



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): 2024-0084

Date of Panel Review: 25-Sep-2024 5:30 PM (EDT)

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

Case Findings:

Allegations 2 and 5: Sustained

Allegations 1,3,4,6: Not sustained

Disciplinary Recommendation:

Officer [REDACTED] [REDACTED] Training memorandum, de-escalation and an apology to the affected parties

Officer [REDACTED] [REDACTED] Training memorandum, de-escalation and an apology to the affected parties

Dissenting Opinion/Comment: Board member [REDACTED] votes not to sustain allegations 2 and 5.



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 [REDACTED] [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 4.1 (a) and (b) as [REDACTED] blocked the driveway of [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on June 20, 2024, despite nearby vacant street parking and refused to allow [REDACTED] [REDACTED] to explain her and [REDACTED] [REDACTED] medical conditions.

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

Allegation # 2:

Officer [REDACTED] [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 4.2 (a) as [REDACTED] repeatedly interrupted both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on June 21, 2024, as they were attempting to explain their grievances of the prior day and dismissed their concerns.

- **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 [REDACTED] [REDACTED] Officer [REDACTED] violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024, as [REDACTED] did not activate [REDACTED] BWC in [REDACTED] interactions with [REDACTED] [REDACTED] prior to entering [REDACTED] patrol vehicle and driving away.

- **Does the Board Agree with the Findings of Fact?** Yes
- **Does the Board Agree with the Substantiated Evidence of Misconduct?** No
- **Does the Board Agree with the Proposed Disciplinary Action?** No

Allegation # 4:

Officer [REDACTED] [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 4.1 (a) and (b) as [REDACTED] blocked the driveway of [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on June 20, 2024, despite nearby vacant street parking and refused to allow [REDACTED] [REDACTED] to explain her and [REDACTED] [REDACTED] medical conditions.

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



Allegation # 5:

Officer [REDACTED] [REDACTED] Officer [REDACTED] violated RPD Rules and Regulations 4.2 (a) as [REDACTED] repeatedly interrupted both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on June 21, 2024, as they were attempting to explain their grievances of the prior day and dismissed their concerns.

- **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 [REDACTED] [REDACTED] Officer [REDACTED] violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024, as [REDACTED] did not activate [REDACTED] BWC in [REDACTED] interactions with [REDACTED] [REDACTED] prior to entering [REDACTED] patrol vehicle and driving away.

- **Does the Board Agree with the Findings of Fact? Yes**
 - **Does the Board Agree with the Substantiated Evidence of Misconduct? No**
 - **Does the Board Agree with the Proposed Disciplinary Action? No**
-



CLOSING REPORT

STATEMENT OF AUTHORITY

Article XVIII of the Rochester City Charter defines the authority and duties of the Police Accountability Board. Pursuant to § 18-1, “The Police Accountability Board shall be the mechanism to investigate such complaints of police misconduct and to review and assess Rochester Police Department patterns, practices, policies, and procedure...The Police Accountability Board shall provide a nonexclusive alternative to civil litigation.”

EXECUTIVE SUMMARY

This case was reported to the PAB on June 21, 2024. The involved civilians are [REDACTED] and [REDACTED]. The involved officers are [REDACTED] and [REDACTED].

On June 20, 2024 Officers [REDACTED] and [REDACTED] responded to an incident at [REDACTED]. The report alleges that as they were returning to their vehicle, [REDACTED] of [REDACTED] approached them while beckoning with [REDACTED] hand in an attempt to explain to the officers that they were blocking [REDACTED] driveway. [REDACTED] attempted to explain that their vehicle was preventing [REDACTED] or [REDACTED] from leaving in the case of a medical emergency as both have heart conditions, which may require them to leave their residence spontaneously. Officers did not engage with [REDACTED] and instead entered their vehicle. The report states that [REDACTED] then asked officers to lower their window as [REDACTED] voice was hoarse and [REDACTED] could not speak loudly. Allegedly, Officer [REDACTED] refused to lower [REDACTED] window, telling [REDACTED] that [REDACTED] could hear [REDACTED] just fine. Additionally, Officer [REDACTED] lifted [REDACTED] hand with [REDACTED] palm facing towards [REDACTED] in a way that [REDACTED] interpreted to mean telling [REDACTED] to be quiet, and then drove off without either officer activating their Body Worn Cameras (BWCs). The following day, June 21, 2024, Officers [REDACTED] and [REDACTED] responded to [REDACTED] for the report of a robbery as [REDACTED] had [REDACTED] truck broken into the night before and [REDACTED] medical equipment was stolen along with some electric gardening tools. Officers did activate their BWCs as they approached and refused to engage [REDACTED] and [REDACTED] in their attempts to address the situation of the day prior, choosing instead to only focus on the details of the theft and repeatedly interrupting and dismissing [REDACTED] and [REDACTED] statements which pertained to the previous interaction.


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INVOLVED OFFICERS

Officer Name	Officer Rank	Badge/Employee #	Date of Appointment	Sex	Race/Ethnicity
██████████	██████	██████████	██████████	██████	██████
██████ ██████	██████	██████████	██████████	██████	██████

INVOLVED INDIVIDUALS

Name	Age	Sex	Race/ Ethnicity
████ ██████	n/a	Female	Black
████████ ██████	37	Male	Black

ALLEGATIONS

1	Officer █████ ██████	Officer █████ violated RPD Rules and Regulations 4.1 (a) and (b) as █████ blocked the driveway of █████ ██████ and █████ ██████ on June 20, 2024, despite nearby vacant street parking and refused to allow █████ ██████ to explain █████ and █████ ██████ medical conditions.
2	Officer █████ ██████	Officer █████ violated RPD Rules and Regulations 4.2 (a) as █████ repeatedly interrupted both █████ ██████ and █████ ██████ on June 21, 2024, as they were attempting to explain their grievances of the prior day and dismissed their concerns.
3	Officer █████ ██████	Officer █████ violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024, as █████ did not activate █████ BWC in █████ interactions with █████ ██████ prior to entering █████ patrol vehicle and driving away.
4	Officer █████ ██████	Officer █████ violated RPD Rules and Regulations 4.1 (a) and (b) as █████ blocked the driveway of █████ ██████ and █████ ██████ on June 20, 2024, despite nearby vacant street parking and refused to allow █████ ██████ to explain █████ and █████ ██████ medical conditions.



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5	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 4.2 (a) as [REDACTED] repeatedly interrupted both [REDACTED] and [REDACTED] on June 21, 2024, as they were attempting to explain their grievances of the prior day and dismissed their concerns.
6	Officer [REDACTED]	Officer [REDACTED] violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024 as [REDACTED] did not activate [REDACTED] BWC in [REDACTED] interactions with [REDACTED] prior to entering [REDACTED] patrol vehicle and driving away.

INVESTIGATION

On June 21, 2024, the incident was reported to the PAB via a walk-in intake interview.

On June 24, 2024, the incident was reported to RPD Professional Standards Section (PSS).

On June 27, 2024, PSS notified PAB of the investigation and provided documents in PSS IA # 2024-0392. PAB opened case 2024-0087 which was later closed and attached to this case as a duplicate.

On July 18, 2024, a PAB investigator was assigned to this case.

On July 18, 25, and 30, 2024, PSS provided additional documents obtained in the investigation.

On August 6, 2024, party interviews were scheduled with involved civilians and Officer Interview/Statement Requests were sent to the involved officers.

On August 8, 2024, a Source of Information (SOI) Request was sent to RPD for additional BWC footage.

On August 9, 2024, RPD provided additional evidence in the case.

On August 13, 2024, PAB investigators conducted party interviews with both involved civilians.

As of the writing of this report, neither involved officer has responded to Officer Interview/Statement Requests.



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EVIDENCE REVIEWED

Evidence	Description	Provided by	Reason declined	Filename
Notification of Initiation of PSS Investigation	Form sent to PAB to notify of PSS investigation	RPD	n/a	[REDACTED]
Notification of Initiation of PAB Investigation	Initial notification package sent to RPD to notify of PAB investigation, containing response from RPD.	RPD	n/a	[REDACTED]
Intra-Departmental Correspondence	Memorandum of Record written to Officer [REDACTED] directing [REDACTED] to become familiar with the BWC Manual § IV. A. 1.	RPD	n/a	[REDACTED]
Intra-Departmental Correspondence	Memorandum of Record written to Officer [REDACTED] directing [REDACTED] to become familiar with the BWC Manual § IV. A. 1.	RPD	n/a	[REDACTED]
Stenographic Statement	Transcript of PSS Interview	RPD	n/a	[REDACTED]



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EVIDENCE REVIEWED

Evidence	Description	Provided by	Reason declined	Filename
	of [REDACTED] [REDACTED]			
Stenographic Statement	Transcript of PSS Interview of [REDACTED] [REDACTED]	RPD	n/a	[REDACTED]
BWC Footage	BWC Footage captured by Officer [REDACTED] on June 20, 2024.	RPD	n/a	[REDACTED]
BWC Footage	BWC Footage captured by Officer [REDACTED] on June 21, 2024.	RPD	n/a	[REDACTED]
BWC Footage	BWC Footage captured by Officer [REDACTED] on June 21, 2024.	RPD	n/a	[REDACTED]
Investigative Interview	Video recording of PAB interview of [REDACTED]	n/a	n/a	[REDACTED]
Investigative Interview	Video recording of PAB interview of [REDACTED] [REDACTED]	n/a	n/a	[REDACTED]
Interview Transcription	PDF of transcription of investigative interview of [REDACTED] [REDACTED]	n/a	n/a	[REDACTED]



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EVIDENCE REVIEWED

Evidence	Description	Provided by	Reason declined	Filename
Interview Transcription	PDF of transcription of investigative interview of [REDACTED] [REDACTED] [REDACTED]	n/a	n/a	[REDACTED]

APPLICABLE RULES & LAWS

RPD Rules and Regulations

4.1: CONDUCT

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

4.2: COURTESY

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

Body Worn Camera Manual

IV: RECORDING REQUIREMENTS AND RESTRICTIONS

A. Members assigned a BWC will activate it and record all activities, and all contact with persons, in the course of performing police duties as soon as it is safe and practical to do so, as set forth in this Manual.

1. Members will activate and record with the BWC preferably upon being dispatched and prior to exiting their police vehicle, or prior to commencing any activity if on foot patrol, as set forth below.



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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. City Charter 18-5(I)(10). This standard is met when there is enough relevant and credible evidence in the record as a whole that a reasonable person could support the conclusion made. (See 4 CFR §28.61(d)).

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

Allegation 1: Officer [REDACTED] violated RPD Rules and Regulations 4.1 (a) and (b) as [REDACTED] blocked the driveway of [REDACTED] and [REDACTED] on June 20, 2024, despite nearby vacant street parking and refused to allow [REDACTED] to explain [REDACTED] and [REDACTED] medical conditions.

On June 20, 2024, Officers [REDACTED] and [REDACTED] responded to an incident at [REDACTED]. Officers [REDACTED] and [REDACTED] did not activate their BWCs, and therefore, no footage exists of their interaction with [REDACTED] as they were returning to their vehicle. A third responding officer, Officer [REDACTED], did activate [REDACTED] BWC, and footage captures the vehicle Officers [REDACTED] and [REDACTED] traveled in, however it does not confirm that the vehicle was blocking the driveway of [REDACTED].

The allegation that Officer [REDACTED] violated RPD Rules and Regulations 4.1 (a) and (b) is recommended as Not Sustained.



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Allegation 2: Officer [REDACTED] violated RPD Rules and Regulations 4.2 (a) as [REDACTED] repeatedly interrupted both [REDACTED] and [REDACTED] on June 21, 2024, as they were attempting to explain their grievances of the prior day and dismissed their concerns.

RPD Rules and Regulations 4.2(a) states that “[e]mployees shall be courteous, civil and tactful in the performance of their duties.”

Upon arriving to [REDACTED] BWC footage captured by both responding officers captures multiple instances of Officer [REDACTED] interrupting both [REDACTED] and [REDACTED] as they attempt to explain their grievances from the prior day and request an apology. Both officers repeatedly reiterate that they are there to take a report regarding a robbery and that they will leave if [REDACTED] and [REDACTED] do not have any information regarding the robbery. Eventually, the officers gather the necessary information regarding the robbery, however towards the end of the interaction [REDACTED] asks: “Was that a problem yesterday?” to which Officer [REDACTED] again states that [REDACTED] will not address yesterday’s events, and tells [REDACTED] that [REDACTED] approached the officers with the wrong attitude, at one point stating that [REDACTED] was yelling and screaming at them.

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

Allegation 3: Officer [REDACTED] violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024, as [REDACTED] did not activate [REDACTED] BWC in [REDACTED] interactions with [REDACTED] prior to entering [REDACTED] patrol vehicle and driving away.

In response to the initial notification package sent on August 8, 2024, RPD confirmed that neither responding officer had activated their BWC during their interaction with [REDACTED] on June 20, 2024. Both officers received a counseling memorandum for violating the BWC manual on June 26, 2024.

The allegation that Officer [REDACTED] violated the Body Worn Camera Manual § IV A is recommended as Sustained.

Allegation 4: Officer [REDACTED] violated RPD Rules and Regulations 4.1 (a) and (b) as [REDACTED] blocked the driveway of [REDACTED] and [REDACTED] on June 20, 2024, despite nearby vacant street parking and refused to allow [REDACTED] to explain [REDACTED] and [REDACTED] medical conditions.

On June 20, 2024, Officers [REDACTED] and [REDACTED] responded to an incident at [REDACTED]. Officers [REDACTED] and [REDACTED] did not activate their BWCs, and therefore, no footage exists of their



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interaction with [REDACTED] [REDACTED] as they were returning to their vehicle. A third responding officer, Officer [REDACTED], did activate [REDACTED] BWC, and footage captures the vehicle Officers [REDACTED] and [REDACTED] traveled in, however it does not confirm that the vehicle was blocking the driveway of [REDACTED] [REDACTED]

The allegation that Officer [REDACTED] violated RPD Rules and Regulations 4.1 (a) and (b) is recommended as Not Sustained.

Allegation 5: Officer [REDACTED] violated RPD Rules and Regulations 4.2 (a) as [REDACTED] repeatedly interrupted both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] on June 21, 2024, as they were attempting to explain their grievances of the prior day and dismissed their concerns.

RPD Rules and Regulations 4.2(a) states that “[e]mployees shall be courteous, civil and tactful in the performance of their duties.”

Upon arriving to [REDACTED] [REDACTED] BWC footage captured by both responding officers captures multiple instances of Officer [REDACTED] interrupting both [REDACTED] [REDACTED] and [REDACTED] [REDACTED] as they attempt to explain their grievances from the prior day and request an apology. Both officers repeatedly reiterate that they are there to take a report regarding a robbery and that they will leave if [REDACTED] [REDACTED] and [REDACTED] [REDACTED] do not have any information regarding the robbery. As [REDACTED] [REDACTED] asks if the officers have come to give [REDACTED] an apology, Officer [REDACTED] cuts [REDACTED] off and, while addressing [REDACTED] [REDACTED] states “Sir, is there something we can help you with?” [REDACTED] [REDACTED] responds: “That was rude. The citizen you are serving as your job description is speaking to you.” Officer [REDACTED] interrupts [REDACTED] [REDACTED] twice as [REDACTED] [REDACTED] says this, again stating: “Sir, is there something we can help you with?” Eventually, [REDACTED] [REDACTED] begins explaining why [REDACTED] [REDACTED] called the police, but reiterates that [REDACTED] [REDACTED] felt it was rude for the officers to treat [REDACTED] [REDACTED] that way, to which Officer [REDACTED] responds: “Am I here to help you, or not, sir?”

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



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Allegation 6: Officer [REDACTED] violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024, as [REDACTED] did not activate [REDACTED] BWC in [REDACTED] interactions with [REDACTED] prior to entering [REDACTED] patrol vehicle and driving away.

In response to the initial notification package sent on August 8, 2024, RPD confirmed that neither responding officer had activated their BWC during their interaction with [REDACTED] [REDACTED] on June 20, 2024. Both officers received a counseling memorandum for violating the BWC manual on June 26, 2024.

The allegation that Officer [REDACTED] violated the Body Worn Camera Manual § IV A is recommended as Sustained.



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RECOMMENDED FINDINGS

#	Officer	Allegation	Finding/Recommendation
1	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 4.1 (a) and (b) as [REDACTED] blocked the driveway of [REDACTED] and [REDACTED] on June 20, 2024, despite nearby vacant street parking and refused to allow [REDACTED] to explain [REDACTED] and [REDACTED] medical conditions.	Not Sustained
2	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 4.2 (a) as [REDACTED] repeatedly interrupted both [REDACTED] and [REDACTED] on June 21, 2024, as they were attempting to explain their grievances of the prior day and dismissed their concerns.	Sustained
3	Officer [REDACTED]	Officer [REDACTED] violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024, as [REDACTED] did not activate [REDACTED] BWC in [REDACTED] interactions with [REDACTED] prior to entering [REDACTED] patrol vehicle and driving away.	Sustained
4	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 4.1 (a) and (b) as [REDACTED] blocked the driveway of [REDACTED] and [REDACTED] on June 20, 2024, despite nearby vacant street parking and refused to allow [REDACTED] to explain [REDACTED] and [REDACTED] medical conditions.	Not Sustained
5	Officer [REDACTED]	Officer [REDACTED] violated RPD Rules and Regulations 4.2 (a) as [REDACTED] repeatedly interrupted both [REDACTED] and [REDACTED] on June 21, 2024, as they were attempting	Sustained



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#	Officer	Allegation	Finding/Recommendation
		to explain their grievances of the prior day and dismissed their concerns.	
6	Officer [REDACTED]	Officer [REDACTED] violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024, as [REDACTED] did not activate [REDACTED] BWC in [REDACTED] interactions with [REDACTED] prior to entering [REDACTED] patrol vehicle and driving away.	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:



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Officer [REDACTED]

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

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

However, the PAB understands that the database is incomplete.

RPD declined to provide disciplinary records for Officer [REDACTED]

Allegation 2: Officer [REDACTED] violated RPD Rules and Regulations 4.2 (a) as [REDACTED] repeatedly interrupted both [REDACTED] and [REDACTED] on June 21, 2024, as they were attempting to explain their grievances of the prior day and dismissed their concerns.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
RPD Rules and Regulations 4.2 (a) states that "Employees shall be courteous, civil and tactful in the performance of their duties."	3

- **Recommended Level:** 2 ("More than minimal negative impact on the community or department image or operations, or relationships with other officers, or agencies.")
- **Recommended Discipline:** Training memorandum and an apology to the affected parties.
- **Explanation of deviation from presumptive penalty:** This is Officer [REDACTED] first sustained finding of violation of this policy. The misconduct did not significantly harm the affected parties and [REDACTED] [REDACTED] originally requested an apology.



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Allegation 3: Officer [REDACTED] violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024, as [REDACTED] did not activate [REDACTED] BWC in [REDACTED] interactions with [REDACTED] prior to entering [REDACTED] patrol vehicle and driving away.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>The RPD Body Worn Camera (BWC) Manual § IV A 1 states that “Members assigned a BWC will activate it and record all activities, and all contact with persons, in the course of performing police duties as soon as it is safe and practical to do so, as set forth in this Manual.</p> <p>Members will activate and record with the BWC preferably upon being dispatched and prior to exiting their police vehicle, or prior to commencing any activity if on foot patrol, as set forth below.”</p>	3

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

Officer [REDACTED] [REDACTED]

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

A review of the Rochester Police Department Discipline Database located on the City of Rochester’s website suggests that Officer [REDACTED] pled guilty of violating RPD Rules and Regulations § 4.18: Department Property and Equipment, as [REDACTED] caused a traffic accident while operating [REDACTED] patrol car on [REDACTED] 2010. Officer [REDACTED] received a letter of reprimand for [REDACTED] conduct.

However, the PAB understands that the database is incomplete.

RPD declined to provide disciplinary records for Officer [REDACTED]



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Allegation 5: Officer [REDACTED] violated RPD Rules and Regulations 4.2 (a) as [REDACTED] repeatedly interrupted both [REDACTED] and [REDACTED] on June 21, 2024, as they were attempting to explain their grievances of the prior day and dismissed their concerns.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
RPD Rules and Regulations 4.2 (a) states that “Employees shall be courteous, civil and tactful in the performance of their duties.”	3

- **Recommended Level:** 2 (“More than minimal negative impact on the community or department image or operations, or relationships with other officers, or agencies.”)
- **Recommended Discipline:** Training memorandum and an apology to the affected parties.
- **Explanation of deviation from presumptive penalty:** This is Officer [REDACTED] first sustained finding of violation of this policy. The misconduct did not significantly harm the affected parties and [REDACTED] originally requested an apology.

Allegation 6: Officer [REDACTED] violated the Body Worn Camera (BWC) Manual § IV A 1 on June 20, 2024, as [REDACTED] did not activate [REDACTED] BWC in [REDACTED] interactions with [REDACTED] prior to entering [REDACTED] patrol vehicle and driving away.

DISCIPLINARY MATRIX APPENDIX

Misconduct	Level
<p>The RPD Body Worn Camera (BWC) Manual § IV A 1 states that “Members assigned a BWC will activate it and record all activities, and all contact with persons, in the course of performing police duties as soon as it is safe and practical to do so, as set forth in this Manual.</p> <p>Members will activate and record with the BWC preferably upon being dispatched and prior to exiting their police vehicle, or prior to commencing any activity if on foot patrol, as set forth below.”</p>	3

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