



### 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):** 2024-0070

**Date of Panel Review:** 16-Jan-2025 5:30 PM (EST)

**Board Members Present:** [REDACTED]

**Case Findings:** Allegations 1, 2, 3, 4, 5, 6: Sustained

**Disciplinary Recommendation:** Officer 1: 10-day suspension, written reprimand and officer should complete a safe driver training course.

**Dissenting Opinion/Comment:** Board Member [REDACTED] voted not sustain allegation 5 because it is repetitive.



## 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.



## **Allegation # 1:**

Officer 1 violated General Order 530 regarding emergency response driving and General Order 345 regarding Police Vehicle Accidents by failing to drive with due regard for the safety of all persons.

- **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**
- 

## **Allegation # 2:**

Officer 1 violated General Order 530 regarding emergency response driving by failing to drive with due regard for the safety of all persons, failing to activate [REDACTED] emergency red lights, sirens, and alternating headlights, and failing to come to a complete stop at an intersection where [REDACTED] did not have a clear right-of-way.

- **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**
- 

## **Allegation # 3:**

Officer 1 violated Rules 2.1a and 2.1b by failing to protect life and property and competently perform [REDACTED] duties.

- **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**
- 

## **Allegation # 4:**

Officer 1 violated Rule 4.1a by bringing discredit upon the Rochester Police Department.

- **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**



**Allegation # 5:**

Officer 1 violated Rule 4.1b by adversely affecting the efficiency of the Rochester Police Department.

- **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**
- 

**Allegation # 6:**

Officer 1 violated General Order 350 regarding Uniform, Equipment, and Personal Appearance and Rule 4.18 by failing to properly care for and use [REDACTED] department-issued property/equipment.

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



---

## CLOSING REPORT

---

### 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.”

---

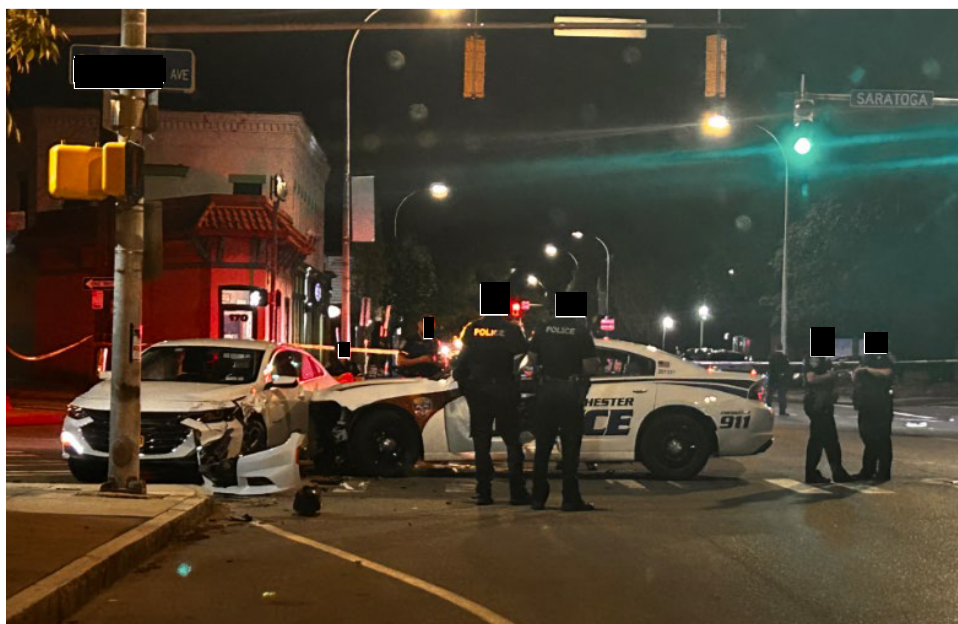
### EXECUTIVE SUMMARY

---

An anonymous complaint received by the PAB on May 15, 2024, alleges that on May 12, 2024, at Lyell Avenue and Saratoga Avenue, RPD crashed in to a vehicle where a two-year-old was in the backseat. The complaint alleges that the child could have died.

The PAB investigation determined that as Officer 1 was operating a marked patrol vehicle, license plate 261, when [REDACTED] approached the intersection at [REDACTED] Avenue and [REDACTED] Avenue. While turning left, Officer 1 failed to yield the right-of-way, and struck a vehicle traveling westbound.

[Blue Light Camera](#) footage captured the event. Officer 1 did not have [REDACTED] lights activated. The video has no audio. Officer 2 and Officer 3 photographed the scene on their Body-Worn Cameras (Hereinafter – BWC). Pictured below is a photo of the crash, captured by a witness:



**INVOLVED OFFICERS**

Officer #	Officer Name	Officer Rank	IBM/Employee #	Date of Appointment	Sex	Race/Ethnicity
Officer 1						
Officer 2						
Officer 3						
Officer 4						
Officer 5						
Officer 6						
Officer 7						

**INVOLVED INDIVIDUALS**

Designation	Name	Age	Sex	Race/ Ethnicity
Witness 1		Unknown		Black

**ALLEGATIONS**

1	Officer 1	Officer 1 violated General Order 345 regarding Police Vehicle Accidents by failing to drive with due regard for the safety of all persons.
2	Officer 1	Officer 1 violated General Order 530 regarding emergency response driving by failing to drive with due regard for the safety of all persons, failing to activate emergency red lights, sirens, and alternating headlights, and failing to come to a complete stop at an intersection where did not have a clear right-of-way.
3	Officer 1	Officer 1 violated Rules 2.1a and 2.1b by failing to protect life and property and competently perform duties.
4	Officer 1	Officer 1 violated Rule 4.1a by bringing discredit upon the Rochester Police Department.
5	Officer 1	Officer 1 violated Rule 4.1b by adversely affecting the efficiency of the Rochester Police Department and engaging in conduct that tends to impair public respect for the employee.



6	Officer 1	Officer 1 violated General Order 350 regarding Uniform, Equipment, and Personal Appearance and Rule 4.18 by failing to properly care for and use [REDACTED] department-issued property/equipment.
---	-----------	---

## INVESTIGATION

On May 15, 2024, an anonymous report of this incident was submitted to the PAB.

On July 11, 2024, a Source of Information request was sent to the Rochester Police Department (RPD), seeking all related documents, evidence, videos, audio recordings, and disciplinary and personnel records.

On July 15, 2024, Captain Swetman, the PAB liaison, responded by uploading the TRACS MVA report, job cards, body-worn camera (BWC) footage, and Blue Light recordings. The fleet package was subsequently uploaded on August 1, 2024. The PAB reviewed all available evidence.

On November 13, 2024, the investigator used Thomson Reuters CLEAR to query Witness 1's contact information. Witness 1 agreed to be interviewed.

On November 20, 2024, Witness 1 was interviewed at the PAB office located at 245 East Main Street.

On December 5, 2024, a request was sent to Officer 1 for an interview/statement. However, the request was denied, as it is the City's Law Department's position that the request conflicts with RPD's collective bargaining agreement.

## EVIDENCE REVIEWED

Evidence	Description	Filename
Blue Light camera footage	Blue Light camera footage captured the event. Officer 1 did not have [REDACTED] lights activated. The video has no audio. Officer 1 was operating a marked patrol vehicle, license plate 261, when [REDACTED] approached the intersection at [REDACTED] Avenue and [REDACTED] Avenue. While turning left, Officer 1 failed to yield the right-of-way, and struck a vehicle traveling westbound.	<a href="#">Blue Light Camera</a>
BWC	BWC footage of the response to the crash.  In <a href="#">Video 1</a> , Officer 4 removes Witness 1's [REDACTED] from the car and holds [REDACTED]. At timestamp 2:26, Officer 4 asks Witness 1 if [REDACTED] is hurting anywhere. Witness 1 replied that [REDACTED] ear was hurting. Officer 4 handed the child to a bystander and checked on Officer 1, who was sitting on the curb.	<a href="#">Video 1</a> <a href="#">Video 2</a>






## EVIDENCE REVIEWED

Evidence	Description	Filename
	<p>In <a href="#">Video 1</a>, at 4:28, Witness 1 tells EMS that ■ is dizzy.</p> <p>In <a href="#">Video 1</a>, at 5:35, Officer 4 stated, "I saw the whole thing. Yeah, ■ was taking a left onto Saratoga, green light, and I think ■ just – didn't yield for the car that was coming. This car was coming west, we were coming east, trying to turn north, and I, uh, don't think ■ yielded."</p> <p>In <a href="#">Video 2</a>, at 0:37, Witness 1 told Officer 3 that Officer 1 did not have ■ lights on. Additionally, Witness 1 stated, "■ was going faster and ■ turned the corner!" Witness 1 refused medical care.</p>	
<p>Photographs of the scene</p>	<p>Officers 2 and 3 captured multiple angles of the crash on their BWCs.</p> <p>Pictured below is a photo of the crash, captured by Officer 2:</p> 	<p><a href="#">Photo</a>  <a href="#">Photo</a></p>
<p>Photographs of the scene provided by a witness</p>	<p>■ provided the following photographs of the scene of the crash:</p>	<p><a href="#">Scene Photos</a></p>



**EVIDENCE REVIEWED**

Evidence	Description	Filename
		
Photographs of Officer 1	Photographs of Officer 1 were taken on [REDACTED] BWC. The photos depict redness on Officer 1's arm and scrapes on [REDACTED] leg.	<a href="#">Photo</a>

**EVIDENCE REVIEWED**

Evidence	Description	Filename
Interview of Witness 1	<p>PAB investigators interviewed Witness 1 on November 20, 2024.</p> <p>During [REDACTED] interview, Witness 1 indicated that [REDACTED] was traveling straight down Lyell Avenue with [REDACTED] two-year-old [REDACTED] in the car; [REDACTED] looked to [REDACTED] left and saw a police car "coming right at" [REDACTED]. Witness 1 said that the Officer t-boned [REDACTED] and totaled [REDACTED] car. Witness 1 said [REDACTED] tried to swerve to get out of the Officer's way, but the Officer hit [REDACTED].</p> <p>Witness 1 said [REDACTED] had a sore neck and back following the incident and went to the emergency department. Witness 1 stated that [REDACTED] did not initially want to go to the hospital, but once the adrenaline wore off, [REDACTED] felt the pain the next day. Witness 1 indicated that [REDACTED] [REDACTED]</p> <p>Additionally, Witness 1 reported that you could not sue the city unless you are "dead" or have serious injury. [REDACTED] noted that [REDACTED] had retained a lawyer, but then [REDACTED] found out nothing could have been done.</p> <p>Witness 1 stated that [REDACTED] was still facing financial burdens from the incident, as [REDACTED] had to pay a down payment for a new car. [REDACTED] reported paying "a lot more" for [REDACTED] car now than [REDACTED] previous one. Further, [REDACTED] stated that [REDACTED] had done much maintenance work on the vehicle before the crash.</p> <p>Witness 1 also noted the Department's "nonchalant" attitude regarding the incident and stated that [REDACTED] believed there was only a quick response because one of their officers was involved. Witness 1 reported that [REDACTED] "felt like [REDACTED] was an afterthought." Witness 1 noted the only comfort [REDACTED] felt was from an Officer [REDACTED] knew.</p> <p>Witness 1 reported that [REDACTED] believed the Officer was distracted by something to "turn right into [REDACTED]" and that "if it was either one of us, we would get a ticket for distracted driving."</p> <p>Witness 1 noted that it "would have been nice if there was some follow-up from the City."</p>	<a href="#">IMG_0011.mov</a>
Initial Notification package	The Initial Notification package from PAB to RPD outlines the incident and alleged violations and includes a Source of Information request (evidence request.)	<a href="#">InitialNotification 2024-0070 RPD response 7-15-24.pdf</a>

**EVIDENCE REVIEWED**

<b>Evidence</b>	<b>Description</b>	<b>Filename</b>
Report of Motor Vehicle Accident/Police Line of Duty Accident	<p>The Police Accident Report indicates Officer 1 was responding to a call for service while operating a marked patrol vehicle, license plate 261, when ■ approached the intersection at Lyell Avenue and Saratoga Avenue. While turning left, Officer 1 turned in front of a vehicle traveling west that was turning right on Saratoga Avenue. Officer 1 complained of head, neck, and arm pain and was transported to Rochester General Hospital by another officer. Officer 5 completed the report, which Officer 6 reviewed.</p> <p>The package includes Officer 1's Concise Officer History report, as printed on 05/16/2024. Officer 1 had no vehicle accidents in ■ file as of this date. The Concise Officer History report is filtered by incident type (vehicle accident).</p> <p>Officer 1 caused \$19,535.67 of estimated damage to ■ police cruiser. The estimate from Sofia Collision indicates damage to the front area of the vehicle, transmission, radiator, cooling system, fender, steering column, windshield, instrumental panel, restraint systems, seats and tracks, pillars, rocker, and floor, as well as the front door.</p> <p>The preliminary estimate also includes a parts supplier list.</p>	<a href="#">mva 0399.pdf</a>
Computer-Aided Dispatch Card (Event Information)	The Computer-Aided Dispatch Card indicates that there was a fleet vehicle accident. The event data begins at 8:54 pm on 05/12/2024.	<a href="#">5-12 main page.pdf</a>
Fleet vehicle accident referral (RPD 1230)	<p>The fleet vehicle accident referral (RPD 1230) indicates that Officer 1 operated a marked car (serial number 201331, radio call number 251C.) The report states that Officer 1's flashers and sirens were not on. The report notes that the patrol vehicle sustained "heavy damage to the front of the vehicle. Total damage/cost of repair is \$19,535.67." Sofia Collision provided the damage estimate.</p> <p>The accident is noted as being "avoidable (chargeable)." Furthermore, the report states that a Memorandum of Record is attached.</p>	<a href="#">fleet 0399 page 1.pdf</a>
Memorandum of Record	Officer 1 received a Memorandum of Record on 05/16/2024 from Officer 6. The conversation regarding the memo was in the presence of Officer 7.	<a href="#">memo 0399.pdf</a>

**EVIDENCE REVIEWED**

Evidence	Description	Filename
	<p>The memo to Officer 1 states, "Once at [REDACTED] Ave and [REDACTED] Ave, you attempted to turn northbound on [REDACTED] Ave., however, you failed to make sure the intersection was clear of vehicular traffic. As a result, you collided with another vehicle that was traveling west of [REDACTED] Ave."</p> <p>"Upon supervisory review, this accident has been classified as AVOIDABLE. Your actions were determined to be a factor in the accident."</p> <p>Officer 1 was directed to familiarize [REDACTED] with General Order 345 Section II (A) and Rule 4.18, which states in part, "When operating fleet vehicles, all employees are to drive with due care and regard for the safety of all persons," "all traffic laws will also be obeyed," and "employees shall be held responsible for the proper care and use of property and equipment assigned to or used by them."</p> <p>Officer 1 was advised that similar conduct on [REDACTED] part may result in disciplinary action and that issuance of the memorandum did not preclude the initiation of disciplinary action regarding the matter.</p>	
Accident Information Exchange Form	The Accident Information Exchange Form includes the information of the parties involved in the crash.	<a href="#">ACC AccidentInfo-FQWS99J4K3R5.pdf</a>
Emergency Communications Department GPS and speed data	<p>PAB obtained GPS and speed data from the Emergency Communications Department. In the moments leading up to the car crash, the GPS and speed data for Officer 1's cruiser revealed the following:</p> <ul style="list-style-type: none"> <li>• May 12, 2024, 8:51:47 PM EST – Officer 1 was traveling 38 miles per hour (MPH) in the area of Orchard Street and Lyell Avenue</li> <li>• May 12, 2024, 8:51:53 PM EST – 38 MPH</li> <li>• May 12, 2024, 8:52:01 PM EST – 15 MPH</li> <li>• May 12, 2024, 8:52:41 PM EST – 15 MPH</li> <li>• May 12, 2024, 8:52:59 PM EST – 27 MPH</li> <li>• May 12, 2024, 8:53:07 PM EST – 32 MPH</li> </ul>	<a href="#">PAB Request 2024-0070.xlsx</a>



### EVIDENCE REVIEWED

Evidence	Description	Filename
	<ul style="list-style-type: none"> <li>May 12, 2024, 8:54:07 PM EST – 0 MPH – Officer 1 crashed into a vehicle in the area of [REDACTED] Avenue and [REDACTED] Avenue</li> </ul>	
Police Accident Report Diagram	<p>The following diagram is attached to the report:</p>	<a href="#">ACC_REPORT_01_MV104A_DIAGRAM-AM-FQWS99J4K3R5.pdf</a>
Police Accident Report	<p>The Police Accident Report outlines the circumstances of the crash. The weather was clear; the roads were dry and dark but lit. Officer 1's inattention/distraction is listed as the contributing factor to the crash.</p>	<a href="#">ACC_REPORT-FQWS99J4K3R5.pdf</a>

### EVIDENCE DENIED

Evidence	Request Date(s)	Reason declined
Disciplinary Records, Personnel Records, and Training Records.	07/11/2024	RPD provided Officer 1's Concise Officer History report, as printed on 05/16/2024. The Concise Officer History report is filtered by incident type (vehicle accident). However, RPD failed to provide complete disciplinary, personnel, and training records.





## EVIDENCE DENIED

Evidence	Request Date(s)	Reason declined
Officer Statement Request	12/05/2024	It is City Law's position that the request conflicts with RPD's collective bargaining agreement.

## APPLICABLE RULES & LAWS

### General Order 530 (EMERGENCY RESPONSE DRIVING; PURSUIT DRIVING)

([file:///C:/Users/818952/Downloads/GO\\_530\\_Emergency\\_Response\\_Driving\\_Pursuit\\_Driving%20\(10\).pdf](file:///C:/Users/818952/Downloads/GO_530_Emergency_Response_Driving_Pursuit_Driving%20(10).pdf))

## II. POLICY

A. NYS Vehicle and Traffic Law exempts authorized emergency vehicles involved in emergency operations from some restrictions of the Vehicle and Traffic Law. This exemption, however, “will not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor will such provisions protect the driver from the consequences of their reckless disregard for the safety of others” (V & T 1104-4e).

B. During an emergency response or pursuit, members will:

1. Drive with due regard for the safety of all persons and property.
2. Terminate a pursuit as instructed by a supervisor, or when a pursuit or emergency response is causing a dangerous and/or hazardous condition to the member and/or others.

D. Members will not initiate or continue a pursuit or emergency response if not in accordance with this Order. Members must constantly evaluate the risks involved initiating or continuing a pursuit or emergency response. A pursuit may only be initiated if there is reasonable suspicion to believe that the operator of, or a passenger within, the vehicle pursued has committed (to include wanted packages) or is about to commit a crime listed in Appendix A, attached hereto.

F. Marked police vehicles engaged in an emergency response, day or night, will utilize emergency red lights, siren and alternating headlights. Only unmarked vehicles equipped with alternating headlights, siren and an authorized emergency red light will engage in an emergency response. In cases of crimes in progress, etc., the siren will be utilized up to the point where it may be heard at the scene of the crime; the lights will be utilized until they may be visible at the scene. Once the emergency response is terminated and when the use of lights





and sirens are discontinued, members will respond in obedience to all traffic laws.

### III. PROCEDURE

#### A. Emergency Response to Assignments

4. Members will use extreme caution in operating police vehicles and come to a complete stop to ensure that all vehicular and pedestrian traffic is aware of and yields to the emergency vehicle and assure safety prior to continuing at intersections where they do not have a clear right-of-way.

#### General Order 345 (POLICE FLEET VEHICLE ACCIDENTS)

[file:///C:/Users/818952/Downloads/GO 345 Fleet Vehicle Accidents%20\(7\).pdf](file:///C:/Users/818952/Downloads/GO_345_Fleet_Vehicle_Accidents%20(7).pdf)

### II. POLICY

A. When operating police fleet vehicles whether on or off duty, all employees are to drive with due care and regard for the safety of all persons. All traffic laws will be obeyed and occupant safety restraint devices and applicable child restraint seats should be utilized to safeguard occupants from air bag injury, except when it would interfere with the safety of the employee.

#### General Order 350 (UNIFORM, EQUIPMENT AND PERSONAL APPEARANCE)

[file:///C:/Users/818952/Downloads/GO 350 Uniform Revision%20\(2\).pdf](file:///C:/Users/818952/Downloads/GO_350_Uniform_Revision%20(2).pdf)

### II. POLICY

C. Employees are responsible for the proper maintenance, care, safekeeping and authorized use of their uniforms and equipment.

#### RPD Rules

<https://data-rpdny.opendata.arcgis.com/documents/4d9bb1ad70a9439c9edf21f130d6f5e7/explore>

#### Rule 2.1a

#### GENERAL DUTIES

a) Members shall protect life and property, preserve the peace, prevent violations of the law, detect and arrest violators of the law and enforce those laws of the United States, the State of New York, and the local laws and Ordinances of the City of Rochester over which the Department has jurisdiction.

#### Rule 2.1b



## GENERAL DUTIES

b) Employees shall perform their duties in a competent manner.

Rule 4.1a

## CONDUCT

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

Rule 4.1b

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.

Rule 4.18

## DEPARTMENT PROPERTY AND EQUIPMENT

Employees shall be held responsible for the proper care and use of property and equipment assigned to or used by them. When obtaining any equipment, and again upon its return, it is the employee's responsibility to inspect the equipment.



---

## 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, "[t]he 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." This is understood to be a greater than 50% chance that the claim is true. Wex Dictionary. *Legal Information Institute*, Cornell Law School, [https://www.law.cornell.edu/wex/preponderance\\_of\\_the\\_evidence](https://www.law.cornell.edu/wex/preponderance_of_the_evidence).

---

## ANALYSIS

---

**Allegation 1: Officer 1 violated General Order 345 regarding Police Vehicle Accidents by failing to drive with due regard for the safety of all persons.**

General Order 345 states, "When operating police fleet vehicles, whether on or off duty, all employees are to drive with due care and regard for the safety of all persons. All traffic laws will be obeyed, and occupant safety restraint devices and applicable child restraint seats should be utilized to safeguard occupants from airbag injury, except when it would interfere with the safety of the employee."

Officer 1 was responding to a call for service while operating a marked patrol vehicle, license plate 261, when ■ approached the intersection at Lyell Avenue and Saratoga Avenue. While turning left, Officer 1 failed to yield the right-of-way and turned in front of a vehicle traveling west that was turning right on Saratoga Avenue. Officer 1 crashed into the vehicle and caused over \$19,500 of damage to ■ police cruiser alone. The Police Accident Report lists Officer 1's inattention/distraction as the contributing factor to the crash.

Officer 1 failed to act with due regard for the safety of all persons.



---

*The allegation that Officer 1 violated General Order 345 (Police Vehicle Accidents) by failing to drive with due regard for the safety of all persons is sustained.*

**Allegation 2: Officer 1 violated General Order 530 regarding emergency response driving by failing to drive with due regard for the safety of all persons, failing to activate [REDACTED] emergency red lights, sirens, and alternating headlights, and failing to come to a complete stop at an intersection where [REDACTED] did not have a clear right-of-way.**

General Order 530 states, "During an emergency response or pursuit, members will drive with due regard for the safety of all persons and property."

Additionally, General Order 530 notes, "Marked police vehicles engaged in an emergency response, day or night, will utilize emergency red lights, siren and alternating headlights."

Furthermore, members are ordered to "use extreme caution in operating police vehicles and come to a complete stop to ensure that all vehicular and pedestrian traffic is aware of and yields to the emergency vehicle and assure safety prior to continuing at intersections where they do not have a clear right-of-way."

Officer 1 was responding to a call for service when [REDACTED] approached the intersection at [REDACTED] Avenue and [REDACTED] Avenue. While turning left, Officer 1 failed to yield the right-of-way and turned in front of a vehicle traveling west. Officer 1 crashed into the car and caused over \$19,500 of damage to [REDACTED] police cruiser alone. Officer 1's lights and sirens were not activated. The Police Accident Report lists Officer 1's inattention/distraction as the contributing factor to the crash.

Officer 1 failed to act with due regard for the safety of all persons and property. Additionally, Officer 1 failed to activate [REDACTED] emergency response lights and sirens and yield the right-of-way for oncoming traffic.

*The allegation that Officer 1 violated General Order 530 (Emergency Response Driving) by failing to drive with due regard for the safety of all persons, failing to activate [REDACTED] emergency red lights, sirens, and alternating headlights, and failing to come to a complete stop at an intersection where [REDACTED] did not have a clear right-of-way is sustained.*



**Allegation 3: Officer 1 violated Rules 2.1a and 2.1b by failing to protect life and property and competently perform [REDACTED] duties.**

Rule 2.1a regarding General Duties states, "Members shall protect life and property, preserve the peace, prevent violations of the law, detect and arrest violators of the law and enforce those laws of the United States, the State of New York, and the local laws and Ordinances of the City of Rochester over which the Department has jurisdiction."

Rule 2.1b states, "Employees shall perform their duties in a competent manner."

Officer 1 failed to protect life and property and competently perform [REDACTED] duties when he operated [REDACTED] vehicle unsafely, which caused a car collision. Officer 1's actions caused extensive damage to [REDACTED] police cruiser and the other involved vehicle.

***The allegation that Officer 1 violated Rules 2.1a and 2.1b by failing to protect life and property and competently perform [REDACTED] duties is sustained.***

**Allegation 4: Officer 1 violated Rule 4.1a by bringing discredit upon the Rochester Police Department.**

Rule 4.1a states, "Employees shall so conduct themselves in both their private and professional lives as to avoid bringing discredit upon the Department."

Officer 1 engaged in unsafe driving, causing a car collision, which there were witnesses to, as depicted on BWC. Furthermore, Officer 1's actions caused extensive damage to [REDACTED] police cruiser and the other involved vehicle. Officer 1 conducted [REDACTED] in a manner that discredited the Rochester Police Department.

***The allegation that Officer 1 violated Rule 4.1a by bringing discredit upon the Department is sustained.***



---

**Allegation 5: Officer 1 violated Rule 4.1b by adversely affecting the efficiency of the Rochester Police Department.**

Rule 4.1b states, "Employees shall not engage in conduct on or off-duty which adversely affects the efficiency of the Department."

Officer 1 engaged in unsafe driving, causing a collision. Several officers had to respond to the car crash, and Officer 1 had to be transported to the hospital due to injuries. Officer 1's conduct adversely affected the Department's efficiency.

*The allegation that Officer 1 violated Rule 4.1b by adversely affecting the efficiency of the Department is sustained.*

**Allegation 6: Officer 1 violated General Order 350 regarding Uniform, Equipment, and Personal Appearance and Rule 4.18 by failing to properly care for and use [REDACTED] department-issued property/equipment.**

Rule 4.18 states, "Employees shall be held responsible for the proper care and use of property and equipment assigned to or used by them."

General Order 350 states, "Employees are responsible for the proper maintenance, care, safekeeping and authorized use of their uniforms and equipment."

Officer 1 failed to act with due regard to [REDACTED] department-issued property/equipment. Subsequently, Officer 1 caused over \$19,500 of damage to [REDACTED] police cruiser.

*The allegation that Officer 1 violated General Order 350 regarding Uniform, Equipment, and Personal Appearance and Rule 4.18 by failing to properly care for and use [REDACTED] department-issued property/equipment is sustained.*





## RECOMMENDED FINDINGS

Allegation #	Officer	Allegation	Finding/Recommendation
1	Officer 1	Officer 1 violated General Order 530 regarding emergency response driving and General Order 345 regarding Police Vehicle Accidents by failing to drive with due regard for the safety of all persons.	Sustained
2	Officer 1	Officer 1 violated General Order 530 regarding emergency response driving by failing to drive with due regard for the safety of all persons, failing to activate ■ emergency red lights, sirens, and alternating headlights, and failing to come to a complete stop at an intersection where ■ did not have a clear right-of-way.	Sustained
3	Officer 1	Officer 1 violated Rules 2.1a and 2.1b by failing to protect life and property and competently perform ■ duties.	Sustained
4	Officer 1	Officer 1 violated Rule 4.1a by bringing discredit upon the Rochester Police Department.	Sustained
5	Officer 1	Officer 1 violated Rule 4.1b by adversely affecting the efficiency of the Rochester Police Department.	Sustained
6	Officer 1	Officer 1 violated General Order 350 regarding Uniform, Equipment, and Personal Appearance and Rule 4.18 by failing to properly care for and use ■ department-issued property/equipment.	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 1

This is the first time Officer 1 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 1 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.

#### **Sustained Allegation #1 against Officer 1**

#### **DISCIPLINARY MATRIX APPENDIX**

<b>Misconduct</b>	<b>Level</b>
Officer 1 violated General Order 345 regarding Police Vehicle Accidents by failing to drive with due regard for the safety of all persons.	<b>3</b>

- **Recommended Level:** 3 (Pronounced negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies.)
- **Recommended Discipline:** 10-day suspension



**Sustained Allegation #2 against Officer 1**

**DISCIPLINARY MATRIX APPENDIX**

<b>Misconduct</b>	<b>Level</b>
Officer 1 violated General Order 530 regarding emergency response driving by failing to drive with due regard for the safety of all persons, failing to activate ■ emergency red lights, sirens, and alternating headlights, and failing to come to a complete stop at an intersection where ■ did not have a clear right-of-way.	<b>3</b>

- **Recommended Level:** 3 (Pronounced negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies.)
- **Recommended Discipline:** 10-day suspension

**Sustained Allegation #3 against Officer 1**

**DISCIPLINARY MATRIX APPENDIX**

<b>Misconduct</b>	<b>Level</b>
Officer 1 violated Rules 2.1a and 2.1b by failing to protect life and property and competently perform ■ duties.	<b>3</b>

- **Recommended Level:** 3 (Pronounced negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies.)
- **Recommended Discipline:** 10-day suspension

**Sustained Allegation #4 against Officer 1**

**DISCIPLINARY MATRIX APPENDIX**

<b>Misconduct</b>	<b>Level</b>
Officer 1 violated Rule 4.1a by bringing discredit upon the Rochester Police Department.	<b>1</b>

- **Recommended Level:** 1 (Minimal negative impact to individuals, community, or public perception of the agency with no impact on relationships with other agencies.)
- **Recommended Discipline:** Written reprimand/counseling and training



**Sustained Allegation #5 against Officer 1**

**DISCIPLINARY MATRIX APPENDIX**

<b>Misconduct</b>	<b>Level</b>
Officer 1 violated Rule 4.1b by adversely affecting the efficiency of the Rochester Police Department and engaging in conduct that tends to impair public respect for the employee.	<b>4</b>

- **Recommended Level:** 3 (Pronounced negative impact to individuals, community, public perception of the agency or relationships with other officers, or agencies.)
- **Recommended Discipline:** 10-day suspension
- **Explanation of deviation from level:** This is Officer 1's first identifiable allegation of police misconduct.

**Sustained Allegation #6 against Officer 1**

**DISCIPLINARY MATRIX APPENDIX**

<b>Misconduct</b>	<b>Level</b>
Officer 1 violated General Order 350 regarding Uniform, Equipment, and Personal Appearance and Rule 4.18 by failing to properly care for and use department-issued property/equipment. ■	<b>1</b>

- **Recommended Level:** 1 (Minimal negative impact to individuals, community, or public perception of the agency with no impact on relationships with other agencies.)
- **Recommended Discipline:** Written reprimand/counseling and training