

The Cost of Misconduct: A Proposal for Change

Background

When someone feels they have experienced police misconduct by an RPD officer, they can file a complaint with the PAB and the RPD's Professional Standards Section. But if someone wants restitution or compensation for the damages they suffered because of the misconduct, they must file a civil claim against the Rochester Police Department.

In this proposal for change, the PAB assessed the policies, procedures, patterns, and practices related to civil claims against the Rochester Police Department.

When someone feels they have experienced police misconduct by an RPD officer, they can:

File a report with the PAB.

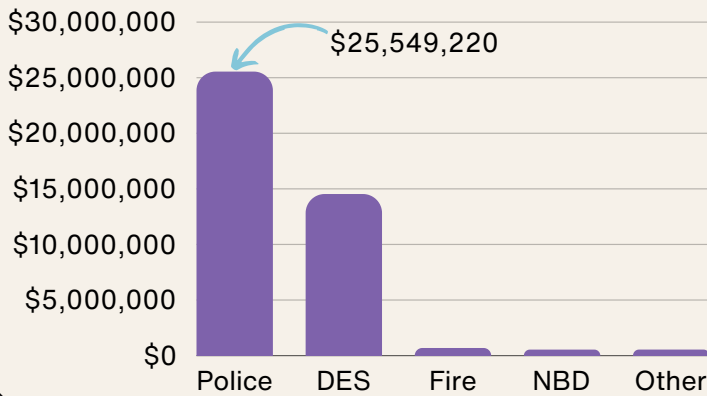


File a complaint with the RPD's Professional Standards Section.

File a civil claim against the Rochester Police Department.



What is the cost of misconduct since 2012?



What is the cost?

The PAB analyzed data about every civil claim filed against the City of Rochester since 2012. According to a dataset from the City Law Department, the City of Rochester has paid out more than \$25 million in claims against the RPD since 2012. Even though there was almost \$7 million of payouts missing from that dataset, we know that the amount paid for claims against RPD was greater than all of the other City departments combined.

Who pays?

The City of Rochester accounts for payment of civil claims in a line item called "General Insurance" in the Undistributed Funds budget. The budget book does not break down this line item by City department. The PAB analyzed the annual budgets since FY 2011-2012 and found that the City of Rochester paid out more than double the amount budgeted for General Insurance.

How much money did the City budget for civil claims across all departments since 2012?



\$48,755,960

Actual Spent



\$21,050,400

Budgeted Amount

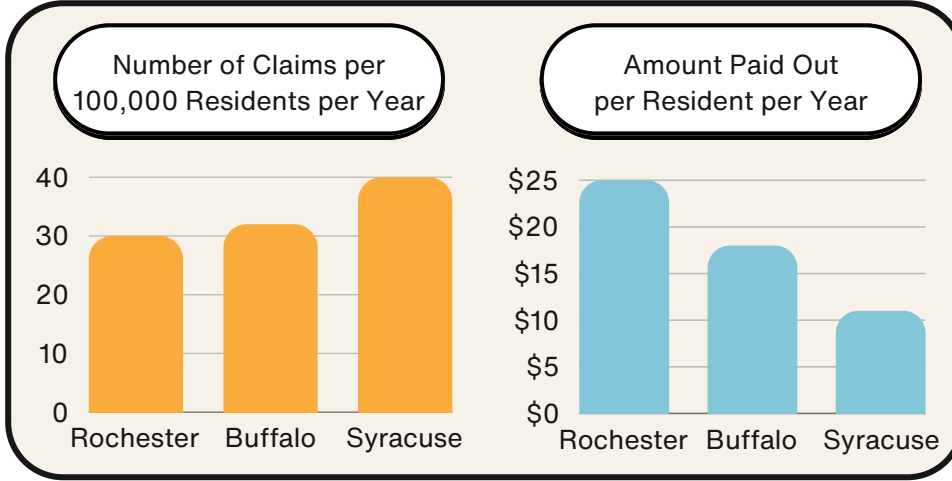


\$27,705,560

Over Budget

Actual Spent - Budgeted Amount = Over Budget

City Comparisons

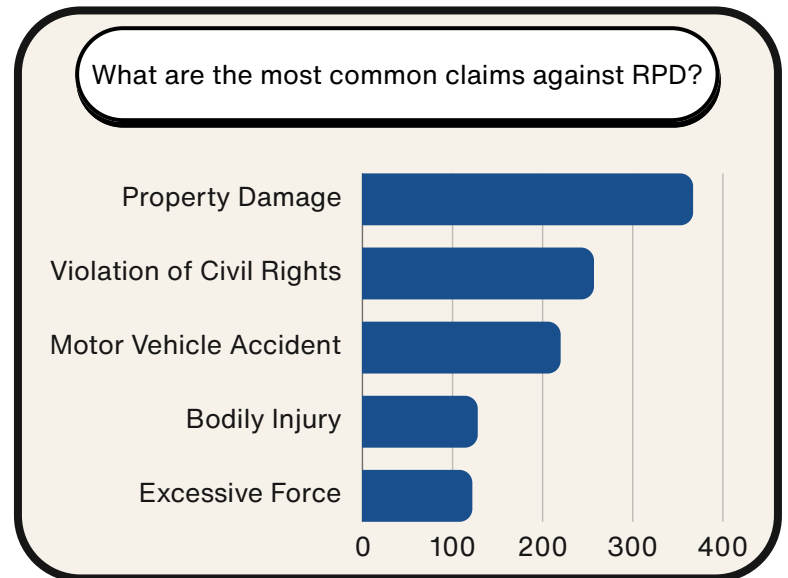


The PAB found that there were fewer civil claims filed per resident in Rochester than in Buffalo and Syracuse. At the same time, the average amount paid out per resident was the largest in Rochester. This relationship could be due to a difference in severity of claims or a difference in the way the cities decide to pay out claims. For example, in Rochester, only the Law Department decides the amount. In Buffalo, the Common Council Claims Committee votes on the amount.

Claims against RPD

The figure on the right shows the five most common claims against the RPD, which account for 62% of all RPD's claims. The PAB found that some claim types, like bodily injury, were not only frequent, but also were associated with a larger payout.

The City proceeded to court instead of paying out the claim in 24% of cases against the RPD. The PAB found that this choice was also associated with larger payouts.



PAB Recommendations

To enhance public trust and effective operations, the PAB recommends that the RPD:

1. 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;
2. Collect data on the outcomes of civil claims in IAPro;
3. Commence a PSS investigation when a claim is paid out or converted to litigation with 18 months of the alleged incident;
4. Publish an annual review of patterns of civil claims against the RPD and/or its officers from IAPro data; and
5. Incorporate the outcomes of civil claims into its early intervention system.

Visit www.rocpab.org to read the report and give feedback!