline:** Written reprimand/counseling and training
- **Explanation of Deviation from Presumptive Penalty:** The failure to complete the report does not warrant a suspension. The officer may not have understood that force was used during the incident.

Allegation #3: Officer ████████ violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide ██████████ with medical attention.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § III A 4 (a) and (b) states that “Any member using force pursuant to their duties, or any off–duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will: After force is used, immediately evaluate the need for medical attention or treatment for that person upon whom the techniques were used and arrange for appropriate treatment when: The subject has a visible injury requiring medical attention, including injuries prior to the use of force; The Subject complains of injury or requests medical attention.”</p>	4



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RPD Rules and Regulations 2.14 states that “Employees shall ensure that any injured or ill person is given the opportunity for medical attention.”	
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- **Recommended Level: 3** (Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies.)
- **Recommended Discipline:** 10-day suspension
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies. He did not cause the injuries to the civilian.

Allegation #4: Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
General Order 336 § III B states that “A member must as soon as practical, report the offending Member’s unreasonable use of force or other misconduct to a supervisor.”	4

- **Recommended Level: 1** (“Minimal negative impacts on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline:** Written reprimand/counseling and training.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating this policy. He needs training on his obligations to report fellow officers.

Allegation #5: Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

DISCIPLINARY MATRIX APPENDIX

<u>Misconduct</u>	<u>Level</u>
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<p>RPD Rules and Regulations 2.11 states that “Employees must exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects, or any other person.”</p> <p>RPD Rules and Regulations 4.1 (a) and (b) state that “Employees shall so conduct themselves in both their private and professional lives as to avoid bringing discredit upon the Department; Employees shall not engage in conduct on or off-duty which adversely affects the efficiency of the Department, or engage in conduct on or off-duty which has a tendency to impair public respect for the employee and/or the Department, and/or impair confidence in the operation of the Department.”</p> <p>RPD Rules and Regulations 4.2 (a) and (c) state that “Employees shall be courteous, civil and tactful in the performance of their duties; Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or other person.”</p>	<p>4</p>
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- **Recommended Level: 3** (Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies)
- **Recommended Discipline:** 10-day suspension
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies.

Officer [REDACTED]

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

A review of the [Rochester Police Department Discipline Database](#) located on the City of Rochester’s website suggests that Officer [REDACTED] has not been the subject of a previous investigation by the RPD Professional Standards Section (PSS).

However, the PAB understands that the database is incomplete.

RPD declined to provide disciplinary records for Officer [REDACTED]

Allegation #7: Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary



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amount of force by drawing his gun to compel the handcuffing of [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § II A states that “Members may use only that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the Rochester Police Department (RPD). Appropriateness of force used is dependent on the “totality of the circumstances” at the moment the force is used. The Use of Deadly Physical Force will be governed by G.O. 340.”</p> <p>General Order 337 § III A, B, C, and D state that “RPD recognizes and respects the value and sanctity of all human life. Members are expected to carry out their duties and act with the highest regard for the preservation of human life and the safety of all persons involved; RPD’s goal is to gain voluntary compliance of persons without resorting to the use of force. Though Members are authorized to use reasonable force when necessary, Members should attempt to resolve situations without using force whenever possible; Members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to effect a lawful purpose, including to ensure the safety of a Member or third person, stop an attack, make an arrest, control a person evading a Member’s lawful commands, or prevent escape; Members shall use the least amount of force necessary based on the totality of circumstances and shall cease using any force once a person becomes compliant.”</p> <p>General Order 575 § III B and G state that “Members shall use de-escalation techniques and tactics, when it is safe and feasible to do so, to prevent and minimize the need to use force in response to resistance and to increase the likelihood of securing a subject’s voluntary compliance with police instructions; Members are expected to use de-escalation techniques and tactics that are consistent with departmental training and policies.”</p> <p>New York State Penal Law § 120.14 states that “A person is guilty in of menacing in the second degree when he or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what</p>	<p>5</p>



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<p>appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm. Menacing in the second degree is a class A misdemeanor.”</p>	
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- **Recommended Level: 3** (“Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies”.)
- **Recommended Discipline:** 10-day suspension.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies. The force used here did not physically hurt or injure someone.

Allegation #8: Officer [REDACTED] violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § III A 3 states that “Any member using force pursuant to their duties, or any off-duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will: In cases of a non-arrest or unarrest incident where force has been used, the member will obtain permission from a supervisor prior to the release of the subject. An Incident Report describing the incident must be completed.”</p> <p>General Order 335 § III A 10 states “Prepare and submit the SRR and related reports to their supervisor by the end of their tour of duty, unless directed otherwise by a platoon supervisor. All criminal incidents will be documented on an RMS Incident Report with the appropriate ‘Occurred Incident Type.’ All copies of these report(s) will be forwarded together, along with other applicable reports, to the coordinating supervisor for approval.</p> <p>(c) Brandishing only exception:</p> <p>(1) A Show of Force report will be utilized via the current electronic format.</p> <p>(2) If more than one officer is involved in a “brandishing/display only” the “primary” officer may complete one report and document the brandishing technique(s) of all “assisting” officers. Similarly, multiple subjects can be</p>	<p>2</p>



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documented on one Show of Force report in a brandishing only event (i.e.: high risk traffic stop or search warrant).”	
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- **Recommended Level: 1** (Minimal negative impacts on the community or department image or operations with no impact on relationships with other agencies)
- **Recommended Discipline:** Written reprimand/counseling and training
- **Explanation of Deviation from Presumptive Penalty:** The failure to complete the report does not warrant a suspension. The officer may not have understood that force was used during the incident.

Allegation #9: Officer ████████ violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide ██████████ with medical attention.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
General Order 335 § III A 4 (a) and (b) states that “Any member using force pursuant to their duties, or any off-duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will: After force is used, immediately evaluate the need for medical attention or treatment for that person upon whom the techniques were used and arrange for appropriate treatment when: The subject has a visible injury requiring medical attention, including injuries prior to the use of force; The Subject complains of injury or requests medical attention.” RPD Rules and Regulations 2.14 states that “Employees shall ensure that any injured or ill person is given the opportunity for medical attention.”	4

- **Recommended Level: 3** (Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies)
- **Recommended Discipline:** 10-day suspension
- **Explanation of Deviation from Presumptive Penalty:** This is Officer ██████████ first sustained finding of violating these policies. It is unclear if he deliberately caused the injuries to the civilian.



Allegation #10: Officer ████████ violated General Order 336 § III B as he did not report Officer ████████ use of force or other misconduct to a supervisor.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
General Order 336 § III B states that “A member must as soon as practical, report the offending Member’s unreasonable use of force or other misconduct to a supervisor.”	4

- **Recommended Level: 1** (“Minimal negative impacts on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline:** Written reprimand/counseling and training.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer ████████ first sustained finding of violating this policy. He needs training on his obligations to report fellow officers.

Allegation #13: Officer ████████ violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards ████████ ████████ and ████████ ████████

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>RPD Rules and Regulations 2.11 states that “Employees must exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects, or any other person.”</p> <p>RPD Rules and Regulations 4.1 (a) and (b) state that “Employees shall so conduct themselves in both their private and professional lives as to avoid bringing discredit upon the Department; Employees shall not engage in conduct on or off-duty which adversely affects the efficiency of the Department, or engage in conduct on or off-duty which has a tendency to impair public respect for the employee and/or the Department, and/or impair confidence in the operation of the Department.”</p>	4



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RPD Rules and Regulations 4.2 (a) and (c) state that “Employees shall be courteous, civil and tactful in the performance of their duties; Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or other person.”	
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- **Recommended Level: 3** (“Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies.”)
- **Recommended Discipline:** 10-day suspension
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies.

Allegation #14: Officer [REDACTED] violated RPD Rules and Regulations 2.2 (a) as he did not furnish his name and badge number to [REDACTED].

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
RPD Rules and Regulations 2.2 (a) 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. Exceptions may be made for person on special duties and assignments (e.g., undercover, vice assignments) with permission of their supervisor.”	3

- **Recommended Level: 3** (Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies.)
- **Recommended Discipline:** 10-day suspension

Officer [REDACTED]

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

A review of the [Rochester Police Department Discipline Database](#) located on the City of Rochester’s website suggests that Officer [REDACTED] has not been the subject of a previous investigation by the RPD Professional Standards Section (PSS).



However, the PAB understands that the database is incomplete.

RPD declined to provide disciplinary records for Officer ██████████

Allegation 16: Officer ██████████ violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of ██████████ ██████████ ██████████ and ██████████ ██████████

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § II A states that “Members may use only that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the Rochester Police Department (RPD). Appropriateness of force used is dependent on the “totality of the circumstances” at the moment the force is used. The Use of Deadly Physical Force will be governed by G.O. 340.”</p> <p>General Order 337 § III A, B, C, and D state that “RPD recognizes and respects the value and sanctity of all human life. Members are expected to carry out their duties and act with the highest regard for the preservation of human life and the safety of all persons involved; RPD’s goal is to gain voluntary compliance of persons without resorting to the use of force. Though Members are authorized to use reasonable force when necessary, Members should attempt to resolve situations without using force whenever possible; Members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to effect a lawful purpose, including to ensure the safety of a Member or third person, stop an attack, make an arrest, control a person evading a Member’s lawful commands, or prevent escape; Members shall use the least amount of force necessary based on the totality of circumstances and shall cease using any force once a person becomes compliant.”</p> <p>General Order 575 § III B and G state that “Members shall use de-escalation techniques and tactics, when it is safe and feasible to do so, to prevent and minimize the need to use force in response to resistance and to increase the likelihood of securing a subject’s voluntary compliance with police instructions; Members are expected to use de-escalation techniques and tactics that are consistent with departmental training and policies.”</p>	<p>5</p>



<p>New York State Penal Law § 120.14 states that “A person is guilty in of menacing in the second degree when he or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm. Menacing in the second degree is a class A misdemeanor.”</p>	
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- **Recommended Level:** 3 (“Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies”.)
- **Recommended Discipline:** 10-day suspension.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer ██████ first sustained finding of violating these policies. The force used here did not physically hurt or injure someone.

Allegation #17: Officer ██████ violated General Order 335 § III A 3 and 10 (c) (1) and (2) as he did not complete an Incident Report or a Show of Force report.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § III A 3 states that “Any member using force pursuant to their duties, or any off–duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will: In cases of a non-arrest or unarrest incident where force has been used, the member will obtain permission from a supervisor prior to the release of the subject. An Incident Report describing the incident must be completed.”</p> <p>General Order 335 § III A 10 states “Prepare and submit the SRR and related reports to their supervisor by the end of their tour of duty, unless directed otherwise by a platoon supervisor. All criminal incidents will be documented on an RMS Incident Report with the appropriate ‘Occurred Incident Type.’ All copies of these report(s) will be forwarded together, along with other applicable reports, to the coordinating supervisor for approval.</p> <p>(c) Brandishing only exception:</p> <p>(1) A Show of Force report will be utilized via the current electronic format.</p>	2



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<p>(2) If more than one officer is involved in a “brandishing/display only” the “primary” officer may complete one report and document the brandishing technique(s) of all “assisting” officers. Similarly, multiple subjects can be documented on one Show of Force report in a brandishing only event (i.e.: high risk traffic stop or search warrant).”</p>	
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- **Recommended Level: 1** (Minimal negative impacts on the community or department image or operations with no impact on relationships with other agencies.)
- **Recommended Discipline:** Written reprimand/counseling and training
- **Explanation of Deviation from Presumptive Penalty:** The failure to complete the report does not warrant a suspension. The officer may not have understood that force was used during the incident.

Allegation #18: Officer ████████ violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide ██████████ with medical attention.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § III A 4 (a) and (b) states that “Any member using force pursuant to their duties, or any off-duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will: After force is used, immediately evaluate the need for medical attention or treatment for that person upon whom the techniques were used and arrange for appropriate treatment when: The subject has a visible injury requiring medical attention, including injuries prior to the use of force; The Subject complains of injury or requests medical attention.”</p> <p>RPD Rules and Regulations 2.14 states that “Employees shall ensure that any injured or ill person is given the opportunity for medical attention.”</p>	<p>4</p>

- **Recommended Level: 3** (Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies)
- **Recommended Discipline:** 10-day suspension



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- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies. He did not cause the injuries to the civilian.

Allegation #19: Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
General Order 336 § III B states that “A member must as soon as practical, report the offending Member’s unreasonable use of force or other misconduct to a supervisor.”	4

- **Recommended Level: 1** (“Minimal negative impacts on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline:** Written reprimand/counseling and training.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating this policy. He needs training on his obligations to report fellow officers.

Allegation 20: Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED]

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>RPD Rules and Regulations 2.11 states that “Employees must exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects, or any other person.”</p> <p>RPD Rules and Regulations 4.1 (a) and (b) state that “Employees shall so conduct themselves in both their private and professional lives as to avoid bringing discredit upon the Department; Employees shall not engage in conduct on or off-duty which adversely affects the efficiency of the Department, or engage in conduct on or off-duty which has a tendency to impair public respect for the employee and/or the Department, and/or impair confidence in the operation of the Department.”</p>	4



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RPD Rules and Regulations 4.2 (a) and (c) state that “Employees shall be courteous, civil and tactful in the performance of their duties; Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or other person.”	
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- **Recommended Level: 3** (“Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies.”)
- **Recommended Discipline:** 10-day suspension
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies.

Officer [REDACTED]

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

A review of the [Rochester Police Department Discipline Database](#) located on the City of Rochester’s website suggests that Officer [REDACTED] has not been the subject of a previous investigation by the RPD Professional Standards Section (PSS).

However, the PAB understands that the database is incomplete.

RPD declined to provide disciplinary records for Officer [REDACTED]

Allegation 21: Officer [REDACTED] violated General Order 335 § II A, 337 § III A, B, C, and D, 575 § III B and G, and New York State Penal Law § 120.14 as he used an unnecessary amount of force by drawing his gun to compel the handcuffing of [REDACTED] and [REDACTED] and by pushing [REDACTED] in the chest.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
General Order 335 § II A states that “Members may use only that level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training and policies of the Rochester Police Department (RPD). Appropriateness of force used is dependent on the “totality of the	5



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

General Order 337 § III A, B, C, and D state that “RPD recognizes and respects the value and sanctity of all human life. Members are expected to carry out their duties and act with the highest regard for the preservation of human life and the safety of all persons involved; RPD’s goal is to gain voluntary compliance of persons without resorting to the use of force. Though Members are authorized to use reasonable force when necessary, Members should attempt to resolve situations without using force whenever possible; Members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to effect a lawful purpose, including to ensure the safety of a Member or third person, stop an attack, make an arrest, control a person evading a Member’s lawful commands, or prevent escape; Members shall use the least amount of force necessary based on the totality of circumstances and shall cease using any force once a person becomes compliant.”

General Order 575 § III B and G state that “Members shall use de-escalation techniques and tactics, when it is safe and feasible to do so, to prevent and minimize the need to use force in response to resistance and to increase the likelihood of securing a subject’s voluntary compliance with police instructions; Members are expected to use de-escalation techniques and tactics that are consistent with departmental training and policies.”

New York State Penal Law § 120.14 states that “A person is guilty in of menacing in the second degree when he or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm. Menacing in the second degree is a class A misdemeanor.”

- **Recommended Level: 3** (“Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies”.)
- **Recommended Discipline:** 10-day suspension.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies. The force used here did not physically hurt or injure someone.



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Allegation 22: Officer [REDACTED] violated General Order 335 § II C and § III A 3 and 10 (c) (1) and (2) as he did not complete a Subject Resistance Report, an Incident Report, or a Show of Force report.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § II C states that “All force used, to include displaying a chemical agent (PLS, O.C. and chemical munitions), with the exception of mere handcuffing, blanketing, escorting or application of hobble, will require a Subject Resistance Report (SRR). This report will be completed in the current electronic format (Blue Team).”</p> <p>General Order 335 § III A 3 states that “Any member using force pursuant to their duties, or any off-duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will: In cases of a non-arrest or unarrest incident where force has been used, the member will obtain permission from a supervisor prior to the release of the subject. An Incident Report describing the incident must be completed.”</p> <p>General Order 335 § III A 10 states “Prepare and submit the SRR and related reports to their supervisor by the end of their tour of duty, unless directed otherwise by a platoon supervisor. All criminal incidents will be documented on an RMS Incident Report with the appropriate ‘Occurred Incident Type.’ All copies of these report(s) will be forwarded together, along with other applicable reports, to the coordinating supervisor for approval.</p> <p>(c) Brandishing only exception:</p> <p>(1) A Show of Force report will be utilized via the current electronic format.</p> <p>(2) If more than one officer is involved in a “brandishing/display only” the “primary” officer may complete one report and document the brandishing technique(s) of all “assisting” officers. Similarly, multiple subjects can be documented on one Show of Force report in a brandishing only event (i.e.: high risk traffic stop or search warrant).”</p>	<p>2</p>

- **Recommended Level: 2** (More than minimal negative impact on the community or department image or operations, or relationships with other officers, or agencies)



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- **Recommended Discipline:** 5-day suspension

Allegation 23: Officer [REDACTED] violated General Order 335 § III A 4 (a) and (b) and RPD Rules and Regulations 2.14 as he failed to evaluate and provide [REDACTED] [REDACTED] with medical attention.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 335 § III A 4 (a) and (b) states that “Any member using force pursuant to their duties, or any off-duty member using force regardless of whether or not it is pursuant to their duty as a police officer, will: After force is used, immediately evaluate the need for medical attention or treatment for that person upon whom the techniques were used and arrange for appropriate treatment when: The subject has a visible injury requiring medical attention, including injuries prior to the use of force; The Subject complains of injury or requests medical attention.”</p> <p>RPD Rules and Regulations 2.14 states that “Employees shall ensure that any injured or ill person is given the opportunity for medical attention.”</p>	4

- **Recommended Level:** 3 (Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies)
- **Recommended Discipline:** 10-day suspension
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies. He did not cause the injuries to the civilian.

Allegation 24: Officer [REDACTED] violated General Order 336 § III B as he did not report the use of force or other misconduct by Officers [REDACTED] and [REDACTED] to a supervisor.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>General Order 336 § III B states that “A member must as soon as practical, report the offending Member’s unreasonable use of force or other misconduct to a supervisor.”</p>	4



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- **Recommended Level: 1** (“Minimal negative impacts on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline:** Written reprimand/counseling and training.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating this policy. He needs training on his obligations to report fellow officers.

Allegation 25: Officer [REDACTED] violated General Order 337 § IV C as he used force as punishment or retaliation when he pushed [REDACTED].

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
General Order 337 § IV C states that “Members will not use force in any of the following situations: As punishment or retaliation (e.g., force used to punish or retaliate against an individual for fleeing, resisting arrest or insulting a Member).”	5

- **Recommended Level: 4** (“Significant negative impact on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline:** 60-day suspension
- **Explanation of Deviation from Presumptive Penalty:** The push did not appear to cause any injury to [REDACTED].

Allegation 26: Officer [REDACTED] violated RPD Rules and Regulations 2.11, 4.1 (a) and (b), and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED] and [REDACTED].

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
RPD Rules and Regulations 2.11 states that “Employees must exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects, or any other person.”	4



RPD Rules and Regulations 4.1 (a) and (b) state that “Employees shall so conduct themselves in both their private and professional lives as to avoid bringing discredit upon the Department; Employees shall not engage in conduct on or off-duty which adversely affects the efficiency of the Department, or engage in conduct on or off-duty which has a tendency to impair public respect for the employee and/or the Department, and/or impair confidence in the operation of the Department.”

RPD Rules and Regulations 4.2 (a) and (c) state that “Employees shall be courteous, civil and tactful in the performance of their duties; Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or other person.”

- **Recommended Level: 3** (“Significant negative impact on the community or department image or operations, or relationships with other officers, or agencies.”)
- **Recommended Discipline:** 10-day suspension
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies.

Officer [REDACTED]

Officer [REDACTED] was the subject of the investigation into PAB Public Tracking Number 2023-0111, however he was exonerated of the allegations made against him.

A review of the [Rochester Police Department Discipline Database](#) located on the City of Rochester’s website reveals that Officer [REDACTED] was the subject of an investigation in PSS-20-0021. The allegations of that case included violations of RPD Rules and Regulations 1.3 (Obedience to Orders), 1.6 (Insubordination), 2.3 (Respond When Directed), and 2.21 (Supervisors Addressed by Title). In a Stipulation of Settlement, Officer [REDACTED] plead guilty to RPD Rules and Regulations 2.3 and 2.21 and was suspended for five days without pay and transferred from Clinton Section 3rd Platoon to Clinton Section 1st Platoon.

However, the PAB understands that the database is incomplete.

RPD declined to provide disciplinary records for Officer [REDACTED]



Allegation 27: Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
General Order 336 § III B states that “A member must as soon as practical, report the offending Member’s unreasonable use of force or other misconduct to a supervisor.”	4

- **Recommended Level: 1** (“Minimal negative impacts on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline** (based on 1 prior finding of misconduct): Written reprimand/counseling and training.
- **Explanation of Deviation from Presumptive Penalty:** Officer [REDACTED] prior guilty plea is different in nature from the sustained finding of misconduct here.

Officer [REDACTED]

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

A review of the [Rochester Police Department Discipline Database](#) located on the City of Rochester’s website suggests that Officer [REDACTED] has not been the subject of a previous investigation by the RPD Professional Standards Section (PSS).

However, the PAB understands that the database is incomplete.

RPD declined to provide disciplinary records for Officer [REDACTED]

Allegation 28: [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
General Order 336 § III B states that “A member must as soon as practical, report the offending Member’s unreasonable use of force or other misconduct to a supervisor.”	4



- **Recommended Level: 1** (“Minimal negative impacts on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline:** Written reprimand/counseling and training.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating this policy. He needs training on his obligations to report fellow officers.

Allegation 29: Officer [REDACTED] violated RPD Rules and Regulations 2.11 and 4.2 (a) and (c) in his interactions with and conduct towards [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>RPD Rules and Regulations 2.11 states that “Employees must exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects, or any other person.”</p> <p>RPD Rules and Regulations 4.2 (a) and (c) state that “Employees shall be courteous, civil and tactful in the performance of their duties; Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or other person.”</p>	3

- **Recommended Level: 2** (“More than minimal negative impact on the community or department image or operations, or relationships with other officers, or agencies.”)
- **Recommended Discipline:** 5-day suspension
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating these policies.

Officer [REDACTED]

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



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A review of the [Rochester Police Department Discipline Database](#) located on the City of Rochester’s website suggests that Officer [REDACTED] has not been the subject of a previous investigation by the RPD Professional Standards Section (PSS).

However, the PAB understands that the database is incomplete.

RPD declined to provide disciplinary records for Officer [REDACTED]

Allegation 30: Officer [REDACTED] violated General Order 336 § III B as he did not report Officer [REDACTED] use of force or other misconduct to a supervisor.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
General Order 336 § III B states that “A member must as soon as practical, report the offending Member’s unreasonable use of force or other misconduct to a supervisor.”	4

- **Recommended Level: 1** (“Minimal negative impacts on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline:** Written reprimand/counseling and training.
- **Explanation of Deviation from Presumptive Penalty:** This is Officer [REDACTED] first sustained finding of violating this policy. He needs training on his obligations to report fellow officers.