



**The Cost of Misconduct:
A Proposal for Change**

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What is a Proposal for Change?

Pursuant to City Charter Article 18-5(K)(1), the Police Accountability Board shall review and assess RPD policies, procedures, patterns and practices and recommend changes with input from the community. In April 2021, the PAB voted to execute this duty with a process called Proposals for Change. A Proposal for Change is a community and data- driven process where the PAB makes formal recommendations to change policies and practices that impact the Rochester Police Department.

Pursuant to City Charter Article 18-5(K)(2), PAB shall send policy recommendations to the Chief of Police, the Mayor, and City Council. PAB shall also publish the policy recommendations on our website, www.rocpab.org.

Pursuant to City Charter Article 18-5(K)(4), the Chief of Police shall respond to PAB, the Mayor, and City Council within 30 days. This written response should include an explanation of why the Chief agrees or disagrees with the recommendations.

Pursuant to City Charter Article 18-5(K)(5), if the Chief of Police agrees with a recommendation, they shall provide a timeline of implementation.

Pursuant to City Charter Article 18-5(K)(6), PAB shall track the implementation of the policy recommendations on our website, www.rocpab.org.

Public Comment Period

This Proposal for Change makes formal recommendations about how the RPD should use information about civil claims and lawsuits against the Rochester Police Department and/or its officers. The Police Accountability Board published the draft of “The Cost of Misconduct: A Proposal for Change” in English and Spanish on September 9, 2024. The public input period ran from September 9, 2024, to October 31, 2024. The PAB collected input in multiple formats: online form, email, website comments, telephone, in-person and virtual feedback sessions. Fifty-seven people participated in the public input process. This final version of the Proposal for Change has incorporated that input.

The Police Accountability Board voted to approve this Proposal for Change on December 5, 2024. The Proposal for Change was published on www.rocpab.org and transmitted to the Chief of Police, the Mayor, and City Council. The Chief of Police is required to respond to the recommendations within 30 days. The Chief’s response will be published at www.rocpab.org.

Definitions

Notice of Claim: the name that is given to the notice that is required by law for a person suing a public corporation.

Police Misconduct: Any acts or omissions by an Officer of the Rochester Police Department that are unlawful, contrary to the Rochester Police Department policy, or otherwise inappropriate.

Civil Case: A civil case is a private, non-criminal lawsuit, usually involving private property rights, including respecting rights stated under the Constitution or under federal or state law.

Corporation Counsel: The Corporation Counsel, as the head of the Department of Law, shall attend to all the legal business of the City. He or she shall be admitted to practice as an attorney and counselor in the courts of the State of New York. The Corporation Counsel is authorized to make rules and regulations as he or she deems appropriate or necessary to carry out his or her duties under this Title and is further authorized to take whatever steps he or she deems appropriate or necessary in his or her discretion to conduct or terminate the legal proceedings authorized by this Title.

Municipality: A political unit with a defined territory, corporate status, and usually some powers of autonomous government.

Police Accountability Board (PAB): The City of Rochester Police Accountability Board ensures public accountability and transparency over the powers exercised by sworn officers of the Rochester Police Department.

Police Accountability Board Alliance (PABA): The Police Accountability Board Alliance, a group of community organizations that nominate community members to be appointed by City Council to the Police Accountability Board.

Settlement: An agreement that ends a dispute and results in the voluntary dismissal of any related litigation.

Litigation: The process of resolving disputes by filing or answering a complaint through the public court system.

Payout: Money paid for a claim or settlement.

Professional Standards Section (PSS): PSS is responsible for receiving, processing and investigating complaints made against Rochester police officers and non-sworn employees of police action or misconduct.

Executive Summary

When individuals feel they have experienced police misconduct, they can file a complaint with the Police Accountability Board (PAB) and/or the Rochester Police Department (RPD). The PAB and RPD's Professional Standards Section (PSS) investigate whether the alleged misconduct occurred. However, if individuals want restitution or compensation for the damages they suffered because of the alleged misconduct, they must file a civil claim against the Rochester Police Department.

Important Note: The amounts that the City of Rochester pays in settlement of claims and litigations is not an acknowledgement of misconduct.

This report does not constitute a PAB investigation into allegations of officer misconduct, rather it is an assessment of the policies, procedures, patterns, and practices related to civil claims against the Rochester Police Department. Through research and comparative analysis, the PAB offers a series of recommendations to improve how the RPD uses information about civil claims and lawsuits against the RPD and/or its officers.

PAB Recommendations on Civil Claims against the Rochester Police Department

To enhance public trust and effective operations, the Police Accountability Board recommends that the Rochester Police Department:

- Implement a quality assurance plan to ensure that all civil claims data in IAPro, the Professional Standards Section database, match the data in the City Law Department's database;
- Collect data on the outcomes of civil claims in IAPro;
- Commence a PSS investigation when a claim is paid out or converted to litigation within 18 months of the alleged incident;
- Publish an annual review of patterns of civil claims against the RPD and/or its officers from IAPro data, and include recommendations for change to relevant policies and/or training; and
- Incorporate the outcomes of civil claims into its early intervention system.

Background

Heightened Scrutiny of Police Misconduct

In recent years, police misconduct has garnered increased attention, prompting communities across the nation to examine its implications and costs. Non-profit institutions like We Measure in Austin, Texas, municipal governments such as the City of Chicago, government entities like the Office of Inspector General in New York City (OIG-NYPD), and journalistic organizations such as the Washington Post have all analyzed the costs associated with police misconduct.

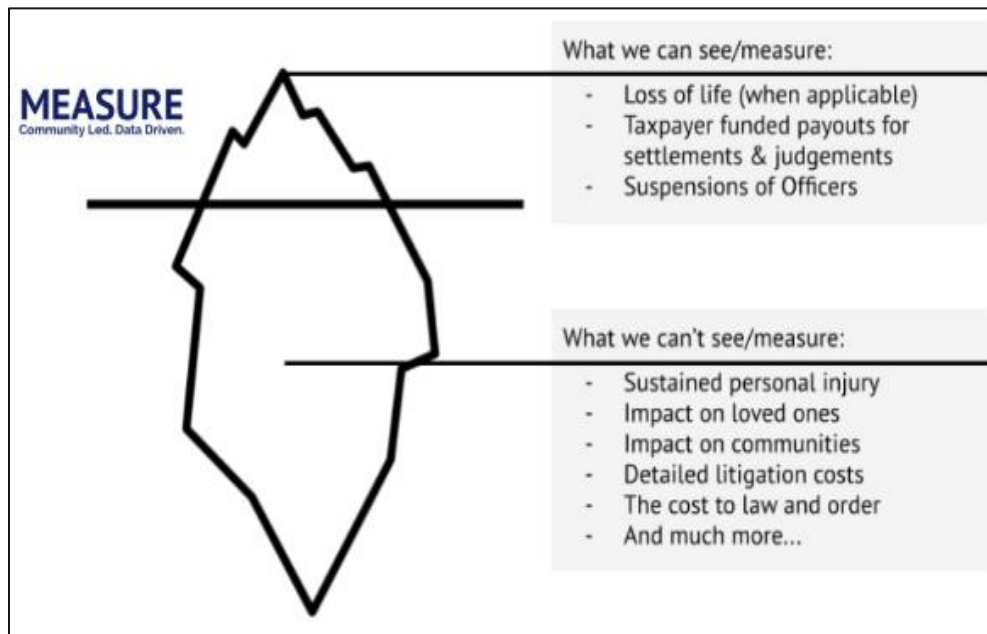


Figure 1: What We Can and Can't See/Measure about Police Misconduct

Such analyses reveal the extensive financial burden of police misconduct on taxpayers, highlighting the need for systemic reforms. The City of Chicago's 2019 report documented \$46.8 million in settlements and jury awards for misconduct cases.¹ Similarly, in 2019, the OIG-NYPD reported significant improvements in tracking litigation data, but an uptick in misconduct-related lawsuits.² In Austin, We Measure examined excessive force cases from 2012-2018, costing taxpayers approximately \$4.7 million annually.³

In an attempt to understand these trends nationally, the Washington Post analyzed settlement data from police misconduct cases across 25 major departments, totaling over \$3.2 billion from 2010-2020. The

¹ City of Chicago, 2019 Litigation Report, Chicago Police Department (2020)

² Office of the Inspector general for the NYPD, 2019 Assessment of Litigation Data involving NYPD (2019)

³ Paullette Blanc, Jeffrey Gleason & Ryan Jones, the Costs of Police Violence: Measuring Misconduct, MEASURE (2021)

Washington Post wished to include the City of Rochester in its report, but the City declined to participate.⁴ These findings underscore the critical need for better data transparency and accountability measures to mitigate the financial and social impacts of police misconduct.

Defining Police Misconduct and its Impacts

Police misconduct includes a spectrum of behaviors that deviate from ethical, legal, and procedural standards expected of law enforcement officers.⁵ From verbal assaults and nonfeasance to excessive use of force and, tragically, even death, these transgressions erode public trust and undermine the integrity of law enforcement.

When people feel they have experienced police misconduct in Rochester, they can file a complaint with the Police Accountability Board or the Rochester Police Department. The PAB and the RPD can investigate those complaints to determine whether police misconduct occurred. However, people can also seek restitution or compensation by filing a civil claim against the City of Rochester. The funds to pay settlements from claims and litigation are typically covered by the City of Rochester's insurance budget, which anyone can read at www.CityofRochester.gov/Budget.

These are not the only costs borne from police misconduct. Beyond the quantifiable costs associated with police misconduct lie intangible impacts that cannot be overlooked. The erosion of trust between law enforcement and the public, coupled with the personal and collective trauma endured by those directly affected and their loved ones, highlights the broader social and emotional toll. Such experiences reveal the profound impact on both individuals and communities. It is important to note that while these costs remain immeasurable and thus are not the focal point in this report, their significance cannot be overstated. The following quotes come from Rochesterians who have been impacted by alleged acts of police misconduct.

*"The system failed Daniel Prude again," Prude family lawyer Elliot Shields said of the grand jury's decision. "It failed him on March 22 when he was released from the hospital. It failed him on the night of March 23 when the police used deadly force against him. And it failed him again today."*⁶

*"I trusted the Rochester Police Department to do what they needed to do to help my daughter, not to abuse her or hurt her at all." Elba Pope said, "Under any circumstances it's not OK to pepper spray a 9-year-old that's already detained inside of the car."*⁷

⁴ Police Misconduct Cost Taxpayers Over \$3.2 Billion in Settlements, The Washington Post (2022)

⁵ Michael J. Palmiotto, Police Misconduct: What is it? (From Police Misconduct: A Reader for the 21st Century), U.S. Department of Justice (2001).

⁶ Associated Press, "No charges against officers involved in Daniel Prude's death," Court TV (2023). <https://www.courttv.com/news/no-charges-against-officers-involved-in-daniel-prudes-death/>

⁷ Louise Hall, "Mother of pepper sprayed 9-year-old girl speaks out," The Independent (2021). <https://www.independent.co.uk/news/world/americas/mother-pepper-sprayed-nine-year-old-girl-police-b1797623.html>

“It’s hard not only mentally but financially,” [Lekia] Smith said. “Also, I’m also not able to do a lot of things that I was able to do, like a lot of sports, because of the injury, so it’s just been very depressing.”⁸

Civil Claims Process in Rochester, NY

The City of Rochester’s official website provides information on the civil claim process. This resource outlines the basic procedures for initiating claims against the city, including the necessary steps and contact information.⁹ Individuals seeking to file a civil claim or consult with a lawyer can find similar guidance on the same webpage that discusses the RPD Citizen Complaint Process.¹⁰

When someone files a claim with the City of Rochester, the decision to settle (a negotiated agreement between the city and the claimant) or to litigate (leading to a trial process for both the claimant and the city) is made exclusively by the Rochester Corporation Counsel.¹¹ This process differs from nearby cities such as Syracuse¹² and Buffalo,¹³ where the decision to litigate or settle is made jointly through other municipal bodies like the City/Common Council – democratically. The exclusion of City Council or any other bodies creates a centralized decision making model that is misaligned with modern understandings of transparent government.

Methodology

The PAB analyzed the following datasets:

1. Civil claims filed against the City of Rochester from 2012-2023,
2. City of Rochester annual budgets from 2012-2023,
3. City of Buffalo Common Council claims committee from 2016-2023,
4. Civil claim payouts from the City of Syracuse from 2015-2023
5. IAPro entries for civil claims involving RPD officers since 2012.

Due to the limitations of the datasets, the PAB chose to compare claims against the cities of Rochester, Buffalo, and Syracuse across a five-year period with complete data for all three cities: 2017-2021. The section called Information Sharing further describes the process of acquiring the above information.

⁸ Adam Chodak, “One year later, EMT handcuffed by RPD investigator recounts confrontation,” Rochester First, (2023). <https://www.rochesterfirst.com/news/one-year-later-emt-handcuffed-by-rpd-investigator-recounts-confrontation/>

⁹ City of Rochester Law Department, City of Rochester, New York, <https://www.cityofrochester.gov/departments/law-department>

¹⁰ City of Rochester Police Department, “RPD Citizen Complaint Process,” City of Rochester, New York <https://www.cityofrochester.gov/departments/police/rpd-citizen-complaint-process>

¹¹ Charter of the City of Rochester, §9-1 “Corporation Counsel” (2023), <https://ecode360.com/28971861#28971861>

¹² Charter of the City of Syracuse, §5-1102 “Corporation Counsel and Legal Staff” (2023), https://library.municode.com/ny/syracuse/codes/code_of_ordinances?nodid=PTCCHSY1960_ARTVEX_CH11DELA_S5-1102COCOLEST

¹³ Charter of the City of Buffalo, §12-4 “Duties and Powers” (2023), <https://ecode360.com/13551930#13551933>

The raw data containing claims against the City of Rochester can be found on www.rocpab.org/policy-oversight.

Important Note: The amounts that the City of Rochester pays in settlement of claims and litigations is not an acknowledgement of misconduct.

Findings

The City of Rochester: Department-wide Comparison

This section of analysis examined the distribution of payouts from the City of Rochester among its various departments. Of the total civil claims brought against the City of Rochester between 2012-2023, 27% resulted in payouts. These payouts total to \$41,854,222 in settlement and litigation costs across all city departments.

Total No. of Claims	No. of Claims Paid	Total Amount Paid
2,989	541 ¹⁴	\$41,845,222

Table 2: Department-wide claims in Rochester, NY

Notably, the PAB identified four departments with the largest cumulative payouts: The Police Department, Environmental Services, Fire Department, and Neighborhood and Business Development. The remaining twelve departments were categorized under a collective label of "other," signifying their comparatively lower contribution to the total payout distribution.

¹⁴ This number is based on data provided by the City of Rochester. It excludes 78 claims that were classified as paid but lacked an entry in the amount paid field. This number also excludes 167 claims that were classified as denied, but included an entry of \$0 in the amount paid field.

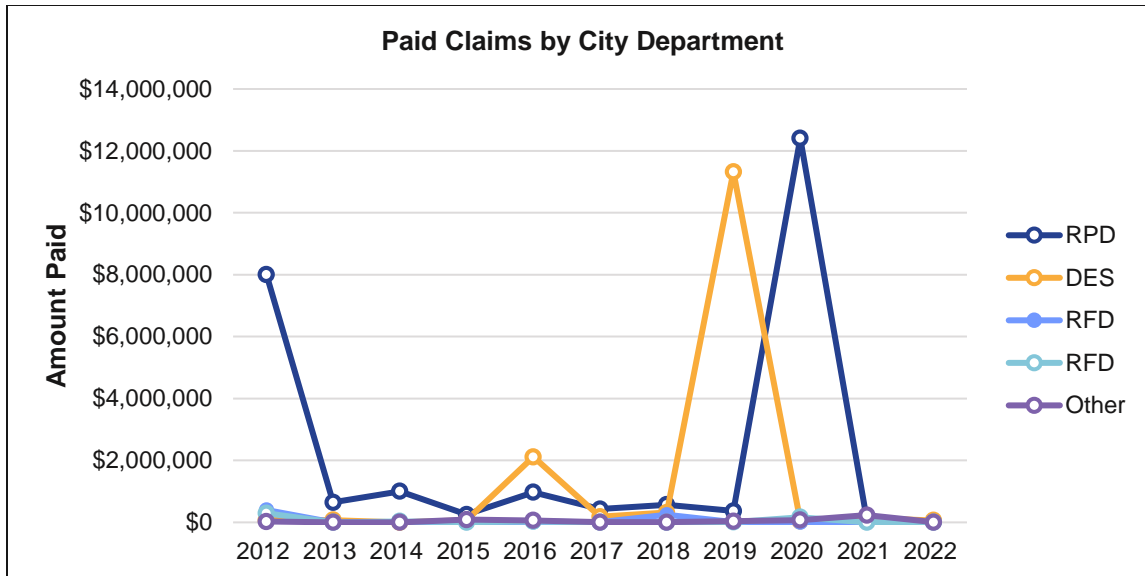


Figure 3: Paid Claims by City Department

Despite comprising only 37% of the total claims against the city, claims against the Police Department account for over 60% of the total payouts from the City of Rochester during this timeframe, amounting to \$25,549,220. This stark contrast is evident when compared to the department of Environmental Services, which represents nearly 50% of all city claims but is responsible for only 35% of the total payout amount. The PAB conducted a detailed examination of the claims brought against the Police Department to better understand these disparities.

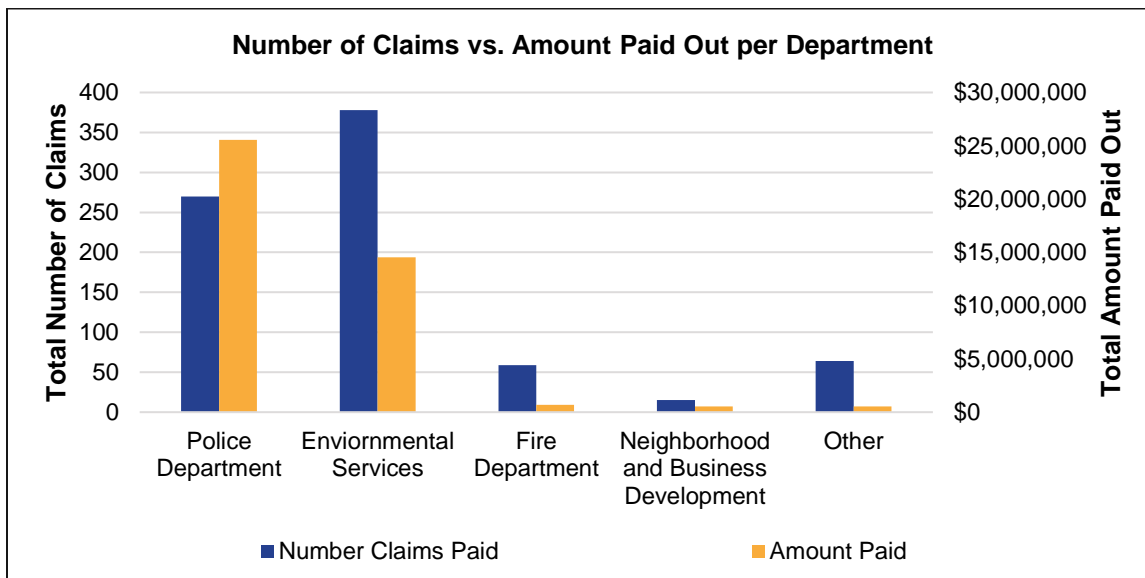


Figure 4: Number of Claims Paid vs. Amount Paid Out per Department

The data for Figures 3 and 4 can be found in Appendix 3 of this report.

Comparative Analysis: Claims in Rochester, Buffalo, and Syracuse

The PAB compared the total amount paid out in civil claims in Rochester, Buffalo, and Syracuse. Due to the limitations of the data, the comparison covers the five-year period from 2017 to 2021. The PAB restricted this analysis to the number of claims *paid*. The datasets from Buffalo and Syracuse contain no information about denied claims.

The number of claims paid per 100,000 residents was about 8% greater in Buffalo than Rochester. Despite this, the average amount paid per resident in Buffalo is 34% less than Rochester. This same trend can be observed when looking at Syracuse. The number of claims paid per 100,000 residents in Syracuse was 28% greater than Rochester. Yet, the average amount paid per resident was 80% lower.

The PAB used the population data from the 2020 decennial census in these calculations. The PAB's incident-level data for all three cities can be downloaded at www.rocpab.org/policy-oversight.

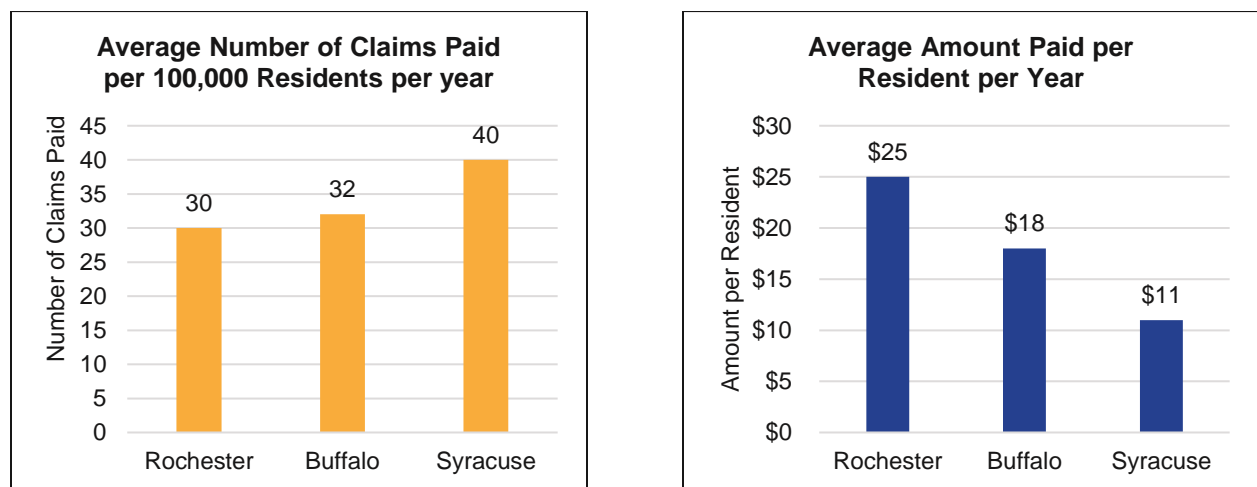


Figure 2: Comparative Payouts between Rochester, Buffalo and Syracuse (2017-2021)

Both the City of Buffalo and the City of Syracuse have a greater number of overall claims paid than Rochester. However, the City of Rochester had the highest total amount paid per resident and the average amount paid per resident. Although both Buffalo and Syracuse tend to have a greater number of claims paid out, the City of Rochester generally paid out more per claim. This suggests that Rochester's claims are either inherently more severe, necessitating higher payouts, or procedural differences are leading to increased payout amounts.

While the power to determine settlement amounts for any claims brought against the City of Rochester lies solely with the Corporation Counsel in Rochester¹⁵, this decision in cities like Buffalo¹⁶ and Syracuse¹⁷ involves other municipal bodies, like the City Council, ensuring a more democratic process.

The PAB only has the authority to recommend policy changes at the Rochester Police Department. The City Law Department directs the handling of civil claims, so the PAB does not have the authority to make recommendations on how claims are paid. Therefore, the PAB cannot offer a recommendation that the process of paying claims be made more democratic like the processes in Syracuse or Buffalo, by recommending City Council be given the power to approve or reject Corporation Counsel’s recommended settlements.

Budget Analysis

The PAB analyzed the City of Rochester budgets from Fiscal Year 2011-2012 to 2022-2023, to evaluate the amount spent on claims and insurance. According to annual budget documents, the City of Rochester paid out \$48,755,960 from the General Insurance line item from 2011-2012 through 2022-2023. The insurance budget also includes administrative costs, which should remain relatively consistent from year to year. For most budget line items across the City, it is a straightforward process to forecast a budget for the following year. However, it is more difficult to anticipate how much to budget to pay out claims against the City. To view the amount spent on insurance per fiscal year, see Appendix 2.

The City of Rochester: Claims against the RPD

The PAB found that the five most common types of claims filed against the RPD were property damage, violation of civil rights, motor vehicle accident, bodily injury, and excessive force.

Type of Claim	Number of Occurrences
Property Damage	367
Violation of Civil Rights	257
Motor Vehicle Accident	220
Bodily Injury	128
Excessive Force	122

Table 3: Most Frequent Claims against RPD

¹⁵ Charter of the City of Rochester, §9-1 “Corporation Counsel” (2023), <https://ecode360.com/28971861#28971861>

¹⁶ Charter of the City of Buffalo, §12-4 “Duties and Powers” (2023), <https://ecode360.com/13551930#13551933>

¹⁷ Charter of the City of Syracuse, §5-1102 “Corporation Counsel and Legal Staff” (2023), https://library.municode.com/ny/syracuse/codes/code_of_ordinances?nodid=PTCCHSY1960_ARTVEX_CH11DELA_S5-1102COCOLEST

The PAB found that 24% of payouts came from cases that were converted to litigation. To understand the relationships between different claim types, their statuses, and the associated costs, the PAB applied a multivariable linear regression. This statistical method provides insight on the relationship between multiple independent variables and their dependent variable. In this case, the PAB wanted to understand the relationship between certain claim types or the choice to litigate vs. settle impact on the total amount paid out. For a more detailed look at this analysis, see Appendix 1.

The analysis revealed two key findings:

- 1. Impact of Claim Types:** Claims filed for Discrimination, Wrongful Death, Section 1983, or Bodily Injury significantly increases the associated costs. The PAB's analysis suggests that presence of these claim types are correlated with increased payout costs. It is important to note that one of these claim types (Bodily Injury) are also among the most frequently filed claims.
- 2. Impact of Litigation:** The decision to litigate civil claims was also identified to have a statistically significant correlation with increased payout costs. This suggests that Corporation Counsels decision to litigate as opposed to settle civil claims is correlated with greater cost.

The PAB has the authority to recommend both legislative and policy changes. However, in this instance, the PAB is only focusing on internal policy recommendations for the Rochester Police Department. Therefore, we are not recommending that the process of paying claims be made more transparent at this time, as done in New York City, where The City Law Department posts information on civil actions alleging police misconduct on its website.¹⁸

RPD's Collection and Analysis of Civil Claims Data

It is important for the RPD to maintain records of civil claims, because it is a tool that measures the public's feedback on officer performance and departmental practices. For that reason, many law enforcement agencies include information about civil claims in their Early Intervention Systems (EIS). Early Intervention Systems help agencies assess employee performance and intervene when an officer's performance poses a potential risk. According to the Benchmark Analytics website, the RPD's EIS software can track "civil lawsuit activity from employee duties."¹⁹ While some law enforcement agencies use outcomes of civil claims in their early intervention systems, the RPD does not currently use this feature.

The City of Rochester Law Department receives all civil claims, regardless of the department named in the claim. After reviewing a civil claim against RPD, the Law Department delivers the claim to the PSS office on inter-departmental correspondence or via email. According to the RPD's Professional Standards Section Manual, the RPD enters information about every civil claim in IAPro, which is the database for maintaining discipline files.²⁰

¹⁸ New York Police Department, "Civil Lawsuits (Law Dept.)," (2024). <https://nypdonline.org/link/1023>

¹⁹ Benchmark Analytics, "Benchmark Management System," (2024). https://www.benchmarkanalytics.com/benchmark-management-system/#BMS_Internal_Affairs

²⁰ Rochester Police Department, "Civil Claims," Professional Standards Section Manual (2014). <https://data-rpdny.opendata.arcgis.com/documents/6f6e9d5f835246e089e643c636b5e7d7>

The RPD shared a dataset that included all of the entries about civil claims from the IAPro database. The PAB found that the RPD and Law Department datasets did not contain all the same information. After manually comparing the entries, there appeared to be claims missing from each dataset.

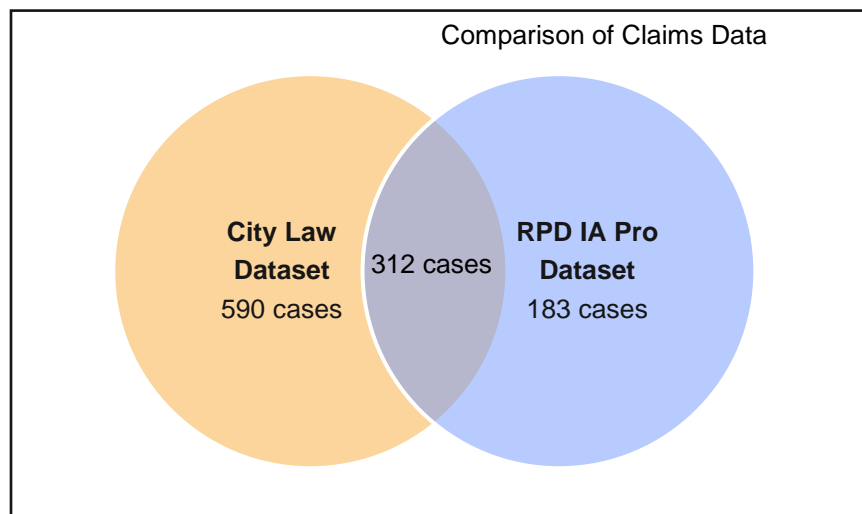


Figure 5: Comparison of Claims Data from the City Law Department and RPD

Between the City Law and RPD datasets, there were 1,085 civil claims filed against the RPD from 2012-2023, but the PAB was able to match only 312 claims across the datasets.

The procedure for entering civil claims into IAPro states that the person entering the data should search for an existing PSS case about the incident. Then, any completed discipline investigations should be forwarded to the City Law Department. The PAB analyzed how often there was a discipline investigation associated with the incident in a civil claim. Of all the civil claims entered into IAPro, about 35% also had an associated PSS discipline investigation.

When the City paid out a claim or settlement relating to police misconduct, did RPD refer the matter to PSS?

The City paid out a claim or settlement in 217 of the 902 claims filed against the RPD. The PAB identified 94 of those 217 claims in the IAPro dataset. Only 33 of those 94 claims were associated with a PSS investigation. Thus, the PAB identified a PSS investigation for only 15% of paid claims and settlements.

Similarly, the decision to convert a claim to litigation would indicate that police misconduct may have actually occurred. The PAB sought to answer the question, how often did PSS conduct an investigation when the claim was converted to litigation? The PAB found that 217 of the 902 claims filed against RPD were converted to litigation. Of those 217 claims, the PAB only identified 132 in the IAPro dataset. Only 56 of those 132 claims were associated with a PSS investigation. Thus, the PAB could identify a PSS investigation for 26% of claims that were converted to litigation.

Information Sharing

The first information request to the City of Rochester sought the following elements in a machine-readable format: all civil suits made against the city with an indication of whether they were litigated, settled, or unfulfilled, with corresponding payouts where applicable; discipline records for sustained cases of police misconduct for present and former officers with the RPD; and the budget line-items used to fund payouts. The PAB made five attempts to acquire this information in full and ultimately, the request was only partially fulfilled thanks to the intervention from the Police Accountability Board Alliance (PABA).

In fact, the need for community intervention for data access became apparent as a pattern emerged with each request the PAB made or facilitated. Each request the agency made was initially denied by Corporation Counsel. The PAB would then work with community members and facilitate them submitting the same request, which would ultimately result in the agencies acquisition of data. This pattern is visually observable in the provided timeline.

It is crucial to note that initially the PAB planned to assess the relationship between specific acts of misconduct committed by current and former RPD officers and the civil claims brought against the city. However, the city's failure to produce the requested information effectively limited the scope of this assessment to observing trends and patterns within the civil cases themselves. It is also important to mention that the city has the technology and capability of providing documents in a machine readable format for ease of processing and analysis. In this case, the information was not provided in such a format as requested, mandating manual data entry and quality assurance testing to ensure accuracy.

Beyond the data that the PAB required from the City of Rochester to conduct this analysis, the same data was requested via FOIL from the City of Syracuse and Buffalo in order to conduct a comparative analysis between the three cities. These FOILs were simultaneously submitted on September 7, 2023. While the City of Buffalo never fulfilled the FOIL, PAB staff were able to find the proceedings of the Buffalo Common Council Claims Committee calendar page²¹ where settlements/claims from 2016 to present are published and voted on. The City of Syracuse partially fulfilled the PAB's FOIL request on July 19, 2024. This partial fulfillment included all civil claim payouts from the City of Syracuse from 2015 to present. This allowed PAB staff to effectively conduct a comparative analysis between the three cities from 2016 to present.

Data Acquisition Timeline

The following timeline provides a visual chronology documenting the PABs attempts to request charter mandated information from the RPD and Corporation Counsel, subsequent denials, intervention by PABA or other community members, and eventually data acquisition.

Date	Description
August 17, 2023	The PAB submitted the initial Source of Information (SOI) Request to the RPD
August 21, 2023	City of Rochester Corporation Counsel denied the SOI request.

²¹ City of Buffalo, "Calendar", <https://www.buffalony.gov/calendar.aspx>

September 7, 2023	The PAB submitted a FOIL request to the City of Rochester.
September 21, 2023	PABA members submitted FOIL requests to the City of Rochester.
October 5, 2023	The City of Rochester FOIL Review Team notified the PAB of the extended date of October 13, 2023.
October 16, 2023	The PAB asked the FOIL Review Team about the status of the FOIL request.
October 18, 2023	City of Rochester Corporation Counsel denied the PAB's FOIL request.
October 18, 2023	City of Rochester Corporation Counsel fulfils the PABA's FOIL request – PABA provide data to PAB.
February 2, 2024	The PAB requested missing payout amounts from Corporation Counsel
February 27, 2024	The PAB submitted a follow-up SOI to the RPD for missing data with an extended deadline of March 22, 2024.
March 1, 2024	Received confirmation of receipt from RPD.
April 9, 2024	City of Rochester Corporation Counsel denied the SOI request in a meeting with the PAB.
April 17, 2024	A community member submitted a FOIL request to the City of Rochester for the missing data.
April 18, 2024	The PAB met with RPD to build a dataset of civil claims entries in IAPro.
April 22, 2024	A second community member submitted a FOIL request to the City of Rochester for the missing data.
April 24, 2024	Received IAPro Dataset from RPD.

Table 5: Timeline of Data Acquisition

Conclusion

The process of filing a civil claim against the Rochester Police Department is a crucial tool for civilians to seek accountability for police misconduct. The RPD can use information about civil claims to create meaningful positive change among officers. While the current process for handling civil claims is less democratic and transparent than in our peer cities of Buffalo and Syracuse, the PAB does not have the authority to recommend changes to that process. However, there are steps the RPD can take to overcome those drawbacks.

To enhance public trust and effective operations, the Police Accountability Board recommends that the Rochester Police Department:

- Implement a quality assurance plan to ensure that all civil claims data in IAPro, the Professional Standards Section database, match the data in the City Law Department's database;
- Collect data on the outcomes of civil claims in IAPro;
- Commence a PSS investigation when a claim is paid out or converted to litigation within 18 months of the alleged incident;
- Publish an annual review of patterns of civil claims against the RPD and/or its officers from IAPro data, and include recommendations for change to relevant policies and/or training; and
- Incorporate the outcomes of civil claims into its early intervention system.

Appendix 1: Multivariable Regression Analysis

In order to understand the relationships between different claim types, their statuses, and the associated costs, the PAB conducted a multivariable linear regression analysis. This statistical method allows us to investigate how multiple independent variables simultaneously influence a dependent variable. A description of the inputs and outputs, as well as their significance, is included

Inputs

- 1) Independent Variables:
 - a. Type of Claim: Various categories representing the nature of the claim.
 - b. Status: A binary variable indicating whether the claim was litigated (1) or settled (0).
- 2) Dependent Variable:
 - c. Cost: The financial payout associated with each claim

Outputs

- 1) Coefficient: The coefficient value indicates the degree of impact that the presence of an associated independent variable has on the cost. For example, a positive coefficient for a specific type of claim suggests that this claim type tends to increase the cost, while a negative coefficient suggests a decrease in cost. See Table 6 for the coefficient value relevant to specific variables.
- 2) P-value: The p-value helps determine the statistical significance of the impact of each independent variable on the cost. A p-value less than 0.05 typically indicates that the relationship between the independent variable and the dependent variable is statistically significant. See Table 6 for the P-values relevant to specific variables.
- 3) R-squared: The R-squared value describes the overall fit of the regression model. It indicates the proportion of the variance in the dependent variable (cost) that can be explained by the independent variables (type of claim and status). An R-squared value closer to 1 suggests a better fit of the model. For this application, the R-squared value is 0.55 and the adjusted R-Squared value is 0.52.

Variable	Coefficient	P-Value
Status	45,520	<0.05
Bodily Injury	44,340	<0.05
Discrimination	737,500	<0.05
Section 1983	49,380	<0.05
Violation of Civil Rights	-35,340	<0.05
Wrongful Death	180,600	<0.05

Table 6: Multivariable Linear Regression Analysis Output

Appendix 2: Budget Analysis

Budget Year 2011-2024	ACTUAL SPENT				
	General Insurance			Judgment and claim	Total
	Admin	Premium	Reserve		
2011-12	\$1,926,373			\$2,776	\$1,929,149
2012-13	\$760,087			\$17,578	\$777,665
2013-14	\$1,983,018			0	\$1,983,018
2014-15	\$2,657,393			0	\$2,657,393
2015-16	\$446,542			\$19,000	\$465,542
2016-17	\$580,891			\$40,000	\$620,891
2017-18	\$578,413			\$5,000	\$583,413
2018-19	\$367,344		\$3,660,400	0	\$4,027,744
2019-20	\$417,532		\$1,888,900	0	\$2,306,432
2020-21	\$478,912		\$14,455,500	0	\$14,934,412
2021-22	\$11,757,650			0	\$11,757,650
2022-23	\$6,704,327			\$8,324	\$6,712,651
	Total				\$48,755,960

Table 7: City of Rochester Insurance Budget Information

Appendix 3: Number and Amount of Claims per Department

Dept.	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total
RPD	5	11	14	6	16	41	26	24	28	19	17	6	213
DES	3	3	2	0	16	43	33	31	45	27	26	18	247
RFD	0	2	0	0	1	10	4	5	6	3	1	2	34
NBD	1	2	0	0	1	2	0	1	4	2	0	0	14
Other	0	2	0	0	7	10	3	3	3	2	1	2	33
Total	9	20	16	7	41	106	66	64	86	53	45	28	541**

Table 8: Number of Claims per City Department per Year

Dept.	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total
RPD	\$774,500	\$8,008,650*	\$649,201	\$1,005,976	\$256,602	\$971,984	\$430,303	\$567,033	\$367,848	\$12,406,499*	\$89,887	\$20,738	\$25,549,220
DES	\$118,000	\$80,000	\$75,250	\$0	\$71,287	\$2,114,235*	\$179,291	\$316,532	\$11,327,799*	\$46,451	\$145,846	\$61,092	\$14,535,784
RFD	\$0	\$400,066	\$0	\$0	\$1,420	\$18,139	\$4,262	\$244,698	\$4,196	\$3,682	\$318	\$5,205	\$684,985
NBD	\$2,135	\$295,000	\$0	\$30,000	\$5,000	\$30,533	\$0	\$351	\$12,685	\$164,688	\$0	\$0	\$540,391
Other	\$0	\$29,000	\$0	\$0	\$90,297	\$62,999	\$4,695	\$3,481	\$37,050	\$75,594	\$235,000	\$5,725	\$543,841
Total	\$894,635	\$8,812,716	\$724,451	\$1,035,976	\$424,606	\$3,197,889	\$621,551	\$1,132,095	\$11,749,578	\$12,696,914	\$471,050	\$92,761	\$41,854,222

Table 9: Amount Paid per City Department per Year

*Since 2011, the City of Rochester has paid four settlements over \$1 million. These four settlements account for 75% of what the City has paid out over that period. The two RPD settlements over \$1 million account for 74% of what the City has paid out for claims against RPD since 2011. Those four settlements are listed in Table 10.

Year	Department	Amount
2012	RPD	\$12,000,000
2016	DES	\$11,000,000
2019	DES	\$1,352,425
2020	RPD	\$6,962,374

Table 10: Claims over \$1,000,000

**This number is based on data provided by the City of Rochester. It excludes 78 claims that were classified as paid but lacked an entry in the amount paid field. This number also excludes 167 claims that were classified as denied, but included an entry of \$0.