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POLICE COMMUNITY RELATIONS PROGRAM:
CIVILIAN REVIEW BOARD
2015 ANNUAL REPORT
January 1, 2015 – December 31, 2015

SUBMITTED TO:

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EXECUTIVE SUMMARY

INTRODUCTION

The end of the 2015 calendar year marks the twenty-third year of the civilian oversight of law enforcement process currently in place in Rochester, New York. The Rochester Civilian Review Board (CRB) is by national definition a Type 2 civilian oversight system: Police officers investigate allegations of misconduct and develop findings; citizens review investigations and recommend to the chief of police that the findings be accepted or rejected. The process in place was approved by the Mayor and City Council of the City of Rochester in 1992. The Center for Dispute Settlement (CDS) was selected to be the appropriate contractor to implement the process given the agency's record and experiences in the application of impartial, third party neutral status processes and providing Alternative Dispute Resolution programming.

The Center has been involved in Civilian Oversight since 1977 when the field Law Enforcement Oversight was just burgeoning. The Center became involved in this field because of its strong community presence inclusive of all minority and mainstream residents. The Center has been involved in recommending and institutionalizing modifications and improvements to the oversight process to present day.

In 2011 and 2012 the Center for Dispute Settlement's Director, Sherry Walker-Cowart, based on the Center's work in Civilian Oversight of Law Enforcement, was invited to participate in a Rochester City Council Commission to review the current Rochester CRB process. A 16 month City Council Commission review of Police Complaint system resulted in Council recommending police oversight program enhancements that were incorporated into the existing legislatively governed programs. One of the program enhancements included provisions for a part-time Community Advocate position. The Community Advocate is required to be unbiased and able to maintain an impartial posture with respect to complainants and police officers to insure the confidence of the public and of members of the Rochester Police Department in the integrity of the complaint investigation process. The Community Advocate is available to assist a civilian in filing a complaint and also available to accompany the civilian during the civilian's interview with the Professional Standards Section. Another enhancement to the civilian oversight process included utilizing only city resident, NY State Unified Court System certified, mediators as Civilian Review Board panelists for reviewing complaint investigations.

A Request for Proposal was issued by the City of Rochester and the Center was chosen as the independent agency to continue to provide Citizen Oversight of Law Enforcement services; this began in January 2013. In late 2015 The Center again responded to a City Request for Proposal and was selected to provide continuing Police Oversight Services. The Center is pleased to be recognized for its expertise in the field and invited to participate in the CRB review process consistent with its position of providing independent, neutral fair representation for all involved parties.

The CRB is charged with the thorough and total review of all investigations completed by the Rochester Police Department's (RPD) internal affairs or Professional Standards Section (PSS), of allegations of misconduct on the part of sworn Officers of the RPD that involve, use of force and/or actions that would constitute a crime. The CRB responsibility as part of that review is to determine thoroughness, fairness and timeliness of formal investigations into allegations of police misconduct, to render findings and to make recommendations to the Chief of Police based on those findings.

A unique aspect of the Rochester program that sets it apart from all other oversight efforts across the country is the exclusive use of mediators certified by the Center under auspices of the New York State Unified Court System as review board panelists. The benefit(s) derived from this aspect given the mediators' training and experience, is the increased guarantee that panelists will be objective reviewers which is essential/critical to the integrity of this kind of process.

The average number of CRB cases reviewed annually for the last five years by the CRB is thirty-four (34). The number of complaint investigations reviewed by the CRB during 2015, twenty-four (24), represents a 29% decrease from the 5 year average. However, this is similar to the investigations reviewed in 2014 and consistent with the up and down variations seen over the past several years. As a rule, the vast majority of complaints filed contain more than one allegation. The average number of allegations per case over the 5 year period was 125 allegations per year; averaging 3.67 allegations per case. The numbers of allegations contained in the twenty-four (24) CRB reviews during 2015 was eighty-four (84) averaging 3.50 allegations per case; this again represents consistency in the average number of complaint allegations per case. The CRB panel must review and issue an individual finding for each allegation and articulate their decision making rationale.

The Center also provides citizens with an alternative means of filing a police complaint. Citizens are less likely to feel intimidated or hesitate to file a police complaint with an independent, non-police agency. There were sixty-two (62) complaint inquiries fielded by The Center and, in turn, a significant number of formal complaints referred to the RPD Professional Standards Section (PSS) for investigation. Complaints taken at The Center are covered by confidentiality based on Judiciary Law 21-A. During 2015 the Center referred twenty-three (23) formal complaints to PSS representing more than 70% of the thirty-three (33) citizen complaint investigations received by PSS throughout 2015.

CRB panelists review all completed investigations of citizen complaints that include an allegation of force or criminal behavior by an officer. However, there are many complaints that do not have those types of allegations, such as complaints that just allege procedural and/or discourtesy issues. So as to ensure that all citizen complaints receive fair, thorough and timely consideration, audits of these "non-CRB review eligible" complaints are conducted by CRB Chairpersons. A Chairperson conducts these audits on location at the PSS office having full access to the complaint investigation files. During 2015 CRB Chairpersons conducted two (2) audits of non-CRB review eligible complaints.

Staff provided more than 88 information sessions to the public during 2015. Extensive community outreach and accessibility are key factors for ensuring citizens are aware of the police oversight programs and complaint process. The Community Advocate and other Center staff work directly with community/neighborhood/school/youth groups advising citizens of all aspects of its Police/Community Relations Programs that encompass: Complaint Intake & CRB Investigation Reviews, Police/Citizen Conciliation (PCON) and Public Outreach. These outreach opportunities focus on providing information and access throughout Monroe County and the City of Rochester with special efforts to reach out to economically disadvantaged and marginalized members of the community. Community members, who become aware of their rights and responsibilities in police matters through public outreach and who become aware of the safeguards provided by independent civilian oversight of police complaint investigations, are more likely to initiate a complaint if they believe an officer's behavior in a situation was inappropriate.

The Center has an on-line link on its website under the Police/Community Programs section that allows complainants to initiate contact regarding a police complaint with Center staff that then follow up with the citizen. Additionally, Center staff are regularly available twice monthly at an Ibero American Action League site located at 777 Clifford Ave. providing a presence and outreach at the food distribution program located there and, are working to establish a collaborative effort with other community service agencies to provide a presence in other sectors of the City. As previously noted, the Center prioritizes outreach to disenfranchised and marginalized citizens.

Complaint allegations are divided into three (3) categories; Investigations of Force, Procedural Misconduct and Discourtesy. For 2015, the numbers of complaints for each category were: Force: 51, Procedure: 22, Courtesy: 11. The 2015 data indicate the number of Force complaints are up proportionately from the five year average increasing to Force allegations to 61% ; this is above the 50% for the five year average; Procedure complaints decreased to 26% from the five year average of 31%; Courtesy complaints also decreased to 13% from the five year average of 19%.

One explanation for the increase in the percentage of Force complaint allegations is related to the dramatic increase in the percentage of *internally initiated* complaint investigations during 2015. The five year average percentage of *internally initiated* complaint investigations to *citizen initiated* complaints is 13%, however in 2015 nine (9) of the twenty-four (24) complaint investigations (38%) of all complaints were internally initiated independent of a specific citizen complaint. That means that thirteen (13) of the fifty-one (51) Force allegations for 2015 did not arise from direct citizen initiated complaints. When those internally initiated Force, Procedure and Courtesy complaints are taken out, the citizen initiated percentages of Force to Procedure to Courtesy allegations closely reflects the five year averages. This increase in *internally generated* complaints can be interpreted as reflection of a higher level of scrutiny of questionable police/citizen encounters by RPD Command staff prompting full investigations by PSS.

The CRB reported 20.0% Sustained findings for the 84 allegations investigated during 2015; this represents a slight increase in the CRB Sustained allegation rate of 19.7% for 2014. However, this is a significant increase over the 5 year average Sustained findings rate of 10.9%.

The number of allegations found as Unprovable by the CRB, meaning there was not enough evidence to prove or disprove misconduct, continues to represent the greatest percentage among finding totals; 42% for 2015. This percentage is consistent with the 5 year average for this category of findings which is 46%. The CRB review process is designed to ensure that each investigation is fair to both citizens and police officers. In ensuring fairness the standard which CRB panelists use to reach their findings on the individual allegations is *preponderance of evidence*, meaning greater than 50% of the weight of evidence is needed for a panelist to conclude a Sustained, Exonerated or Unfounded finding. The absence of persuasive evidence to support a Sustained, Exonerated or Unfounded finding often leads to the Unprovable holding.

From January 1, through December 31, 2015 the Rochester CRB reviewed twenty-four (24) cases containing eighty-four (84) allegations of misconduct on the part of thirty-three (33) sworn officers and one civilian employee of the Rochester Police Department. Thirty-one (31) officers were the subject of one (1) review, two (2) officers were the subject of two reviews and no officers were the subject of three reviews.

Additional information will be found in the narrative portion(s) of this report under *Panelists Development, Police/Community Relations Outreach* and *Program Enhancements*. These sections discuss, among other things, the ongoing efforts to strengthen the over-all programs, e.g.; training; collaborations; programs to educate the community about the processes available to: compliment or register complaints against police officers; address police/community issues; citizen's rights and responsibilities; police procedure(s); community policing, and civilian oversight of law enforcement.

REPORT ORGANIZATION

This Annual Report for the **City of Rochester Police Community-Relations Program** is for the 2015 calendar year. The organizational format is designed to first provide the reader with an overview of the total service delivery program. The opening narrative attempts to serve as a basis for understanding the operation/administration of the program, and to help clarify the relationships that exist between the various elements of programming and how they work together to assure the effectiveness of the review process.

The **PROGRAM ENHANCEMENTS** section discusses initiatives undertaken to strengthen the CRB oversight process as well as the Police/Community Relations effort, this information will include:

- Panelist Development -In-Service Trainings for CRB panelists including legal updates, citizen's rights and responsibilities, levels of intrusion, use of force procedures, and the early warning system for RPD officers.
- Staff Development- Continuing education in Oversight of Law Enforcement field through affiliation with the National Association of Civilian Oversight of Law Enforcement (NACOLE) and attendance and presentation at the NY State Dispute Resolution Association (NYS DRA) annual conference.

The **POLICE/COMMUNITY RELATIONS PROGRAM** section highlights the very important OUTREACH activities that serve to educate community and promote the use of services and processes. Included among these activities are:

- Community Outreach
- Training Police Recruits
- Citizens' Rights and Responsibilities
- Convening the Police/Community Relations Advisory Council: a diversified group that includes membership from the city and county, academic, legal, community activist and law enforcement communities
- Roadshow Presentations
- Community Policing efforts
- Conclusions
- Plan for 2016

The **GENERAL INFORMATION** section covers the **CIVILIAN REVIEW BOARD**, statistical data relative to CRB case review findings, recommendations, police/citizen conciliations, police complaint intakes, PSS Audits, Section 75 Hearings and panelists' demographics.

PROGRAM ENHANCEMENTS

Program improvement is an ongoing CDS endeavor. All facets of the service delivery and program management are evaluated on an ongoing basis. Evaluation methodology is utilization focused and the usable information is processed for immediate application. Systems are designed to receive feedback from program contacts; community, law enforcement, judicial, academic, legal, business, government, etc. The results of this activity are often enhancements or adjustments and additions to existing program(s) that strengthen different aspects of the total police/community relations effort as well as the review process.

The following highlight and discuss some of the program elements that contribute to, and/or benefit from the enhancements developed and applied to programs during 2015.

PANELIST DEVELOPMENT

In-Service trainings are scheduled each year in an effort to assure the continued growth and development of individual panelists and the review process. The trainings are designed to update panelists on Police Department procedural and policy changes that have been put in effect during the period, to provide legal updates on evolving State and Federal court decisions that impact citizen's rights and police policy and to expose the panel to subject matter that will broaden their understanding of civilian oversight of law enforcement trends and practices. A portion of the In-Service training regularly includes an opportunity for panelists and PSS staff to cross dialogue during which a great deal of information is shared between the two groups. The product is a better understanding of function and expectation on the part of both groups, and the adjusting and sharpening of review procedures, thereby strengthening the process. In-Services are interactive, and usually include a skill building exercise.

Law enforcement officials, community programmers, legal researchers and practitioners, and government representatives have provided presentations in recent years as part of the In-Service training program for panelists and PSS Investigators. As part of an ongoing effort to expand the knowledge base and skill sets of the panelists, administration seeks relevant as well as requested subject matter and presenters for upcoming trainings.

CRB panelists must maintain their mediation certification as per agreement with the NYS Unified Court System that states that they must perform community mediation services for assigned cases a minimum of three (3) times per year and attend a minimum of six (6) hours of in-service training. Panelists must also do an annual ride along as part of their annual re-certification process; this is spending an eight hour shift with an on-duty officer.

A goal for 2016 will be to conduct quarterly in-service panelist training sessions covering a variety of topics including police policies and procedures, updates on legal rights and responsibilities and CRB case review procedures.

PANELISTS APPOINTMENTS

CRB panelist make up is gender and racially diverse as noted below in the panelist demographic section; continuous recruitment of new panelists is an important aspect for maintaining and sustaining this panel of community volunteers. To this end city residents are solicited to express their interest in receiving training towards becoming volunteer community mediators, this being the first step toward becoming a CRB panelist. Those city residents expressing interest in becoming volunteer mediators are afforded the opportunity to take basic mediator training –Principles of Mediation (POM). Those volunteers are then afforded mediator apprenticeships and subsequent consideration for additional CRB training. Current volunteer community mediators are also canvassed and those expressing interest in becoming panelists for the Civilian Review Board are also considered for CRB training. Current CRB panelists, current mediators and apprentice mediators can then receive intensive CRB training scheduled on a biennial basis. This included 32 hours of training on Civil Rights, Citizen’s Rights & Responsibilities, Police Policy, Procedures and General Orders. CRB panelists and apprentices are also expected to participate in an 8-hour ride along with an RPD officer during their work shift.

Seasoned CRB panelists are recommended to the position of chairperson as they demonstrate an accepted level of proficiency, and/or as the need for new or more chairs is identified. Nominees for perspective Chair positions must be submitted and approved by the Mayor.

STAFF DEVELOPMENT

Pursuant to enhancement provisions of City Council Resolutions regarding the RPD Oversight programs, a Community Advocate position was created in January 2013. Cheryl Hayward, a long time Rochester resident, with extensive experience working with youth, initiating programs and conducting public outreach, was appointed after a thorough review of all applicants. Ms. Hayward received initial community mediator training, a requirement for becoming a Civilian Review Board panelist, and has obtained certification as a CDS mediator under the NYS Unified Court System Office of ADRCIP (Alternate Dispute Resolution and Court Improvement Project). In addition to her work with police complainants and PSS staff, Ms. Hayward received Civilian Review Board panelist training in the fall of 2013.

The functions of the Community Advocate include:

- Facilitating the administration of the citizen complaint intake process for the Police/Community Relations program, including but not limited to the following:
- Guiding complainants through the complaint process;
- Providing for a fair complainant intake process at the Rochester Police Department’s Professional Standards Section (PSS) or other off-site locations;
- Providing case status updates to complainants at all appropriate case stages providing regular case processing updates;
- Providing Community Outreach to individuals, community/social action/neighborhood groups regarding the Police/Community Relations program and The Center’s services;
- Assisting with the preparation, design and implementation of in-service training programs for CRB panelists;

- Responding to citizen initiated mediation referrals providing case management services through The Center;
- Conducting public education programs and outreach with community agencies, social action, neighborhood groups and referral sources;
- Obtaining and maintaining The Center's mediator certification.

All complainants are now afforded the assistance of the Community Advocate. Complainants have requested support from the Community Advocate, at times accompanying them during the PSS formal interview regarding their complaint. During 2015 twenty-four (24) complainants requested the assistance of the Community Advocate. Four complainants requested that the Community Advocate accompany them when their stenographic statement was taken at PSS. During this period the Advocate made two hundred and nineteen (219) complaint follow-up contacts with PSS and complainants.

The Community Advocate has done extensive outreach throughout the City and surrounding towns explaining the Oversight programs in excess eighty-eight (88) times during 2015. Ms. Hayward has conducted large and small group information sessions at Neighborhood Service Centers and libraries, et. al. It is estimated that more than 2500 citizens have been reached through these efforts. . Additionally, Ms. Hayward has developed and presented interactive discussion sessions targeted for youth audiences regarding their Rights and Responsibilities when encountering law enforcement officers and developed a new Police/Community Relations Programs overview brochure recently printed in English and Spanish.

The Community Advocate has attended a National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference. Ms. Hayward utilized this opportunity to learn about other oversight programs/structures and the manner in which they are exercised in communities throughout the country. Workshops sessions offered insight into different community outreach methods and highlighted community members/groups that may be apprehensive in accessing police oversight services. She has also accrued credits toward Certified Practitioner of Oversight (CPO) status. Additionally, Ms. Hayward was a presenter at a seminar on Civilian Oversight of Law Enforcement at the 2015 New York State Dispute Resolution Association (NYSRA) annual conference.

In 2015 the Community Advocate in conjunction with the Center's Director, Police/Community Relations Programs developed and presented *Community Building in the 21st Century* training sessions for a large suburban Rochester town's Police Department employees. The training sessions were focused on Conflict Management and De-Escalation skills, understanding implicit biases, cultural humility and proactive community building service strategies. The trainings were well received a verified by confidential participant feedback surveys.

Following is a sampling of some of the agencies and groups reached: Rochester Libraries, multiple Neighborhood Associations, Neighborhood Service Center staff and residents, Local Churches, RCSD Administrators and staff, Native American Cultural Center, ABC, Boys & Girls Club, United Christian Ministries, ACLU, Neighborhood Safety Net Coordinators, Pathways to Peace staff, NeighborWorks, Youth workshops, LGBTQ Gay Alliance Staff, SWAN, City Recreation Centers, Community Place, Charles Settlement House, Baden St. Settlement, Montgomery Center, Nepalese, Bhutanese, and Somali community residents, MOCHA, Gandhi Institute, and others.

The Center for Dispute Settlement is a charter member of the National Association of Civilian Oversight of Law Enforcement (NACOLE). Beginning in 2010 NACOLE began awarding NACOLE Certified Practitioner of Oversight (CPO) designations to field practitioners who have demonstrated knowledge of the oversight field through their work experience, subject matter knowledge and diverse training in oversight best practices and procedures. The Center's Director of Police/Community Relations Programs achieved this certification in the field of Civilian Oversight of Law Enforcement in 2011 and renewed that certification in 2014.

POLICE/COMMUNITY RELATIONS PROGRAM

In addition to conducting intakes on complaints, conducting conciliation sessions, scheduling CRB sessions and conducting audits, the Police/Community Relations Programs are also engaged in a number of other police/community relations initiatives. Each initiative is designed to collectively improve the overall quality of civilian oversight services while raising the public's awareness and understanding of the various police/community relations programs offered at Center for Dispute Settlement (CDS) as well as increasing community participation in these public processes.

COMMUNITY OUTREACH

A primary goal for CDS staff in 2015 has been to raise the community's awareness and understanding of the agency's programs and the role of the mediator in resolving community disputes. As this applies to police/community programs, objectives include: increasing community understanding of civilian oversight of local law enforcement; building public confidence in the police complaint, investigation and review process; ensuring fairness throughout the process; reaching out specifically to disenfranchised and marginalized sectors of the community and building bridges between the police and the citizens. In addition, emphasis is placed on educating the community on the rights and responsibilities of citizens in police matters. Outreach presentations for the year provided training and informational sessions for hundreds of participants. Informational materials such as Rights and Responsibilities brochures, a new CRB history and organizational literature brochure, and CDS contact cards were provided to numerous sites that reached an estimated twenty-five hundred (2500) community residents and service providers.

The Community Advocate and program Director have done extensive outreach throughout the City and surrounding towns explaining the Oversight programs in excess of 100 times during 2015. They have conducted large and small groups information sessions at neighborhood meetings, to community service organizations, faith based congregations, at Neighborhood Service Centers and libraries, et. al. It is estimated that more than 2500 residents have been reached through these efforts. Additionally, Ms. Hayward has developed and presented interactive discussion sessions targeted for youth audiences regarding their Rights and Responsibilities when encountering law enforcement officers. Outreach presentations and informational meetings were given provided at: Charles House, Native American Cultural Center, ABC, Legal Aid, Boys & Girls Club, United Christian Ministries, Monroe County Law Enforcement Council, Consumer Credit Counseling Services, Many MC and surrounding area Law Enforcement Agencies, Neighborhood Safety Net Coordinators, Crime Victims network, Webster, Arnett, Winton, Lincoln, Downtown Libraries, SWAN, MCC faculty and student groups, LGBT Gay Alliance Staff, Ave. D & Carter St. Community Service agencies, Recreation Centers,

Neighborhood Service Center staff and residents, Community Place, Baden St. Settlement, SWAN's Montgomery Center, Liberty Partnership Program, Nepalese, Bhutanese and Somali Community residents, MOCHA, Citizen's Police Academy groups, NE and SE NSC Quad Meetings, City Council and other groups.

Additionally, a series of *Community Conversations with Law Enforcement* began in July 2014. The theme of these conversations was "Stepping Back to Move Forward" referring to the July 1964 Rochester civil unrest and police response. These community events are open, candid conversations with residents and law enforcement personnel facilitated by Center staff and volunteers. The sessions continued through 2015, they are designed to afford all participants an opportunity to share their thoughts and concerns about the state of Police and Community Relations and make suggestions on how to move forward to enhance these sometimes strained relationships.

Center staff are also participants in the grant funded RIT/RPD *Project Safe Neighborhoods* initiative wherein crime prevention data is used to identify individuals and groups at risk for future violence, either as victims or perpetrators. Center staff then assist with providing mediation intervention services by reaching out to those individuals or groups identified as lower to moderate risk in an attempt to avoid further escalation and defuse these potentially volatile situations.

Rochester media outlets have also provided opportunities to educate citizens about The Center's police oversight programs. Print articles, along with television news, public affairs and radio programming have also been important avenues for informing the public about our programs. Center staff also facilitated a number of community conversations on race held at libraries and other venues throughout the county. Additionally, Center staff worked actively in the Democrat & Chronicle's UNITE campaign and provided facilitator services for the Community Leaders workgroup addressing systemic issues relative to poverty, race, education, law enforcement and housing.

In 2015 The Center became an active member of the Chief's PCIC committee providing yet another opportunity to directly connect with neighborhood representatives to enhance community building efforts.

It is our goal to continue to explore and develop processes through which the issues that promote conflict can be addressed and disputes that exist between police and community can be resolved. The community education effort is the number one vehicle for carrying forth this effort. We will continue to explore ways to enhance outreach activities.

TRAINING FOR POLICE RECRUITS

Based on CDS recommendations presented to City Council in 2010, Police/Community Relations staff continues to provide training presentations for the police recruits completing the training cycle at the Police Training Academy. These sessions are now a standard part of the recruit training curriculum. This training includes the history and evolution of civilian oversight of law enforcement in the Rochester area, the complaint processes in Monroe County for citizens, conciliation programs, state of the police-community relationship in this area and the goals and objectives of the CDS Police/Community Relations Program.

CITIZENS' RIGHTS AND RESPONSIBILITIES

Encounters between citizens and law enforcement officers have long been identified as the driving force behind what many community people see as the poor relationship that exists between community and police.

As part of the ongoing effort to address this issue, Police/Community Relations staff, with the assistance of the Advisory Council and the Monroe County Bar Association, developed a brochure detailing the rights and responsibilities of citizens when interacting with members of law enforcement. The brochure was revised and a bilingual (Spanish) translation developed with assistance from IBERO American Action League staff. This document has become one of the program's most important outreach tools in that it often serves as a basis for dialogue for community trainings and information sharing sessions.

In 2014 an additional brochure was developed and printed in English and Spanish versions. The new brochure describes the variety of programs encompassed by Police & Community Relations Programs. This brochure is being actively distributed throughout the City and County and is an excellent complement to the earlier Citizens' Rights and Responsibilities brochure.

POLICE/COMMUNITY RELATIONS ADVISORY COUNCIL

Input from local leaders representing diverse disciplines is crucial for the continued success and improvement of CDS's Police/Community Relations Program efforts in the greater Rochester area. To that end, the Police/Community Relations Advisory Council continues to meet on a quarterly basis sharing information, community feedback, statistical data on citizen complaints and outreach efforts. The purpose of the Council is to provide input and suggestions to CDS staff on how to grow and enhance current programs as well as explore new opportunities for growth. The Council is highly diversified and includes membership from the academic, legal, community action and law enforcement communities. This body has been instrumental in the evaluation and revision of program brochures for community education in police matters and for bringing forward opportunities for enhancing police community relationships. Advisory Council members also become an integral part of the planning process for important events scheduled for the coming program year.

ROAD SHOW PRESENTATIONS

The Road Show concept was developed some years ago as a way to expose citizens to the complete complaint, investigation and review process as well as information on civilian oversight of law enforcement, community policing and citizens' rights and responsibilities in police matters. As an Outreach concept presenters go out in teams consisting of representatives from the CDS/CRB and the RPD/PSS. Joint PowerPoint presentations show the path of a complaint from interview through investigation and investigation review. Using this as a basis for dialogue, the presenters are able to provide information and answer questions as part of an effort to educate the community about the availability/accessibility of the program. These programs are arranged and presented to community groups throughout the year. Currently, through collaboration with the MC Bar Association a number of attorneys have agreed to accompany Center staff on road shows, providing a legal perspective on citizens' rights.

COMMUNITY POLICING EFFORTS AT IMPROVING POLICE/COMMUNITY RELATIONS

Improving Police/Community Relations is, in large part, a Center *Community Mediation* initiative that offers *constructive processes* for resolving differences and conflicts between individuals, groups and organizations. Such processes are designed to preserve individual interests while building and strengthening connections between citizens and police officers to create processes that make communities work.

As part of community mediation process, there is recognition of the need for all parties involved to be informed and prepared to contribute to a constructive dialogue. To that end, a program goal continues to be strategically promoting community policing efforts to enhance the working relationship between citizens and police officers, wherein officers provide Center contact information “orange referral cards” to community residents. Officers are often called to situations that are not actual police matters but have the potential to become police matters if not abated in an appropriate manner. Officers are able to provide the disputing parties with Center “orange referral cards” containing contact information with the suggestion that they consider mediating their dispute in a confidential, controlled setting. In order for disputants or those in conflict to engage in a constructive dialogue they must be able to articulate their positions and/or concerns. They must also be able to share and clarify information in ways that contribute to the collective knowledge base, they must know that they will have an opportunity to be heard, to listen, to have input, that their *process-appropriate* issues will be allowed equal consideration and that they will be part of any decision making process. Statistically, once both parties agree to participate in a Center facilitated mediation, more than 75-80% of these sessions result in the parties coming to a clearer understanding of the situation and in many cases, an appreciation of the issue from the other person’s perspective. These services, provided for a nominal \$25 administrative fee (with fee waiver provisions for those who cannot afford the fee), have the effect of making the outcome of a police encounter a more positive experience with officers providing valuable community resource information to citizens in need. Additionally, this experience brings individual citizens and officers closer therefore building bridges between the police and the community. Furthermore, the resolution of minor disputes in a controlled mediation setting can extinguish the brush fires that, if left unattended, can quickly turn volatile and become actual police matters. The number of referrals from police officers providing Center contact information to citizens has significantly increased during 2015 due to extensive outreach efforts in the community.

Additionally, significant efforts are expended to discuss, examine and evaluate the police-community relationship in the Rochester area, assist community groups and individuals with identifying needs as they relate to improving the police-community relationship, and development plans and strategies designed to address specific community needs as part of a strength-based, coordinated effort to improve the relationship between the community and the police.

CONCLUSIONS

Calendar year 2015 has been a very active year for public outreach, officer training, community policing efforts and general public education. Over the past several years The Center has seen an increase in the number of citizen complaint inquiries fielded and, in turn, an increasing percentage of formal citizen complaints initiated with the assistance of Center staff, in fact, the percentage of formal complaints submitted to the RPD PSS staff increased from 28% for 2013 to

73% and 70% for 2014 & 2015 respectively. These increases can be, in part, attributed to better public knowledge and availability of the complaint intake aspects of the Center's Police/Community Relations Programs achieved through public outreach efforts conducted through a broad spectrum of venues.

The previous City Council reviews of the Center process have brought program enhancements to the existing program. These, thoroughly evaluated, well thought out changes have borne fruit by increased public knowledge, understanding and confidence in the Center's independent oversight process. This serves to reinforce the neutrality and fairness of the complaint process for both complainants and officers with the hope that it will lead to greater utilization of Police Conciliation as a way of resolving certain lower level complaints such as Procedural and Courtesy complaint allegations. During 2014, at the request of Center staff, discussions with City Council lead to a commitment to authorization widespread dissemination of these Annual Police/Community Relations Programs Reports making them available for public consumption thereby demonstrating more transparency of the oversight programs, particularly the Civilian Review Board process. These reports are now available on-line through the City's website.

The oversight process in place in the Rochester area is unique and effective. Its uniqueness derives from the use of trained neutrals that function under the auspices of the New York State Unified Court System as Civilian Review Board panelists. These citizen panelists evaluate completed investigations of citizen complaints ensuring fairness, thoroughness and timeliness of the investigations they review. Their specific training in becoming a neutral mediator ensures that their evaluation of the fact circumstances of the complaint allegations are evaluated without bias, which is a key factor for ensuring fair, equitable treatment for both complainants and officers. A review of the statistical findings for the Rochester CRB panel, as detailed below, indicates a "Sustained" allegation rate of 20%; this rate is significantly higher than the general range of Sustained complaint rates of similar oversight organizations nationally, and in many instances, *Rochester's CRB Sustained rate is higher than oversight models that conduct independent investigations of citizen complaints.*

PLAN FOR 2016

The plans for 2016 are to continue to provide quality oversight services to the Rochester community. The Center for Dispute Settlement's 38 years of experience in the Civilian Oversight of Law Enforcement field represents a valuable community asset. ***Building a Culture of Trust*** is the theme for The Center's bridge building between law enforcement and the community. This theme and concept are highlighted in The Center's Annual Awards Luncheon scheduled in April.

The Center for Dispute Settlement, which arose out of the Civil Rights movement of the 1960-70s, was the first Community Dispute Resolution Center (CDRC) in New York State. Based on The Center's position in the Rochester community as an Agency that provided Dispute Resolution Services to citizens reaching all segments of the community and the reputation of doing so without bias, this Agency was chosen to become the provider of law enforcement oversight services beginning in 1978. CDS's history as a charter member of NACOLE, along with the Agency's work within the international oversight agency IACOLE (International Agency of Civilian Oversight of Law Enforcement), provide a depth of knowledge in the field that has proved invaluable in ensuring continuous improvements to the local Rochester/Monroe County oversight processes throughout each legislative enhancement to these processes. The Center for Dispute Settlement

embraces opportunities for continuous improvement of civilian oversight processes that serve to bridge the gap and improve police/community relationships.

The Center's role as involved members of the National and International Citizen's Oversight of Law Enforcement Organizations, i.e., NACOLE and IACOLE, charge our Agency with assisting communities with developing, improving and sustaining effective police oversight systems. It has been particularly rewarding for Center staff and volunteers to be involved in the Rochester City Council's CRB Review Committee's activities and be able to provide relevant, pertinent information about the broad spectrum of oversight models and practices in use today. The program enhancements added to the oversight review process in 2013 demonstrate once again, as in 1984, 1989 and 1992, that Rochester is committed to providing our community with state-of-the-art Police/Community Relations Programs.

The addition of the Community Advocate position to the program further strengthened community partnerships with local public/private community service and professional organizations. These relationships act to synergize efforts at community building. Examples of these collaborations span local not-for-profit community service agencies, such as IBERO American Action League, Urban League, ABC, Charles Settlement House, SWAN, Teen Empowerment, the Center for Youth and many others. Public service organizations such as the Community Foundation, United Way, RCSD, Partners in Restorative Initiatives (PiRI), Gandhi Institute, RISE, MC Library, University of Rochester, RIT, RMSC, along with religiously affiliated agencies including Asbury First United Methodist Church, Catholic Family Center, Jewish Federation, The Help Center at the Hall of Justice (a partnership with Volunteer Legal Services Project), New Life Fellowship and New Life Presbyterian Church. The Monroe County Bar Association also partners with the Center providing volunteer attorneys who will work jointly with CDS staff and volunteers during public outreach sessions. The volunteer attorneys speak to citizen groups on the topic of Citizen's Rights and Responsibilities; this compliments the Agency brochure on the same topic that was jointly developed by MC Bar Association members and CDS Staff. During these outreach sessions CDS staff and volunteers then provide information about the full range of oversight services it provides to the community including Police Complaint Intake, Police Conciliation (PCON), CRB review and Public Outreach. Aggressive public outreach will continue to be a key component of the Police Community Relations Programs throughout 2016. Finally, the Center continues to sponsor the series of Community Conversations with Law Enforcement allowing for open, candid conversations to take place in a safe, neutral setting. These conversations hold the promise of demystifying detrimental police and resident perceptions of each other and, in turn, leading to enhanced relationships between the community residents and the law enforcement officers.

GENERAL INFORMATION

This is the 2015 calendar year Civilian Review Board (CRB) report. The reporting period covers January 1, 2015 through December 31, 2015 and contains information on Civilian Review Board case findings, recommendations, police/citizen conciliations, police complaint intakes, Section 75 hearings, office reviews and panelist demographic statistics.

THE ROCHESTER CIVILIAN REVIEW BOARD:

Groupings of three (3) CRB panelists are selected on a rotating basis from a pool of qualified individuals of varied ethnic, racial, age and gender backgrounds. Each board contains varied representation, given panelist availability. The panelists have received extensive training in their role as an impartial reviewer as well as in police procedures and policies.

The panelists are required to complete a thirty (30) hour Principles of Mediation Training followed by an apprenticeship program with Center for Dispute Settlement to become a certified mediator. These aspects of CRB panelist requirements are under the auspices of the New York State Unified Court System, Office of Community Dispute Resolution Centers Program. Panelists must also complete forty (40) hours of training on citizen's civil rights, police policies, procedures and practices. Each new candidate observes a complete session of the CRB before being appointed as a panelist.

From the list of CRB panelists, Chairpersons are nominated by CDS for Mayoral approval and appointment. The Chairs are responsible for all administrative duties before, during and after a CRB review session, as well as maintaining appropriate focus, impartiality and processing in the CRB.

The determining criteria for an investigation to be reviewed by the CRB are allegations of actions that would constitute a crime, and allegations involving the use of force. The categories are listed as Investigation of Force and Investigation of Procedure and Investigation of Courtesy.

The main focus of the CRB is to determine the fairness, thoroughness and timeliness of the police complaint investigation as well as any possible deficiencies. Where appropriate, panelist(s) may make Training, Investigative, or Policy recommendations to the Chief of Police and the Professional Standards Section (PSS).

Should the review panel conclude that the investigation is inadequate in any manner, it is returned to the investigating Sergeant with reasons stated. Once the follow-up investigation is complete, that investigation is returned to the same panel for review and recommended findings. The panel may then render Recommended Findings, or if not satisfied with the packet, the panel may return the packet to the command officer in PSS. The following is the chain of responsibility should the panel need to return a packet more than once:

- The command officer in charge of PSS;
- The Chief of the Rochester Police Department;
- The Mayor's Office;
- Rochester City Council (with discretionary subpoena powers).

POSSIBLE RECOMMENDED FINDINGS ARE:

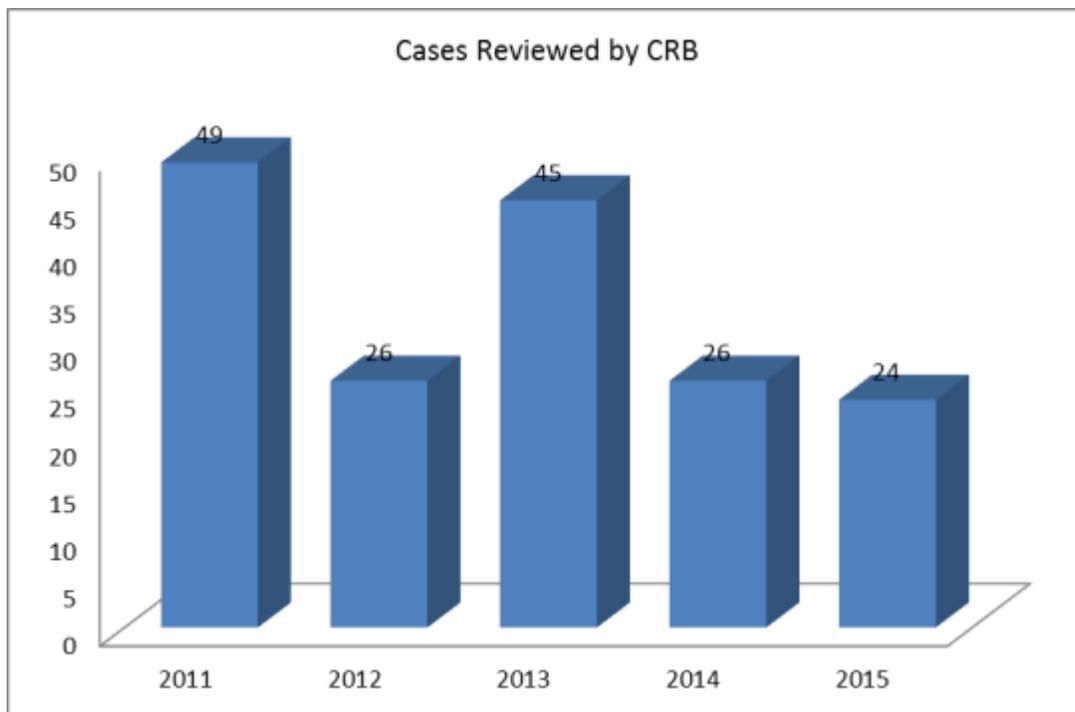
- | | |
|-------------------|---|
| SUSTAINED | The act occurred, and the act amounts to misconduct or misjudgment; |
| UNPROVABLE | There is insufficient evidence to prove or to disprove an allegation; |
| UNFOUNDED | The act complained of apparently did not occur; |
| EXONERATED | The RPD personnel's conduct was justified, lawful and proper. |

The findings and recommendations of the Civilian Review Board are forwarded to the Chief of Police for review. The Chief of Police then issues a final decision on all complaints and determines any remedial or disciplinary action.

STATISTICAL DATA

From January 1, 2015 through December 31, 2015, the Civilian Review Board (CRB) reviewed twenty-four (24) cases. Of these twenty-four (24) cases, fifteen (15) were generated by citizens and nine (9) were generated internally by the Rochester Police Department. These twenty-four (24) cases generated a total of eighty-four (84) allegations of police misconduct.

Note: The total number of allegations contained three (3) Satellite issues). A Satellite issue is an additional allegation discovered by the Professional Standards Section during an investigation (or brought out by the Civilian Review Board), but was not part of the original complaint.



REVIEWS FOR REPORT PERIOD:

Thirty-three (33) officers and one (1) civilian employee were the focus of CRB reviews during this report period. Of the thirty-three (33) officers, thirty-one (31) were male and two (2) was female. Zero (0) officers were the subject of four (4) reviews; zero (0) officers were the subject of three (3) reviews; two (2) officers were the subject of two (2) reviews; and twenty-one (31) officers were the subject of one (1) review. . The one non-sworn civilian employee was female.

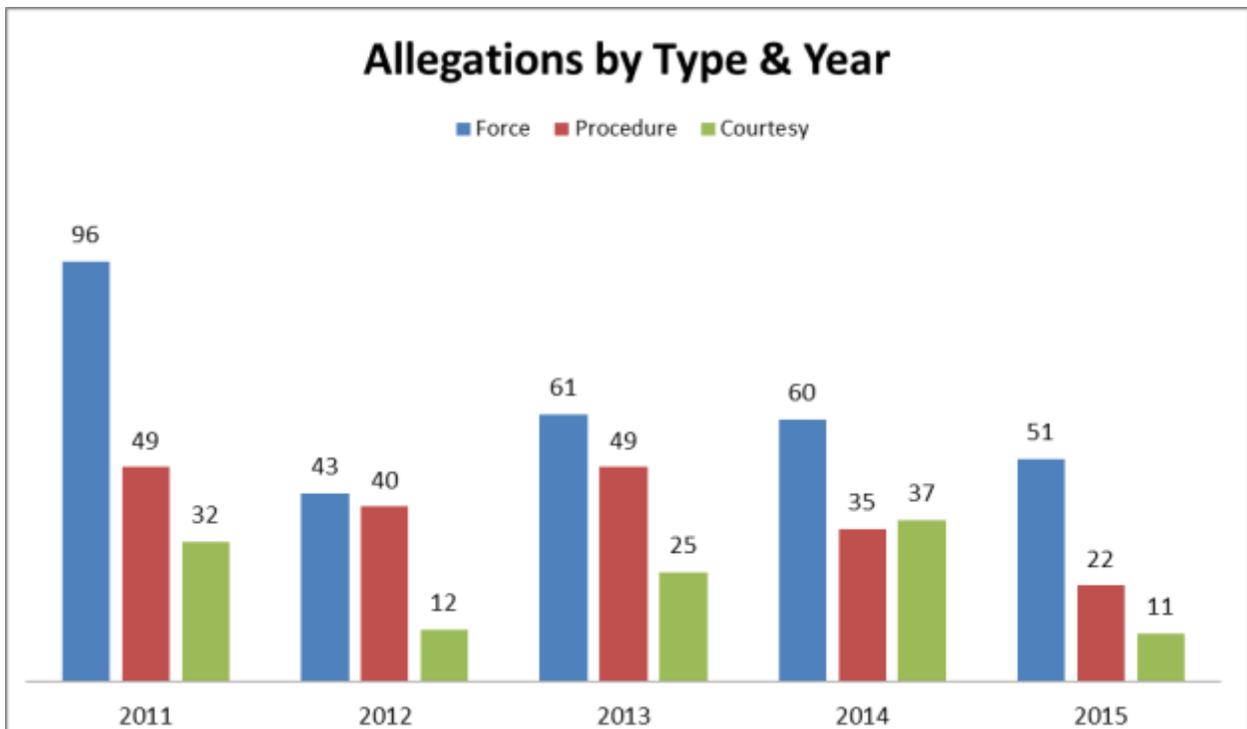
Number of Annual Reviews	Number of Officers
4	0
3	0
2	2
1	31
Total:	33

Male	31
Female	2
Unknown (Not Identified)	0
Total:	33

SUMMARY OF FINDINGS AND FINAL DETERMINATIONS:

The following is a statistical breakdown of the eighty-four (84) allegations of police misconduct. Allegations are listed according to the recommended findings of the Professional Standards Section, the Civilian Review Board and the final decision by the Chief of Police. The Chief of Police renders the final findings for all allegations.

ALLEGATION	NUMBER
Investigation of Force	51
Investigation of Procedure	22
Investigation of Courtesy	11
TOTAL:	84



TOTAL BREAKDOWN OF FINDINGS BY ALLEGATIONS AND OFFICE

Investigation of Force:

	PSS	CRB	CHIEF
Exonerated	17	19	16
Sustained	4	11	4
Unprovable	25	16	21
Unfounded	4	5	6
*No Decision	1	0	0
Pending	0	0	4
TOTAL:	51	51	51

Investigation of Procedure:

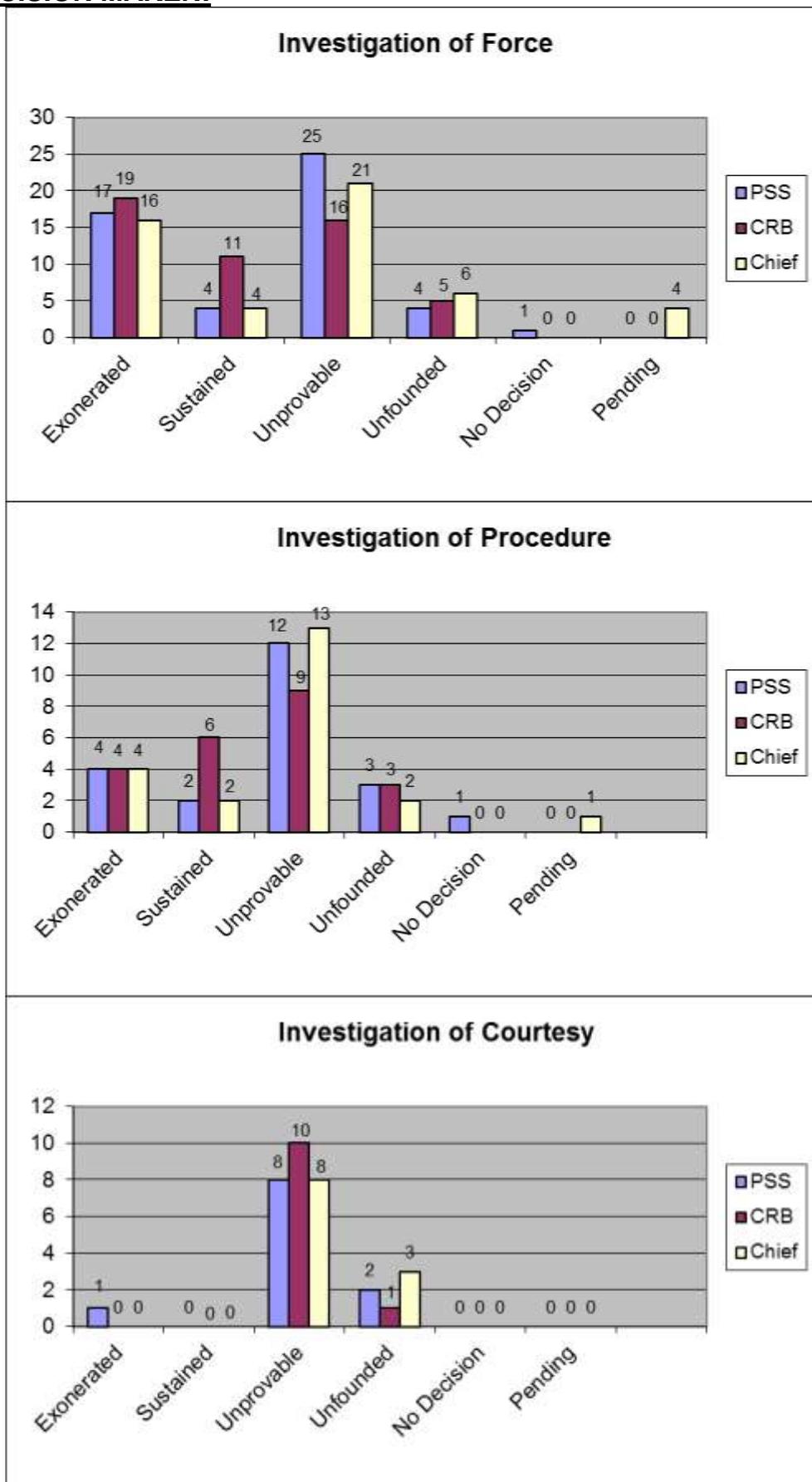
	PSS	CRB	CHIEF
Exonerated	4	4	4
Sustained	2	6	2
Unprovable	12	9	13
Unfounded	3	3	2
*No Decision	1	0	0
Pending	0	0	1
TOTAL:	22	22	22

Investigation of Courtesy:

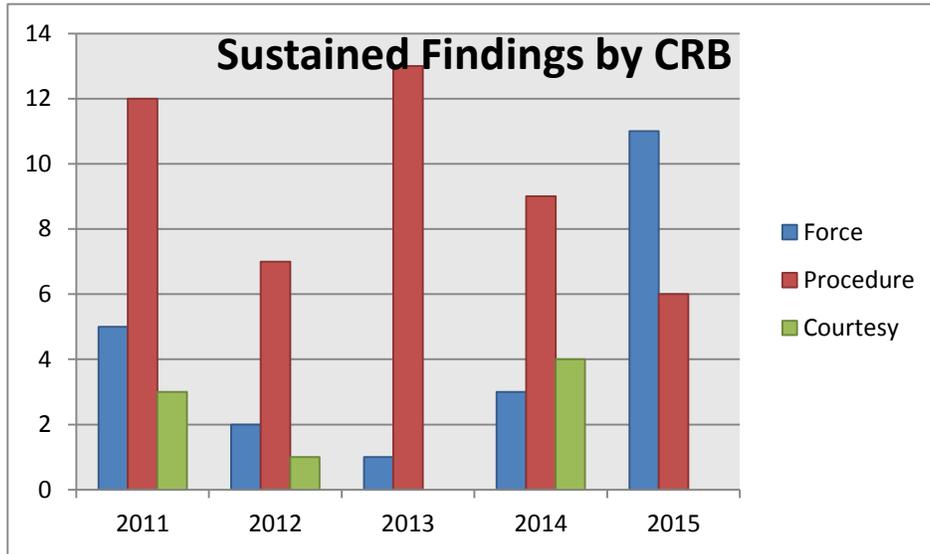
	PSS	CRB	CHIEF
Exonerated	1	0	0
Sustained	0	0	0
Unprovable	8	10	8
Unfounded	2	1	3
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	11	11	11

***No Decision – Additional allegation brought forward after PSS rendered findings. These are allegations added by CRB panelists as satellite allegations or by CRB separating one allegation into 2 or more separate allegations; therefore PSS did not render a finding for these subsequently added allegations**

GRAPHIC REPRESENTATION OF TOTAL BREAKDOWN OF FINDINGS BY ALLEGATION TYPE AND DECISION MAKER:



GRAPHIC REPRESENTATION OF CRB SUSTAINED FINDINGS BY YEAR:



GRAND TOTAL OF CRB FINDINGS:

The CRB's review resulted in a total of fifty-four (54) findings for allegations of misconduct.

23 were EXONERATED;
17 were SUSTAINED;
35 were UNPROVABLE;
9 were UNFOUNDED; and
0 are PENDING.

Total: 84 total

BREAKDOWN OF CITIZEN INITIATED COMPLAINT FINDINGS

Investigation of Force:

	PSS	CRB	CHIEF
Exonerated	14	16	13
Sustained	1	3	2
Unprovable	18	14	17
Unfounded	4	5	6
*No Decision	1	0	0
Pending	0	0	0
TOTAL:	38	38	38

Investigation of Procedure:

	PSS	CRB	CHIEF
Exonerated	4	4	4
Sustained	0	1	0
Unprovable	7	6	8
Unfounded	3	3	2
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	14	14	14

Investigation of Courtesy:

	PSS	CRB	CHIEF
Exonerated	1	0	0
Sustained	0	0	0
Unprovable	7	9	7
Unfounded	2	1	3
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	10	10	10

BREAKDOWN OF INTERNALLY INITIATED COMPLAINT FINDINGS

Investigation of Force:

	PSS	CRB	CHIEF
Exonerated	3	3	3
Sustained	3	8	2
Unprovable	7	2	4
Unfounded	0	0	0
Pending	0	0	4
TOTAL:	13	13	13

Investigation of Procedure:

	PSS	CRB	CHIEF
Exonerated	0	0	0
Sustained	2	5	2
Unprovable	5	3	5
Unfounded	0	0	0
*No Decision	1	0	0
Pending	0	0	1
TOTAL:	8	8	8

Investigation of Courtesy:

	PSS	CRB	CHIEF
Exonerated	0	0	0
Sustained	0	0	0
Unprovable	1	1	1
Unfounded	0	0	0
Pending	0	0	0
TOTAL:	1	1	1

SPLIT DECISIONS:

A "split decision" occurs when a CRB panel is not unanimous in its recommended finding(s). A "Final Determination" decision rests with the Chief of Police, which is the reported "finding" for the record. In addition, if the recommended finding of PSS differs from the recommended finding of a CRB panel, the Chief's decision is the reported finding. During this report period there were eight (8) split decisions by the Civilian Review Board.

NUMBER OF CIVILIAN REVIEWS CONDUCTED, LISTED BY MONTH:

January: Zero (0)	April: One (1)	July: Three (3)	October: Four (4)
February: Two (2)	May: One (1)	August: Two (2)	November: Two (2)
March: Two (2)	June: Four (4)	September: Zero (0)	December: Three (3)

CIVILIAN REVIEW BOARD RECOMMENDATIONS:

CRB recommendations evolve from the panelists processing of cases. CRB panelists are encouraged to make recommendations to address concerns that have arisen during an investigative review. These concerns are reviewed by the Professional Standard Section, and by the Chief of Police who will determine any actions to be taken. CRB recommendations are classified in one of three categories:

- 1. POLICY RECOMMENDATION:** A change in Departmental policy is recommended.
- 2. INVESTIGATIVE RECOMMENDATION:** Recommendation for attention to some aspect of the investigation itself. For example, if potential witnesses were overlooked.
- 3. TRAINING; REMEDIAL COUNSELING/MEMO/ RECOMMENDATION:** Officer recommended for a refresher course or additional training to deter problems from recurring; officer recommended for either oral or remedial instruction, or officer recommended for a memorandum of record drawn up and placed in file.

During this report period, the Civilian Review Board generated a total of fifteen (15) recommendations.

They are classified as follows:

POLICY:	TWO	(2)
REMEDIAL/TRAINING:	SEVEN	(7)
INVESTIGATIVE:	SIX	(6)

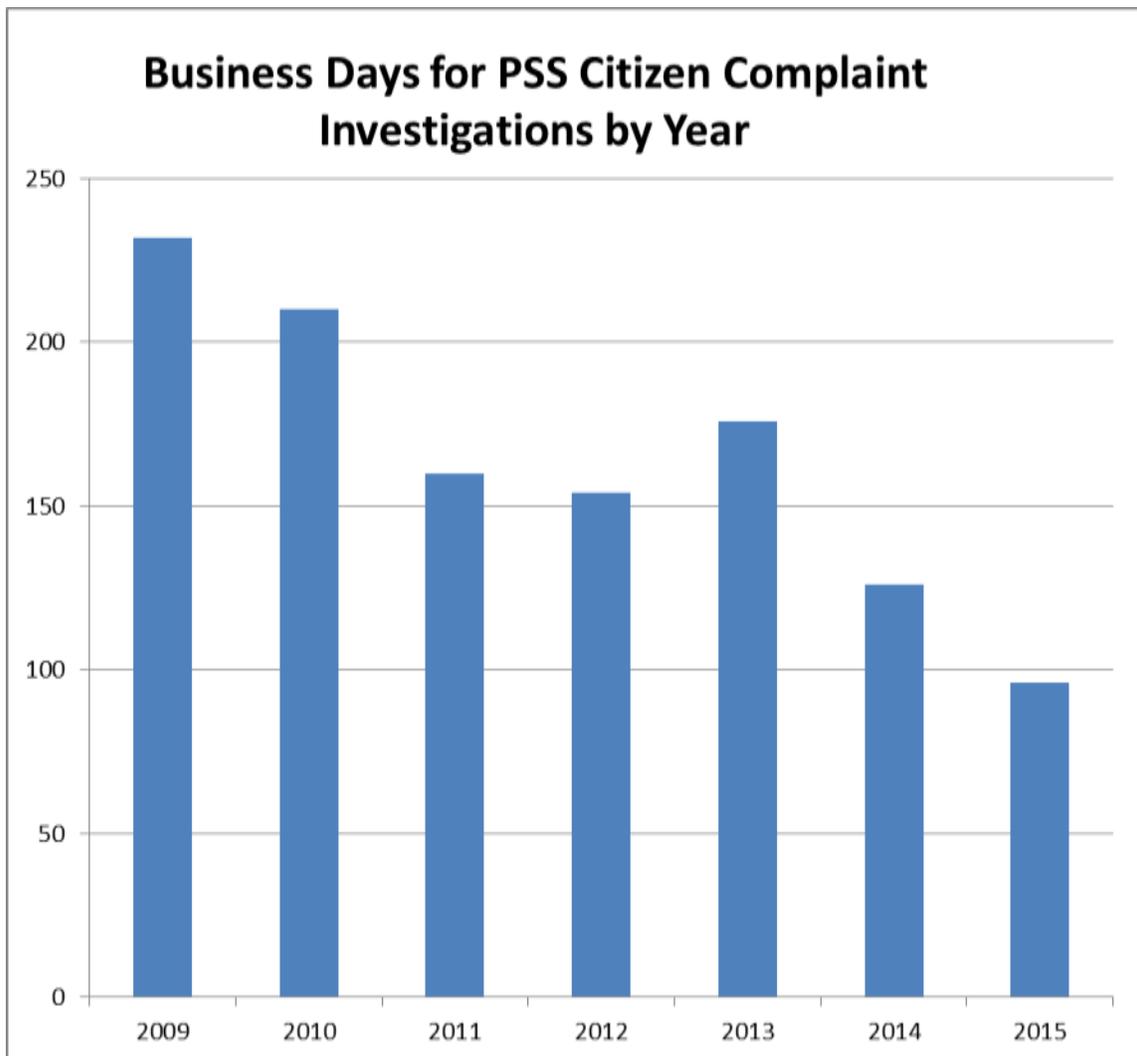
TIMELINESS:

The timeliness of an investigation is measured from the filing date of a complaint to the time it is given to a Civilian Review Board. The measurement is based on business days. Twelve (12) cases took longer than the average; eleven (11) cases took less than the average.

SHORTEST CASE: 28 DAYS
LONGEST CASE: 255 DAYS
AVERAGE: 96 DAYS

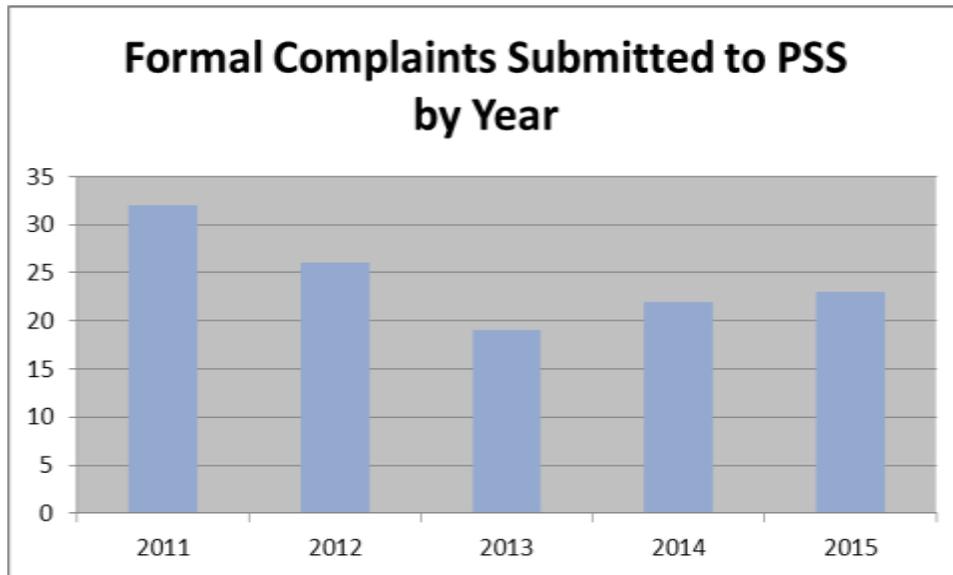
Note: An internal audit in late 2014 disclosed one incomplete complaint investigation from 2010. The investigation was completed by PSS in February 2015 and reviewed by the CRB in March 2015. The extended time period for this investigation is not reflected in the 2015 timeliness data noted above.

Reduced investigation time serves to enhance the credibility and integrity of the complaint process allowing for more quick resolution to these issues which is a critical element for improving Police/Community confidence and trust.



POLICE COMPLAINT INTAKE (PCI):

In addition to conducting civilian reviews of appropriate PSS investigations, the Center for Dispute Settlement serves as a community complaint information resource and an alternative site where citizen(s) complaints against police personnel may be registered. During this report period, January 1, 2015 through December 31, 2015, sixty-two (62) potential formal complaints were logged. Twenty-Three (23) citizens filed formal complaints through the Center for Dispute Settlement. With a formal Police Complaint Intake, the Center for Dispute Settlement assists citizens as necessary with initiating a complaint. The citizen is encouraged to work with staff to finalize and sign a complaint so the original can be sent to PSS with a copy provided to the complainant. If the citizen will not come in to the office or an alternative site, a Center for Dispute Settlement staff person will take the individual's complaint by telephone and forward it to the Professional Standards Section. If a citizen's complaint form is not completed, signed and sent to PSS, a full investigation cannot begin. Therefore, it is the citizen's responsibility for following through with the filing of the initial complaint so that it may be appropriately processed.



POLICE CONCILIATIONS (PCON):

Police Conciliation is a voluntary process that brings the citizen and the Officer together in a neutral forum to resolve possible misunderstandings or miscommunications. The meeting, conducted by a CDS mediator, is private and confidential. Mediators acting as Conciliators are professionally trained and highly skilled in conflict resolution techniques. If a PCON results in the issues being resolved, no PSS investigation is initiated and the case is closed. During this report period there was one PCON referred to CDS that resulted in resolution of the complaint.

YTD Total number of PCONs conducted by CDS: One (1)

SECTION 75 HEARINGS:

If the Police Chief finds that a complaint is Sustained against an officer, that officer may be directed to receive remedial training in those situations where there were minor violations of the General Order or Rules and Regulations. If necessary, the Chief may order that departmental charges be prepared. Pursuant to the New York State Civil Service Law, Section 75, a charged officer has the right to an Administrative Adjudication. An Administrative Adjudication is a formal hearing to determinate the police officer's guilt or innocence.

The Hearing Board consists of three (03) command officers appointed by the Chief of Police; if the complainant so desires, one (01) officer can be replaced by a CDS appointed civilian from the CRB pool of panelists. This hearing takes place in the City Public Safety Building. During this report period, the Center for Dispute Settlement was not involved in any Section 75 hearings.

OFFICE REVIEWS AND AUDITS:

An Office Review involves the reclassification of a case that has been initiated in response to a complaint. When this happens, the status of the case is changed from an Active Investigation to an Office Investigation. The investigation may be reclassified for a lack of sufficient information to render a finding or because the complainant refuses to (or cannot) cooperate further with the investigation. A CRB chairperson reviews these cases for their thoroughness, timeliness and fairness, and to ensure that all diligent efforts were made to contact the Complainant. PSS then recommends to the Chief that these cases be closed; the Complainant may reopen the case at any time. The City Council amendment to the Resolution (95-8) requires that CRB Chairs conduct Office Reviews as well as random audits of all cases filed with PSS. During this report period, two (2) audits were conducted.

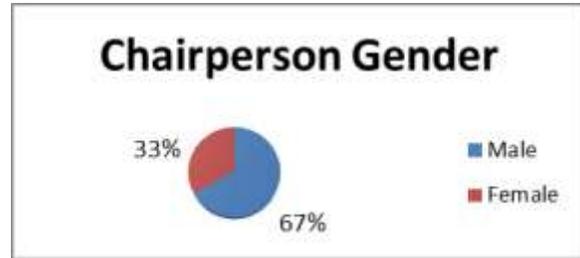
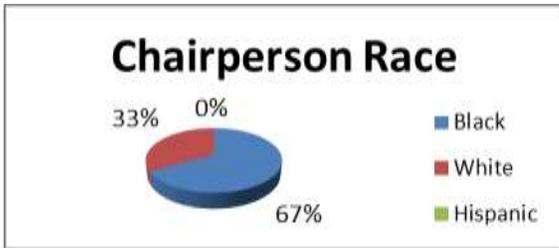
BREAKDOWN OF CHAIRPERSON PANELISTS BY RACE AND GENDER:

Sherry Walker-Cowart B/F William Daniels B/M
Frank Liberti W/M

Black Males	Black Females	Hispanic Males	Hispanic Females	White Males	White Females	TOTAL
1	1	0	0	1	0	3

Black Males	1	33.3%
Black Females	1	33.3%
Hispanic Males	0	0.0%
Hispanic Females	0	0.0%
White Males	1	33.3%

Black	2	66.6%
White	1	33.3%
Hispanic	0	0.0%
Total:	3	99.9%



BREAKDOWN OF PANELISTS BY RACE AND GENDER:

Black Males	Black Females	Hispanic Males	Hispanic Females	White Males	White Females	TOTAL
1	1	0	0	5	1	8

CRB PANELIST MAKE UP:

Black Males	1	12.5%
Black Females	1	12.5%
Hispanic Males	0	0%
Hispanic Females	0	0%
White Males	5	62.5%
White Females	1	12.5%
Total:	8	100.0%

Black	2	25.0%
White	6	75.0%
Hispanic	0	0%
Total:	8	100.0%
Male	6	75%
Female	2	25%
Total:	8	100.0%

