



City of Rochester

**PUBLIC SAFETY &  
PUBLIC SERVICES  
INTRODUCTORY NO.**

70

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Councilmember  
Northeast District

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February 2, 1995

TO THE COUNCIL:

Ladies and Gentlemen:

*Res. No. 95-8*

Re: Civilian Review Board

Transmitted herewith for your approval is legislation regarding the Civilian Review Board. As you are aware, in October of 1992, City Council approved Resolution 92-40 which created a Civilian Review Board (CRB) to consider citizen complaints against Rochester police officers. As required by the resolution, an evaluation has been conducted of the CRB. This legislation proposes various modifications to the process both to improve the effectiveness of the system and to enhance the reports submitted by the Professional Standards Section and the Center For Dispute Settlement.

The proposed amendments are as follows:

- Increase the number of Chairpersons from 10 to 15. Currently there are ten individuals who serve as Chairpersons for the CRB. In order to ensure the timely review of each complaint without burdening any one individual Chairperson, it has been recommended that an additional five Chairpersons are needed.
- Institute quarterly meetings of Chairpersons to review the activities of the CRB for that period. Any recommendations resulting from these meetings will be included in the quarterly report to be presented from CDS to the Mayor and City Council.
- Increase the time period allowed to complete a review from one week to two weeks. The CRB members have indicated that a one-week limit can cause logistical problems, and have requested an additional week to complete their work.
- Create and administer a survey of CRB participants. In order to determine how both complainants and police officers perceive the thoroughness, timeliness and degree of impartiality of the system, good customer service requires that a mechanism be developed to elicit this information on a regular basis.
- Refine the quarterly reports to provide more and better information. A number of provisions are included in this legislation to enhance the quarterly and annual reports submitted by both the Professional Standards Section and the Center For Dispute Settlement. These enhancements will help to convey a clear



picture of the complaints submitted for CRB review, the response of the CRB, and the Chief's final decision.

- Participation by all trained CRB panelists has not occurred. During the first year of operation, 48 people were trained; of these, 26 did not participate in a review either in 1993 or 1994. The legislation proposes that a survey of the pool members be undertaken to identify specific obstacles to participation.

- Finally, in order to ensure that a civilian presence is involved in the review of all complaints submitted to the Professional Standards Section, including especially those that are not required to be referred to the CRB, the legislation requires that the CRB Chairs conduct regular audits of the PSS records in that area.

As we continue to adapt and modify the process by which the community holds police officers accountable for the manner in which public safety services are provided, the Council reaffirms its confidence in the professionalism of the Rochester Police Department and we applaud the growing partnership between officers and the community they serve. The CRB has been a valuable tool for ensuring appropriate civilian oversight of the department and for enabling a fair and impartial look at charges of police impropriety. Its very existence reinforces the positive actions that RPD members take every day to protect the community.

Respectfully submitted,



Benjamin L. Douglas, Chair  
Public Safety/Public Services Committee



**Resolution Regarding The Civilian Review Board**

**WHEREAS**, in 1992, after a thorough investigation of the police review process, City Council created the Civilian Review Board (CRB), a body composed of civilian volunteers who have been trained by the Center For Dispute Settlement in mediation techniques and police procedures; and

**WHEREAS**, each CRB panel is made up of three trained volunteers who review the investigation of a complaint against a Rochester police officer, issue a finding and forward the finding to the Chief of Police for consideration; and

**WHEREAS**, Resolution 92-40, which established this procedure, stipulated that City Council would evaluate the process once it had been in effect for one year; and

**WHEREAS**, as a result of the evaluation, City Council has concluded that the process is working well but that certain modifications would improve the effectiveness of the system as well as enhance the value of the reporting instruments.

**THEREFORE, BE IT RESOLVED** by the Council of the City of Rochester as follows:

Section 1. The number of individuals serving as Chairs shall be increased to fifteen. The list of these additional chairs shall be filed by the Mayor with the President of the City Council.

Section 2. The time period allowed the CRB to review the investigative file and make a recommendation shall be increased from one week to two weeks.

Section 3. Quarterly reports shall be presented by the Center for Dispute Settlement to the Mayor and City Council detailing the work of the CRB and shall include comments and recommendations from the CRB Chairs relative to the review process. The Chairs shall meet on a quarterly basis for this purpose.

Section 4. In addition to the information currently provided in the quarterly/annual reports detailing the activities of the Professional Standards Section the following shall be added:

- A presentation, by case, of all cases submitted to the CRB to include:
  - the category of complaint, either civilian or internal
  - each allegation
  - the CRB recommendation for each allegation
  - the Chief's decision for each allegation
  - any discipline or remedial action
  - if applicable: the CRB Recommended Remedial Action, Policy Change, or Investigative Concern along with the Chief's response to each.

- A summary report of the race, gender, and age of each person who filed a complaint, and the section of the City in which the allegation occurred.
- A summary report of the race, gender, age and number of years in the Department of each officer complained about, along with the time of day the allegation occurred.
- The number of officers who were the subject of a "3 in 18" review during the reporting period.

Section 5. In order to ensure that all complaint cases have received the appropriate level of review, a system shall be developed to allow the CRB Chairpersons to conduct regularly scheduled audits of all complaints, including Office Reviews, submitted to the Professional Standards Section.

Section 6. An appropriate survey shall be developed and administered to all complainants and officers who have participated in the CRB process. This survey shall be designed to elicit the degree to which the complainant and officer were satisfied with the impartiality, thoroughness and timelines of the CRB process.

Section 7. In order to ensure that all individuals who have received CRB training are afforded the opportunity to participate on a panel, the Mayor is requested, through CDS, to poll the CRB pool members to determine whether there are any structural impediments to such participation, to develop appropriate strategies to correct any such impediments, and to report such findings to City Council.

Section 8. This resolution shall take effect immediately.

**PASSED UNANIMOUSLY**





## City of Rochester

INTRODUCTORY NO. *446, 447*

City Council Office  
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(716) 428-7538

Wade S. Norwood  
Councilmember-at-Large

74 Appleton Street  
Rochester, New York 14611

October 1, 1992

TO THE COUNCIL:

Ladies and Gentlemen:

Re: Police-Community Relations

Transmitted herewith for your approval is legislation which creates a Civilian Review Board for specific complaints of police misconduct and which also recommends a variety of operational refinements to the police recruitment, training, and supervision processes. These recommendations have been generated following months of extensive review of the current practices and procedures of the Rochester Police Department, the state-of-the-art policing in other cities, and the proposals and ideas which have been presented to the Council by individuals and groups within the City of Rochester.

It is important to note that during the public hearing portion of Council's review we heard repeatedly an acknowledgment that the department overall does a superb job and is well deserving of its reputation as one of the finest departments in the country. The department's status as the "First in New York" to be approved by the Commission on Law Enforcement Accreditation (CALEA) is but one external measure of the many professional accomplishments of the department. Even people who might be considered critics of the Police Department recognized the difficult job facing police officers and voiced the opinion that it is generally a job very well done.

However, we must be concerned that there is a perception that the current system does not provide an appropriate opportunity for complaints of police misconduct to be fully and fairly evaluated.

In an effort to address these concerns without disrupting the ability of the police department to do its vital job, two pieces of legislation are proposed. The first essentially changes the current Complaint Investigation Committee (CIC) to a full-fledged Civilian Review Board (CRB). For each individual case, the CRB will consist of a panel of three civilians, selected on a rotating basis from a pool of qualified individuals who have been trained by the Center for Dispute Settlement (CDS) for such service. This pool of individuals shall be reflective of the overall population of Rochester in terms of its ethnic and racial composition; individual panels shall also, insofar as possible, reflect such demographic considerations. As part of the new process, the City will be recruiting additional panelists and CDS will provide training to them.



As an additional enhancement of the system, a group of ten CRB Chairs will be appointed, one of whom will serve on each panel to discharge the duties of presiding officer. In order to ensure that these Chairs reflect the diversity of the community, CDS will provide the expanded list of pool members to the Mayor; from that list the Mayor will choose, and file with the President of City Council, the ten Chairs. Each CRB panel must be composed of one of the Chairs and two other trained participants from the pool. It is anticipated that the recruitment and training of additional panelists will take several months and that the selection of the Chairs will occur thereafter.

The newly created Civilian Review Board (CRB) will review the investigations of the Professional Standards Section (PSS) of the Police Department on cases involving the following:

- all charges of excessive use of force;
- any conduct which, if proven, would constitute a crime;
- any other matters referred to the CRB by the Chief of Police.

The Civilian Review Board will then make a finding, as appropriate, with respect to each allegation, and will report such findings to the Chief of Police. As is currently the case with the CIC, a public report will be provided by the Mayor to the City Council on a quarterly basis detailing the activities of the Professional Standards Section of the Police Department along with the activities and recommendations of the CRB during the same time period. The report should include a full explanation of any instances in which the Chief's findings vary from those of the CRB. It should also include a record of any split votes on findings by the CRB and the subsequent findings of the Chief in those cases.

The format of these quarterly reports has been evolving over time; City Council will continue to work with the Administration both to include additional information and to improve the presentation format of these important reports. Further, there shall be an annual report presented by CDS which details both the working of the CRB during the previous year and the other contractual responsibilities of CDS to the City. General comments or specific recommendations from the CRB Chairs relative to the complaint process shall be included in the report.

As you are aware, the advantage of using the investigative authority of the PSS lies in the fact that police officers are required to cooperate fully with the investigation since it falls within the employer-employee relationship. If the investigative authority were transferred to an outside agency, accused officers would be able to have recourse to their constitutional rights as citizens to avoid making any statements which might tend to incriminate them.

In order both to preserve the advantages of the PSS investigation and to provide the CRB with the assurance that investigations will be carried out by the Professional Standards Section in an appropriate and thorough manner, the proposed legislation will create a process to ensure to the greatest extent possible that investigations of all citizen complaints against police officers will be full, fair, and thorough. As is the practice with the current CIC, if the CRB is unsatisfied with either the extent or the quality of the investigation performed, it will have the authority to return it to



Professional Standards Section with a request for additional investigation. The proposed legislation would add the following processes:

- Subsequent to the CRB request to PSS for additional investigation, should the CRB still be unsatisfied with the extent and/or the quality of the investigation, it will promptly inform the Chief of Police, in writing, of the specific deficiency in the investigation. At that point, the Chief will be responsible for reviewing the investigation in full to gather whatever additional information may be necessary to meet the requirements of the CRB. The Chief will have two weeks to respond to the CRB.

- Subsequent to referral to the Chief of Police, should the CRB still be unsatisfied with the extent and/or the quality of the investigation, it will promptly inform the Mayor, in writing, of the specific deficiency in the investigation. At that point, the Mayor will utilize his or her authority to review the investigation in full, and to gather whatever additional information may be necessary to meet the requirements of the CRB. Such a process will allow the full force and authority of the Office of the Mayor, including the ability to compel employee testimony, to be provided on behalf of the CRB. The Mayor will have four weeks to respond to the CRB.

- Subsequent to referral to the Mayor, should the CRB still be dissatisfied with the extent or quality of the investigation, it will promptly inform the City Council President, in writing, of the specific deficiency in the investigation. At that point, the City Council may vote to conduct a full review of the extent and quality of the investigation, with the full subpoena authority to call witnesses and require the production of documents which is granted to City Council under § 5-21 (G) of the City Charter and with appropriate safeguards for applicable legal requirements for confidentiality and due process. The results of City Council's review of the PSS investigation shall be a matter of public record.

Based on an extensive review of the reports of the Professional Standards Section and the current CIC, situations involving allegations of incomplete or inadequate investigations are rare indeed. However, it is the clear intention of this legislation to provide full resources to the CRB to address such a situation if it should arise.

The proposed legislation also recommends a variety of substantive improvements to the Citizen Complaint Process as it currently exists. These changes may be summarized as follows:

1. Citizens will still be able to file complaints against police officers in the Public Safety Building and the Center for Dispute Settlement, as is the current practice. However, in an effort to address the request for additional sites for citizens to file complaints of police misconduct, the City will create a complaint form which will be distributed to interested community agencies for them to use in assisting citizens with filing such complaints. Once completed, these forms may be filed in City Hall with the City Clerk, who will immediately record them in a log and transmit them to the Professional Standards Section for appropriate investigation.
2. The CRB will meet in City Hall. The CRB will be assigned a specific secure



location in City Hall in which it will be able to store its files and records and will be provided with meeting space for its use as necessary.

3. Following the receipt by CRB of an investigative file presented by PSS, the CRB shall have a period of up to a week, at its discretion, to review the investigative file before it reconvenes to discuss and make a recommendation on the case. During this time, the file shall be kept locked in the CRB file, and shall be available to those panel members of the CRB hearing the case for their inspection on premises at their request. As is the current practice, files shall not be taken from the area nor shall photocopying of any segment of the files be permitted. All current rules of confidentiality shall continue to apply.
4. While the CRB will be composed exclusively of civilian members, one Police Officer with the rank of Captain or above, shall be made available by the Chief of Police to the Board at its request to serve as a consultant or advisor should questions arise by the members of the CRB regarding specific police practices, policies, or general orders. The assigned consultants shall be neither from PSS nor a commanding officer of the officer involved in the case.
5. Current policy permits the videotaping of complainants' and other material witnesses' statements. The offer to videotape statements in the Public Safety Building shall also be extended to any witnesses with information relevant to the complaint. Each witness shall be requested to sign a form declining the offer to be videotaped if that is his or her preference.
6. Should the CRB wish to interview any witnesses to a particular complaint, it will be empowered to ask PSS to offer the opportunity to such witnesses to appear before the CRB. The appearance of any such witness, whether a civilian or an officer of the Rochester Police Department, shall be voluntary; no negative inference should be drawn by the refusal of any witness to so appear.
7. The CRB shall make a finding of one of the following categories:

Sustained - the act occurred, amounts to misconduct or misjudgment.

Unfounded - the act complained of apparently did not occur.

Exonerated - the act did occur but personnel's conduct was justified, lawful, and proper.

Unprovable - insufficient evidence exists to prove or disprove the allegation

As outlined above, the CRB shall have the option of returning any case to PSS for further investigation and then reconvening at a future date, as long as the time frame does not violate any provisions of contractual agreements between the City and the Rochester Police Locust Club. The CRB also may make recommendations to the Chief in regard to revisions to police policies and/or procedures. It is our belief that the creation of this Civilian Review Board, along with the proposed changes to the citizen



complaint process, marks a logical evolutionary progression in the relationship between the Rochester Police Department, the civilian elected officials of our City, and the citizens we all serve. These changes will insure to the greatest extent possible that any legitimate allegations of police misconduct can be investigated, reviewed by independent citizens of Rochester, and referred for appropriate disciplinary action as necessary. To ensure that this system achieves the goals intended, City Council will undertake a review of the system one year after implementation.

Changes to the complaint process alone, however, will not address the obvious need to build greater trust and confidence between police and citizens. The second part of this legislation is an attempt to create structural changes in the police department's practices in order to build such trust by promoting a greater degree of positive interaction between police and the community they serve. It must be noted that none of these changes are meant to diminish the important conciliation process that is currently in place for the resolution of lower-level complaints. This process offers an excellent opportunity for both citizens and police officers to resolve misunderstandings and less serious disputes in a manner which will help build trust and confidence between and among all parties. Council urges both our Police Department and our citizens to make maximum use of this important tool for mutual understanding.

In the second piece of legislation, City Council is recommending to the Mayor and Chief of Police a series of changes to be considered in the recruitment, training, and supervision of police officers. In the broadest philosophical terms, Council is recommending that the Rochester Police Department expand and enhance the prevention-oriented policing system. We would encourage that a review be done of current RPD practices, rules and regulations, and general orders to ascertain which, if any, of them run contrary to the overall philosophy of prevention-oriented policing. Such a review should also address the question of how a complaint-driven system, such as our current 911 system, can be integrated successfully with a more prevention-oriented philosophy.

In the areas of recruitment and training, Council recommends the following:

1. Continuing to work towards a department which reflects the community it serves through the utilization of the consent decree. Council commends the Mayor for his expeditious renewal of the consent decree and urges continued support for a multi-cultural department.
2. Expanding the current police training curriculum in human relations/cultural awareness. This should include both the training at the police academy as well as ongoing training during the probationary period and afterwards. Appropriate additional in service training should also be developed.
3. Enhancing the current training in appropriate verbal skills to be used to diffuse potentially violent situations. As above, this should include both the curriculum at the police academy as well as ongoing training activities.
4. Prioritizing additional training needs and quantifying the associated costs for consideration in the 1993-94 Police Department budget.



5. Requesting formally that the Civil Service Commission not approve any candidates for police officer if the background investigation or psychiatric or psychological tests have uncovered any preexisting problems or tendencies toward violent or other anti-social forms of behavior.
6. Expanding the interaction between police trainees and the community by establishing a formal procedure to assign each trainee to an appropriate community agency or neighborhood organization for a specific period of time as part of the field training program.
7. Reviewing the Field Training Officer (FTO) program to determine whether it is appropriate to establish formal and uniform criteria for the selection of FTOs. Such criteria might include a minimum number of years of experience on the force, an interest and ability in training junior officers, and no sustained complaints for excessive use of force or other serious violations of departmental policy within the past five years. In addition, the FTO review might also include consideration of whether additional compensation or other appropriate incentives should be required to encourage qualified officers to apply for and accept positions as FTOs.
8. Attending to the psychological health of officers by identifying the early signs of stress and continuing to provide counseling and training to those who require it.
9. Expanding the opportunity to develop multi-lingual skills to interested officers to enable fuller communication between police and the many diverse members of our community.
10. Insofar as possible under the Civil Service Laws, the Police Department also should encourage public involvement on promotion boards.

With regard to the ongoing supervision of police officers, Council believes that it is crucial that the message be clear and unequivocal that all forms of bias and/or racially-motivated behavior in the operations of the Rochester Police Department are unacceptable. In order to ensure that the RPD is free of such bias or racially-motivated behavior, the entire chain of command must demonstrate a commitment to attitudes of tolerance, openness, and understanding for the various cultural and ethnic groups which make up the City of Rochester. It has become clear through the testimony of citizens throughout the Public Safety Committee's hearing process that the preponderance of complaints against police officers have to do with small, seemingly casual interactions between police and citizens, in which important aspects of courtesy or respect have not been exhibited.

Police officers occasionally respond in kind to perceived rudeness or hostility on the part of citizens. Such instances may include abusive language, hostile attitudes, or other forms of behavior which generate anger or disrespect. While City Council can understand and empathize with the natural human reaction to respond in kind, we must insist on a higher standard of behavior from our police officers. This is of particular importance when the situation involves a citizen who perceives that he or she is being treated differently because of his or her status as a member of a racial or



ethnic minority group. While rudeness and anger may be understandable failings, racial bias is neither understandable nor tolerable. Increased accountability for all officers who exhibit bias or racially-motivated behavior is of the utmost importance.

As a positive step toward achieving this goal, City Council recommends that in the area of bias-related behavior, oral counseling by front-line supervisors be augmented by an appropriate memorandum of record as an indication of the importance the department places on eliminating such behavior.

To increase public awareness of and participation on the various patrol Section Citizen Interaction Committees, City Council recommends that the Chief of Police formally create these committees, and that the members thereof be appointed for fixed two-year terms. The Chief's Interaction Committee should be composed of one representative from each of the Section Committees plus several additional At-large members named by the Chief. The membership of each of the committees should be reported annually to City Council.

Finally, Council would recommend that during the PSS investigations of complaints against officers the following current practices and procedures be formalized:

1. A prohibition against group interviews of officers involved in complaint cases.
2. Interviews of all officers involved in serious incidents, including excessive force or shootings, should be recorded.
3. The highest priority should be placed by PSS on efforts to obtain statements from every possible witness in a CRB investigation.
4. As indicated above, all witnesses with relevant information regarding a civilian complaint should be offered the option of having their interview videotaped.

In closing it is important to note that the City Council has the highest faith and confidence in the professional ability of the Rochester Police Department. The changes which the City Council is making to the civilian review process should go a long way toward assuring public confidence in the department. Further, the changes which City Council is recommending toward police operating practices are viewed by Council as important refinements to an already outstanding system.

Respectfully submitted,



Wade S. Norwood, Chair  
Public Safety Committee

**Resolution Creating A Civilian Review Board**

**WHEREAS**, in 1977, by Resolution 77-18, City Council adopted the recommendations of the Citizen's Committee on Police Affairs, which included the creation of a Complaint Investigation Committee (CIC); and

**WHEREAS**, said Complaint Investigation Committee initiated the practice of civilian involvement in the review of complaints against police officers; and

**WHEREAS**, in 1984 City Council, through Resolution 84-59, amended the practices created seven years earlier and enlarged civilian participation in complaints against police officers; and

**WHEREAS**, various representatives of community organizations throughout Rochester have requested that City Council consider expanding the role of civilian oversight of the Police Department; and

**WHEREAS**, for the past six months City Council has investigated and reviewed the entire issue of police/community relations, including the issue of civilian control and/or review of police activities; and

**WHEREAS**, City Council has examined the practices and policies of a variety of cities throughout both New York State and other sections of the United States; and

**WHEREAS**, City Council has also reviewed the current state-of-the-art in policing practices throughout the United States; and

**WHEREAS**, this thorough and analytical evaluation of police/community relations has suggested a need for changes to the current process of reviewing citizen complaints against the police.

**THEREFORE, BE IT RESOLVED** by the Council of the City of Rochester as follows:

Section 1. The Complaint Investigation Committee (CIC) established by Resolution 77-18 and expanded by Resolution 84-59 is hereby abolished and replaced with a Civilian Review Board.

Section 2. The Civilian Review Board (CRB) will take the form of individual panels of three civilians, selected on a rotating basis, from a pool of qualified individuals who have been trained by the Center for Dispute Settlement, Inc. (CDS) for such service. The pool of eligible board members should, insofar as possible, reflect the overall population of Rochester in its ethnic and racial diversity.

Section 3. From this pool of eligible board members, and with appropriate attention to considerations of diversity, the Mayor will name a group of ten individuals to serve as Chairs of the CRB. The list of chairs shall be filed by the Mayor with the President of the City Council.

Section 4. The CRB will be convened to review the investigations presented by the Professional Standards Section (PSS) of the Rochester Police Department on all cases involving charges of the excessive use of force; any conduct which, if proven, would constitute a crime; and any other matters referred by the Chief of Police.



Section 5. Following its review of the investigation of the PSS, the CRB will make a recommendation to the Chief of Police containing appropriate findings from one of the following categories:

- Sustained - the act occurred, amounts to misconduct or misjudgment
- Unfounded - the act complained of apparently did not occur
- Exonerated - the act did occur but personnel's conduct was justified, lawful & proper
- Unprovable - insufficient evidence exists to prove or disprove the allegations

In addition, the CRB is authorized to make any appropriate recommendations to the Chief in regard to revisions to police policies and/or procedures.

Section 6. The CRB will meet in City Hall, and will be assigned a specific secure location to store files and records and provided with appropriate meeting space and adequate time to complete its review. Specifically, the CRB may have up to one week, at its discretion, to review the investigative file before it makes its recommendation.

Section 7. Since the CRB will be composed exclusively of civilians, the Chief of Police shall make available to the CRB an officer at the rank of Captain or above to serve as a consultant or advisor, at the request of the CRB, should questions arise regarding specific police practices, policies, or general orders. Such officer shall only serve as an advisor or consultant to the CRB and shall not be viewed as a member of the CRB nor a participant in the voting of the CRB. In addition, such officer shall be neither a member of the Professional Standards Section nor a commanding officer of the officer involved in the case.

Section 8. The CRB shall have the power to interview any witnesses to a particular complaint should it wish to do so. A request may be made to any witness whom the CRB wishes to interview through the Professional Standards Section. The appearance of any such witness, whether a civilian or an officer of the Rochester Police Department, shall be voluntary; no negative inference may be drawn by the declination of any witness to so appear.

Section 9. The following process is hereby established to provide the CRB with a mechanism to ensure its ability to obtain a full and adequate investigation:

- In the event that the CRB is unsatisfied with the extent and/or the quality of the investigation performed by the Professional Standards Section, it shall return that investigation to the Professional Standards Section with a request for additional investigation.

- Subsequent to the CRB request to PSS for additional investigation, should the CRB still be unsatisfied with the extent and/or the quality of the investigation, it will promptly inform the Chief of Police, in writing, of the specific deficiency in the investigation. At that point, the Chief will be responsible for reviewing the investigation in full to gather whatever additional information may be necessary to meet the requirements of the CRB. The Chief will have two weeks to respond to the CRB.

- Subsequent to referral to the Chief of Police, should the CRB still be unsatisfied with the extent and/or the quality of the investigation, it will promptly inform the Mayor, in writing, of the specific deficiency in the investigation. At that point, the Mayor will utilize his or her authority to review the investigation in full, and to gather whatever additional information may be necessary to meet the requirements



of the CRB. Such a process will allow the full force and authority of the Office of the Mayor, including the ability to compel employee testimony, to be provided on behalf of the CRB. The Mayor will have four weeks to respond to the CRB.

- Subsequent to referral to the Mayor, should the CRB still be dissatisfied with the extent or quality of the investigation, it will promptly inform the City Council President, in writing, of the specific deficiency in the investigation. At that point, the City Council may vote to conduct a full review of the extent and quality of the investigation, with the full subpoena authority to call witnesses and require the production of documents which is granted to City Council under § 5-21 (G) of the City Charter and with appropriate safeguards for applicable legal requirements for confidentiality and due process. The results of City Council's review of the PSS investigation shall be a matter of public record.

Section 10. Quarterly reports shall be provided by the Mayor to the City Council detailing the activities of the Professional Standards Section along with the activities and recommendations of the CRB. Said reports shall include a full explanation of any instances in which the Chief's findings differ from those of the CRB, a record of any split votes on the CRB, and the subsequent findings of the Chief in those cases.

Section 11. An annual report shall be presented by CDS to the Mayor and City Council detailing the work of the CRB along with any other contractual responsibilities of CDS to the City. Said report shall include any general comments or specific recommendations of the CRB Chairs relative to the complaint process.

**BE IT FURTHER RESOLVED**, that in order to provide citizens with adequate access to make legitimate complaints against police officers, a new form for this purpose shall be created and shall be available to community agencies at their request. Such forms may be filed with the City Clerk to initiate an investigation of any charges contained therein. The City Clerk shall immediately record them in a log and transmit them to the Professional Standards Section for appropriate investigation.

**BE IT FURTHER RESOLVED**, that the City Council urges both the Rochester Police Department and the citizens of Rochester to continue to make maximum use of the important process of conciliation for those complaints which are not of sufficient substance to be referred to the CRB. The conciliation process offers the greatest opportunity to resolve misunderstandings and to build trust between citizens and police.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby requested to review the potential costs associated with the CRB process and to prepare for City Council at the earliest possible time an appropriating ordinance which will provide adequate funding to the Center for Dispute Settlement, Inc. to serve in its administrative role assisting the CRB.

**BE IT FURTHER RESOLVED**, that City Council requests the Mayor to accomplish the various tasks implicit in this resolution, including the selection of CRB Chairs, in a timely fashion so that the CRB can begin to function at the earliest possible time.

**BE IT FURTHER RESOLVED**, that City Council shall conduct a review of this process one year following implementation thereof.

This resolution shall take effect immediately, but the CIC shall continue to function until the new panels are created and the CRB Chairs named.



**Resolution Regarding Practices Of The Rochester Police Department**

**WHEREAS**, an organization such as the Rochester Police Department which provides an important public service cannot do so effectively without both support from and accountability to the public; and

**WHEREAS**, such public support develops through positive interactions and purposeful efforts on the part of the Rochester Police Department not only to perform required public safety services, but also to understand and communicate well with the community which it serves; and

**WHEREAS**, these imperatives demand that the personnel performing any public service be provided with a system of training, supervision and support which will prepare and assist them in carrying out these responsibilities; and,

**WHEREAS**, the Rochester Police Department, over the years, has been in the forefront of implementing innovative programs and approaches to professional policing; and

**WHEREAS**, the Rochester Police Department has initiated programs and practices designed to prepare its officers to relate to the community in the most effective manner possible by providing cultural awareness training, verbal skills development, human relations training and opportunities to develop a second language; and

**WHEREAS**, in order that the Rochester Police Department may remain in the vanguard of professional policing and may serve the public in the most responsible, effective manner possible, the City Council recognizes the need to expand on and to improve programs and practices which will accomplish this goal; and

**WHEREAS**, it is the responsibility of the City Administration, to establish and revise such programs and practices.

**THEREFORE, BE IT RESOLVED** by the Council of the City of Rochester as follows:

The City Council hereby recommends to the Mayor that the following operational refinements be made to the recruitment, training, and supervision practices of the Rochester Police Department:

1. Recruitment and training:

- a. Continuing to work towards a department which reflects the community it serves through the utilization of the consent decree. Council commends the Mayor for his expeditious renewal of the consent decree and urges continued support for a multi-cultural department.

- b. Expanding the current police training curriculum in human relations/cultural awareness. This should include both the training at the police academy as well as ongoing training during the probationary period and afterwards. Appropriate additional in-service training should also be developed.
- c. Enhancing the current training in appropriate verbal skills to be used to diffuse potentially violent situations. As above, this review should include both the police academy as well as ongoing training activities.
- d. Prioritizing additional training needs and quantifying the associated costs for consideration in the 1993-94 Police Department budget.
- e. Requesting formally that the Civil Service Commission not approve any candidates for police officer if the background investigation or psychiatric or psychological tests have uncovered any pre-existing problems or tendencies toward violent or other anti-social forms of behavior.
- f. Expanding the interaction between police trainees and the community by establishing a formal procedure to assign each trainee to an appropriate community agency or neighborhood organization for a specific period of time as part of the field training program.
- g. Reviewing the Field Training Officer (FTO) program to determine whether it is appropriate to establish formal and uniform criteria for the selection of FTOs. Such criteria might include a minimum number of years of experience on the force, an interest and ability in training junior officers, and no sustained complaints for excessive use of force or other serious violations of departmental policy within the past five years. In addition, the FTO review might also include consideration of whether additional compensation or other appropriate incentives should be required to encourage qualified officers to apply for and accept positions as FTOs.
- h. Attending to the psychological health of officers by identifying the early signs of stress and continuing to provide counseling and training to those who require it.
- i. Expanding the opportunity to develop multi-lingual skills to interested officers to enable fuller communication between police and the many diverse members of our community.

## 2. Supervision:

- a. A continued visible commitment from the leadership of the Rochester Police Department to attitudes of tolerance, openness, and understanding for the various cultural and ethnic groups which make up the City of Rochester, and a refusal to tolerate any behavior which deviates from this commitment.



- b. Increased accountability for all officers who exhibit bias or racially motivated behavior through the use of an appropriate memorandum of record to augment oral counseling by front-line supervisors.
- c. Insofar as possible under the Civil Service Laws, public involvement on promotion boards whenever appropriate.

**BE IT FURTHER RESOLVED**, that City Council recognizes that Police Citizen Interaction Committees (PCICs) continue to serve as an important vehicle to promote dialog between police and the community. In order to enhance this role, Council recommends the following:

1. Members of the PCICs be appointed by the Chief to fixed two-year terms.
2. The Chief's Interaction Committee should be composed of one representative from each of the Section Committees plus several additional At-large members named by the Chief.
3. The membership of each of the committees should be reported annually to City Council.

**BE IT FURTHER RESOLVED**, that City Council recommends that during the Professional Standards Section (PSS) investigations of complaints against officers, the following practices and procedures be formalized:

1. A prohibition against group interviews of officers involved in complaint cases.
2. Interviews of all officers involved in serious incidents, including excessive force or shootings, should be recorded.
3. The highest priority should be placed by PSS on efforts to obtain statements from every possible witness in a Civilian Review Board (CRB) investigation.
4. As indicated above, all witnesses with relevant information regarding a civilian complaint should be offered the option of having their interview videotaped.

**BE IT FURTHER RESOLVED**, that the Mayor is requested to communicate to the Council regarding the status of these recommendations within 90 days of the effective date of this resolution.

This resolution shall take effect immediately