



PAB

**POLICE
ACCOUNTABILITY
BOARD**

Juvenile use of force:

An oversight investigation

Table of Contents

What is an oversight investigation?	3
Executive Summary	4
History	5
Introduction	7
Drafting RPD policies and training.....	8
General order 338 contents.....	9
Data requests, limitations, and methodology	11
Conclusions, findings, and observations	13
Statistical findings.....	13
Race.....	13
Gender	14
Technique inventory	15
Incident inventory	15
Zip code frequency.....	16
RPD section incident frequency.....	17
Incident-level analysis.....	18
Conclusion	21
Addendum 1	22

What is an oversight investigation?

Pursuant to City Charter Article 18-5(K)(1), the Police Accountability Board (PAB) shall review and assess Rochester Police Department (RPD) policies, procedures, patterns and practices. In 2023, PAB voted to execute this duty with a process called oversight investigation. An oversight investigation is a thorough examination of all powers executed by RPD and its officers. It addresses a specific subject or aims to answer a particular question. An oversight investigation does not offer recommendations but serves as an invitation for collaboration.

The tools of an oversight investigation include, but are not limited to, requests for information, oversight hearings, and education hearings. Following the completion of an oversight investigation, a report is drafted and presented to the PAB board. Once the final report is ready and approved by the board, it is then disseminated to the mayor, police chief, city council, and the public. The report will be published at rocpab.org.

Executive Summary

The Policy and Oversight (P&O) division analyzed over 1,100 reports related to juvenile use of force, categorizing them based on types of force used, locations, demographic information, and types of calls. The investigation covers incidents between December 27, 2021, and May 25, 2023. P&O narrowed these reports down to 318 interactions, many involving multiple officers and various types of force. The 318 incidents involved 184 children.

PAB faced barriers caused by lack of access to information and data as RPD and the city of Rochester law department determined what could and could not be turned over. PAB then focused on 10 events, aiming to highlight trends and both positive and negative interactions. In total, RPD provided body-worn camera footage for two of the 318 interactions.

Of the 318 incidents logged and analyzed, PAB has demonstrated who is most impacted by these incidents, where they most often occur, and what techniques/strategies officers most deploy. Though not given access to bodycam footage in most incidents, PAB offers observations and analysis of RPD's juvenile use of force policy.

Among the findings by PAB:

1. Ages ranged from 2 to 17 in these incidents;
2. About 30 percent of the total incidents involved mental health crises;
3. Black children, mostly male, comprised nearly 80 percent of incidents;
4. Many incidents involved search warrant executions (about 11 percent of events) and traffic stops (six percent). During those interactions, children were likely to be confronted by officers with firearms drawn. Handguns were pointed at children in 27 percent of the incidents analyzed.
5. Almost 60 percent of the all incidents analyzed occurred in the Clinton and Lake patrol sections.
6. Children in the 14621 ZIP code, the heart of Clinton section, experienced 63 incidents (20 percent) of use of force. That was by far the most impacted ZIP code.
7. General order 338 (juvenile use of force) does not contain guidance related to the use of firearms in these calls, nor does it explicitly list the use of force techniques that are barred or are permissible.
8. General order 338 does not contain any language about children witnessing officers utilizing force against parents or guardians.

History

On Jan. 29, 2021 outside a home on Harris Street in northeast Rochester, RPD Officer Alexander Lombard pepper sprayed a handcuffed 9-year-old girl in the throes of a mental health crisis during a reported “family trouble” call, police initially said. Lombard was “required ... to use an irritant” because “[t]he minor refused to listen to officers as they gave her multiple commands to place her feet in the patrol car,” the initial RPD press release stated.¹ The department announced one officer was suspended with pay and two more were placed on administrative leave pending the outcome of an internal investigation. RPD did not release the results of this investigation.

In a letter the day after the Harris Street incident, PAB asked for all video footage to be released to the public immediately and requested access to all body-worn camera footage, internal reports, emails, and policies RPD complied.

The incident garnered instant reaction, both locally and nationally. New York Civil Liberties Union executive director Donna Lieberman said both the city and PAB needed to open investigations immediately, “including reviewing RPD’s excessive force and minors’ policy.”²

“No child should ever experience assault or abuse at the hands of law enforcement,” Lieberman said in a statement. “There is no conceivable justification for the Rochester police to subject a 9-year-old to pepper spray, period.” She called for alternative responses in calls involving mental health crises, noting police do not have the expertise or training to handle these incidents. Finally, she stated the public should have complete access to misconduct history of officers at the scene.

State Senator Samra Brouk (D-Rochester), who chairs the senate Committee of Mental Health, called the incident inexcusable. “(The child) needed comfort and help, not more violence,” Brouk said. Like Lieberman, Brouk said this “provides yet another heartbreaking example of how and why law enforcement, as it is currently managed, is absolutely not equipped to appropriately respond to individuals in a moment of crisis.”³ Brouk later introduced legislation to ban police from using irritants on children.

Less than a month after the Harris Street encounter, a mother holding her 3-year-old daughter was pepper sprayed during a struggle with officers in on Portland Avenue in northeast Rochester after she was accused of shoplifting. The mother did not steal anything from the store. The child was not directly pepper sprayed, instead she witnessed her mother sprayed with the irritant. Surveillance footage shows one officer taking the mother to the ground while another officer rips the child away from her mother. The officer taking the woman to the ground admitted that the pepper spray was not effective in gaining control or compliance from the woman. He also stated he was “very stressed out and frustrated with the situation” after admitting he yelled at a bystander videoing the incident.⁴

The incident attracted widespread attention, demonstrations, and calls from the public and elected officials for reform. Former interim RPD Chief Cynthia Herriott-Sullivan filed a complaint against the officers with the department’s Professional Standards Section (internal affairs). The officers were placed on administrative leave during the internal investigation and were directed to review previous trainings

¹ WHAM, “RPD to conduct review following use of irritant on minor kicking at officers,” 13 WHAM-TV, Jan. 30, 2021. <https://13wham.com/news/local/rpd-to-conduct-review-following-use-of-irritant-on-minor-after-kicking-at-officers>

² Donna Lieberman, “NYCLU statement on Rochester Police Department officers pepper spraying, handcuffing a child,” NYCLU, Feb. 1, 2021. <https://www.nyclu.org/en/press-releases/nyclu-statement-rochester-police-department-officers-pepper-spraying-handcuffing>

³ Samra Brouk, “Senator Samra Brouk Statement on Video Showing Rochester Police Pepper Spraying Nine Year Old Girl,” New York State Senate newsroom, Jan. 31, 2021. <https://www.nysenate.gov/newsroom/articles/2021/samra-g-brouk/senator-samra-brouk-statement-video-showing-rochester-police>

⁴ Officer Ethan Paszko, RPD Professional Standards Section interview, page 18, April 21, 2021.

and policies. Some of the training notes included messages like, "(The officer) could have verbally responded in a different manner in a less accusatory lower pitched tone and look at her more as a possible larceny suspect pending additional investigative steps."

Effective communication between partners, self-awareness, the difference between probable cause and an investigative detention, de-escalation, a demonstration of defensive tactics, and discussion about charges filed were among the topics covered. Officers were also trained on "the decision to deploy pepper spray in fairly close proximity to a 3-year-old child and not being assertive enough with controlling the child and picking her up to assure her safety." The training officer concluded, "This plays into the 'Can Do versus Should Do.'"

"The training sessions seemed to help answer some questions and cleared up some confusion for them moving forward," a training officer wrote. "It was positively received." The officers were provided with paper copies and electronic versions of all materials discussed.⁵

Both officers resigned from the force within a few months. One left to work in a neighboring jurisdiction. Both are defendants in an ongoing federal civil rights case filed against the city, one that is currently in mediation and seeks a federal monitor to oversee the department.⁶ Both officers were also on scene at the Harris Street incident. The officer who pepper sprayed the mother also received additional training following the Harris Street incident. It included a number of the same topics and demonstrations.

Former City Council President Loretta Scott said in a statement, "I am deeply disheartened that we are dealing with yet another police/civilian non-violent encounter in our community that could have and should have been handled differently. The amount of force used, coupled with the emotional damage suffered by this child, was disproportionate to the alleged crime that was committed."⁷

⁵ Rochester Police Department Additional Training Report, page 2, Feb. 23, 2021.

⁶ Hall v. Warren, 6:21-cv-06296-FPG, 1 (W.D.N.Y. 2021).

<https://storage.courtlistener.com/recap/gov.uscourts.nywd.135753/gov.uscourts.nywd.135753.1.0.pdf>

⁷ Will Cleveland, "Watch: Rochester police officer pepper sprays Black mother with toddler," Democrat and Chronicle, March 5, 2022 <https://www.democratandchronicle.com/story/news/2021/03/05/rochester-ny-police-officer-pepper-sprays-mom-holding-toddler/6906769002/#:~:text=City%20Council%20President%20Loretta%20Scott,should%20have%20been%20handled%20differently.>

Introduction

Policies guiding law enforcement practices, especially concerning the treatment of juveniles, warrant meticulous scrutiny. Our civilian-led oversight organization has undertaken an examination of RPD's juvenile use of force policy, illuminating aspects that deserve attention, analysis, discussion, and potentially reform. RPD's policy is spelled out in general order 338 (juvenile use of force, handcuffing/transportation and medical assistance).

This report serves as an exploration of the policy's contents, particularly notable through omissions that leave a significant void in the protection of our youth. One gap in 338 is the absence of explicit language or guidance regarding the use of handguns and other weapons by officers, either in the presence of juveniles or when pointed at them. Specifically, this arises in high-stakes situations like executing search warrants or conducting traffic stops. A more recent policy, general order 437 (safeguarding children of arrested parent(s)/guardian(s)), contains limited language related to the practice. (That policy was enacted after the sample of incidents were provided to PAB, December 2021 to mid-May 2023.)

It is essential to underscore that this report does not offer recommendations. Our intent is to present clear observations, allowing the police department, public, City Council, and PAB board members to participate in the formulation of solutions that align with the values and expectations of our community. This collaborative approach aims to foster a sense of shared responsibility and engagement in the creation of policies.

In our examination, we conducted a rigorous analysis of more than 300 interactions, revealing statistical conclusions. This data not only highlights the frequency and location of these incidents but also provides a critical lens into the racial and demographic breakdowns, shedding light on potential disparities that warrant consideration and action.

Drafting RPD policies and training

General order 115 (written directives) defines general orders as guidelines “used to institute guidelines for work-related policies and procedures.”⁸ It includes the implementation of permanent policies or procedures, such as those related to the use of force, as well as the introduction of permanent programs, like the establishment of a K-9 unit. These orders serve as a framework for maintaining consistency and standardization in law enforcement operations.

The department did not have a juvenile use of force general order before the Portland Avenue and Harris Street events. General order 338 (juvenile use of force, handcuffing/transportation and medical assistance) was released on Sept. 1, 2021.

Calls for new policies can originate from a number of different areas. In the case of this juvenile use of force policy, community outcry began after the public learned of the pepper-spraying of a handcuffed 9-year-old girl on Harris Street in early 2021. Policies can also be created after new accreditation standards emerge or after laws are updated. General orders 437 (safeguarding children of arrested parent(s)/guardian(s)) and 435 (juvenile procedures) followed this path.

RPD’s Research and Evaluation (R&E) Section is tasked with drafting new policies or updating existing ones. General order 115 outlines the policy and process for the issuance of written directives. R&E also solicits feedback from experts within the department, while making sure the policies follow state Department of Criminal Justice Services (DCJS) accreditation standards and legal protocols.

Interim police Chief Cynthia Herriott-Sullivan stated in a September 2021 email to the entire department that, “Members will become acclimated during in-service training before these new policies go into effect.” The email included two attachments with the new and updated general orders (337 and 338). The policies were provided to officers nearly four months before they were published on the department’s open data portal. Herriott-Sullivan stated RPD defensive tactic instructors provided feedback in drafting the policies. This came after an “independent third-party consulting firm” conducted an audit of the department’s policies, procedures, and training programs “with the goal of aligning our efforts with current federal and state law, national best practices, relevant legal considerations related to federal civil rights investigations, and police department consent decrees adopted by federal courts.”⁹

Sworn officers received training on the new policies during off-site in-service training, according to Herriott-Sullivan’s email. In some matters, officers might also receive “roll call” training, which happens at the beginning of a shift. Before being educated on the new policies, however, officers undergo mandatory defensive tactics and de-escalation trainings. DCJS prepares and mandates the materials presented in many trainings.

⁸ RPD open data portal, general order 115 (written directives). <https://data-rpdny.opendata.arcgis.com/documents/rpdny::go-115-written-directives/explore>

⁹ Cynthia Herriott-Sullivan, personal communication, Sept. 1, 2021.

General order 338 contents

Policies dictating how police officers interact with juveniles were unveiled about 10 months after the Harris Street incident. Officers were provided general order 338 on September 1, 2021. The new directive was published to the department's open data portal on December 27, 2021.

It, along with other related policies, states, RPD "recognizes that juveniles are still in their development and learning stages, and early interactions with law can have a lasting impact on their perceptions of the legitimacy of the justice system and trust in law enforcement." Officers are directed to behave in a way that "will foster healthy relationships with juveniles and lay a strong foundation of trust between RPD and the community it serves."

This policy is intended to supplement general orders 335 (subject resistance reports) and 435 (juvenile procedures). The updated general order does not include any information about training and implementation.

Officers are instructed to communicate in an age-appropriate manner and to treat juveniles with "courtesy, professionalism, dignity, respect, and equality." It cautions, "...juveniles might not immediately comply, including due to fear or lack of understanding, and that multiple attempts for a juvenile's compliance may be needed without resorting to the use or threats of force."

Officers are to seek "peaceful resolutions," but must consider several factors during interactions

1. "Apparent age, body size, physical build, physical condition, and relative strength of the juvenile;
2. "Apparent behavior, mental capacity, disability status, and emotion condition;
3. "Seriousness of the complaint or risk posed by the juvenile;
4. "Whether the juvenile possesses or has ready access to a weapon(s);
5. "The nature of the alleged committed offense(s);
6. "Prior criminal involvement; and
7. "Possibility of compliance with involvement of a parent or Person Legally Responsible (PLR). If is it not objectively apparent whether a person is a juvenile or an adult, Members shall assume that a person is a juvenile until the Member can reasonably and safely verify the person's age."¹⁰

Officers should only use "the level of force that is necessary and proportional to the threat." They are prohibited from using pepper spray, chemical weapons, and pepper balls against juveniles, unless the child "is non-compliant/assaultive, poses an immediate threat of harm" to officers and others, "and there are no reasonable alternatives."

The updated policy also prohibits the use of impact weapons and conducted electrical weapons (Taser). It states the implements could be employed if deadly physical force was "permitted." The restriction does not apply for the weapons being used for non-impact purposes including escorting a juvenile. It leaves open the potential that impact weapons (bean bag guns or batons) could still be used against minors.

General order 435 (juvenile procedures), published on July 3, 2023, states, "It is the policy of the Rochester Police Department (RPD) to handle juvenile matters in the least coercive among reasonable alternative manners based on the member's discretion, taking into consideration the needs and best interests of the juvenile, as well as the need for protection of the community."¹¹ This policy was enacted after the sample size of events given to PAB for analysis. General order 437 (safeguarding children of

¹⁰ RPD open data portal, general order 338 (juvenile use of force). <https://data-rpdny.opendata.arcgis.com/documents/rpdny::go-338-juvenile-use-of-force-handcuffing-transportation-and-medical/explore>

¹¹ RPD open data portal, general order 435 (juvenile procedures). <https://data-rpdny.opendata.arcgis.com/documents/rpdny::go-435-juvenile-procedures/explore>

arrested parent(s)/guardian(s)) was also enacted after the events provided to PAB for analysis. General order 435 is very similar to RPD's use of force policy with adults (337), stating that an officer's use of force "must be reasonable, necessary, and proportionate."¹²

This latest general order does provide guidance to officers on the use of firearms during arrests in the presence of a child. "In making the arrest, whenever reasonably possible, avoid handcuffing, questioning, or displaying a firearm in the presence of a child," 437 states. It also includes strategies for officers when confronting children during the execution of a search warrant. The policy asks for officers to follow a pre-plan to "minimize potential trauma on the child," and if possible, the search should be delayed until the child is not present.¹³

¹² RPD open data portal, general order 337 (use of force). <https://data-rpdny.opendata.arcgis.com/documents/5d0c87f0c85e44bb9593161f1251c843/explore>

¹³ RPD open data portal, general order 437 (safeguarding children of arrest parent(s)/guardian(s)). <https://data-rpdny.opendata.arcgis.com/documents/rpdny::go-437-safeguarding-children-of-arrested-parents-guardians/explore>

Data requests, limitations, and methodology

The Policy and Oversight (P&O) division submitted its first information request to RPD for this oversight investigation on April 26, 2023. In the request, we sought information and details about all encounters involving use of force against juveniles since Jan. 1, 2018. We asked for all written reports and body-worn camera footage. PAB determined it would provide stronger analysis by exploring how officers interacted with juveniles before general order 338 was enacted and then examine how the new policy affected these interactions after it was implemented. It would also give us a better picture about the role of the pandemic in these interactions.

RPD responded on May 10, 2023. Ultimately, RPD and the city law department turned down our request, stating that it was “impractical and time consuming.” It continued, “Given PAB’s limited ‘review’ authority, we will not be producing BWC for all of these incidents.” We were instructed to pose our follow-up questions or objections to corporation counsel. Ultimately, RPD stated it would only provide details about incidents that occurred on or after December 2021, the month in which the general order was implemented. “Any such report should focus on the period from December 2021 to present.” RPD determined the scope of this oversight investigation with its refusal to provide requested information in its totality. Beyond stating this should be the scope of the investigation, RPD did not provide any rationale for limiting the window of review.

RPD did provide all the requested information for both the Harris Street and Portland Avenue incidents. That included all body-worn camera and surveillance footage, as well as all written reports and transcripts from internal investigation hearings. RPD turned over information related to training. It also provided the DCJS manual with definitions and examples of takedowns and other techniques.

The P&O division met with Capt. Steven Swetman, the department’s liaison to the PAB, in May 2023. RPD agreed to provide the agency with a spreadsheet of events compiled through its internal “IAPro” database.¹⁴ Swetman sat with the P&O division and asked what information, from December 2021 onward, we would require to complete our analysis. The final product, a spreadsheet with more than 1,100 entries, included information such as the summary of the event, the location, the type of force employed, the demographic information of the juvenile, and other contextual information. The summaries were directly from the department-mandated subject resistance reports (SRRs) that officers complete every time force is used. After another city law department review, it was delivered to PAB via a secure file transfer.

P&O then set about logging and analyzing the events. That process included tallying the types of force used (to gain a better idea of frequency and effectiveness), logging the locations for mapping, making note of the demographic information, and classifying the types of calls. Since the spreadsheet did not contain any information or classification on the types of calls, PAB developed its own criteria. The categories included active fight, arrest, burglary investigation, locate suspect, menacing, mental health call, robbery investigation, shooting, stabbing, traffic stop, vehicle pursuit, and warrant execution. Ultimately, the spreadsheet was narrowed down to 318 interactions. P&O narrowed these reports down to 318 interactions, many involving multiple officers and various types of force. The 318 incidents involved 184 children. Many of these events involved multiple officers and some included more than one type of force used.

After classifying these 318 interactions, PAB narrowed its focus down to 10 events that exhibited trends and displayed both positive and negative interactions and outcomes. In our October 26, 2023 request, we wrote, “We are keenly interested in highlighting incidents where RPD officers demonstrated restraint and

¹⁴ IAPro, <https://www.iapro.com/pages/united-states-of-america>

care. PAB believes it is equally important to highlight incidents where RPD officers acted in accordance to their training and helped the community. We are also interested in reviewing incidents that are indicative of larger patterns within the events provided.” The goal was to highlight episodes where officers acted according to policy and to illuminate where potential gaps in policy or training exist. The events selected showcased incidents where officers interacted with juveniles in mental health-related distress, traffic stops, search warrant executions, chases, and other types of events.

Capt. Swetman responded four days later and stated he would be meeting with corporation counsel to determine what would be provided. On November 1, 2023, Swetman that one of the incidents was “locked” because it involved an arrest and the work of an inter-agency task force. He continued, “Arrest paperwork involving juveniles will not be turned over due to law.” He concluded, “The BWC has not been reviewed for these cases yet and Corporation Counsel will have to determine if it may be turned over or not since it is juveniles in crisis and mental health related and/or arrests.” In the department’s first response, Swetman stated RPD would “be happy to discuss case-by-case evaluation.” RPD’s response never contained incident-specific rationale. PAB did not request any arrest paperwork and has never had any interest in reviewing that portion of these incidents. P&O is tasked with reviewing RPD systems and assessing policies, practices, and procedures.

RPD provided SRRs that contained the same summaries already provided in the spreadsheet sent to the PAB on June 14, 2023. RPD also turned over emergency dispatches and body-worn camera footage in two of the 10 requested incidents. Outside of some of the emergency dispatches and the two incidents with body-worn camera footage, RPD did not turn over any new information.

The lack of data access limits the ability of this division to assess whether officers are adhering to the written directives and makes it impossible for the public to ascertain the effectiveness and efficacy of RPD policies. This gap in oversight raises concerns about accountability and policy adherence.

Conclusions, findings, and observations

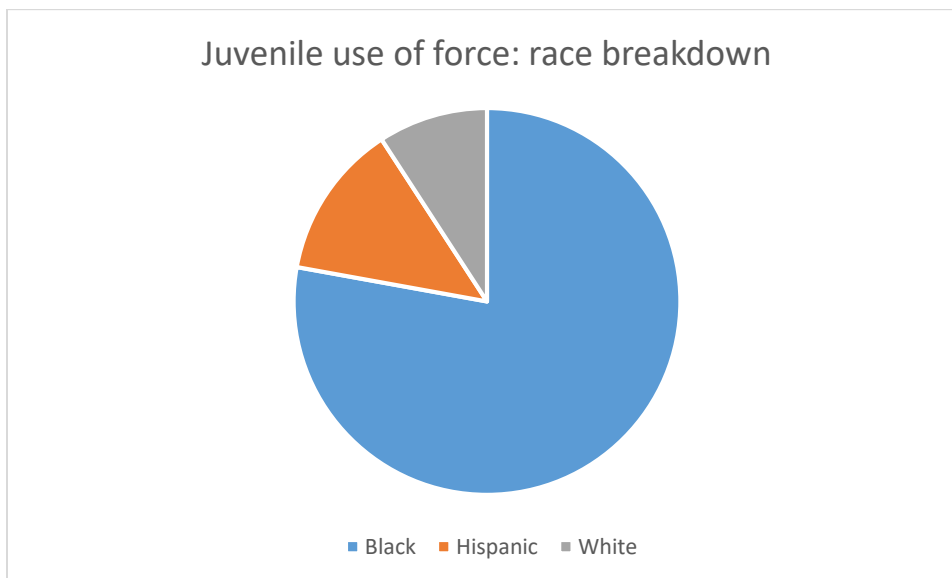
Between December 29, 2021, and May 26, 2023, RPD reported more than 300 interactions involving force on children under the age of 18. (Some of those incidents involved multiple police officers and we then received multiple written summaries.) PAB logged each incident, taking an inventory of the techniques employed by officers to subdue or control juveniles and collecting/sorting information related to addresses, zip codes, and demographics. We then plotted each of those spots on a [Google map](#).¹⁵ The map, hyperlinked above, is interactive and can be overlaid with zip code boundaries. That makes it easier to determine the highest concentration of these incidents.

Statistical findings

Race

The average age of children involved in these incidents is 14.46622. The ages range from 2 to 17.

Officers can only assign three races to juveniles involved in these incidents – Black/African-American, Hispanic, or white. Of the 318 incidents logged, 246 of them involved Black youth. That means 77.85 percent of the incidents involved Black/African-American minors. Officers said 29 of the incidents involved White youth, which stands at 9.18 percent total. Meanwhile, Hispanic children were involved in 41 total incidents or 12.97 percent total. (Note: In two incidents, reports did not provide a race.)



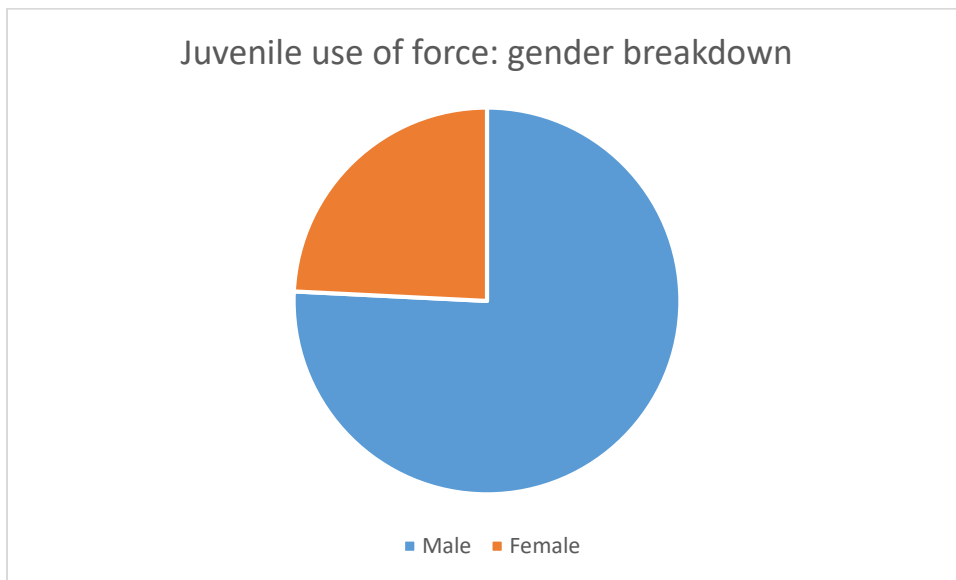
¹⁵ Juvenile use of force incident map: https://www.google.com/maps/d/u/0/edit?mid=1W_Rm5q81BsdFEYAv_xbxUuzMSA-aXCQ&usp=sharing

Gender

Note: There is one instance where gender is not specified. Also, officers are only able to select male or female as options.

Male: 241 (75.79 percent)

Female: 77 (24.21 percent)



Technique inventory

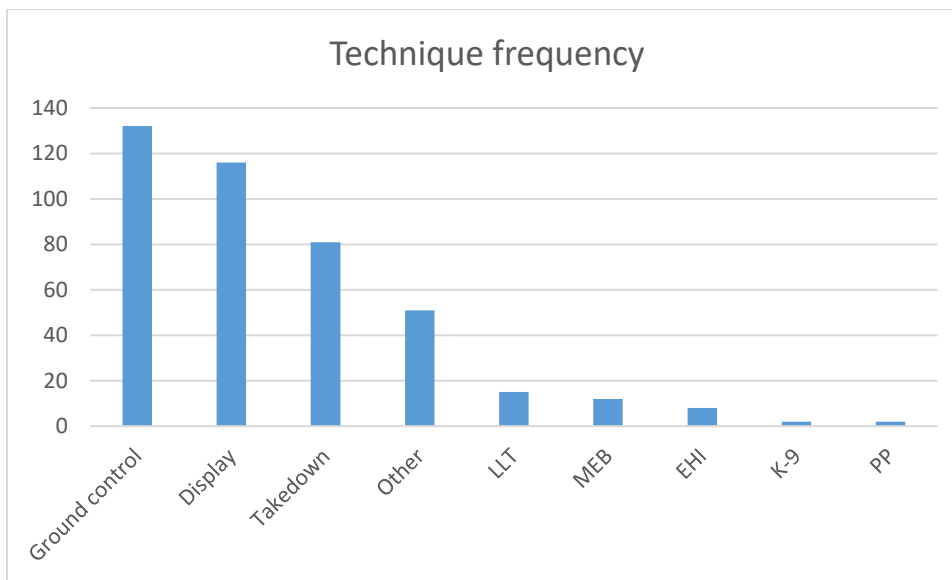
Breakdown on technique groups/families: 420 documented techniques across 318 logged incidents.

Categories/frequency: Ground control: 132; Display: 116; Takedown: 81; Other: 51; LLT: 15; MEB: 12; EHI: 8; K-9: 2; PP: 2. (Note: "Addendum I" contains a complete breakdown and defining of these acronyms and the various techniques in category family. It can be found at the conclusion of the report.)

(Note: RPD did not provide a breakdown or explanation of what is classified as "other.")

Most frequently used techniques/(top 7, based on 318 logged incidents): Display-firearms-handgun, 87; Other, 51; Ground control-knee on top-back, 34; Ground control-landing-3 pt, 26; Takedown-grab control, 23; Takedown-other takedown, 22; Display-firearms-rifle, 22.

"Display-firearms-handgun: seen in 27.35 percent of incidents; Rifle in 6.91 percent.



Total of "other" designations across 1126 entries is 333 (29.57 percent).

Incident inventory

We classified each of the 318 incidents by the type of call and used these categories: 1. Mental health call; 2. Warrant execution; 3. Arrest; 4. Stabbing; 5. Locate suspect; 6. Active fight; 7. Family trouble; 8. Menacing; 9. Traffic stop; 10. Shooting; 11. Robbery investigation; 12. Transport; 13. Menacing; 14. Vehicle pursuit. (Note: Some categories could surely be combined with others, since calls often involve numerous factors.)

Total number of warrant execution incidents: 35 (11.0 percent). General order 338 does not contain any guidance on these types of calls.

The open data portal contains a 2018 training bulletin about how to obtain a warrant and then a 2001 training bulletin with a definition of search warrants. Outside of the window of events analyzed by PAB, there is a new general order, 435 (safeguarding children of arrested parent(s)/guardian(s)) with minimal instructions for officers serving these warrants in the presence of children.

Total number of mental health calls: 96 (30.19 percent of incidents). This number could be higher since mental health is often a portion or contributing factor in many calls. We were also unable to draw any conclusions about co-response with the Person in Crisis (PIC) team without reviewing each incident in greater detail. PIC was often at these scenes, but we do not know what role it played without access to body-worn camera footage. Therefore, it is impossible to determine how police and emergency mental health first responders worked together.

Sections	Frequency	Percentage
Active fight	38	11.95%
Arrest	7	2.20%
Burglary investigation	1	0.31%
Family trouble	14	4.40%
Locate suspect	5	1.57%
Menacing	31	9.75%
Mental health call	96	30.19%
Robbery investigation	49	15.41%
Shooting	17	5.35%
Stabbing	1	0.31%
Traffic stop	20	6.29%
Transport	2	0.63%
Vehicle pursuit	2	0.63%
Warrant execution	35	11.01%
Grand Total	318	100.00%

Zip code frequency

Zip codes	Frequency	Percentage
14604	8	2.52%
14605	34	10.69%
14606	10	3.14%
14607	5	1.57%
14608	34	10.69%
14609	28	8.81%
14610	8	2.52%
14611	25	7.86%
14612	4	1.26%
14613	32	10.06%
14614	4	1.26%
14615	17	5.35%
14616	2	0.63%
14619	16	5.03%
14620	25	7.86%
14621	63	19.81%
14626	1	0.31%

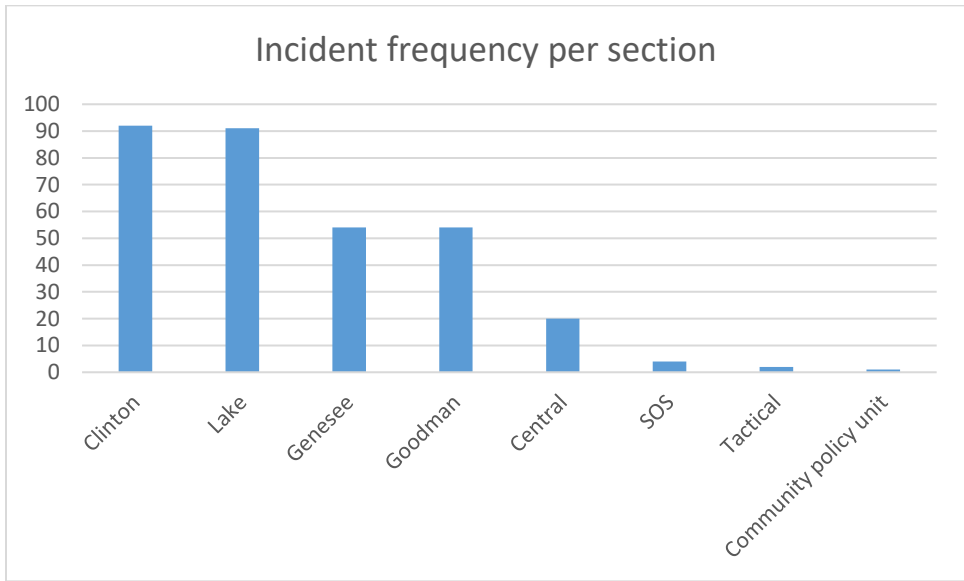
14650 2 0.63%

Grand Total 318 100.00%

Note: Using the most current census data, we determined 20 percent of the city’s youth residents reside in the 14621 ZIP code. So the amount of use of force incidents is what we would expect given the makeup of the youth population.

RPD section incident frequency

Sections	Frequency	Percentage
Central	20	6.29%
Clinton	92	28.93%
Community policing unit	1	0.31%
Genesee	54	16.98%
Goodman	54	16.98%
Lake	91	28.62%
SOS (special operations section)	4	1.26%
Tactical	2	0.62%
Grand Total	318	100.00%



Note: This information tracks events during RPD’s former five-section policing model. RPD eliminated the central section and moved to a new four-section model in October 2023.

Incident-level analysis

In some of the incident descriptions, there is the appearance of potential excessive use of force. But, again, without access to body-worn camera footage, the PAB cannot fully evaluate the actions of officers, particularly how they speak to children, and the adherence to written directives. Here is a summary of the 10 incidents from the last information request. The narratives are based solely on the written summaries provided by officers involved.

Note: P&O omitted the location, gender, date, and names to protect the privacy of those involved. P&O is not investigating individual incidents of alleged misconduct. Instead, this division is examining the system as a whole.

1. During a reported “family trouble” call, officers tried to take a woman, with an existing warrant, into custody. She resisted and allegedly used her 11-year-old child as a shield. The woman was inadvertently struck by an officer during the struggle and then restrained before she was put into an ambulance. With a history of mental health issues, the woman was transported to the hospital for evaluation.
2. Two officers requested assistance during a mental health call involving a 14-year-old child. The child was handcuffed on the floor, and a hobble was applied to both ankles. Despite initial cooperation, officers reported the child resisted when placed on a gurney, kicking and actively resisting, requiring physical restraint by the responding officers.
3. Officers encountered an eight-year-old child who bit a CPS worker and tried to bite others. When AMR arrived, the child, who had a previous encounter with the paramedic, initially cooperated but later became disruptive, attempting to kick and resist officers. To prevent further aggression, she was handcuffed. The paramedic wanted to place a spit sock on the child’s head, but an officer told her not to. The child was ultimately taken to Rochester General Hospital under a mental health detention.
4. Officers found a 14-year-old child cutting themselves outside a home and reported the child was screaming while attempting to gain entry back into a home. The child claimed they had been attacked inside and was demanding their cellphone. Officers handcuffed the child after using a wrist lock to lower the teen to the floor. They resisted, officers stated, and complained of difficulty breathing. That resulted in officers immediately repositioning themselves. The child was taken to the hospital via ambulance.
5. At least seven officers were involved in handcuffing and restraining of a distraught 14-year-old child. The child was taken into custody after reports of violent behavior toward fellow students and staff members. They were handcuffed on the ground and one officer reported stapling (a ground control technique) both of the child’s legs using the officer’s right lower leg, temporarily stopping the kicking.
6. SWAT and other tactical officers executed “a no-knock high-risk search warrant” at a home as part of a drug task force investigation. Officers had their firearms and rifles drawn and pointed at subjects in the home during the operation, which aimed to clear the location and secure occupants and evidence. An 11-year-old child was present in the home and witnessed the actions of officers. Officers reported they were not handcuffed, while other members of the child’s family were. No injuries were reported.
7. In what was later to be a non-criminal incident, officers responded to an area after multiple ShotSpotter notifications. They located a suspect, a 17-year-old teen, on the front porch of a home. The teen allegedly resisted arrest, leading to the officer using at least 10 knee strikes, to subdue and handcuff the teen. The teen complained of wrist pain but declined medical attention. The child was ultimately dropped off at their house by another officer. **This is the one of two incidents where RPD provided body-worn camera footage.**
8. Officers located a 15-year-old child, who was allegedly involved in a gunpoint robbery two days earlier, at their grandmother’s house. The grandmother gave consent to the officers to search her home. Officers found the child and another teen hiding in an attic closet. With guns drawn, officers took the child into custody. They were then transported to the Public Safety Building.

9. While trying to take a wanted suspect into custody, officers saw a 17-year-old teen matching the description jumping out of a residential window. That led to a foot chase where an officer, with a gun drawn, took the teen into custody. Officers reported it was a case of mistaken identity and the teen was released. **RPD also released BWC of this incident.**
10. Officers located a 14-year-old child driving a car and confirmed they had an outstanding warrant before confronting. Officers, with guns drawn, ordered the teen to get out of the car. During the search and arrest, officers reported the teen tried to kick one officer and tried to bite another. This led one officer to strike the teen on the chin before placing them in the patrol car.

After reviewing these incidents, P&O was unable to determine whether any led to Professional Standards Section internal investigations. So by RPD's own standards, we cannot gauge if the department believes its officers are following this updated policy.

Through general order 338, there is an emphasis on fostering healthy relationships, using age-appropriate communication, and seeking peaceful resolutions. There is a consideration of various factors before using force, such as the physical size of the child, potential disabilities, and emotional condition, demonstrates a commitment to thoughtful and individualized responses. General order 338 does not contain any guidance regarding interactions with juveniles who may be deaf or hard of hearing or have some a disability (cognitive or physical) or special need. Certain officer actions should exacerbate the stress of juveniles in these situations. There should be more clarity and care prescribed here. Differences in language could also create barriers in these interactions. General order 338 does not contain any direction for these potential situations, too.

The updated policy prohibits the use of impact weapons and conducted electrical weapons against juveniles, except for instances where "deadly physical force would be permitted." An exception is made for non-impact purposes, such as "escorting a juvenile." There is an absence of information on training, implementation, and follow-through. In order to assess the practical application of these policies, that information is vital. Without clear guidelines on officer training, it is difficult for PAB to ascertain how officers adhere to these policies and how implementation is monitored. The effectiveness of the policies remains uncertain.

The lack of clear guidance in RPD's juvenile use of force policy regarding the execution of search warrants and traffic stops in the presence of children, particularly when officers have guns drawn, poses a significant concern. The policy fails to provide officers with explicit instructions on how to approach these situations, increasing the risk of traumatic experiences for children. The potential consequences include heightened anxiety, fear, and long-lasting emotional impact on young individuals who find themselves subjected to the alarming situation. It is crucial for policies to address these specific scenarios to prioritize the well-being and psychological safety of juveniles involved in such incidents.

In general, there is a lack of guidance about what to do during calls where children are present. Outside of statements banning certain implements, chemical agents, and impact weapons, there is no language in general order 338 about the types/techniques of force that can be employed against children. Officers are trained in DCJS-mandated defensive tactics. The policy is devoid of any written directives for officers about what techniques should be avoided with children and what potential impact some tactics might have on children. Various takedown and ground control tactics are among the most deployed in these incidents. The 2018 DCJS training manual states, "To be successful in a physical confrontation, the goal should be to establish control of the subject. In any confrontation that goes to the ground, the main goal of the officer should be to re-establish control and get off the ground." Two ground control techniques involve putting a knee on the top of the back of a subject to gain control or force submission. There is a whole family of takedown techniques as well, many of which are deployed on children as illustrated by the incidents analyzed by PAB. One incident highlighted by P&O involved at least seven officers participating in the restraining and handcuffing of a 14-year-old child at a school after reports of violent behavior toward fellow students and staff members. That calls into question the level of response and force

employed to subdue a child during a mental health-related crisis. RPD declined to provide body-worn camera footage of this encounter.

RPD's juvenile use of force policy lacks guidance about when officers should call the Persons in Crisis (PIC) team during a mental health-related call. While the policy briefly mentions calling for assistance in cases of juvenile mental health crises, it lacks specificity on the criteria for PIC involvement, hindering officers' ability to provide adequate care. The absence of detailed guidelines also prevents an assessment of PIC's effectiveness, tactics, and interagency collaboration, as there is limited access to critical data. This gap undermines the capacity of officers to navigate and respond appropriately to complex mental health situations involving juveniles, potentially compromising the well-being of those in crisis.

General order 338 contains just one sentence of guidance related to mental health calls, stating officers shall call for assistance if the "juvenile is suicidal or encountering a mental health crisis." But without being an expert in that area, how can an officer be expected to deliver adequate care? At least 30 percent of the incidents logged and analyzed contained some sort of mental health-related factor. In one incident, officers encountered a 14-year-old child harming themselves. In order to gain control of the child, officers reported using a wrist-lock technique to lower the teen to the floor and then handcuffing the child. While on the ground, the child complained of difficulty breathing, which immediately led officers to reposition. This shows officers listening intently to the child but also highlights potential deficiencies in mental health-related training. It bears reiterating that this is not an investigation of this or any individual event. Any analysis presented here does not allege wrongdoing. RPD and city law did not provide requested BWC.

The data indicating that at least 11 percent of logged calls involved the execution of search warrants and six percent were related to traffic stops, with children often facing officers with drawn firearms, raises questions about the potential impact on children. There are 87 instances where handguns are drawn toward children. The absence of specific guidance in general order 338 regarding officer conduct during the execution of search warrants or situations requiring the drawing of weapons leaves room for ambiguity and potential risks. Without clear directives, it becomes challenging to measure and mitigate the psychological impact on children caught in these situations. Ensuring officers exercise caution and care demands the establishment of explicit protocols and training to guide their actions, promoting a balance between law enforcement duties and the protection of minors' well-being. Addressing this policy gap is crucial to preventing unnecessary trauma and ensuring responsible conduct in situations involving children and firearms.

P&O analysis showed that 77.85 percent of juvenile use of force incidents involved Black minors. That highlights the potentially concerning racial disparities within the enforcement of force by the police. This data underscores a disproportionate impact on the Black community, raising questions about the factors contributing to such disparities, including potential biases in law enforcement practices. The overrepresentation of Black minors in use of force incidents emphasizes the urgency for a thorough examination of policing strategies, training, and policies to address systemic issues. Analyzing these statistics prompts a critical evaluation of how law enforcement engages with different communities, advocating for reforms that promote equity, fairness, and the protection of all minors, regardless of their racial background.

Conclusion

Incidents involving the use of force against juveniles by Rochester police officers have ignited intense scrutiny and public outcry, both locally and nationally. The episode on Harris Street, where a handcuffed 9-year-old girl in the midst of a mental health crisis was subjected to pepper spray, raised concerns about law enforcement's response to individuals in moments of crisis. The subsequent incident involving a mother and her 3-year-old daughter further intensified the debate, shedding light on the need for comprehensive analysis and potential reform within the police department.

The response from elected officials and the community underscores the consensus that law enforcement, as currently managed, may not be equipped to appropriately handle individuals in vulnerable situations. Calls for investigations, reviews of excessive force policies, and demands for alternative responses in mental health crises have resonated strongly, emphasizing the urgency of reevaluating law enforcement practices.

The training sessions and subsequent resignations of the involved officers, while providing some insights into attempts at addressing the issues, leave lingering questions about the effectiveness of such measures. The federal civil rights case filed against the city, currently in mediation, adds another layer of complexity to the situation, with the request for a federal monitor indicating the need for external oversight.

These incidents have sparked not only demonstrations but also a broader conversation about the role of law enforcement in communities, especially when dealing with non-violent encounters. As the community seeks justice and reform, the outcomes of ongoing investigations and legal proceedings will likely play a crucial role in shaping the future of policing in Rochester and beyond.

The policies demonstrate an intention to improve interactions between law enforcement and juveniles. However, the lack of specificity on training, implementation, and access to data and databases (for PAB analysis), along with potential ambiguity in the use of impact weapons, are notable shortcomings that could affect the policies' practical impact. Continuous evaluation and refinement of these policies, along with robust oversight mechanisms, are crucial for ensuring their successful implementation and effectiveness. The policies outlined in the general orders appear to be a positive step toward improving police interactions with juveniles, but their effectiveness will depend on proper training, implementation, and oversight. The PAB set out to show the effectiveness of the new policy through a comparative analysis by reviewing and assessing events prior to the implementation of the new general order and comparing it to data gathered post-implementation. Unfortunately, given the lack of data provided by RPD, we will not be able to say whether general order 338 had any meaningful impact on the frequency of force used on juveniles.

Addendum 1

Summary and glossary defensive/control tactics category and technique list

(Note: List provided by RPD and approved/taught by DCJS. Just because a technique or implement is listed below does not mean RPD officers have access to those tools or are trained in those techniques.)

Blocks			
Block	Deflection		
Block	Shell	Full	
Block	Shell	Half	
Block	Spear	Full	
Block	Spear	Half	
Brandish tools/weapons (Brnd)			
Brnd	Baton	MEB	
Brnd	Bola wrap		
Brnd	Firearm	Bean bag	
Brnd	Firearm	Handgun	
Brnd	Firearm	Rifle	
Brnd	Firearm	Shotgun	
Brnd	Firearm	40mm	
Brnd	OC	Aerosol	
Brnd	OC	Munitions	
Brnd	OC	Pepper ball	
Brnd	OC	Power grenade	
Brnd	Taser		
Empty hand impacts (EHI)			
EHI	Kick	Angle	
EHI	Kick	Front	
EHI	Kick	Knee strike	
EHI	Kick	Push	
EHI	Punch	Jab	
EHI	Punch	Hammer strike	
EHI	Punch	Hook	
EHI	Punch	Upper cut	
EHI	Punch	Palm strike	
EHI	Punch	Straight	
EHI	Punch	Elbow strike	
EHI	Punch	Forearm strike	
EHI	Stun	Brachial	

EHI	Stun	Horizontal	
EHI	Stun	Supra scapular	
EHI	Stun	Vertical	
Firearms			
Firearm	Bean bag		
Firearm	Handgun		
Firearm	Rifle		
Firearm	Shotgun		
Firearm	40mm		
Ground control (GC)			
GC	Chest on top		
GC	Knee on top	Back	
GC	Knee on top	Stomach	
GC	Subject roll over	Back	
GC	Lateral head displacement		
GC	Landing	2 pt.	
GC	Landing	3 pt.	
GC	Leg	Anchor	
GC	Leg	Ankle wrap	
GC	Leg	Figure four	
GC	Leg	Staple	
GC	Rear mount		
GC	Segmenting		
GC	Wrist lock		
Ground defense (GD)			
GD	Guard control		
GD	Guard defense		
Ground escapes (GE)			
GE	Abdominal press stand up		
GE	Basic guard pass		
GE	Choke escape		
GE	Hip bump		
GE	Mount escape		
GE	Neck control		
GE	UPA sweep		

GE	Scissor sweep		
Less lethal tools (LLT)			
LLT	Bean bag		
LLT	Bola wrap		
LLT	Hobble		
LLT	Munitions	Chemical	
LLT	Munitions	Impact	
LLT	OC	Aerosol	
LLT	OC	Pepper ball	
LLT	OC	Powder grenade	
LLT	Spit sock		
LLT	Taser	Drive stun	
LLT	Taser	Probes	
Monadnock Expandable Baton (MEB)			
MEB	Jab	Front	
MEB	Jab	Rear	
MEB	1 hand strike	Forward	
MEB	1 hand strike	Reverse	
MEB	1 hand strike	Middle	
MEB	2 hand strike	Stg. side	
MEB	2 hand strike	Sup. side	
MEB	Arm-lock	Stg. side escort	
MEB	Arm-lock	Sup. side takedown	
MEB	Arm-lock	Sup. side escort	
MEB	Arm-lock	Sup. side takedown	
MEB	Bi-lateral compression		
Pressure points (PP)			
PP	Center of ear		
PP	Forearm/elbow		
PP	Hollow behind collarbone		
PP	Hollow behind ear		
PP	Notch at base of neck		
PP	Under the jaw		
PP	Under the nose		

Takedowns (TD)			
TD	Arm bar	Bent	
TD	Arm bar	Hug	
TD	Arm bar	Straight	
TD	Double under hook	Front	
TD	Double under hook	Rear	
TD	Double under hook	Side	
TD	Grab control		
TD	Hooking	One hand	
TD	Hooking	Two hand	
TD	T-position		
TD	Wrist weave		
TD	Other		