



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): 2024-0005

Date of Panel Review: 17-Jul-2024 1:00 PM (EDT)

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

Case Findings: Sustained

Disciplinary Recommendation: Officer [REDACTED] Termination. This officer now has multiple sustained examples of serious police misconduct.

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] Conduct (4.1a) Officer [REDACTED] conducted themselves in a way that could give a negative image to the Rochester Police Department when ignoring the need for an interpreter for [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] Courtesy (4.2a) Officer [REDACTED] did not utilize tact when he ignored [REDACTED] inability to understand him and dismissed his language needs.

- **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] Investigation Process (G.O. 401) Officer [REDACTED] did not fully investigate by not gathering statements from [REDACTED] Motor Vehicle Investigation (G.O. 501) Officer [REDACTED] did not follow the procedure of G.O. 501 by not taking a statement from [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 # 4:

[REDACTED] Equitable Policing (G.O. 502) Officer [REDACTED] conduct shows lack of equity in his policing by not respecting the Driver is Deaf card, not providing an interpreter to get [REDACTED] statement regarding the accident, yet the other party, who is not deaf, was able to give a statement.

- **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 # 5:

Officer [REDACTED] Americans with Disabilities Act (G.O. 517) Officer [REDACTED] did not provide an interpreter for [REDACTED] when it was stated to do so on his deaf driver communication card.

- **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

On October 3rd, 2023, around 10:26 A.M., an accident occurred on [REDACTED] 14609. [REDACTED] who is deaf and carries a deaf driver card, was one of the motorists involved. A deaf driver card informs the reader that to communicate with the driver, they should use American Sign Language ("ASL"), an interpreter, or written communication. Officer [REDACTED] arrived to the scene at 10:51 am. Upon arrival, Officer [REDACTED] spoke with an EMT who stated that [REDACTED] is deaf, and that she (the EMT) can help some with communication because she knows ASL. [REDACTED] walked up to Officer [REDACTED] to show him the deaf driver card, pointing at the wording on the card that states his communication needs, and asked if he signs, which was communicated by the EMT to the officer. Officer [REDACTED] did not attempt to effectively communicate with [REDACTED]. He did not attempt to provide an interpreter, or to utilize the services of the EMT for translation. Officer [REDACTED] spoke with the other party to the accident, who was not deaf, about what happened, and took a statement from them. Officer [REDACTED] communicated to both parties using speech, and then returned to his vehicle to write a report of the accident. Nothing was translated for [REDACTED] and Officer [REDACTED] did not attempt to communicate with him in a way he could understand.

Officer [REDACTED] handed [REDACTED] an accident report and provided information about next steps (get the car towed and take [REDACTED] home) by using physical gestures while speaking aloud. Officer [REDACTED] attempted to confirm whether [REDACTED] understood, but never received any confirmation. Officer [REDACTED] turned off his body worn camera at 11:24 A.M.



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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

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

ALLEGATIONS

1	[REDACTED]	Conduct (4.1a) Officer [REDACTED] conducted themselves in a way that could give a negative image to the Rochester Police Department when ignoring the need for an interpreter for [REDACTED]
2	[REDACTED]	Courtesy (4.2a) Officer [REDACTED] did not utilize tact when he ignored [REDACTED] inability to understand him and dismissed his language needs.
3	[REDACTED]	Investigation Process (G.O. 401) Officer [REDACTED] did not fully investigate by not gathering statements from [REDACTED] Motor Vehicle Investigation (G.O. 501) Officer [REDACTED] did not follow the procedure of G.O. 501 by not taking a statement from [REDACTED]
4	[REDACTED]	Equitable Policing (G.O. 502) Officer [REDACTED] conduct shows lack of equity in his policing by not respecting the Driver is Deaf card, not providing an interpreter to get [REDACTED] statement regarding the accident, yet the other party, who is not deaf, was able to give a statement.
5	[REDACTED]	Americans with Disabilities Act (G.O. 517) Officer [REDACTED] did not provide an interpreter for [REDACTED] when it was stated to do so on his deaf driver communication card.



INVESTIGATION

On 12/06/2023 an email was received on behalf of [REDACTED] looking for assistance with filing a complaint about an RPD officer. On 12/07/23 the PAB recommended filing a complaint on the PAB website and provided the link.

A PSS complaint was submitted to the PAB on 01/05/24. The case package from PSS contained a Notice of Initiation of PSS Investigation, two body-worn camera video files from Officer [REDACTED] statements from [REDACTED] Officer [REDACTED] the EMT on the scene, multiple phone calls to [REDACTED] discussing scheduling for the interview, a phone conversation with the tow truck driver, a suspected witness, and the other party in the accident. When reviewing the first video ([Video 1](#)), is a total of 5 minutes and depicts Officer [REDACTED] arriving at the accident and speaking with the EMT, who states that [REDACTED] “does good with writing” and used ASL for him to get the “Driver is Deaf” card and identification. Throughout the video there is a conversation between the other driver and Officer [REDACTED] Unable to communicate with [REDACTED] Officer [REDACTED] appears to prepare an accident report based solely on the information of the other motorist who was able to hear and speak.

A second body-worn camera clip from Officer [REDACTED] ([Video 2](#)), totaling 5 minutes, shows Officer [REDACTED] and [REDACTED] exchanging papers, and Officer [REDACTED] is verbally speaking and using hand gestures to [REDACTED] to convey that they are going to tow the car and bring [REDACTED] home. [REDACTED] appears to be trying to communicate something with the officer (unclear on what is said), and Officer [REDACTED] continues to say “Yup” without clearly indicating what [REDACTED] means, based on what is seen in the video. A card with the address of where his vehicle is going is given to [REDACTED] and Officer [REDACTED] points and verbally states where the car is going. There is no footage after that point in time. During the review of the body-worn camera footage, there was communication between the parties, but it is unclear if it is understood, there is also no attempt to ask what is needed to communicate (interpreter or written communication) to gain a statement. ([Accident Report](#) / [Officer \[REDACTED\] Statement](#))

According to a statement given by Officer [REDACTED] during the PSS investigation, notes were taken to communicate but were thrown away. Officer [REDACTED] stated that he gathered information regarding motor vehicle accidents by asking each party their side of what happened and getting information from both parties. Officer [REDACTED] wrote that “D2 (referring to [REDACTED] was unable to be spoken to because he is deaf,” but told PSS he still communicated with [REDACTED] and that [REDACTED] seemed to understand.



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In review of the statement from the EMT ([EMT Statement](#)), she stated that she used written communication to start, and established that [REDACTED] knew ASL, so she continued with sign language. She stated that “when using communication I would often confirm with him to make sure that he knew exactly what was going on, and he – he understood, we established.”

A phone call from the tow truck driver ([Tow Driver Call](#)) states that there’s written communication between the Officer [REDACTED] and [REDACTED] by exchanging a paper back and forth. This is not seen in the body-worn camera footage.

A phone call between RPD and the other party involved in the accident ([\[REDACTED\] Call](#)) includes a statement that a that brief communication between Officer [REDACTED] and [REDACTED] happened in writing, and that he appeared to be reading lips.

On 06/21/2024 at 11:00 A.M., [REDACTED] was interviewed by the PAB. His interview was recorded with video and audio, using a live sign language interpreter. In the interview, [REDACTED] stated that he was not given an interpreter nor asked if he needed one after showing the officer his Driver is Deaf card. According to [REDACTED] during the interaction at the scene, the officer spent “a long time” talking with the other party getting their statement, but [REDACTED] was not spoken to at all about what happened, that Officer [REDACTED] was “cold” and “talked down on me”. [REDACTED] stated that he believes that the insurance company blamed the accident on him as a result of the lack of communication between himself and Officer [REDACTED]. [REDACTED] also stated that a different officer arrived before Officer [REDACTED] who had brown hair and a beard. Officer [REDACTED] took over for this officer. The PAB was not able to identify this earlier arriving officer.

RPD has one deaf liaison on staff, who appears to be the only ASL trained officer. On 07/03/2024, a request for information was sent to RPD to inquire of the whereabouts of that individual. It was confirmed on 07/15/2024 that the ASL-trained officer was not at the scene, with no information about whether Officer [REDACTED] requested that individual’s assistance. It appears that no attempt was made to contact the deaf liaison.

An officer statement request was sent to Officer [REDACTED] via Capt. [REDACTED] on 05/21/2024. An officer statement request was sent directly to Officer [REDACTED] via his work e-mail on 7/7/24. He did not respond to either request.



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Evidence Requested	Description	Provided by	Reason declined	Filename
Notice of Initiation of PSS Investigation	Notice to the PAB that PSS received a complaint and opened an investigation	[REDACTED]	N/A	PSS 2024-0007 [REDACTED].pdf
Police accident report	Accident report documented by Officer [REDACTED]	[REDACTED]	N/A	acc report.pdf
Driver is Deaf card	[REDACTED] Driver is Deaf card	[REDACTED]	N/A	Driver is deaf card.pdf
Stenographic statement	Statement from [REDACTED]	[REDACTED]	N/A	Stenographic statement.pdf
Stenographic statement	Statement from [REDACTED]	[REDACTED]	N/A	24-0007 [REDACTED].pdf
Stenographic statement	Statement from Officer [REDACTED]	[REDACTED]	N/A	24-0007 [REDACTED].pdf
Inter-departmental correspondence	Notice of investigation from Lt [REDACTED] to Officer [REDACTED]	[REDACTED]	N/A	[REDACTED].notify.pdf
Phone call from PSS	Phone conversation between Sgt [REDACTED] and [REDACTED] – tow truck driver	[REDACTED]	N/A	[REDACTED].phone call -Transcoded.mp3
Phone call from PSS	Phone conversation between Sgt [REDACTED] and [REDACTED] – the other party in the accident	[REDACTED]	N/A	[REDACTED].phone call - Transcoded.mp3
Phone call to PSS	Phone call from [REDACTED] to PSS – Sgt [REDACTED]	[REDACTED]	N/A	[REDACTED].Transcoded.mp3
BWC	1 of 2 BWC videos from Officer [REDACTED]	[REDACTED]	N/A	https://usgov.clearance.network/rochester/file/103740



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BWC	2 of 2 BWC videos from Officer [REDACTED]	[REDACTED]	N/A	https://usgov.clearance.network/rochester/file/103791
Officer statement request	Requested statement to Officer [REDACTED]	Not provided	No reason given	Officer Statement Request.docx
Interview	Interview with [REDACTED]	PAB	N/A	

APPLICABLE RULES & LAWS

G.O. 401 Investigation Process

II. POLICY

B. Members of the Rochester Police Department (RPD) will:

1. Comply with all legal and constitutional requirements applicable during criminal investigations.
2. Conduct vigorous and thorough investigations of all offenses observed or brought to their attention.
3. Employ the procedures of Preliminary Investigation and continued Investigations, as applicable.

III. PRELIMINARY PROCEDURES

A. Members will:

8. Interview the complainant, witness(es) and suspects;
14. Continue the preliminary investigation until:
 - a) All useful information has been obtained from the complainant, victim(s), witness(es), neighbors, and other people present in the area;

G.O. 502 Equitable Policing

III. POLICY

- A. The Rochester Police Department (RPD) neither condones nor permits the use of any bias-based profiling in arrests, traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts, and is committed to equitable policing and equal rights for all.



- B. In all activities members are subject to and will comply with the Constitutions of the United States and the State of New York, and all applicable Federal, New York State, and local laws.

GO 517 Americans with Disabilities Act

II. POLICY

- A. It is the policy of the Rochester Police Department (RPD) to ensure that a consistently high level of police service is provided to all members of the community, including persons with disabilities. This level of service will involve first responder recognition of the nature and characteristics of various disabilities and appropriate physical and emotional support to people with disabilities who seek to access police services or who come into contact with the police. Such services include, but are not limited to:
 - 3. Rapid access to interpreters for people with hearing and/or speech disabilities who need to communicate with police personnel;
- B. It is the policy of the RPD to ensure effective communications with deaf or hard of hearing persons who are in need of police services that are short of duration and simple in content. Such communications may be furnished through the use of Department personnel who are capable of effectively communicating in sign language or other methods available (e.g., TTY or written materials) where effective. In situations where the legality of the conversation may be part of the basis for an enforcement or court action, or may be questioned in court, appropriate steps, including but not limited to, securing the services of a certified interpreter, must be taken to ensure that the communication is accurate.

III. PROCEDURES

E. Speech and Hearing Disabilities

- 1. The City of Rochester has a very large population of individuals who are deaf or hard of hearing. Occasionally, an officer will interview or interrogate an individual who is deaf or hard of hearing.
 - a) Successful police contact with citizens is characterized by effective communication between the parties whether it is a suspect, victim, witness, or complainant with whom the officer is talking. As such, police officers encountering an individual who is deaf or hard of hearing should use appropriate auxiliary aids and services whenever necessary to ensure effective communication with the individual.



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2. It is the policy of the RPD that it will furnish appropriate auxiliary aids and services whenever necessary to ensure effective communication with individuals who are deaf or hard of hearing. a) Auxiliary aids and services include certified interpreters, written materials, note pads, and other effective methods of making aurally delivered materials available to individuals who are deaf or hard of hearing.

b) When an auxiliary aid or service is required to ensure effective communication, the RPD must provide an opportunity for individuals who are deaf or hard of hearing to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individuals. "Primary consideration" means that the RPD must honor the choice unless it can show that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity, or in undue financial and administrative burden.

7. Interviewing a Victim or Critical Witness If an officer is able to communicate effectively by writing questions on a note pad and having the victim or witness who is deaf or hard of hearing write his or her responses, then the officer may proceed with the interview using a notepad. However, if an investigating officer is unable to communicate effectively with a victim or critical witness by using a notepad or some other means of communication other than a certified interpreter, then the investigating officer must provide the victim or critical witness with a certified interpreter. If the investigating officer cannot wait until a certified interpreter arrives because the officer has to respond to another priority call, the following procedures apply:

a) If the investigation does not involve a serious offense, then: [a] the officer can have a certified interpreter dispatched to the victim's or critical witness' location and request the dispatcher recontact the officer when the interpreter arrives. If a certified interpreter is unable to respond or if the officer cannot return to the scene, the officer must document his or her investigation as completely as possible and file the appropriate report; or [b] the officer can ask the victim or critical witness to come voluntarily to the section office when a certified interpreter is available. At that time, the investigating officer can return to the section to complete the investigation. If a certified



interpreter is unable to respond, the officer must document his or her investigation as completely as possible and file the appropriate report.

9. Reports/Evidence All identifying information on the interpreter must be included in the report, including the interpreter's name, the time the interpreter was called, and his/her time of arrival and departure. All written questions and responses between and among police officers and persons with hearing impairments must be treated as evidence and handled accordingly.

GO 501 MVA Investigation

III. PROCEDURES

4. Interview and obtain statements from the operator(s) and witnesses. When supporting depositions/statements are obtained in conjunction with the accident investigation, a copy will be attached to the MV-104A report. Members will retain original depositions/statements on file for future court testimony retrieval.

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 performing their duties.



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ANALYSIS

STANDARD OF PROOF

For the purpose of PAB’s investigations, findings must be made pursuant to a “substantial evidence” standard of proof. Rochester 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. (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).



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Allegation 1: Conduct (4.1a) [REDACTED] conducted themselves in a way that could give a negative image to the Rochester Police Department when ignoring the need for an interpreter for [REDACTED]

In the RPD Rules and Regulations, Section 4.1(a) states, “Employees shall so conduct themselves in both their private and professional lives as to avoid bringing discredit upon the Department.” This applies to this incident between Officer [REDACTED] and [REDACTED] because of the lack of accommodation and failure to attempt to ensure communication barriers were not an issue. Officer [REDACTED] made no attempt to call a sign language interpreter to the scene or utilize the ASL ability of the EMT on scene. Instead, he claims that he used written communication in the form of notes. ([Accident report](#)). No proof of the existence of the notes was provided. [REDACTED] stated that there was no written communication between himself and Officer [REDACTED] who instead mouthed words and used hand gestures. Lastly no attempt was made to contact someone who could translate for a deaf driver, including RPD’s deaf liaison. ([RPD Response](#)).

The actions of Officer [REDACTED] created an impression to [REDACTED] that the Rochester Police Department will ignore those who are deaf if they have an interaction. This is reflected in body worn camera footage, where the other involved motorist is given preferential treatment due to his ability to hear. ([Accident report](#)).

Therefore, the allegation that Officer [REDACTED] violated RPD Rules & Regulations 4.1a (Conduct) is recommended as sustained.

Allegation 2: Courtesy (4.2b) Officer [REDACTED] ignored [REDACTED] inability to understand him and dismissed his language needs. The rule and regulation of courtesy states, “Employees shall not express or otherwise manifest any prejudice concerning age, marital status, handicap, disability, race, creed, color, religion, national or ethnic origin, sex, sexual preference, or other personal characteristics.” Officer [REDACTED] dismissive behavior was shown on camera as Officer [REDACTED] responds to [REDACTED] gestures by saying “yep, yep”, without confirmation of what [REDACTED] was trying to say and not listening ([Video 2](#)). When Officer [REDACTED] only asked what happened to the party who was hearing but not [REDACTED] and continued to write the report saying “I spoke with D1...D2 was unable to be spoken to because he is deaf”. Lastly no attempt was made to contact someone who could translate for a deaf driver, including RPD’s deaf liaison. ([RPD Response](#)).

These dismissive actions demonstrate a prejudice towards those who are deaf and as a whole the deaf community of the city.



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The allegation that Officer [REDACTED] violated RPD Rules & Regulations 4.2 b (Courtesy) is recommended as sustained.

Allegation 3: Investigation Process (G.O. 401) and Motor Vehicle Investigation (G.O. 501)
Officer [REDACTED] did not fully investigate by not gathering statements from [REDACTED]

G.O. 401 details the policies and procedures of an investigation. Concerning the complaint, the G.O. states for a preliminary investigation, "Upon arrival, provide aid and comfort to the victim(s), observe all conditions, events, and remarks, and secure the scene to maintain and protect physical evidence, utilizing yellow crime scene tape, as applicable; Interview the complainant, witness(es) and suspects." G.O. 501 requires that officers investigating a motor vehicle accident "[i]nterview and obtain statements from the operator(s) and witnesses. When supporting depositions/statements are obtained in conjunction with the accident investigation, a copy will be attached to the MV-104A report." Officer [REDACTED] failed to interview both parties of the accident. Officer [REDACTED] body camera captures the conversation between him and the other party, where he asks what happens, and then proceeds to walk away without asking [REDACTED] the same questions asked of the other motorist ([BWC](#)). Contrary to Officer [REDACTED] statement to PSS, body worn camera footage shows that he did not speak to the EMT on scene about what happened during the accident either. Officer [REDACTED]'s accident report confirms that "I spoke with D1...D2 was unable to be spoken to because he is deaf" ([accident report](#) / [G.O. 501](#)). Failing to get [REDACTED] side of the story prevented Officer [REDACTED] from conducting a proper investigation under G.O. 401 or 501. Lastly no attempt was made to contact someone who could translate for a deaf driver, including RPD's deaf liaison. ([RPD Response](#)).

The allegation that Officer [REDACTED] violated RPD General Orders 401 (Investigations Process) and 501 (Motor Vehicle Accident) is recommended as sustained.

Allegation 4: Equitable Policing (G.O. 502) Officer [REDACTED] conduct shows lack of equity in his policing by not respecting the Driver is Deaf card, not providing an interpreter to get [REDACTED] statement regarding the accident, yet the other party, who is not deaf, was able to give a statement.



The equitable policing general order is in place to prevent biased-based police practices and ensure that the public is treated fairly. Policy A and policy B of the G.O. states:

- A) The Rochester Police Department (RPD) neither condones nor permits the use of any bias-based profiling in arrests, traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts, and is committed to equitable policing and equal rights for all.
- B) In all activities members are subject to and will comply with the Constitutions of the United States and the State of New York, and all applicable Federal, New York State, and local laws ([G.O. 502](#)).

Officer [REDACTED] did not adhere to either subsection of the Equitable Policing G.O. He did not take a statement from [REDACTED] because [REDACTED] is deaf. Officer [REDACTED] wrote in his accident report "I spoke with D1...D2 was unable to be spoken to because he is deaf" ([accident report](#)). No attempt was made to contact someone who could translate for a deaf driver, including RPD's deaf liaison. ([RPD Response](#)). This also violated the Americans with Disabilities Act (ADA), implicating subsection (B).

The allegation that Officer [REDACTED] violated RPD General Order 502 (Equitable Policing) is recommended as sustained.

Allegation 5: Americans with Disabilities Act (G.O. 517) Officer [REDACTED] did not provide an interpreter for [REDACTED] when it was stated to do so on his deaf driver communication card.

The Americans with Disabilities Act general order clearly states in the policy that "It is the policy of the Rochester Police Department (RPD) to ensure that a consistently high level of police service is provided to all members of the community, including persons with disabilities. This level of service will involve first responder recognition of the nature and characteristics of various disabilities and appropriate physical and emotional support to people with disabilities who seek to access police services or who come into contact with the police. Such services include but are not limited to rapid access to interpreters for people with hearing and/or speech disabilities who need to communicate with police personnel. Successful police contact with citizens is characterized by effective communication between the parties whether it is a suspect, victim, witness, or complainant with whom the officer is talking. As such, police officers encountering an individual who is deaf or hard of hearing should use appropriate auxiliary aids



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and services whenever necessary to ensure effective communication with the individual." ([GO 517](#)).

Upon arrival, Officer [REDACTED] learned that [REDACTED] is deaf from the EMT, who informed him that she could sign, and that [REDACTED] can communicate through signing and writing, and also does well with writing. [REDACTED] handed Officer [REDACTED] his "Driver is Deaf" card. Officer [REDACTED] stated to PSS that he "wrote down words to communicate with [REDACTED] but this claim is not corroborated by the body worn camera footage of the incident or by [REDACTED] statement of what happened. Once the EMT left the scene, there was no one available to communicate effectively with [REDACTED] and Officer [REDACTED] made no attempt to get a translator.

Officer [REDACTED] accident report states that he avoided taking a statement from [REDACTED] due to [REDACTED] disability. [REDACTED] being deaf is the reason why Officer [REDACTED] did not take his statement (a form of communication between an officer and individual), and based his accident report on the statement from the other party, who is not deaf. Lastly, no attempt was made to contact someone who could translate for a deaf driver, including RPD's deaf liaison. ([RPD Response](#)).

The allegation that Officer [REDACTED] violated RPD General Order 517 (Americans with Disabilities Act) is recommended as sustained.

RECOMMENDED FINDINGS

#	Officer	Allegation	Finding/Recommendation
1	[REDACTED]	Conduct (4.1) Officer [REDACTED] conducted themselves in a way that could give a negative image to the Rochester Police Department and also showed a lack of respect for the deaf community with their negligent actions when ignoring the need for an interpreter for [REDACTED]	Sustained
2	[REDACTED]	Courtesy (4.2b) Officer [REDACTED] did not utilize tact when he ignored [REDACTED] inability to understand	Sustained



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#	Officer	Allegation	Finding/Recommendation
		him and dismissed his language needs	
3		Investigation Process (G.O. 401) Officer [REDACTED] did not fully investigate by not gathering statements from [REDACTED] Motor Vehicle Investigation (G.O. 501) Officer [REDACTED] did not follow the procedure of G.O. 501 by not taking a statement from [REDACTED]	Sustained
4		Equitable Policing (G.O. 502) Officer [REDACTED] conduct shows lack of equity in his policing by not respecting the Driver is Deaf card, not providing an interpreter to get [REDACTED] statement regarding the accident, yet the other party, who is not deaf, was able to give a statement.	Sustained
5		Americans with Disabilities Act (G.O. 517) Officer [REDACTED] did not provide an interpreter for [REDACTED] when it was stated to do so on his deaf driver communication card.	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]

Officer [REDACTED] has 3 prior sustained findings of officer misconduct relating to PTN 2023-0108 for knowingly entering false information on an incident report, failing to complete an incident report by the end of his tour, and failing to report a stolen motor vehicle as having been recovered.

Sustained Allegation 1 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Conduct (4.1a) [REDACTED] conducted themselves in a way that could give a negative image to the Rochester Police Department when ignoring the need for an interpreter for [REDACTED]	1

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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:** (based on 3 prior sustained violations): **Written reprimand.**



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Sustained Allegation 2 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Courtesy (4.2b) [REDACTED] ignored [REDACTED] required statement and engaged in dismissive behavior when asking the other party for a statement but not [REDACTED]	3

- **Recommended Level: 3** (“Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline** (based on 3 prior sustained violations): **20-day suspension.**

Sustained Allegation 3 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Investigation Process (G.O. 401 §III (A)(8)) Officer [REDACTED] did not fully investigate by not gathering statements from [REDACTED] Motor Vehicle Investigation (G.O. 501) Officer [REDACTED] did not follow the procedure of G.O. 501 by not taking a statement from [REDACTED]	3

- **Recommended Level: 3** (“Pronounced negative impact on the community or department image or operations, or relationships with other officers, or agencies”)
- **Recommended Discipline** (based on 3 prior sustained violations): **20-day suspension.**



Sustained Allegation 4 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Equitable Policing (G.O. 502) Officer [REDACTED] conduct shows lack of equity in his policing by not respecting the Driver is Deaf card, not providing an interpreter to get [REDACTED] statement regarding the accident, yet the other party, who is not deaf, was able to give a statement.	5

- **Recommended Level: 5** (“Criminal misdemeanor, felony, or severe misconduct, or; major negative impact on the community or department image or operations, or relationships with other officers, or agencies, or; demonstrates serious lack of integrity, ethics, or character and includes conduct that could effectively disqualify an officer from continued employment as a law enforcement officer.”)
- **Recommended Discipline** (based on 3 prior sustained violations):
Termination. PAB previously recommended a 60-day suspension relating to PTN 2023-0108, and Officer [REDACTED] misconduct here postdates the substantiated misconduct in that case. Officer [REDACTED] has a substantial, unaddressed history of officer misconduct.

Sustained Allegation 5 against Officer [REDACTED]

Disciplinary Matrix Appendix

Misconduct	Level
Americans with Disabilities Act (G.O. 517) Officer [REDACTED] did not provide an interpreter for [REDACTED] when it was stated to do so on his deaf driver communication card.	5

- **Recommended Level: 5** (“Criminal misdemeanor, felony, or severe misconduct, or; major negative impact on the community or department image or



operations, or relationships with other officers, or agencies, or; demonstrates serious lack of integrity, ethics, or character and includes conduct that could effectively disqualify an officer from continued employment as a law enforcement officer.”)

- **Recommended Discipline** (based on 3 prior sustained violations):
Termination. PAB previously recommended a 60-day suspension relating to PTN 2023-0108, and Officer [REDACTED] misconduct here postdates the substantiated misconduct in that case. Officer [REDACTED] has a substantial, unaddressed history of officer misconduct.