



City of Rochester  
Police Accountability Board  
Monthly Report  
*As of January 31, 2023*

**Date issued:** 2/7/2023

**Reporting Period:** 1/1/2023 - 1/31/2023

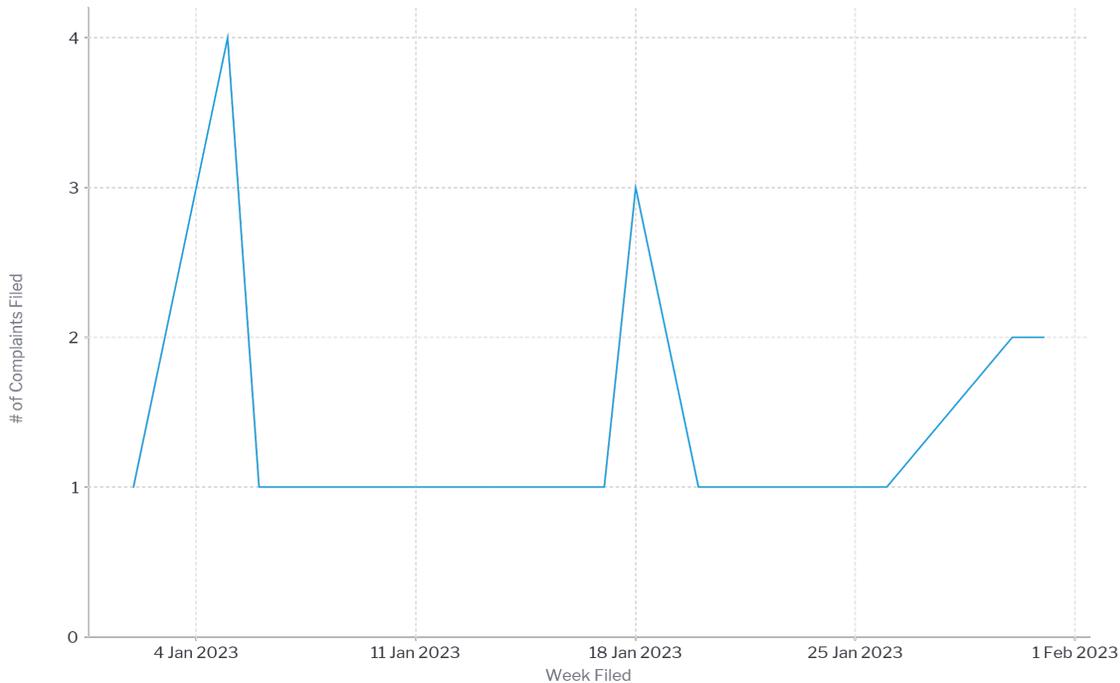
**Total # of Complaints Received:** 252

**Prepared by:** Melody Harkness, Acting Chief of Case Management

Pursuant to Rochester City Charter Article XVIII § 18-1, “The Police Accountability Board (PAB) is an independent office of municipal government and mechanism to investigate such complaints of police misconduct and to review and assess Rochester Police Department (RPD) patterns, practices, policies, and procedures. The Police Accountability Board shall ensure public accountability and transparency over the powers exercised by sworn officers of the Rochester Police Department...The Board shall publish on its website monthly data on the receipt and dispositions of complaints.”

Every month, the PAB will prepare a public report for publication. **During this reporting period, the Police Accountability Board received a total of 23 complaints.**

January Monthly Report



*Figure 1: Total number of reports received each week listed for the month of January.*

The count of complaints reflects the number of community members who contacted the Police Accountability Board to file a report providing feedback about officer conduct, misconduct, or practices, patterns, and policies of Rochester Police Department.



The types of cases investigated by the PAB include civilian complaints of alleged misconduct or policy violations and reports of improper RPD practices, procedures, and patterns.

The PAB’s Case Management Division processes misconduct complaints and general reports from the public and referrals from Professional Standards Section (PSS). Under the Rochester City Charter, the PAB’s jurisdiction is limited to any and all conduct, acts, or omissions by any RPD officer and recommended changes to RPD policies, procedures, patterns, practices, and training. Pursuant to § 75.4 Civil Service Law, “no removal or disciplinary proceeding shall be commenced more than eighteen months after the occurrence of the alleged incompetency or misconduct...However, such limitations shall not apply where the incompetency or misconduct complained of and described in the charges would, if proved in a court’s appropriate jurisdiction, constitute a crime.”

<b>PAB Report Case Status</b> 1/1/23-1/31/23	
<b>Case Status</b>	<b>Number of Reports</b>
Awaiting Review	8
Investigations Review	75
Investigative Plan	15
Request for Information	69
Evidence Review	12
Interviews	0
Investigative Report	0
Policy and Oversight Review	3
Pending Close – Board Review	71
Closed – Findings and Decision Submitted	0
Closed – Referred to Outside Agency	0
Closed – Non-Investigable	19
Closed – Appeal – Pending Decision	0
Closed – Appeal – Reversed Decision	0
Closed – Appeal – Modified Decision	0
Closed – Appeal – Affirmed Decision	0
<b>Total Reports</b>	<b>272</b>

The following case statuses apply to our overall reports:

- *Awaiting review* - The reports are in review by the case management division or are awaiting assignment to a division for review.
- *Investigations review* – The complaints are being reviewed by leadership within the Investigations Division to determine if complaints fit our criteria for commencing an investigation.
- *Investigative Plan* – An investigative team or team member is preparing an investigative plan.
- *Request for Information* – An investigative team or team member has submitted a request to a city agency to provide the evidence requested.
- *Evidence review* – An investigative team or team member is reviewing evidence obtained in the case
- *Interviews* – An investigative team or team member is preparing or conducting party interviews.
- *Investigative report* – An investigative team or team member is preparing or has



submitted a closing report for review.

- *Policy and Oversight review* - The complaints are being considered by leadership within the Policy and Oversight Division for either a Proposal for Change or Oversight Investigation.
- *Pending Close – Board Review* - The complaints are awaiting final determination from the Board to be closed or are awaiting a panel hearing.
- *Closed – Findings and Decision Submitted* – The Board made a final decision on a complaint.
- *Closed – Referred to Outside Agency* – The Board made a decision to close the case and refer complaint to an outside government agency for further investigation.
- *Closed – Non-investigable* - The complaints have been closed due to being outside PAB jurisdiction or there is no allegation of misconduct to give rise to an investigation.
- *Closed – Appeal - Pending Decision* – Awaiting determination from the Board.
- *Closed – Appeal – Reversed Decision* – The Board decided that the decision of the panel was wrong and vacates (cancels) the decision of the panel.
- *Closed – Appeal – Modified Decision* – The Board changed part of the panel’s decisions.
- *Closed – Appeal – Affirmed Decision* – The Board decided that the panel made the right decision; the panel decision remains in effect.
- *N/A* – Not Available – The information is not currently available for public distribution.

The PAB is committed to producing monthly reports that are valuable to the public and welcomes feedback on how to make its data more accessible. Feedback can be submitted via email to [PABFeedback@CityofRochester.gov](mailto:PABFeedback@CityofRochester.gov).

## DEFINITIONS

**REPORT** – Any communications submitted to the PAB using its intake methods.

**COMPLAINT** – A written or oral report regarding police misconduct made by any individual or group of individuals.

**MISCONDUCT** – Any acts or omissions by an officer of the Rochester Police Department that are unlawful, contrary to Rochester Police Department policy, or otherwise inappropriate.

**OFFICERS** – The sworn officers of the RPD, including but not limited to the Chief, deputies, captains, lieutenants, commanders, and all other sworn law enforcement professionals.

**BOARD** – The Police Accountability Board; such Board is a public agency within the meaning of New York Civil Rights Law §50-a.

**DISPOSITION** – The status of a case, and if concluded, the outcome.

**INTAKE** – PAB’s case management team initially handles reports from the public. Case management takes reports that come via live phone calls, voicemails, an online complaint form, or email.



**INVESTIGATION** – PAB investigators gather and review evidence and information to prepare reports on misconduct allegations. An investigation ends when a findings report or investigative summary is prepared detailing the evidence and legal analysis, and the report is provided to the board for review.

**NON-INVESTIGABLE** – When the PAB is unable to obtain sufficient information from a reporter, determines the report is outside of PAB jurisdiction, or if the report does not contain an allegation of officer misconduct or policy recommendations, the case is closed as non-investigable.