

**PATHWAYS TO BETTER
POLICE-COMMUNITY
RELATIONS IN ROCHESTER**

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Prepared for:

The City of Rochester, NY, William A. Johnson, Jr., Mayor

Rev. Lawrence Hargrave and Honorable Michael J. Miller
Commission on Police-Community Relations
With Staff Support from CGR
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SUMMARY

In 2003 Rochester Mayor William A. Johnson, Jr. initiated a citizens' effort to assess the status of police-community relations following several high-profile, controversial incidents in which individuals were fired upon and/or lost their lives during or following confrontations with Rochester Police Department (RPD) officers. The purpose was not to investigate or assign blame for these incidents, but to:

1. identify steps to reduce the likelihood of such incidents occurring again, and
2. make recommendations for ways to improve police-community relations throughout the city.

Mayor Johnson asked the Honorable Michael J. Miller, attorney and former Monroe County Family Court Judge, and the Rev. Lawrence Hargrave, Director of Alumni, Church and Community Relations at Colgate Rochester Crozer Divinity School, to head an independent citizen commission. At their request, the Mayor asked City Council to engage CGR (Center for Governmental Research Inc.), a nonprofit center for objective policy analysis and pragmatic change (www.cgr.org), to help conduct research and draft their report.

Pathways to Better Police-Community Relations in Rochester, the result of a year-long intensive effort, is our report. The recommendations it contains are extensive, and touch on every community group. Improving police-community relations isn't about pointing fingers at others. It is about asking all of us to step up to the challenge – because we all have essential roles to play in creating meaningful change.

There have been many positive developments which have significantly strengthened relationships between police and community over the past ten years, and there is a strong foundation of sound police-community relations which has been built under the leadership of Mayor Johnson and Chief Robert Duffy, and their commitment to the community's public safety.

Despite these recent improvements, changes are needed. Simply maintaining the status quo is not an acceptable option for Rochester. The question for community leaders and organizations, and for each of us as involved public citizens, is this: do we have the political and community will and commitment to implement the significant changes needed to ensure better police-community relations? *Our hope is that this report can build on the solid foundation that exists, as we seek to build bridges that create common ground and mutual trust, respect and understanding.* The ultimate goals are to reduce conflicts, provide greater public safety, and improve the quality of life throughout Rochester's different communities.

We recognize some of our recommendations are controversial, others difficult to negotiate, some require substantial time and effort to implement, and others call for a reordering of current priorities. However, all are important and worthy of serious consideration. They are our recommendations and more, for they draw substantially upon the recommendations of many community members.

Confidential discussions were held with more than 100 individuals – government officials; RPD personnel; representatives of public safety and criminal justice systems, and nonprofit service and advocacy agencies; members of the faith community; neighborhood association leaders; attorneys; educators and private citizens.

The report is based on confidential interviews with more than 100 individuals; extensive literature searches and follow-up phone conversations about practices, programs and policies in 15 other communities; a multi-year review of internal affairs and citizen review procedures in Rochester; and review of other resources, including:

- The 1976 report of the Citizens Committee on Police Affairs (“Crimi Report”), the last major police-community report;
- The federal Consent Decree impacting police hiring in Rochester;
- Pertinent RPD general orders, manuals, training documents, and contracts;

- Information related to the sweeping RPD reorganization plan implemented mid-2004.

Both the challenge and the opportunity of this project involve capitalizing on recent positive directions and channeling the community's efforts—those of the larger community as well as of the law enforcement sector—to build on and improve the very real strengths that currently exist in police-community relations, while at the same time developing new solutions to recalcitrant problems.

Overview of Perceptions

Police-community relations are defined by mutual trust and respect, levels of communication, proactive policing with community input, and perceived safety. RPD is generally regarded as a progressive department that works well with the community. The consensus rating of police-community relations by those interviewed was about 7.0 to 7.5 on a 10-point scale, with few ratings lower than 6.

Most of those interviewed believe that relationships between the community and police are much better than they were a decade ago, due to the leadership of the Mayor and Chief Duffy. In particular, Chief Duffy receives high marks for his efforts to develop effective working relationships with clergy and community leaders in all sectors of the city. And, despite difficult financial circumstances facing most cities throughout the country, Rochester, unlike many other cities, has maintained its commitment to a well-staffed, highly professional police force.

Yet considerable work remains to be done in our community to improve relationships (1) in some areas of the city, especially in the area broadly defined as “The Crescent;” (2) with minority residents in general; (3) with youth and young adults in particular; and (4) between rank-and-file officers and citizens in the context of RPD's reorganization plan. Nonetheless, even in a recent survey of the crescent area—the area of the city with the highest concentrations of crime, poverty, drugs, and residents of color (sub-populations with histories of disaffection with the police)—more than two-thirds of the residents expressed satisfaction with the police. The findings suggest a solid base of support on which to build improved police-community relations.

There is a need for a greater commitment on the part of citizens to collaborate with, and show appreciation for, the police officers who serve them. While some police actions appropriately draw quick and strong criticism, community residents tend not to speak out publicly about police approaches they support.

***Many want to have minority residents more involved in working with RPD around 2 issues:
1) reducing violence and mentoring young men,
2) increasing citizen cooperation in sharing information needed in investigations.***

Many white citizens and people of color, within and outside RPD, also stressed the need to find ways to build on earlier initiatives of the Mayor to get more minority residents involved in working with the police to provide leadership around issues such as the reduction of violence and mentoring of young men. In addition, many emphasized the need to find ways to increase citizen cooperation with police in sharing information needed in investigations.

There were significant comments about the special role of clergy, particularly in the black community, since “flash points” often involve minority citizens, either as victims or as individuals charged with criminal acts. Although clergy are more supportive of efforts to improve police-community relations than a decade ago, as a result of outreach efforts of the Mayor and Police Chief, relatively few are involved in joint efforts with police and other community leaders. Many said clergy of all faiths throughout the larger Rochester area must take greater responsibility for expressing outrage about violence in the city, and challenge minority communities as well as the larger metropolitan community to take responsibility for addressing related issues.

Various issues facing the City School District, including trancies, suspensions, and high dropout rates substantially impact RPD and city neighborhoods. Yet rarely do district and police leaders sit down to discuss mutual concerns and how to work as partners – and many urged such discussions.

Frustration with the local press and media was expressed repeatedly regarding police-community issues. Most characterized the coverage as “headline-driven and focusing on the sensational rather than substance,” or “If it bleeds, it leads” on TV news. The local press was viewed as having made recent efforts to get beyond headlines to provide perspective, but more needs to be done. A key factor cited was that local press and media have few veteran

reporters who can help provide context for incidents when they occur.

Community Education Recommendations

Police officers, clergy, and various community leaders consistently noted their concerns about the lack of adequate citizen awareness of—and need for more community education concerning—(1) citizens’ rights and responsibilities in their interactions with police, and (2) police rights, responsibilities and legal protections under various circumstances in their interactions with citizens. We make the following recommendations to address those issues:

- ❖ Police and community groups should collaborate in the development and dissemination of a series of educational materials designed to inform citizens of their rights and responsibilities—and those of police—in interactions between police and citizens. These should build on existing brochures and also include media public service announcements, presentations to students, presentations to neighborhood and faith community groups, etc. They should be balanced and non-judgmental, reflecting obligations and rights of both police and citizens under various circumstances. Clearer understanding of these perspectives and options should help increase respectful behavior by both citizens and police officers, thereby helping to reduce misunderstandings and the potential for escalating incidents in the future.
- ❖ The local Bar Association should play a more prominent role in helping to sponsor and develop mechanisms for educating the public on important aspects of police-community issues.
- ❖ RPD should sponsor a periodic survey of citizens on police-community relations and policing practices, as a means of educating the public and obtaining useful information.
- ❖ The press/media should sponsor “town meetings” around police-community issues, and provide more extensive background on issues and policing programs. Press and media professional covering police issues should attend the Citizen/Police Academy as a means of better understanding key issues.

Improving RPD Recruitment and Hiring Practices is Essential

In recent years RPD has fallen significantly short of meeting its annual recruit class hiring goals, both in total numbers and in its efforts to hire additional minority and female officers.

Over a number of years, RPD has been relatively successful in meeting the goals of an imposed Consent Decree. But although the current RPD force is 28.5% minority and 10% female, only four of the 33 recruits in the past two years have been minorities

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and only four have been female. Factors impacting recruitment and hiring include: minorities' historic distrust of police; hiring guidelines in the federal Consent Decree; difficulties and delays in the testing/screening process; and limited resources allocated to recruitment.

RPD is not currently positioned to significantly improve either its recruitment or hiring outcomes. Current resource allocations mean there is minimal RPD focus on recruitment; few ways to notify potential candidates about opportunities in the department; limited on-going, in-house marketing assistance available to “get the word out” effectively; and too many restrictions on testing. It is time to make recruitment and hiring in RPD a higher budget priority than it is today.

A summary of our key recruitment/hiring recommendations:

Currently it takes 14-16 months from the Civil Service test date to the first day of Police Academy training.

- ❖ Expand the number of full-time staff devoted to recruiting beyond the single person currently involved, and increase the non-staff recruiting budget beyond the current \$7,000 allocation.
- ❖ Work with the local and state Civil Service Commission to offer the police exam more than once a year, and in out-of-state locations, and explore other ways of shortening the screening process. (Note: Currently it takes 14-16 months from the test date to the first day of Police Academy training.)
- ❖ Hire a marketing specialist to work in conjunction with RPD's new community-based, volunteer Recruiting Advisory Committee to help create effective new marketing and recruitment strategies. RPD recruitment is too important an issue for the community to ask volunteers to take the lead role. (Note: another advantage of an in-house marketing specialist is that a professional advisor would be available to assist RPD on a range of issues – from grant writing to citizen education initiatives.)
- ❖ Recruit beyond the typical four-hour radius from Rochester, and explore ways to increase recruiting opportunities to adults who may be interested in second careers (such as veterans returning from military careers).
- ❖ Explore ways to extend the upper age limit of 35 for police recruits, a limit currently set by the state, to allow recruitment of mature candidates with a wider range of life experiences.

There is a need to shift budget funds to:

- 1) Increase the “marketing” recruitment budget beyond the current \$7,000 allocation;*
- 2) Recruit beyond the usual four-hour radius from Rochester;*
- 3) Communicate early with minority youth (e.g., Black Scholars).*

Upgrade RPD Training for Supervisors and Field Trainers, and Increase In-Service Training

Routinely scheduled supervisory training has been limited to Sergeants.

Lieutenants, Captains and Commanders traditionally have not received any additional leadership training, though new initiatives are now underway and should be expanded.

- ❖ Consider a housing incentive to encourage recruits to live in the city.
- ❖ Encourage a wide range of community leaders to speak on behalf of police work as a respected, valued career and one with good pay, benefits and stability. Since minority recruitment is key, target young people, such as Black Scholars, at an early age, and increasingly feature in public settings people of color in key RPD leadership positions.
- ❖ Establish formal recruitment linkages with local representatives of the armed services; also with the Hillside Work-Scholarship Connection.
- ❖ Explore expanding scholarship opportunities and internships with local colleges and universities with criminal justice programs.
- ❖ Make recruiting approaches through athletic teams.
- ❖ Increase opportunities for officers to serve as ambassadors to schools and community groups.
- ❖ Request that Civil Service review the test for police candidates to ensure it remains a valid predictor of success on the job. Strengthen efforts to help prepare applicants for written and agility tests.

Police Academy training for recruits far exceeds state requirements and is generally highly regarded. Significant improvements have occurred in a wide range of departmental training in recent years, including a targeted effort to improve training for dealing with emotionally disturbed individuals. Nonetheless, training for police personnel needs strengthening in a number of areas.

In particular, leadership and supervisory training has long been one of the major deficiencies in RPD’s training repertoire. Routinely-scheduled supervisory training has been limited to Sergeants—with Lieutenants, Captains and Commanders receiving no additional formal training. Yet even the four-week training program for Sergeants fails to emphasize important aspects of leadership, communications, supervision, mentoring and accountability, and is essentially limited to procedural matters such as paper work, general orders and discipline.

Fortunately, to help address such deficiencies, RPD recently initiated a new certificate management and leadership training program for RPD supervisory personnel in conjunction with St.

John Fisher College, and the first 15 to 20 participants attended special training classes while this study was underway.

Another area of training that needs to be strengthened is field training for the RPD personnel supervising recruits coming out of the Police Academy. There are numerous qualified Field Training Officers (FTOs) within RPD, but there are also instances of relatively young, inexperienced FTOs paired with young recruits, or “the young training the young.”

In addition, we found RPD apparently has no policy governing the extent and amount of annual in-service training. Although there is in-service training for sworn personnel every year, it is limited. The constant need to have as many officers on the street as possible makes finding time for in-service training difficult, but RPD management believes “e-training” can help. We agree and suggest that initial efforts underway be stepped up as quickly as possible.

RPD has stepped up its focus recently, at least in the Academy, on the proper way to do paper work. But not enough of the focus department-wide is on the related task – how to do good investigative work.

RPD must also recognize there is a tremendous need for additional formal, scheduled training. There is a particular need for more effective training to enhance communications, trust and respect to help prevent confrontations and strengthen overall police-community relations. In addition, while more emphasis has been placed on improving report writing in the recent past, at least in the Academy, there is not enough focus within RPD overall on how to perform the related task – how to do good investigative work. We point to declining crime clearance rates as evidence. They were typically 55% in the 1990s, 52% in 2002, and just 49% in 2003.

A summary of our key recommendations regarding training:

- ❖ Expand core supervisory training for Sergeants to include topics such as effective communications, modeling behavior, holding staff accountable, staff development, and mentoring.
- ❖ Secure funding for the new certificate leadership program that has recently been offered to selected Lieutenants and Captains, and expand it to all members of the command staff and other key RPD supervisory staff.
- ❖ Ensure all FTOs have a minimum of five years of experience as an officer in order to provide field training to recruits coming

All FTOs should have at least 5 years' experience as officers to provide field training to recruits coming out of the Academy.

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❖ Require, by written policy, at least three days of in-service training annually for all sworn personnel – and allocate whatever time is required in the Academy – to allow for training in areas such as:

- ◆ Community relations training (e.g., interpersonal skills, sensitivity, cultural understanding) with the direct involvement of one or more veterans with reputations for being “tough but fair cops.”
- ◆ Role-playing to prepare young officers for difficult experiences they are likely to face. (Note: the most compelling reason is that the least experienced officers, due to the impact of seniority on RPD staffing, are among the mostly likely to be placed in the most difficult situations in evening/overnight shifts.)
- ◆ Training and use of verbal de-escalation techniques.

❖ Place renewed emphasis on community leaders' participation in training, both inside and outside the Academy. Exposure to what is going on in the community can help recruits and seasoned officers alike see community residents as people rather than only as suspects.

❖ Review the emphasis in “paper work” training regarding its appropriateness for the District Attorney and courts. At the same time, strengthen the relationship between proper paper work and investigative practices.

❖ Find grants or other sources of income to increase the use of technology in the department, which is now heavily burdened by manual, paper processes. (Note: technology was not a focus of the Police-Community Commission, but it is obvious that one way to “gain” more officer time is through better use of technology. This should be the focus of an entirely separate study.)

Reducing Allegations of Police Misconduct

Rochester's approach to addressing civilian complaints is often viewed as a model. It is appropriate and in the public's interests to encourage the filing of legitimate complaints documenting alleged police misconduct, and equally appropriate and in the public's interests to ensure to the greatest degree possible that any complaints that are filed are legitimate, and not just frivolous or

flagrantly false complaints against officers because someone didn't like being singled out as part of a legitimate police action.

The Rochester Police Department's Professional Standards Section (PSS) conducts all internal affairs investigations of alleged police misconduct. The independent Civilian Review Board (CRB), which has evolved over the past quarter century as one of the country's model community oversight approaches to monitoring police misconduct, uses certified trained citizen mediators to review cases. Following PSS investigations, CRB three-person panels review all charges involving excessive use of force by police, conduct that if proven would constitute a crime, and other cases referred by the Chief.

We examined PSS Annual Reports for a three-year period (2001-2003) and Civilian Review Board data for the most recent four-year period (2000-2003). We found:

- ◆ The total number of cases/complaints against officers (departmental, citizen-initiated, and command discipline) was 150 (2001), rose to 187 (2002), then fell to 120 complaints (2003).
- ◆ The *citizen*-initiated complaints over the past three years involved 1,126 separate allegations.
- ◆ Less than 9% of all allegations by civilians resulted in sustained (misconduct proven) decisions by PSS. (National ranges are about 10%-13%.) Less than 5% of allegations alleging unnecessary force were sustained.
- ◆ For those citizen-initiated complaints that ultimately were reviewed by the CRB, 12% were sustained.
- ◆ The Chief, who has final decision power, sustained approximately 10% of all citizen-initiated complaints.
- ◆ PSS, CRB and the Chief consistently agreed on 80% or more of the dispositions of all allegations (whether externally or internally initiated) from 2000-2003.
- ◆ An average of about 205 officers (29% of the entire police force) over each of the past three years has been involved in a formal internal investigation by PSS, including an average of 151 (21%) on charges filed by civilians. However, a relatively small

Much of the information about relatively low sustain (misconduct proven) and discipline rates should be somewhat reassuring to police, while the high level of agreement in decisions between the Police reviewers and the Civilian Review Board should be reassuring to the public.

proportion of the charged officers wound up with sustained charges. An average of 62 officers per year (8.8% of the force) have had one or more sustained allegations each year – including 19 (2.7%) on complaints initiated by citizens.

- ◆ An average of no more than 18 officers annually (2.6% of the force and perhaps less, as some may have been duplicates) were suspended without pay or forced to resign (a total of three resignations in the past three years).

Investigations are completed by PSS staff within an average of about eight weeks per case, prior to reviews by various command/supervisory staff, and in some cases by the CRB. The time for review by command staff varies and can add significantly to the average time a case remains open, and investigations can drag on for long periods of time if awaiting a date for an arbitrated hearing. The length of time to resolve allegations of misconduct has been steadily increasing for those cases significant enough to be referred to the CRB. The average time to get the cases through the initial steps before they are even referred to the CRB has increased in the past three years from about 130 days to 225 days per case.

The CRB, in recent years, has reviewed approximately 50 cases annually – typically five to ten annually were internal complaints and the remainder were initiated by citizens.

The data suggest that neither the PSS nor the Chief have been unfairly punitive or aggressive in response to complaints.

A summary of some of our major recommendations:

- ❖ Undertake a broad campaign to inform the public about the citizen complaint process – publicizing the good work of most police officers, while also indicating citizens’ rights to file complaints when there are exceptions. Train staff in key community agencies to provide guidance and consultation concerning the complaint process.
- ❖ Have the Center for Dispute Settlement maintain a database on complainants recording frequency and patterns of responses.
- ❖ Have RPD and the union establish a speedy complaint investigation process. Suggested maximum: 120 to 150 days.
- ❖ Consider developing a PSS staff mixture of sworn officers and civilian investigative staff.

The data suggest that neither the department’s internal affairs unit nor the Chief have been unfairly punitive or aggressive in response to complaints.

Strong encouragement is needed to prompt use of conciliation, which could help reduce time spent in investigations and disciplinary actions. In the past four years only 14 cases have been referred. The process brings a citizen & the officer who is the subject of a complaint together in a neutral setting with a mediator.

Recommendations Involving Police-Community Interactions

Expand training and interaction opportunities to develop greater levels of trust between police and citizens, including informal youth-police contacts.

❖ Give Sergeants new to the PSS staff advanced training in investigative techniques – rather than relying almost exclusively on on-the-job training.

❖ Communicate overall outcomes of the complaint process more clearly and thoroughly to police officers and to the public, and make better use of data to indicate patterns of problematic behavior over time.

❖ Have RPD and the union urge expanded use of the now-little-used option of conciliation as an alternative to the PSS investigative process. Increased use of this option should help reduce the average time needed to resolve cases, and help reduce the number of unprovable/unfounded cases.

❖ Do not make major changes in the CRB, but fine tune it, including:

- ◆ Offering to complainants unhappy with the outcomes of their cases in PSS the opportunity to petition CRB for an independent review, if the CRB has not previously reviewed the case.
- ◆ Providing, in CRB’s review of complaints that fall into the grey area of “unprovable” or “unfounded” cases, more opportunities to meet with complainants to discuss questions and clarify issues. (Unprovable means there is insufficient evidence to prove/disprove an allegation, and unfounded means the alleged act apparently did not occur.)

There are 41 recommendations that directly relate to police-community interactions, and the following points summarize them:

❖ Involve more RPD leaders in representing the department in media interviews and other appearances to broaden the “face” of the department beyond the Chief.

❖ Expand training and role-playing for officers in effective two-way communications and treating citizens with respect.

❖ Adopt and implement the MOSAIC Partnership Program, designed to change perceptions by matching police officers with community residents from different backgrounds.

❖ Expand opportunities for “non-street” interaction between officers and youth and young adults. For example, a model program in Ottawa—“Kops and Kids”—has had excellent results.

Additional opportunities exist via the development of a police athletic league pilot program, and other opportunities for police officers to work with youth and community through such efforts as Scouting, recreation, tutoring and mentoring programs.

- ❖ Urge neighborhood associations and faith communities to become stronger advocates re: police-community issues – from publicly commending police approaches they value to establishing an active court watch process.

Examine frequency of use of FIFs (Field Information Forms). Evidence suggests that 1 of every 2 young black males in the city is likely to be stopped for questioning during the course of a year.

- ❖ Regarding the frequent stops RPD makes of young black males, conduct within the police department an objective internal assessment of the strategic value of FIFs (Field Information Forms) vs. the negative effects. In 2002 an outside study, based on three months of data, recommended RPD assess, using actual 12-month data, “how FIFs are used, and the accessibility and value of the information collected.” RPD should make following up on this important recommendation a priority.

- ❖ Continue RPD’s recent visible and successful efforts to aggressively control crimes and street disturbances in city neighborhoods, and do so while maintaining the focus on showing respect in police interactions with citizens.

- ❖ Wherever possible, include community leaders and clergy in advance discussions about policy and procedural changes in aggressive policing tactics, to obtain practical advice and ensure support for actions.

- ❖ Consider offering incentives for officers to live in the city.

- ❖ Aggressively recruit residents to become involved in PACTAC teams (Police and Citizens Together Against Crime), Citizen/Police Academy, and PCICs (Police-Community Interaction Committees), and make PCICs more effective agents of monitoring policing efforts and developing new initiatives.

- ❖ Step up clergy and lay involvement – from speaking out against violence, to being involved in PCICs, to becoming intermediaries in receiving confidential tips and passing them on to police without revealing sources, to taking the lead in expanding programs to tutor and mentor youth.

- ❖ Create a meaningful working relationship between RPD and the City School District to address issues of mutual concern ranging from “troubled schools” to truancy and dropout prevention.

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- ❖ Develop a community strategy to ensure needed funding support for mentor/advocacy-based programs such as the Hillside

Work-Scholarship Connection that are designed to reduce the number of Rochester students who are dropping out of school and becoming contributors to the breakdown of public safety on city streets.

❖ Get the corporate community more involved (e.g., help support special programs set up to link police with local youth, PCIC involvement).

Recommended Changes in Targeted Policing Initiatives

The report describes various policing initiatives now in place, and we recommend support for their continuation, as well as a number of important changes:

SROs should not be considered, as they are now by some RPD administrators, as a “drain” on police resources, but as essential, valuable resources.

School Resource Officers (SROs) are police officers assigned to city secondary schools. RPD should be commended for placing officers in schools, which not all urban police forces are doing. But SROs currently function rather independently and seemingly, at times, in isolation from the rest of RPD. There should be ongoing communication within RPD with SROs that is both meaningful and two-way, and RPD and the City School District should also jointly develop strategic ways of maximizing SRO value to both organizations. SROs can contribute much more significantly to policing efforts if their expertise is tapped more effectively. SRO positions, functions, placement, expectations and guidelines should be clearer than they currently are. Just as important, SROs should not be considered, as they are now by some RPD administrators, as a “drain” on police resources, but as essential and valuable resources.

Despite high success rates, the number of cases referred to Drug Court declined substantially in 2003. Several judges have histories of rarely making referrals and little attention is typically given to Drug Court usage or lack of use. This should change.

Drug Court needs heightened awareness throughout the community. Despite high success rates (i.e., low rates of recidivism for graduates), the number of cases referred to both City Drug Court (misdemeanors) and County Court (felonies) declined substantially in 2003. Several judges in both courts have histories of rarely making referrals, and little attention is typically given to Drug Court usage or lack of use. This should clearly change. News articles should be developed on judges who use and don't use the Drug Court, including their comments why, and the Bar Association should consider spearheading a campaign to publicize the advantages of Drug Court.

Project Impact is a successful partnership which involves using state funds to underwrite a federal, state and city-county partnership

designed to fight crime in the highest-crime neighborhoods. We strongly endorse continuation of the concept indefinitely beyond the initial six-month commitment, and propose RPD continue its limited, targeted, strategic use of outside deputies and troopers.

Mobile Field Force (MFF) consists of teams of seven officers plus a supervising Sergeant deployed en masse as needed to control community disturbances, break up open air drug markets and respond to high-level violence. The concept has been well-received by the public, and appears to have merit, but RPD should undertake an assessment of MFF's "sweeps;" attempt to determine the extent to which crime is or isn't being reduced or displaced as a result; and assess the impact on overall calls for service.

Between RPD management and the Rochester Police Locust Club leadership there is a struggle for the hearts and minds of Rochester's police officers. The conflicts—though showing some encouraging signs since late spring 2004 of abating, with increased evidence of collaboration—have been so pervasive and deep, that they have long affected virtually all aspects of the work done within the department, all levels of RPD employees, levels of communications, and departmental morale. They specifically affect existing levels of trust between staff, perceptions of management support for sworn personnel, discipline, how promotions are determined, and even at times who is perceived to be in charge.

Union/management relations have deteriorated since the early 1990s, due to the Civil Rights trial of that period and its aftermath. Suspicions going back to that period—apparently kept alive within the union—have led to a widespread, enduring perception by many within the department that police officers will not be supported by management if they are aggressive in carrying out their tasks. There is considerable counter evidence that suggests that officers actually receive strong support from the administration, but nonetheless, as a result of the perceptions, RPD as a whole appears to be less aggressive than it should be.

Since management/union relations are so often confrontational, neither management nor the union often makes final decisions when it comes to some of RPD's most important policy and procedural decisions. Issues between the parties are far too often simply declared at an impasse, which is permissible under the

A Critical Issue – Improving RPD Management/ Union Leadership/ Relations

Conflicts between RPD management and union leadership – and a long history of confrontation – significantly impact the levels of trust between staff, perceptions of management support for sworn personnel, discipline, how promotions are determined, and even at times who is perceived to be in charge.

state's Taylor Law, and then referred to arbitration, where the ultimate decisions are made by the contract arbitrator.

The confrontational nature of police-union relations means decision-making is very often put in the hands of an arbitrator – who then has enormous control over issues that can affect the entire community.

In this scenario, the interests of the public are often overlooked. Too often decisions affecting the public's legitimate concerns about costs, allocation of resources, efficient management, discipline and accountability, and ultimate public safety are determined not by the Chief, who is paid to be accountable for such decisions, and not even by the union, but by the arbitrator. (The arbitrator is jointly selected by the parties involved and serves for the length of the contract.)

Although the long-time arbitrator for Rochester police contract issues is well respected by all parties, we highlight what some observers consider a fact of life in New York State, but which we believe bears serious examination and subsequent legislative change: New York State's Taylor Law gives police and fire unions binding arbitration for all contractual issues. "It is a well-known fact in the state of New York," one observer put it bluntly, that if an arbitrator rules strongly against police and fire unions' positions, "the arbitrator will be blackballed. As a result, few arbitrators will strongly uphold management rights or proposals to change management rights. The only way you get them is to buy the union out (i.e., more benefits or pay)."

Having officers and supervisors in the same union is troubling. Performance reviews, discipline and communication are impacted.

Also troubling for the community is that the Police Locust Club represents, with only a few exceptions, all levels of sworn personnel in RPD from officers up through Sergeants, Lieutenants and Captains. When officers and supervisors are in the same union, there is an impact on performance reviews, discipline and communication. Supervisors are often caught in the middle between management and union perspectives.

General Recommendations – RPD Management / Union Leadership

RPD management and the union should build on their recent constructive collaborative efforts to develop "a shared vision of community policing" for the city, putting public safety and quality of life issues at the top of their priority list. The parties must jointly recognize the reality of limited fiscal resources in the city, the need to use them as effectively and efficiently as possible, and to work together in the public's interest.

If the Chief delegates more of his traditional community and media duties to other leaders in RPD administration, one of the advantages is that he can focus more of his time on internal communications with command/supervisory staff and officers, including motivating officers, and listening to deeply felt concerns (e.g., new roles for captains, procedures for handling citizen complaints against officers, discipline policies).

Once the police reorganization initiative is well underway, RPD should both monitor its progress regularly and commit to initiating a strategic planning process concerning long-range directions and plans for the department.

❖ Also, supervisors should not be in the same union as rank-and-file officers. Separate unions should be created for supervisory positions and rank and file officers, and ideally captains should not be in any union, but instead be part of management.

RPD in recent years has implemented a comprehensive performance evaluation system. However, the existing RPD performance evaluation system is neither an effective management tool nor a motivator of improved performance. The process is not linked in any meaningful way to significant decisions about officer performance, salary or promotions.

Our four most important recommendations in this area are:

❖ Encourage RPD and the union to work together to implement an evaluation system that incorporates rewards for good performance and consequences for poor performance, and use the new system as a positive mechanism to motivate and improve performance.

❖ Urge Civil Service to expand the probationary period from 18 months to two years to weed out any officers with consistently poor performance.

❖ Use the probationary period more effectively – and more intentionally evaluate the performance and warning signs of “marginal” officers during the probationary period.

❖ Reduce the overwhelming emphasis within RPD on seniority. The words, “it’s the senior person’s to lose,” in essence, describe how the vast majority of positions within the department are now filled.

Develop a True Performance Evaluation System

The RPD performance evaluation system is neither an effective management tool nor a motivator of improved performance. It is not linked to significant decisions about officer performance, salary or promotions.

Explore Increasing the Role of Civilians in RPD

Of 30 “comparison cities,” 20 had higher proportions of civilians. In half of that group a third or more of all full-time police employees were civilians. The rate for Rochester was 19%.

The Mayor and Police Chief have avoided reductions in sworn police officers, despite recent budget difficulties facing the city. But given those budget realities, there is no reasonable likelihood that Rochester will see any increase in police officers in the near future, so the most feasible way of putting more officers on the street is to free up officers currently assigned to specialty or administrative or desk positions by moving more civilians into those roles.

Using the *Municipal Year Book 2003*, we compared Rochester with 30 other cities with populations similar to ours and found:

- ◆ Rochester has been able to maintain a relatively high level of police services.
- ◆ Rochester has a relatively small proportion of police services provided by civilians. Twenty of the comparison cities had higher proportions of civilians, including 10 of those cities, in which about a third or more of all full-time police employees were civilians, compared with 19% in Rochester.

While comparisons can be misleading, they can also be suggestive that RPD may have the capability to shift some of its policing functions to civilians in the future. We are not proposing civilians as a cost- or staff-reduction strategy but as a way to free up more officers for field work. Thus, we do not recommend a reduction in the number of authorized sworn positions within RPD.

We strongly recommend that the City, RPD and the Locust Club conduct an objective study of the feasibility and implications of the possible shifts of some jobs and functions from uniformed officers to civilians. Ideally it should be undertaken prior to completion of the next RPD-union contract agreement, expected in mid-2005.

Recommendations Regarding RPD Reorganization

Many of the issues raised in *Pathways to Better Police-Community Relations in Rochester* are impacted by the sweeping RPD reorganization plan, which appears to have gotten off to a successful start in its early months of implementation. We have five key recommendations:

- ❖ The Chief make a strong effort during the first year of reorganization to meet regularly with supervisors at all levels to

provide support, encouragement, recognition, and to address concerns that may arise as the plan evolves.

❖ RPD carefully monitor crime clearance rates for all types of crime, comparing pre- and post-reorganization rates in each geographical area.

❖ RPD assess ways to focus on the quality and thoroughness of initial investigations, and hold Sergeants accountable for doing more thorough reviews of the reports filed by officers regarding whether more cases could/should be kept open for further investigation.

NET is a vital community access point to police under the RPD reorganization plan. NET should not – as it sometimes is within RPD – be considered a “drain” on resources.

❖ RPD make a strong commitment to supporting NET (Neighborhood Empowerment Teams) by: 1) fully staffing police NET positions, 2) selecting the strongest possible candidates for NET Lieutenant positions, 3) increasing communication between the Chief and NET, 4) training new recruits in NET functions and services, and 5) promoting cross-training of NET administrators and NET police personnel. NET is a vital community access point to police under the RPD reorganization plan and should not – as it sometimes is within RPD – be considered a “drain” on resources. (NET’s structure will be examined in a future study by the City and was not evaluated as part of this report.)

❖ RPD carefully monitor and evaluate the impact of implementing the reorganization plan in mid-2004.

Recommendations Re: Sealed Grand Jury Findings; Use of Video/Cameras by Police

Three controversial issues were reviewed and recommendations made in each area. They are:

Release of Information from Sealed Grand Jury Proceedings has been the subject of debate when a grand jury fails to indict a police officer in a highly visible case that has raised public concern about appropriate police behavior. We recommend no change in the law, but urge disclosure of as much information as is legally permissible prior to submission of such cases to the grand jury.

More than 200 police departments currently *videotape interrogations* in serious cases, and some states have established requirements. We recommend testing and evaluating the concept via a pilot project.

***We recommend two pilot projects:
1) videotaping of interrogations, and 2) use of cameras/videos in police cars.***

Many jurisdictions outside Rochester are exploring use of *cameras/videos in police cars* that could be activated whenever suspects are pulled over. We recommend a pilot project be established and

Recommended Changes in the Police Agreement

Negotiate to create a supervisors' union separate from the current union.

evaluated, and that funding be obtained through a federal or foundation grant.

A number of the recommendations outlined above have substantial implications for contract negotiations – now and in the future – between the City/RPD and the union. An outline of key recommendations:

- ❖ Negotiate to create a supervisors' union separate from the current union, with a separate union leader. Captains, ideally, should constitute a class of confidential employees and become part of the RPD management team.
- ❖ Negotiate changes in the contract to specify certain jobs for which seniority will not be the primary factor in selection of candidates (e.g., NET Lieutenants, SROs).
- ❖ Negotiate that promotions to positions directly affecting neighborhoods and significant interaction with the public be determined with opportunities for community input.
- ❖ Negotiate changes in the work rules and exclusivity limits which make it difficult to shift tasks from sworn officers to civilian employees.
- ❖ Strengthen the performance evaluation system with reward, incentives and consequences related to performance.
- ❖ Remove the limits on the ability of RPD to routinely collaborate with Sheriff's deputies and State Patrol troopers.
- ❖ Reduce the overtime obligations of the contract, which require payment for four hours if personnel are called in for overtime, even if a person works only a short time.

Finally, we recommend the City: 1) develop a broad understanding concerning the police contracts in other jurisdictions, so that management can work with a clearer understanding of what other area jurisdictions are likely to do, just as the union now knows what other unions are likely to push for; and 2) push repeatedly at the state level to reduce the reliance on binding arbitration to settle contracts and most grievances.

A Final Note from the Commission Co-Chairs

There is much to applaud about police-community relations in Rochester. Such relationships are much stronger now than they were a decade ago. But changes are nonetheless needed to further strengthen many aspects of the relationship between police and community throughout the city.

Our original intent was to develop a report entitled “Building Better Police-Community Relations.” But as our work progressed, it became apparent our task was about developing “pathways” for achieving the goal.

Improving police-community relations is up to the entire community. *The job cannot be left to the police alone.* Now it is up to the police, community leaders, community organizations, and to each of us as involved public citizens, to use the pathways suggested in this report to achieve better police-community relations in Rochester. That task is not easy, but it is critical for the future of our community.

Robert F. Kennedy once said, “There is nothing more difficult to take in hand, more perilous to conduct or more uncertain in its success than to take the lead in the introduction of a new order of things. Yet this is the measure of the task and the road is strewn with dangers.”

It is never easy to change well-established behaviors. In fact it takes enormous determination and effort to do so. It only happens if we commit to change, put steps in motion, and establish checkpoints along our path to measure progress.

But first we must answer one overriding question:

Do we have the political and community will and commitment to make needed change, or will we settle for the status quo?

We believe now is the time to act—to build on a solid foundation of good police-community relations, and to take Rochester to the next level of becoming a national model of police and community working together to improve public safety and the quality of life throughout all segments of the city.

GLOSSARY OF TERMS

Crescent	Sections of Rochester in southwest, northwest, north central and northeast neighborhoods that form the shape of a crescent.
CRB	Civilian Review Board – panel of certified trained mediators who review charges against police re: excessive use of force, conduct that if proven would be criminal, and cases referred by the Chief.
CSD	(Rochester) City School District.
FIF	Field Interview Form, used by RPD to report and record non-custodial police interviews and observations as investigative and/or intelligence information.
FTO	Field Training Officer.
Locust Club	Union representing most sworn police personnel.
NET	Neighborhood Empowerment Teams – offices in the various city sectors staffed by police and city personnel to address quality-of-life issues.
PACTAC	Police and Citizens Together Against Crime – team of citizen volunteers who work with police to monitor neighborhoods.
PCIC	Police-Community Interaction Committee – citizens from various city areas and police leaders meet periodically to discuss mutual concerns and follow-up responses.
PSA	Police Service Area – under police reorganization, a new, flexible approach to serving the community. A PSA roughly corresponds to a neighborhood area, and eliminates the “car beat” approach to policing.

PSS Professional Standards Section – the Police unit that investigates internal police investigations of alleged misconduct.

Reorganization Plan Dramatic redesign of police services structure, collapsing seven sections into two. Took effect mid-June 2004.

RPD Rochester Police Department.

SRO School Resource Officer – police officer assigned to Rochester secondary school.

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ACKNOWLEDGMENTS

As co-chairs of the Commission on Police-Community Relations, we wish to express our gratitude to Mayor William A. Johnson, Jr. for his leadership in initiating this important investigation, and for his leadership over the years in strengthening police-community relations throughout Rochester. We appreciate his understanding of the importance of the issues involved, and appreciate the faith he showed in us, and in CGR, to undertake this study in an objective, comprehensive manner, and for saying “take the time needed to do the job right.”

We are also grateful for the cooperation of Police Chief Robert Duffy. He made it clear in our initial meetings that he wanted a fair, balanced study; that we had complete freedom to talk to anyone within the Rochester Police Department and access to any available data; and that it was important to “let the chips fall where they may” as the study progressed. He was true to his word and did not attempt in any way to influence our findings or conclusions. Throughout all levels of RPD, including management, supervisors, officers, uniformed and non-uniformed staff, and Union leaders, we received consistent cooperation, generous allocation of time, requested data, and thoughtful, candid and insightful comments. We thank the many police personnel who helped us in so many ways throughout the project. Without their cooperation, this report would not have been possible.

We also express our grateful appreciation to the many community members who shared their time and insights with us. Their observations were instrumental to the development of our findings and recommendations. Because of promises made to each person to ensure confidentiality of comments, we cannot thank them individually. But each person with whom we met over the past several months has our deepest thanks. There was not an interview we conducted throughout the study that did not yield valuable information, insights and suggestions that helped shape our thinking and the content of this report.

City Corporation Counsel Linda Kingsley provided important liaison services between our project and City Hall, as well as offering helpful legal advice when we requested it.

We could not have undertaken this project without the research support of CGR. We are grateful to Don Pryor and Vicki Brown, and to interns Cynthia Lippa and Amanda Crane, for their guidance, support and research skills throughout the study. We have functioned as a team, and are pleased on behalf of the entire team to issue this report with the hope and expectation that it will contribute to strengthened police-community relations throughout the Rochester community.

Rev. Lawrence Hargrave
Michael J. Miller
August, 2004

PART ONE: THE CONTEXT

Part One of this report includes the first three chapters, which discuss the background and study methodology, provide the reader with both a historical and current context for this study, and provide a summary overview of perceived police-community relations in Rochester at the current time. The chapters in the subsequent parts of the report discuss more detailed findings, implications and conclusions resulting from the study, as well as specific recommendations for consideration by various sectors of the community.

1. INTRODUCTION AND BACKGROUND

In 2003, Mayor William A. Johnson took the leadership to initiate a citizens' effort to assess the status of police-community relations in the city of Rochester. The initiative was undertaken in response to several high-profile, controversial incidents in which citizens were fired upon and/or lost their lives in or following confrontations with Rochester police officers. The citizens' initiative was designed not to investigate past incidents or to assign blame for any actions taken or not taken—but rather to determine lessons learned and actions that both police and various sectors of the community can take to reduce the likelihood of such incidents occurring and to strengthen police-community relations in the future.

To spearhead this assessment, the Mayor appointed two local citizen leaders as co-chairs of the initiative: the Honorable Michael Miller, attorney with Chamberlain D'Amada and former Family Court Judge, and Reverend Lawrence Hargrave, Director of Alumni, Church and Community Relations at Colgate Rochester Crozer Divinity School. As staff to the project, the City of Rochester engaged the services of CGR (Center for Governmental Research Inc.) to work with the co-chairs to carry out the needed background research and to draft this final report detailing the project's findings and recommendations.

In some respects, this effort represents an update of a 1976 report on police-community relations prepared by the Citizens Committee on Police Affairs (widely known as the Crimi Committee). The current project, spanning parts of 2003 and 2004, began by reviewing that report, in an effort to determine what progress has been made in the intervening years, and where progress is still needed.

Purpose of the Study

Long viewed as a thriving community, the Rochester area has experienced difficult economic times in recent years, with service needs increasing at a time of dwindling private and public resources to address those needs. And yet, under the current City government administration, there have been significant signs of renaissance and hope throughout Rochester during the past decade, combined with new public and private sector leadership throughout the county, new signs of cooperation and resource sharing across governmental units, new public safety initiatives, and indications from various sectors of the community of a growing willingness to come together in collaboration to tackle ongoing problems. *Both the challenge and the opportunity of this project involve capitalizing on these positive directions and channeling the community's efforts—those of the larger community as well as of the law enforcement sector—to build on and improve the very real strengths that currently exist in police-community relations, while at the same time developing new solutions to recalcitrant problems.*

The report does not affix blame or point fingers. Instead, the focus is on educating all segments of the community by (1) presenting reality, as best we could determine it, with both its strengths and limitations, and (2) offering suggestions of ways various sectors of the community should cooperate to build on the strengths while correcting and overcoming the limitations. Throughout the study, and throughout this report, the focus has been on shedding light on ways to build bridges that link, break down barriers, and create common ground between various sectors of the Rochester community.

Project Methodology

As stated in the original proposal to conduct this project, as approved by the Mayor and City Council, the primary focus of the study was on “key policy and procedural issues” such as the following:

- “The current process for recruiting and screening potential officers for the police force (e.g., conducting background checks).
- “Current training (for new officers as well as in-service training) related to such issues as appropriate use of force under various circumstances; procedures when an officer has reason to believe a suspect may be carrying a weapon and/or when an officer feels threatened; procedures for dealing with witnesses, particularly those who may become peripherally involved in an incident; guidelines for addressing individuals who may be mentally ill and/or under the influence of drugs or alcohol and/or deaf or hard of hearing; ways of interacting with the public under various circumstances, including appropriate ways of processing citizen complaints.
- “The degree of community awareness and understanding of police rights, legal use of police force in effecting arrests, appropriate police procedures under various circumstances, etc.
- “Community awareness of citizens’ rights when being questioned by police, citizens’ rights when being arrested, procedures for filing citizen complaints about police behavior, including use of force.
- “The current Internal Affairs procedures for addressing complaints about police, as well as the external Civilian Review Board procedures, powers, and relationship to (and understanding by) the public; as well as any interrelationships or sharing of information between the Internal Affairs and Civilian Review Board procedures. Also, we propose to explore issues related to how any results of investigations and reviews are communicated to the public, and within what periods of time.
- “Alternate ways for citizens to express concerns and/or file formal complaints about police behavior (in addition to the Civilian Review Board), how any such opportunities are publicized, how any such expressed concerns are processed, and how and when results of any reviews are communicated to the public.

- “Ways to better educate and inform the public about their rights, police rights and procedures, and opportunities available to citizens who wish to register complaints.
- “Police union requirements and related police rights to confidentiality vs. informing the public about disciplinary actions that may result from complaints and investigations; what currently exists vs. what should be in place.”

The core of the findings that are the foundation of this report came from individual interviews and group discussions involving more than 100 different individuals who shared facts, knowledge, experiences and insights concerning the above issues and related aspects of police-community relations—past, current and future. CGR and the project co-chairs conducted confidential interviews with key elected and City government administrative officials; numerous members throughout the chain of command and across functional areas of responsibilities within the Rochester Police Department (RPD); other key representatives of the public safety and criminal justice systems; representatives of nonprofit service and advocacy agencies; educators; attorneys; representatives of city neighborhood associations; representatives of the faith community; and unaffiliated private citizens. A breakdown of the numbers of persons interviewed, by classification, is presented in the Appendix to the report.

***Information was
obtained in
confidential
discussions with more
than 100 individuals.***

In nearly all of these discussions, the participants were invited to meet with project staff or co-chairs because of their particular knowledge, expertise and/or position, and we also provided two public opportunities for interested individuals who had not otherwise been interviewed to share insights in confidential discussions. Without exception, each of the private interviews and group discussions conducted throughout the study yielded thoughtful, insightful comments and suggestions that were instrumental in shaping the content of this report. By agreement with each of those interviewed, in order to ensure that comments would be offered in complete candor, without fear of reprisal, no one is quoted for attribution in the report, and no names of the participants in the discussions are reported.

Much of how people view police-community relations is based on their perceptions, which may or may not be based strictly on facts or objective reality.

But—either way—perceptions in effect become the reality, or the basis on which people make decisions and take actions in their private and public lives. As such, these perceptions are important, and are treated as important findings. However, “lone ranger” perceptions, i.e., comments heard from only a single source and not able to be otherwise verified, were not included among our reported findings.

In order to further buttress the perceptions and comments from our interviews, we also examined numerous documents including: the Crimi report; documents related to Rochester’s consent decree affecting police hiring practices; RPD General Orders, procedural manuals and training documents; data related to the filing and dispositions of internal and citizen complaints filed against RPD officers; various data and documents related to RPD’s reorganization plan (which became operational June 16, 2004); various other data related to aspects of RPD operations; and selected data comparing Rochester with comparable communities.

To further assess practices and procedures in place in Rochester, we conducted extensive literature searches of various practices, programs and policies in selected other communities across the country. In particular, we reviewed internal affairs and citizen review procedures used to monitor police performance in about 15 different communities. We also reviewed extensive materials related to broad police-community relations issues and spoke with officials in such cities as Boston, Cincinnati, Seattle, Syracuse, Portland, Minneapolis-St. Paul, and Ottawa.¹

Recurring Themes

The development of trust and respect is key to strong police-community relations. Such relationships were consistently viewed as having improved in recent years.

A number of core themes and issues recurred throughout our interviews, and they emerge in various different contexts throughout the remaining sections of this report. *Among the primary recurring themes was the emphasis throughout nearly all our interviews on how much police-community relations have improved in recent years.*

In addition, repeatedly people stressed *the importance of good communications, building strong relationships, and the impact of the presence or absence of trust and respect.* They are at the heart of numerous issues that affect both internal operations within the police department, and the broader relationships between the department

¹ Materials reviewed as part of our research are referenced in the Appendix.

and the community. They affect police-community relations at both the institutional and the personal levels.

Another recurring issue that manifested itself in numerous dimensions is the existence of *conflicts and tensions, real and perceived, between various ideas and segments of the community*. For example, conflicts and tensions between:

- police and segments of the community;
- racial and cultural groups;
- city neighborhoods over allocation of resources (e.g., relatively high-crime, lower-income vs. relatively low-crime, higher-income areas of the city);
- union and management perspectives within RPD;
- veteran and newer officers;
- the desire for security vs. the concern about police overreaction, and between those espousing aggressive policing techniques vs. those concerned about excessive force and intrusive policing;
- allocation of police resources to crises and aggressive “street sweeps” vs. emphasis on preventive, “quality of life” policing issues;
- old police organization structure vs. the new reorganization plan;
- the desire for security in neighborhoods vs. a “code of silence” which mitigates against citizens sharing information with police;
- wanting “police to be able to do their jobs” vs. concerns about police accountability and protections against inappropriate police behavior.

And the list could go on and on. Many of these differences and conflicts are deep and long-standing and have proven difficult to resolve over time. Others are less divisive, less ingrained, and more amenable to resolution. Either way, much of the focus of this report is on illuminating these conflicts and disagreements—and seeking ways to reconcile the differences and find solutions that break down barriers between groups and ideas. *Despite the conflicts and tensions, there have been many positive developments which have significantly strengthened relationships between police and community over the*

past ten years, and there is a strong foundation of sound police-community relations which has been built under Mayor Johnson's leadership and his commitment to the community's public safety. Our hope is that this report can build on this solid foundation, as we seek to build bridges that create common ground and mutual understanding, and lead to new solutions to old problems. The ultimate goals are to reduce conflicts, provide greater public safety, and improve the quality of life throughout Rochester's different communities.

2. HISTORICAL AND CURRENT CONTEXT

Police-community relations do not exist in a vacuum. They are shaped by numerous factors, many beyond the direct control of the local police force. Historical and current societal factors shape how police forces and community residents view and relate to each other, and place at least implicit, if not explicit limits on the types of changes that can be made, at least in the short run, in present practices and behaviors. Yet actions can be taken to improve police-community relations, which in turn can have a significant impact on changing the community/societal context, and overcoming some of the historical factors that have been barriers to strengthening relationships in the past.

Implications of the Crimi Report

Many of the police-community relations issues facing the community today were in place, to greater or lesser degrees, at the time of the Crimi Committee deliberations in 1976. Many actions taken in response to the Crimi recommendations have led to significant improvements in internal Rochester Police Department policies, procedures and practices—and in turn have led to improvements in relationships between the police force and segments of the community. But in other cases, recommendations made at that time were not fully implemented, and some of the issues facing the community then remain problematic almost 30 years later.

The Crimi report led to significant improvements in internal police policies, practices and procedures.

More specifically, the Crimi report was instrumental in the creation of the forerunner of today's Civilian Review Board—and to changes made to strengthen the Civilian Review Board in recent years—and led to related changes in the Internal Affairs/Professional Standards Section of RPD. Improved policies, procedures and training concerning the use of firearms, defensive tactics and related alternatives to the use of deadly force have been implemented over time in response to Crimi recommendations. Improvements have been made in community relations training, including increased exposure of trainees to community leaders during both the Police Academy and field training. Some improvements have been made in recruiting and officer selection procedures. Since the Crimi report, the then-fledgling Family Crisis Intervention Team (FACIT) program has been

institutionalized. A performance evaluation system recommended by the Crimi Committee was subsequently partially implemented.

Positive changes in police-community relations have continued to be made in recent years, almost 30 years later, under the current Mayor and police administration. Yet many of the issues facing the community at the time of the Crimi Committee deliberations are still concerns today. For example, problems exist with RPD's performance evaluation process and with officer recruitment and selection procedures. Community relations and interactions between police and some segments of the community remain problematic, and there is a need to strengthen interpersonal and sensitivity skills within both RPD and the larger community. Suggestions in the Crimi report to raise the required educational levels of incoming police officers have remained unresolved during the intervening years. And despite widely-acknowledged strengths of the Civilian Review Board and RPD's Professional Standards Section review processes, opportunities for improvements remain.

Many positive changes have resulted from the Crimi report, including continuing improvements in recent years, but many other issues addressed by the Crimi Committee remain unresolved almost 30 years later, including historical issues of lack of trust and respect.

Perhaps of greatest significance in the comparison of today to almost 30 years ago is the recognition among most of those we interviewed that, despite improvements in relationships over the years between the police and nearly all sectors of the community, long-standing problems remain in the relationships between police and residents of some geographic areas of the city. They are particularly difficult in those portions of the community containing large concentrations of black and Hispanic residents, with the top concern involving issues between police and young black males. Many of the issues at the time of the Crimi report seemed to be related to lack of effective communications and the historical lack of trust and respect between many police officers and many black and Hispanic residents. Although perceived to be much better now than then, communications problems—predicated to a large extent on historical misunderstandings, patterns of behavior, and distrust—continue to be a key issue undermining effective police-community relations today.

Historical and Societal Context

Beyond the issues examined by the Crimi Committee, multiple realities—some historic and some new—contribute to the societal environment that shapes current police-community relations in Rochester. These realities, and the need to change or overcome

the effects of many of them, help to shape our recommendations (outlined in subsequent chapters) about what should happen in the future. For the most part, these are factual realities, and/or widely-held perceptions. Accordingly, they are offered with little supporting documentation or commentary, and are presented below in no particular order of priority.

Community Tensions

- ◆ As noted previously, there is in Rochester, as in numerous other U.S. communities, a long history of tensions between police and minority residents, despite significant improvements in recent years.
- ◆ Resulting issues of lack of respect and trust between many residents and police.
- ◆ Significant racial separation and isolation within city neighborhoods and schools.

Demographic/ Socioeconomic Factors

- ◆ A struggling economy in the region and county, with the impact felt most acutely in the city.
- ◆ High concentration of poverty, drugs, crime, unemployment, lead poisoning and abandoned houses within particular areas of the city, especially in what is called the crescent area,² which also has the city's highest concentrations of black and Hispanic residents. Many families with multiple generations that are poor, undereducated, and underemployed.
- ◆ The selling of drugs as a major “industry” in many city neighborhoods, particularly within the crescent area, with drug sales supporting some families.
- ◆ A shrinking city population facing increasing gaps between available tax revenues and demands for services.
- ◆ Increasingly significant annual City government budget gaps.
- ◆ Large numbers of city students who are not meeting state education performance standards.
- ◆ High dropout rates among city youth, with fewer than a third of the city's at-risk 9th-grade entrants

² Broadly defined as a crescent-shaped area running from southwest of downtown Rochester north and then east across to the northeast of downtown. It includes certain southwest, northwest, north central and northeast neighborhoods of the city which form the shape of a crescent.

subsequently graduating from high school—and a work force unable to absorb large numbers of these young people.

Resource and Service Gaps

- ◆ High homicide rates within the city in recent years, mostly within the crescent area, and evidence of growing community resignation to the problem. (Note: the number of homicides has declined substantially thus far in 2004.)
- ◆ Movement within County government to reduce selected revenues and services to city residents.
- ◆ An overloaded criminal justice system. Because the District Attorney, Courts, Probation, Parole, and Public Defender’s office are not adequately equipped to deal with the crime volume, there is a perceived lack of “consequences” among many criminals and youth.
- ◆ Insufficient community resources to address problems within: (1) the criminal justice system; (2) school systems (e.g., suspensions, truancy, dropouts); (3) treatment/services for those with drug problems; or (4) adequate recreational, preventive and early intervention services for youth.

Historical Influences on Police Management

- ◆ The legacy of the Civil Rights trial of the early 1990s, with officers testifying against officers and issues of residual distrust lingering today. There remains a widely-held perception that some officers are not as proactive as they could be, because they fear being prosecuted and/or not being supported by police leadership. As the trial becomes a distant historical reference, its impact may recede, but many believe it has a continuing negative impact, including on how new officers are field trained.
- ◆ State laws (e.g., Taylor Law, Civil Service Law) that limit the City’s ability to negotiate effectively.

Commitment to Community Safety

- ◆ Despite dire fiscal straits, the Mayor and the City have continued their commitment to maintaining a well-staffed, highly professional police force.
- ◆ The community has developed strong cross-jurisdictional collaborative initiatives such as Project Impact, Cease-Fire, Exile, Safe Start and others designed to reduce crime and its impact within the city.

3. OVERVIEW OF POLICE-COMMUNITY RELATIONS

“Trust and respect are at the heart of police-community relations.”

This quote from a police officer interviewed during the study was echoed, with varying words, in most of the interviews we conducted. There was general agreement about the central importance of these concepts, and the need for both police and community members to constantly strive to develop mutual trust and respect. However, there was considerable variation among different community groups and within the police department as to the degree to which mutual trust and respect currently exist.³

Police-community relations are defined by trust and respect, levels of communication, proactive policing with community input, and perceived safety.

The general consensus in our interviews was that police-community relations are defined by (1) perceived levels of trust and respect; (2) the extent of regular communications (formal and informal) between the police and individuals and groups within sectors of the community; and (3) the degree to which police officers are perceived to be proactively addressing crime and the fear of crime (and the extent to which this is perceived to happen in collaboration with, and with input from, the community). Also, how individuals feel about police-community relations is, at least among community members, strongly influenced by (4) how secure they feel in their own circumstances and their perceived quality of life.

Overview Perceptions

Police-community relations, however defined, are generally viewed to be relatively strong in Rochester. Comments focused around the following:

Strengths

- ◆ The general consensus rating of police-community relations was about a 7 or 7.5 on a 10-point scale, with few ratings lower than 6.
- ◆ Most of those interviewed believe that relationships between the community and police are much better than they were a decade ago, due to the leadership of the Mayor and his police chief appointments—with efforts begun by Chief Robert Warshaw and continued

³ This will be a recurring theme that emerges at various points in the discussions in this and subsequent chapters.

and expanded by Chief Robert Duffy. In particular, Chief Duffy receives high marks for his efforts to develop effective working relationships with clergy and community leaders in all sectors of the city.

- ◆ The Rochester Police Department is generally perceived to be a progressive department that typically works well with the community.
- ◆ As one neighborhood leader noted, “No police department and no community policing can be successful unless you have the community on board.” For the most part, this community appears to be “on board” and generally supportive of RPD and its efforts. RPD generally receives high marks for meeting regularly with clergy and for setting up formal neighborhood-based communications mechanisms such as the Police-Community Interaction Committees (PCICs), and for trying to be responsive in various ways to community concerns.
- ◆ Many believe that relationships have reached a plateau or perhaps declined slightly in the past two years or so, because of high-profile incidents involving the use by police of deadly force (with minorities as victims) and recent high homicide rates (though they have declined to date in 2004). But even those who perceive that relationships have leveled off or declined credit the groundwork and relationships established over the past few years by Mayor Johnson and Chief Duffy with having established a level of trust and credibility that has enabled the community to experience these recent events “without exploding,” and without seriously eroding the overall core good working relationship between police and most sectors of the community. One clergy member stated the prevailing consensus that “the recent incidents and patterns of violence shook the levels of trust and community relationships, but didn’t break them, and aren’t likely to because of the careful attention paid to establishing levels of trust and integrity from the top down.”
- ◆ Despite the progress that has been made in developing effective working relationships with community leaders, particularly among people of color,

Concerns

there remains a long history of distrust to overcome, especially in minority segments of the community.

- ◆ The generally high levels of trust and support for the police are not uniform across the city. Support is perceived to be strongest in what one neighborhood leader called “the relatively insulated, mainly white middle-class neighborhoods.” Levels of trust and support are not as strong within the crescent area and within minority communities. There are particular tensions between police and some youth, especially those of color, many of whom are stopped frequently for questioning by police. As one police officer put it, “They fear dying and getting shot (on the streets) more than they fear the cops.”
- ◆ There is a perception that the police are trying to become more consistent in their approaches in all areas of the city, “but we’re not there yet.” Several clergy and neighborhood leaders used similar language noting instances of “institutional racism and attitudinal problems that are reflected in occasional inappropriate behavior, which makes it hard to trust the police, and limits the willingness to come forward to support them, but at least some progress is being made.”
- ◆ Continuing concerns remain in minority-dominated communities that officers are not always careful enough about distinguishing between “suspects and citizens,” though older residents are more likely to be willing to tolerate and support aggressive policing in order to help ensure safety and a sense of security in their neighborhoods.
- ◆ Community leaders—white, black and Hispanic—agreed that treating citizens, including suspects, with respect and dignity is key to effective policing, and that *aggressive policing is generally tolerated and even supported in all sectors of the community as long as it is carried out with respect for the dignity of the citizen being addressed by police officers, and without abusive language.*
- ◆ Although good relationships and trust levels have been established at the top between the Chief and community and clergy leadership, it is not as clear that the relationships are perceived to be as strong “between the average police officer and the average citizen.”

Bottom Line

Police-community relations have improved under the current administration, but need strengthening in particular areas.

Police-community relations in Rochester are generally viewed as having improved substantially since the Crimi report, and particularly within the past few years under the current Mayor and Police Chief. Considerable attention has been paid to strengthening personal relationships with community leaders and to establishing formal communications links between police and community groups. But considerable work remains to be done to improve relationships (1) in some areas of the community, most particularly within the crescent area; (2) with minority residents in general; and (3) with youth and young adults in particular. And relationships between rank and file officers and “average citizens” continue to need to be addressed, as discussed in more detail later in the report.

Specific Impact of the Chief

The Mayor receives credit by many for his police chief appointments. In particular, Chief Duffy has received much of the credit for strengthening police-community relations in recent years. But, as several of those interviewed noted (including the Chief), one person alone does not represent the work of, and relationships developed by, an entire police force. Comments about the Chief can be summarized as follows:

Strengths

- ◆ He is universally viewed as a man of integrity and moral convictions, with ethical values, good will, and a strong commitment to the police department and the community.
- ◆ The Chief is viewed as having done extensive “outreach work” to all sectors of the community; and the sincerity of his efforts and his perceived “approachability” are viewed as having been instrumental in “keeping the lid on” and helping contain passions in the community in the aftermath of volatile, high-visibility incidents. The Chief’s willingness to address questions personally was especially evident in 2002-03, when there were several high-profile incidents in Rochester. He is particularly trusted by many leaders and clergy in the minority community, many of whom particularly value “the fact that he is a man of faith.”
- ◆ He is viewed as accessible to the press and media, and is perceived as “coming across to the public as

candid, concerned, believable and forthright” when interviewed by the media.

Concerns

- ◆ Some concerns were raised that his high-visibility profile, while a clear strength in many respects, may also have a down side. Concerns were raised by several community and clergy leaders that the Chief may be almost too visible at times, and may be viewed by some as “the personification of the department.” Some added that the community also benefits from seeing other strong leaders within the department dealing with the community directly, which boosts the community’s confidence in the entire police force. It is important for the community to see evidence that strong leadership is being developed throughout the department. Indeed, this is beginning to happen, with a greater focus on increasing the number and variety of officers representing RPD in visible settings where appropriate. Nonetheless, in key times of crisis and controversy, it is agreed that the Chief must continue to be the visible leader who addresses the public in such high-profile circumstances.
- ◆ Others expressed concern that the face of the department shouldn’t so consistently be that of a white male, and that especially with more faces of color now in high-level administrative and decision-making positions, more of those faces should be visible to the public. Again, this is happening on an increasing basis.
- ◆ Some concerns were expressed that the Chief may not spend enough time strengthening his internal relationships and communicating more consistently with various levels within the police force. Some police officers view him as “too connected to the community, and not supportive enough of his officers,” to the detriment of internal morale. There are indications that this may all have been true during 2002-03, when there were a number of high-visibility incidents, but that conscious efforts have been made in recent months to focus more on strengthening internal relations with officers. On the other hand, several community leaders and even a few officers suggested that the Chief may not be forceful enough in “representing management and visibly standing up to the union in some situations where that is necessary.”

Bottom Line

The Chief is strongly supported, but should share public visibility and focus more attention on internal communications.

Nearly everyone expresses personal admiration and respect for the Chief. But even some of his strongest supporters believe he should spend less time in the future in front of the public (except in obvious high-visibility matters where he must be visible and publicly accountable), should delegate more public appearances to other leaders within the department (as is beginning to happen), and must spend more time focusing on strengthening internal communications and “a supportive environment and team spirit” within the department.

Survey Findings

While this study was being conducted, a related survey was completed, and the results were provided to CGR.⁴ During the last two months of 2003, a telephone survey was conducted of Rochester residents concerning their attitudes toward the police, and their level of engagement with various police-sponsored community programs. The survey focused exclusively on residents within the city’s crescent area. Although the survey only included those with phones, and the sample contained “somewhat more whites, women, older people and homeowners...than would be expected in the neighborhoods,” the findings from 357 residents nonetheless represent a helpful assessment of perceptions about the police in the highest-crime, lowest-income areas of the city.

Strengths

- ◆ Even in the crescent area covered by the survey—an area which might be expected to be less satisfied with police services than most other neighborhoods—70% of the respondents expressed satisfaction with the police (24% said they were very satisfied, 46% somewhat satisfied), with 10.5% saying they were very dissatisfied. Even among black respondents, who were least satisfied overall, almost two-thirds expressed overall satisfaction (65%). Hispanics were most likely to express satisfaction with the police (87%).
- ◆ Even among those who reported that they had been victims of crime in the past year, 58% said they were

⁴ The survey was conducted by the Rochester Institute of Technology’s Criminal Justice Department, in affiliation with the Institute for Public Safety Policy Studies at SUNY Brockport.

satisfied with the police (compared with 78% of those who had not been crime victims).

- ◆ Almost three-quarters of the respondents were aware of at least one of several types of police-sponsored programs in their neighborhoods—e.g., clergy response teams, neighborhood watch, PACTAC (Police and Citizens Together Against Crime), court watch, Police-Community Interaction Teams (PCICs)—and 14% reported that they had participated in at least one specific program.
- ◆ Substantial proportions of the respondents (45%) reported that they had been victims of crime within the past year.
- ◆ Of those, substantial proportions (20% for some crimes, more than half for others) said that they had not reported the crimes to the police, typically because “they didn’t think the police could do anything” or “the incident was no big deal.”
- ◆ Although most crime victims were satisfied with the police overall, just over half of those who had been in a situation where there was direct contact with the police were satisfied with the timeliness of the response (51%), and 53% were satisfied with the specific assistance that was provided.

Concerns

Bottom Line

Most residents of even high-crime, high-poverty areas are satisfied with police services, providing a support base for future cooperation.

Even in the area of the city with the highest concentrations of crime, poverty, drugs, and residents of color (sub-populations with histories of disaffection with the police), more than two-thirds of the residents expressed satisfaction with the police. The findings suggest a strong base of support on which to build improved police-community relations (as discussed in more detail in subsequent sections of the report).

PART TWO: ADDRESSING SPECIFIC ISSUES RELATED TO THE COMMISSION'S CHARGE

Although the charge to the Commission was broadly defined as evaluating the state of police-community relations in Rochester, within that broad charge were several issues specifically outlined in the original proposal approved by the Mayor and City Council (see Methodology in Part One). Those specific issues to be addressed included: community awareness and understanding of both police and citizens' rights and responsibilities in various circumstances; educating the public about such rights and responsibilities; recruitment and screening of potential police officers; police training regarding various issues; investigating alleged police misconduct and processing of citizens' complaints about police; and informing the public of results of investigations related to such complaints.

Chapters 4 through 8 in Part Two of this report focus on what we learned about those issues: What is currently in place; changes that have been implemented in response to previous high-profile incidents involving deadly use of force by the police; and recommendations designed to build on current strengths (1) to improve policies and practices related to those issues, and (2) to strengthen overall police-community relations in the future.

Beyond the specific issues addressed in Part Two, a number of other issues more broadly related to improving police-community relations are addressed later in the report's concluding chapters in Part Three.

As further context to frame the discussions in the following Part Two chapters, it should be noted that since the concentration of high-profile incidents that led to the initiation of this study, RPD has taken a number of initiatives designed to reduce the likelihood of such incidents occurring in the future, including expanding its internal training on appropriate use of force; expanding deployment, and training in the use of, tasers as alternative approaches to subduing citizens involved in conflicts with police; and developing new approaches to deal with emotionally-disturbed individuals and with potentially-threatening crowds of individuals.

4. IMPROVING COMMUNITY AWARENESS OF POLICE AND CITIZENS' RIGHTS AND RESPONSIBILITIES

In many of our interviews, we heard a recurring refrain: Police officers, clergy, and various community leaders consistently noted their concerns about the lack of adequate citizen awareness of—and need for more community education concerning—(1) citizens' rights and responsibilities in their interactions with police, and (2) police rights, responsibilities and legal protections under various circumstances in their interactions with citizens.

In the past, relatively little was done to systematically improve public understanding of these issues. Recently, however, that has begun to change, with new initiatives underway to address these issues, though much more still needs to be done in the future to build on these recent positive efforts.

Community Education and the Police/Citizen Academy

RPD has done a good job of developing opportunities to expose community leaders to some of the same types of training that officer recruits receive at the Police Academy. Exposure of citizens to the modified Academy training helps them gain a better understanding of the rationale behind what officers do and why. The Academy has invited neighborhood leaders and clergy to come together to expose them to training and to help educate them on various issues related to police-community relations. *The city as a whole would benefit from having a broader array of citizens from all sectors of the community exposed to the Academy.*

In general, RPD and other community groups should be working to develop educational materials to help the public better understand policing techniques, rights and responsibilities of police officers under certain circumstances, and the rights, responsibilities and appropriate responses of citizens as well under certain situations. Along these lines, the Center for Dispute Settlement and law enforcement officials have recently taken an important step in this direction by developing brochures for distribution throughout the community which outline citizen and police rights and responsibilities. It is too early to know what impact these brochures may have on reaching and influencing the

knowledge and behavior of a wide range of the public, but they represent a good beginning.

Educating Students About Interactions with Police

A few school officials and police officers mentioned the “demise over time of the DARE program in the schools,” and lamented the loss of the opportunity to have police officers in schools establishing relationships with the students. The program was perceived as providing opportunities for students to see police officers as human beings, and concerns were raised that nothing seems to have replaced this school-based opportunity to personalize police-student relationships in a friendly, non-threatening setting. No particular opportunities are provided during the school year to educate students on their rights and responsibilities related to contacts with the police, or about the rights and responsibilities that police officers have in various situations.

Placement of police officers as School Resource Officers (SROs) in middle and high schools (typically one or two officers in each school) provide opportunities for students to see officers in the schools, but often the contacts are made in the context of a problem which has occurred, rather than the establishment of a relationship that preceded the problem. Many of the SROs do attempt to develop personal relationships with students prior to a crisis or problem erupting, but that is not always possible, as the role of the SROs varies considerably, depending on the school and the principal. Moreover, some schools with substantial needs have only a single SRO assigned to them. (SROs and their deployment are discussed in more detail in Part Three of the report.)

Community Education Recommendations

We suggest (in parentheses) who should be responsible for taking leadership around implementing each of our recommendations around the issue of expanded community education.

❖ *Police and various community groups should collaborate in the development and dissemination of a series of educational materials designed to inform citizens of their rights and responsibilities and of police rights and responsibilities in interactions between police and citizens. (RPD and the Bar Association as leads, with support from Center for Dispute Settlement, City School District, press/media, and Ad Council)* As noted, CDS and law

enforcement officials have developed brochures which help outline responsibilities and appropriate actions to take. These should be widely distributed throughout the community. But beyond these brochures, much more needs to be done. For example, it would probably be helpful to develop media public service announcements; presentations to students in school settings; presentations to neighborhood and faith community groups; presentations at places like neighborhood settlement houses and organizations such as the Ibero-American Action League, ABC and the Urban League.

Such presentations, live or on video, should be balanced and non-judgmental, and reflect what police are legally able and can be expected to do in certain circumstances, and what citizens should do and are legally obligated to do and not do in such situations. Clearer understanding of these perspectives and options should be helpful in increasing respectful behavior by both police and citizens, thereby helping to reduce misunderstandings and the potential for escalating incidents in the future, if such information can be widely disseminated throughout the community.

Such presentations could include general lessons learned from combinations of previous incidents involving confrontations between police and residents, including how types of incidents would now be handled in light of changes in procedures, training, and other areas within RPD. Information could also include what citizens should do if they wish to file a police complaint (see Chapter 8), but also what they should do and who they can contact if they have information useful to the police.

❖ ***City School District and RPD officials should meet with others to develop efforts to educate students concerning their rights and responsibilities, and those of police officers, in any interactions between them. (CSD, RPD, Bar Association)*** In addition to the broader public education campaign, a tailored version may need to be developed for students.

❖ ***The local press and media should consider sponsoring occasional community forums or “town meetings” around police-community issues. (press/media)*** These forums could be modeled on the forums occasionally jointly sponsored on various topics by WXXI, Channel 13 and the *Democrat and Chronicle*. They could bring together knowledgeable panelists to discuss particular issues, followed by questions from the audience.

❖ ***As a means of both educating the public and obtaining useful information from community residents, RPD should***

sponsor a periodic survey of citizens on police-community relations and policing practices. (RPD) Every two or three years the Police Department should commission a survey of residents from all sectors of the city to determine how satisfied they are with policing in their areas and citywide, and to measure changes in attitudes toward the police over time. The survey could also measure extent of victimization, neighborhood characteristics, personal characteristics, and the extent of personal involvement in community activities. Mini-surveys might be conducted more frequently if there was a need to measure the impact of a particular new initiative on a timely basis. “Before” and “after” perspectives may be especially helpful to obtain on some issues. For example, it would be useful for RPD and the larger community to obtain information on reactions to the implementation of the police reorganization plan (see Part Three of the report).

RPD may be able to obtain grant or corporate funds to subsidize the costs of such surveys. The results should be of immense value to RPD as a management tool to help gauge reactions to services and to help suggest any changes which may be needed. The results should also be widely publicized to help the community understand the findings and their implications. Survey findings could be supplemented as needed with more in-depth discussions of particular issues through focus groups or discussions in PCICs, neighborhood leaders’ group, etc.

❖ *The local press and media should give more coverage to understanding of police-community issues outside the reporting of individual crime events. They should seek to provide more extensive background on underlying issues; changes in policing practices, the reasons for them and impacts of implementing them; and community reactions. Ideally, reporters covering police-community issues should attend the Citizens/Police Academy for background understanding of the types of issues covered in training. (press/media, community leaders)* In addition to sponsoring community forums/town meetings as suggested above, the local press and media should assign reporters to monitor police-community relations behind the headlines, and to report periodically on their findings. Groups of police officials, neighborhood leaders and clergy, and city officials should meet periodically with reporters and editorial staff to discuss related issues. “Speaking Out” articles on police-community issues should also be solicited from appropriate officials and citizens.

❖ *As suggested above, the local Bar Association should be encouraged to play a lead role in working with the media, and in helping to sponsor and develop various mechanisms for educating the public on important aspects of police-community issues. (Bar Association)* The Bar Association is very interested in this topic and in becoming more involved around educating the public about the relevant issues. It also has the credibility with all affected parties to be able to help assure that any public education efforts are provided in a balanced, accurate and helpful manner. The Bar Association could also be helpful in working with the media and press in developing background materials about particular issues which could be available for reference and perspective if a crisis erupts. It could also have designated spokespeople available for informed comment and perspective if certain types of issues arise.

5. IMPROVING RECRUITING AND HIRING PRACTICES

The racial/ethnic and gender makeup of the police force contributes to the way in which citizens interact with police, and in some cases to the ways in which disputes between police and citizens are resolved—or escalate. Effective recruiting and hiring practices are crucial to RPD’s ability to replenish itself, to provide fresh employees and energy, and to sustain a police force that is at least broadly representative of the racial/ethnic and gender mix of the community it serves. And yet many factors combine to make it very difficult for the Department to consistently meet its annual recruiting and hiring goals, including:

- Historic distrust of police within Hispanic and especially African-American communities;
- Related hiring limitations imposed by a federal Consent Decree;
- Difficulties imposed by the applicant testing and screening process;
- Limitations imposed by selection/eligibility criteria;
- Limited resources allocated to the recruitment process.

The net effect of these and other related factors is that RPD in recent years has frequently fallen short of meeting its annual recruit class hiring goals.

Impact of Consent Decree

Since 1975, the City of Rochester has been operating under a federal Consent Decree governing the ratio of minority to non-minority hires of new entry-level police officers. In order to remedy previous shortages in the numbers and proportions of minority police officers (defined as black, Hispanic or someone from “some other nonwhite minority group”), the U.S. District Court ordered the Department initially to select two persons from the qualified minority candidate list for every three from the qualified nonminority list. The Consent Decree in 1992 was modified to enable RPD to select one qualified minority candidate for every three nonminorities. Other provisions provide the City with some flexibility from year to year if a given recruit class falls

short of the 1:3 ratio, but over time that ratio must be maintained. The net effect, even with some flexibility built in, is to limit the overall size of new recruit classes in years when there are shortages of qualified and interested minority recruits.

Recruit classes in recent years have been smaller than anticipated, and have fallen short of Consent Decree goals.

In the 2003 recruit class, the class size (18) was smaller than the goal of 22 because of the shortage of minorities, and the 2004 potential class of 25 was allowed to go forward only because of a “temporary waiver of the hiring requirement” by the U.S. District Judge responsible for oversight of the Consent Decree. That waiver was granted on the condition that “RPD will use its best efforts” to attract a higher proportion of minority officers over the next three or four years “to compensate for the decrease in minority recruits” in the current class. Even with the waiver, there are only 15 members of the current recruit class in the Police Academy, considerably fewer than the original goal of 25 to 30.

Difficulties in Recruiting Minority and Female Officers

Over the years, RPD has been reasonably successful in meeting the goals of the Consent Decree. As part of its request for the waiver in 2004, RPD stated that 28.5% of the current force are minority officers, thereby exceeding the Consent Decree goal of 25%. RPD has been more successful in recruiting Hispanic officers in comparable proportions to the overall makeup of the city’s population than is true among African-Americans. But in the past two years, few minorities of any classification have been hired. Out of the below-goal combined new recruit totals of 33 officers in the past two years, only four (12%) have been minorities: two blacks, one Hispanic, and one Native American.

Over the years until recently, RPD has met Consent Decree goals, especially among Hispanics, but few minority or women candidates have been hired in the past two years.

Although not covered by the Consent Decree, RPD has also attempted to hire increasing proportions of women over the years. Currently about 10% of the sworn officers are women. A similar proportion of new recruits the past two years have been women (four of 33). Women are disproportionately knocked out of the screening process by low performance on the agility/fitness tests. However, recent agility workshops offered by RPD may impact future passing rates of female applicants.

It has historically proven difficult to attract highly qualified minority candidates to the police force. It becomes a “vicious circle:” It is difficult to find minorities, particularly blacks, who are willing to even consider becoming police officers, as a result of

the history of distrust between minority citizens and the police. Those who may be interested have to fight against the pressure from peers to “avoid selling out and joining up with the enemy.” And yet, many agree that until this begins to happen in greater numbers, it will remain difficult to change such attitudes, as one of the most effective ways of breaking down those historical barriers between police and minority communities is to have a police force “that looks more like the community it serves.” Police officer new recruits are typically young adults in their early 20s—among the ages where resistance to police within minority communities is likely to be the greatest. Older, more mature minorities who might be interested in considering police work as a second career, for example, tend to be eliminated from consideration by age restrictions (upper hiring age limit of 35).

Despite Consent Decree goals, recruiters face many obstacles in attracting minority police officers.

In addition to the automatic antipathy many minorities feel toward employment with the police, recruiters face further obstacles. Many of the brightest black and Hispanic potential officers are typically heavily recruited by employers offering safer and in many cases more lucrative career opportunities. And, given historical patterns of arrests among minorities, many blacks and Hispanics who would be interested in becoming police officers are disqualified by their previous records.

Strategies mentioned for more effectively recruiting minority candidates in the future include: emphasizing, especially in the current economy, the economic benefits and stability of a career in law enforcement; targeting young people, such as Black Scholars, at an early age; partnering with the military to more actively recruit returning veterans; and increasingly featuring in public settings people of color in key leadership positions such as Deputy Chief and Commander. It may also be important for a group with marketing expertise outside RPD to be engaged to help with marketing/recruiting efforts.

Limited Recruiting Resources

The uphill battle that RPD faces in recruiting and hiring more minority officers is made more difficult by the miniscule resources allocated to the recruiting process. Only one RPD officer is assigned to recruitment on a full-time basis, occasionally supplemented by part-time support on such things as short recruiting trips. This officer is responsible for a wide range of recruiting activities. Moreover, the recruiting/marketing budget,

other than salary and benefits for the officer, is only about \$7,000 per year, which buys a brochure, small ads in selected newspapers and national police magazines (which get limited responses), and limited TV and radio spots. To minimize overnight expenses, most recruiting trips are limited to job fairs, colleges and related events in areas within a four-hour driving radius.

Hiring efforts are stymied by inadequate allocation of resources to the recruiting process.

Without additional resources allocated to the recruiting process, it seems unlikely that recruitment and screening efforts currently in effect will yield substantially different results—either in total numbers of recruits overall or the numbers of minorities and women—than the yield over the past two years. On the other hand, the number of people who applied to take the police exam this past December was up by about 350 over the previous year, in part because some additional grant dollars became available to expand local TV and radio marketing efforts. It cannot be assumed that such resources will continue to be available in the future.

In order to supplement the resources that are available for recruiting, some promising efforts are underway to create internships that bring Rochester high school students into RPD; to encourage RPD's School Resource Officers to work with students in middle and high schools to help them think of police work as an honorable, legitimate career option; to develop strengthened relationships with students and programs at Monroe Community College. These are promising efforts that need to be expanded.

Limitations of the Testing and Screening Process

The limitations on the ability to obtain satisfactory numbers of new officers are exacerbated by major problems associated with the testing and screening process.

Limiting police officer testing to once a year has significantly reduced the numbers applying to take the tests each year.

- ◆ First and foremost among these process limitations is the fact that the police test is only offered once a year, in December. Prior to 2000, tests were offered at two different times during the year, but an apparent dispute between local and state Civil Service officials over testing led to a decision to limit the testing to once a year. When two tests were offered in 1999, about 2,700 persons applied to take the police officer test. In the years since then, the numbers applying to

take the test have averaged about half that total. Furthermore, people can only take the test in locations in New York, on the single date in December, whereas progressive communities in other states who actively recruit for police officers in Rochester can bring their tests with them and offer the tests on the spot.

- ◆ Moreover, test results are not announced for three to four months after the tests are given, followed by an additional delay of several weeks before agility tests are offered to those still eligible. Several more months ensue during which background checks are undertaken. Applicants who make it successfully through the extensive screening process are not notified until almost a year after taking the test, and their start as a recruit in the Police Academy does not begin until sometime between January and March of the following year—*some 14 to 16 months after taking the initial test*. Thus a person interested in becoming an officer has to wait almost a year to learn if he/she has been successful, and well over a year to draw a first pay check. Many people cannot afford to wait that long, and move on to other job opportunities in the meantime.
- ◆ Relatively high numbers of applicants fail the original Civil Service test, and high proportions of those who pass that test fail the agility tests. RPD has begun to offer coaching for both of these efforts, but thus far those efforts, with some exceptions, have been relatively limited in impact. However, they represent constructive initiatives that can be enhanced in the future.

Successful applicants face long delays in the screening process, with more than a year from testing to beginning training as a recruit officer.

Implications of Screening Factors

Age of Applicant

A number of factors are considered in the process of screening candidates for the position of police officer, beyond the initial Civil Service test. Several of them are discussed briefly below:

Currently applicants must be at least 20 years of age by the time they are hired/appointed as a police officer. There is little dispute about that lower age limit. But there is disagreement about the upper age limit. With some exceptions for military service, the upper age limit for recruits is 35 (age limits are based on state law). While some supported maintaining that level, most of those we talked to suggested abolishing the limit, “since most officers

There may be advantages to increasing the potential hiring pool by expanding the upper age limit to attract more mature applicants.

continue to serve actively well past 35 anyway, so why should we say they can't be hired if they are 40, for example, and physically able to do the job?" Most emphasized the potential value in being able to hire more mature, experienced people, who may have the temperament and "life seasoning" to be able to handle the frustrations and stresses of the job better in some cases than less experienced officers. Such people might include those interested in a second career, persons laid off from other jobs who might have the people and physical skills to be good police officers, and those returning from a military career who may have the skills and temperament to become good officers.

Education Level

Currently the minimum level of educational attainment necessary to qualify for selection as a police officer is a high school degree. Almost 30 years ago, the Crimi Committee suggested that "the minimum educational level requirement...should be elevated to focus upon the college educated population." In the intervening years, no change has been made in the minimum requirement, although evidence we have seen for recent recruits suggests that most recruits now have at least some college experience when they join the force.

There is no consensus concerning whether to raise the minimum educational level for a recruit beyond a high school degree.

Many of those we interviewed felt strongly that the minimum educational standard should be raised to at least an associate's degree, or at least some number of college credits (e.g., 30) beyond a high school degree. Those espousing such a change suggested that this would increase the probability that officers would enter the force with more analytical skills and a higher level of maturity and exposure to perspectives beyond what most high school graduates would bring to the job. Others were concerned that such a requirement may have the effect of disqualifying some who would otherwise make good police officers, and might particularly further limit the already-limited potential pool of minority applicants who have not had the opportunity to attend college. Such advocates of not increasing the standard suggested that an alternative might be to strongly encourage obtaining a degree once on the force, and some suggested requiring that at least an associate's degree be obtained within three to four years of becoming an officer, with the City subsidizing the officer's educational costs.

Civil Service Test

Several expressed the view that the test for a new police officer seems to have worked well over time, and that there is no need for it to be changed. Some were concerned that if the standard is lowered by changing the test, any officers hired under the reduced standards may wind up with problems later on the job. Others both within and outside the criminal justice system raised the question of how valid the test is as a predictor of subsequent success as a police officer, suggesting that it may knock out higher proportions of minority candidates, even though they could quite successfully perform the job.

Previous Criminal Records

Those with felony convictions are excluded from consideration as police officers. Some with arrest records, and even with misdemeanor convictions, may be considered on a case-by-case basis. Typically the key considerations determining whether such records will be knockout factors involve how long ago the incidents occurred, if there are patterns apparent in the record, and if there are offsetting signs of maturity since the incidents. There are no clear guidelines concerning previous criminal records, other than the felony conviction restrictions. However, prior criminal records involving drug sales, domestic violence and assaults involving weapons almost always result in disqualification of the candidate.

Physical Agility

Given the high failure rate associated with agility tests, some suggested that these standards should at least be reviewed. No specific evidence was suggested to us either in favor of or against changes, other than the fact that they do eliminate a number of candidates who have otherwise passed other screens.

Recruiting/Hiring Recommendations

Our recommendations are organized by theme/issue, and we suggest who should be responsible for implementing each one.

Expand Recruiting Resources

❖ ***RPD should expand the number of staff devoted to recruiting. (RPD, Police Union)*** We recognize that to list the union as a responsible partner in this effort will raise eyebrows. But to improve the Department's success in recruiting will take a concerted effort on a number of fronts, and we believe it is in the union's best interests to put forth a positive picture of the advantages of becoming a police officer. We suggest that a small portion of union leadership time be devoted to helping RPD in its recruiting efforts, through such things as limited appearances at

job fairs or other recruitment events and through appearances on Public Service Announcements.

Beyond such a bold initiative, RPD should expand the staff with recruiting responsibilities beyond the current one-person operation. The current officer in charge of recruiting simply is expected to accomplish too much with too few resources at his disposal. We recommend that at least two additional staff be devoted exclusively or at least primarily to recruiting and follow-up activities. If that is not possible, a team of officers, including Sergeants and Lieutenants, should be identified as resources to be used on a scheduled basis to support the efforts of the recruiting specialist. The team should reflect a diverse group of officers and leadership that would help portray to potential candidates the diversity of opportunities to advance into leadership positions within RPD.

In a very real sense, all officers are potential recruiters. Their behavior in their personal interactions with citizens everyday as ambassadors to the community can have unknown impacts, positive or negative, on potential future recruits. They are also in positions to influence their friends and other family members to consider becoming officers. RPD and the union should jointly remind officers of their implicit role in the recruitment process, and urge them to do what they can to encourage future recruits.

❖ ***RPD should hire a marketing specialist to work with a Recruiting Advisory Team to help create effective new marketing and recruiting strategies. (RPD)*** A team has been started since our study began, and it includes community representatives. However, the team has not had, to date, significant impact on recruitment marketing and strategies. A more effective approach would be for RPD to contract with a reputable marketing specialist to help craft new marketing approaches. RPD needs a strong ongoing marketing/recruitment focus to be effective in meeting its annual marketing goals. We suggest that the focus should be on developing and implementing recruiting strategies to reach specified target audiences, best use of recruiting/marketing dollars, effective use of Public Service Advertisements, how to reach persons returning from the military, how to effectively recruit existing employees looking for a career change and those who may be losing existing jobs through downsizing, and how to use the media most effectively. To supplement this specialist, the Ad Council might also be enlisted to help in developing and implementing more effective recruiting and marketing strategies.

❖ ***The non-staff recruiting budget should be expanded beyond its current \$7,000 annual allocation. (City, RPD)*** As recently as three or four years ago, the RPD recruiting budget was about \$20,000. We are not in a position to assess whether that is the appropriate amount, or whether it needs to be even larger, but we are convinced that \$7,000 is nowhere near enough to enable the Department to attract sufficient numbers of the best possible candidates to become police officers, particularly from minority communities. When additional resources became available in the past year to expand marketing efforts, more people applied to take the police exam than in any of the previous three years. It is too early to know the ultimate result of that increase in terms of next year's recruit class, but the initial numbers are at least suggestive of the impact additional resources can have in expanding the potential pool of applicants. The marketing specialist recommended above should advise on what is needed to be effective in the marketplace.

❖ ***RPD should be recruiting more broadly than it has been able to do in the past. (RPD)*** Ideally the Department should recruit in selected urban areas with large minority concentrations, where offering the type of quality of life and reduced cost of living characteristic of Rochester might be an attractive alternative. Ideally, recruiters in such areas could offer applicants the police test on the spot (see below), and also offer the opportunity for recruits to qualify for a housing incentive to live in the city.

❖ ***The City should offer police recruits from out of the Rochester area an economic incentive to purchase housing within the city, both as a recruiting strategy, and as a way of encouraging more officers to be an active part of the city in which they will be working. (City, RPD, Union)*** This recommendation is discussed in more detail in Part Three of the report, and could encourage potential applicants from outside the area to be willing to relocate.

❖ ***Respected community leaders should be encouraged to speak on behalf of police work as a respectable career in which individuals can help serve their community, effect change within the police institution, and enter a career that offers good pay, benefits and stability in an economic environment that often offers little of these incentives. (RPD, community leaders)*** These voices can and should come from a variety of sources: clergy, community leaders, youth workers, teachers, heads of community organizations such as the Urban League, ABC, Center for Youth, Center for Dispute

Settlement, Ibero American Action League, and many others. Such faces and voices could also include those of high-ranking RPD officials of color, who could emphasize the important roles they are playing in shaping new directions between the police and community. Such voices, individually and collectively—and in combination with other expanded marketing efforts being recommended—could have significant implications for encouraging people to overcome stereotypes about careers with the police, including emphasis on how becoming a police officer could be a way of making needed changes in the relationship between police and community.

Expand Recruiting Approaches

❖ ***RPD should establish formal recruitment linkages with local representatives of the armed services to promote joint careers and to help funnel returning veterans to RPD. (RPD, armed services recruiting representatives)*** There may be opportunities to offer potential military recruits the possibility of combining a career in the armed services with a subsequent post-military career option in law enforcement. And, as military personnel return to the community from tours of duty abroad, often without jobs to return to, they should be encouraged to consider the option of becoming a police officer.

❖ ***RPD should be exploring expansion of scholarship opportunities and internships with local colleges and universities with criminal justice programs, as a means of expanding recruitment and advancement opportunities. (RPD, colleges)*** Both as a way of providing expanded educational incentives for new and current officers, but also as a means of potentially attracting new recruits, expanded formal linkages between RPD and criminal justice programs at local institutions such as Brockport, MCC and RIT offer potential value both for RPD and the schools.

❖ ***RPD should strengthen its efforts to expand an applicant pool in conjunction with MCC. (RPD, MCC)*** Some efforts appear to be already underway to set up something like a “cadet type program” whereby students at the college are exposed to opportunities within RPD while working toward their associates degree. This could potentially grow into the type of program that appears to have worked well in Miami, whereby students at the local community college split their time between studies and a half day working with the Miami Police Department carrying out various non-enforcement tasks that don’t require a sworn officer, but do require various types of paperwork. These students were paid a stipend, and by the time they reached the age of eligibility to

become a police officer, they already had significant experience within the force, began to see the career opportunities, knew the community and the organization, were well-prepared to enter the Police Academy, and had been able to learn by carrying out tasks that freed up existing officers for more important field work. The Miami model has provided a significant point of access to police work for minority students who would not likely have pursued such a career without the job and academic link. Such a model may be worth testing here, perhaps with grant funds to underwrite a pilot test of the approach.

❖ *To the extent possible, police officers should be used as ambassadors in schools and community groups to help break down barriers between police and students, thereby planting seeds with some students for the possibility of future police work. (RPD)* Although the DARE program no longer exists, officers should look for opportunities to speak in schools and to link with young people through various community-based opportunities. School Resource Officers have some opportunity to do that, though often they are dealing with crises. There may be increased opportunities for police personnel in the NET offices to play this role in the future, as a means of helping to reduce barriers between officers and the community. More formal linkages of officers with students in the Black Scholars program may also prove beneficial, both as a recruiting approach, but also simply to establish informal relationships between black students and individual officers.

❖ *Consideration should be given to making recruiting approaches “through athletic teams, particularly teams of women.” (RPD)* The suggestion is to approach teams, especially women, who are used to working together under a coach/supervisory relationship, and who value relationships and working together for a common goal. This might be a potential source of future recruits worth pursuing.

❖ *Linkages should be formalized between RPD and the Hillside Work-Scholarship Connection as a means of exposing middle and high school students to intern/mentoring opportunities within the police force. (RPD, HW-SC)* The HW-SC includes primarily minority young people at risk of dropping out, but has a high rate of success in helping them stay in school and graduate. One of its goals is to link young people to jobs and exposure to career opportunities in the community. Efforts have already begun to link students from that program with RPD, and those efforts should be encouraged and

expanded to the extent possible, with particular attention to building linkages between youth and police officers, and to helping students consider a career in law enforcement.

❖ ***RPD should be exploring ways to increase recruiting opportunities to adults who may be interested in a new career, through such things as career development organizations and job fairs. (RPD, community resources)***

RPD should explore ways of making connections with individuals interested in exploring new careers. For example, police in Montreal conducted a week-long police academy/job fair targeted to women and minorities, designed to expose people with jobs to the potential advantages of a career in law enforcement. The event resulted in a number of the targeted audience applying for police officer positions. Some type of similar event, perhaps co-sponsored by a group like Rochester Business Alliance, might have a similar impact locally. Other possible links should be explored with groups that help expose job seekers, including displaced workers, to new career opportunities (e.g., Rochester Works!).

Improve Testing and Screening Process

❖ ***RPD should work with the local and state Civil Service Commission to increase the flexibility of administering the police officer test. (RPD, Civil Service)***

Rochester currently operates at a disadvantage compared with some out-of-state competitors for police recruits. By only being able to offer the police officer test once a year, successful applicants must wait more than a year after taking the test before they can even begin the Police Academy. Many applicants cannot wait that long. Furthermore, by not being able to test out-of-state applicants on location, as many other jurisdictions can do, applicants are forced to come to New York in December to take the test, an inconvenience that eliminates some viable candidates from further consideration. Moreover, other jurisdictions, by being able to test in Rochester, in effect can steal applicants away by being able to compress screening procedures into a much shorter time frame.

❖ ***RPD should explore other ways of streamlining the screening process, to shorten the time between when applicants take the initial tests and when they learn whether or not they have been selected. (RPD)***

It is understood that a number of important factors go into the screening process, and some are dependent on other screens occurring first; but any ways that tasks can be done more quickly and efficiently, either locally or in scoring the initial tests and reporting findings electronically more expeditiously, should be explored. Anything that can reasonably be done, without compromising the integrity of the

screening process, to shorten the long wait between the test and final decision and start of the Academy training section, should be considered. A related recommendation would be to consider, for successful candidates who need a job but are forced to wait a few months before the Academy (and therefore a paycheck) begins, paying them to fill a vacant non-sworn officer position within RPD during an interim period as a means of both getting the work done, of providing some initial valuable experience for the candidate, and of assuring that the candidate can wait for the start of the Academy, without potentially accepting another job in the meantime. There is a precedent within RPD and other police forces for such actions being taken on a case-by-case basis as appropriate.

❖ ***RPD should request that Civil Service review the test used for police officers to ensure that it remains a valid predictor of success on the job, for both minority and nonminority candidates, or if, alternatively, any changes may be needed in the test, to ensure that it is not screening out viable candidates for the position. (RPD, Civil Service)***

❖ ***RPD should expand its efforts to help coach potential applicants to be prepared for the written test and the agility test. Preparation efforts should be expanded, and offered over a longer period of time to have their desired effect. (RPD)*** The current efforts reach relatively few of the intended beneficiaries of the support which is offered, and often are offered too close to the actual tests to have much impact. Efforts are being planned to correct this issue.

❖ ***RPD should eliminate the upper age limit on those who can apply for an entry-level police officer position. The merits of those over 35 should be judged on a case-by-case basis, factoring in physical agility and other screening criteria as with any other applicant. Anyone over 35 who meets all other standards should be considered for a position. (RPD, City)*** Emphasis should be on selecting the best candidates, regardless of age, and there is reason to believe that many potential candidates over the age of 35 would bring valued maturity and life experiences to the job that would prove instrumental in helping to improve police-community as well as internal communications and relationships. Moreover, removing this upper age limit would have the practical effect of opening a number of additional potential avenues for future officer recruitment. To make this change, the City may need to seek changes in state legislation.

❖ *RPD should retain the current minimum educational requirement of a high school degree and not require college experience. However, preference should be given in the screening process for those with additional educational attainment, and consideration should be given to requiring officers to obtain at least an associates degree within three or four years of completing the Academy. (RPD, City)* Because of the concern that adding to the educational standard may have the effect of eliminating some viable candidates, we have chosen not to recommend requiring additional educational background prior to an officer's being selected, with the understanding that all officers should reach a core educational level during the early years of their tenure on the job. Recent experience suggests that most hires, both minorities and nonminorities, already have at least some post-secondary education when they apply.

❖ *RPD should review the agility criteria used in the screening process. Since so many fail the agility tests, or fail to show up to even take the tests, RPD should be certain that what is being measured is integral to an officer's ability to successfully perform the duties of the position, whether as a new recruit or a multi-year veteran. Changes should be made if recommended by the review. If no changes are needed, extra efforts should be made to build on current initiatives to help candidates meet the standards, and to ensure that candidates at least show up to take the agility tests. (RPD)* As with the written test, these agility standards have been in place for some time, and it is simply prudent to periodically check the relationship of any such measures to performance on the job. It may well be that no changes are needed in the criteria, but they should nonetheless be assessed, for both new applicants and a sample of veterans, to make sure that the tests and the scores reflect appropriate cutoff points for determining success or failure in the screening process. Beyond that, expansion by RPD of current efforts to provide effective and timely preparation for the tests could pay substantial dividends in expanding the numbers of viable applicants in the future.

6. IMPROVING TRAINING

A major focus of the 1976 Crimi report was on strengthening the training then in place within the Rochester Police Department. Consistent with their recommendations, RPD has subsequently expanded its training in unarmed defense and realistic alternatives to the use of deadly force. Firearms training has become more life-like. The total amounts of both Academy training and field training for new recruits have increased substantially since then, in part in response to specific recommendations made in the Crimi report, and in part subsequent to the high-profile incidents that helped prompt this study.

Recent Efforts to Strengthen Training

Academy training for RPD recruits far exceeds state requirements, and is typically highly regarded.

Today's training for new recruits is much more comprehensive and covers many more topics than was true at the time of the Crimi investigation. *The training that is now provided for recruits in the Academy far exceeds what is required by the state.* Most of the officers and supervisors we met with gave the core Academy training high marks for its extensive coverage of issues important to the successful performance of the new recruits. The major concerns that we heard about the Academy with any degree of consistency suggested that the department may have gone too far in responding to needs for more training in paper work requirements of RPD, and that not enough emphasis is placed on role-playing and how to address “practical, real-world situations recruits are likely to face.”

Significant improvements have occurred in departmental training in recent years. Nonetheless, field, in-service and leadership training need to be strengthened.

The department received credit from many in the community, as well as internally, for improved training in defensive tactics and alternatives to lethal force (including the development of training and standards governing the specific use of tasers as an alternative), for expanded use of community leaders and experts to supplement the use of RPD trainers, and for improvements in training and the development of a support team to respond to situations involving emotionally or mentally disturbed and other “compromised” persons (e.g., those compromised by excessive use of alcohol or drugs). On the other hand, field training for recruits, ongoing in-service training in general, and leadership training for supervisors typically received more mixed reviews than

the overall positive reviews of the training received at the Academy.

The consensus impression of RPD training overall appears to be that recruits are very well trained within the Academy, but that much of what they learn there, as reported by several recent recruits and veteran officers, “can easily and quickly get confused, if not undercut, once they get into the field by the mix of the new training with the realities of old ways of doing things.” Thus *what does or doesn't happen in such post-Academy experiences as field and in-service training, supervisory/leadership training, and mentoring have huge implications for the way in which the lessons learned in the Academy take hold and begin to shape a new culture, or become victims of, or compromised by, the old culture.*

The remainder of this chapter focuses on the training-related issues that received the most attention during our discussions. *It is reasonable for the reader to conclude that the many aspects of training not mentioned in the following discussion are not perceived to be problematic and/or are not considered to be significant issues in need of attention by RPD or the community at this time.*

Training for Dealing with Emotionally Disturbed Persons

As a result of various incidents involving police treatment of persons with emotional disturbances or other forms of impairment such as alcohol/substance abuse, RPD should be commended for spearheading an effort involving officers, mental health experts, judges and other community stakeholders in a process that has resulted in the development of procedures designed to control situations and prevent them from escalating. About 50 to 60 officers scattered throughout the city have been trained to make initial assessments and to engage people appropriately where behavior may be erratic or difficult to interpret, and to take appropriate actions to contain the situations and enable trained professionals to work with the disturbed individuals to resolve situations without force being employed. The trained officers make up a team of individuals who can be called quickly to the scene of any crime where their training would be helpful. The hope is that new recruits will also be trained as they come on board, with complementary in-service training for existing officers, so that ultimately all officers will be trained to at least recognize situations and characteristics that warrant calling in

members of the specialized team. (Note: between March 10, 2004, when the new team began responding, through July 27, 2004, the team had responded to approximately 190 calls involving the mentally ill/emotionally disturbed, with approximately 90-95% resulting in a mental hygiene arrest.)

A somewhat related issue has to do with domestic violence cases. Through the work of the Safe Start initiative, police officers encountering a young child at a domestic violence call are able to contact a social worker for immediate assistance. Although domestic violence cases are considered a significant priority both within RPD and the DA's office, we heard some suggestions that RPD should provide special training for designated officers to serve as a special domestic violence team which could be called as resources to help with particularly difficult cases, much like the emotionally disturbed response team. To date, this has not happened.

Field Training

Following completion of the Academy training by a recruit, he/she enters four months of extensive field training. A trained and certified Field Training Officer (FTO) is assigned to each new recruit. During the first month of field training, the recruit primarily observes the work of the primary FTO, with the recruit actually doing an estimated 10-20% of the work. Over the next three months, the recruit assumes increasing responsibilities, under guidance and observation of different FTOs in different learning environments.

FTOs are selected and assigned by the Professional Development Section (PDS), based on applications by interested officers and recommendations by supervisors. FTOs report to Field Training Coordinators (typically Sergeants) in each section. The Coordinators meet with the FTOs each month to review progress of each recruit. The focus of the four-month field training experience is designed to provide real teaching opportunities and not just a period of "evaluation, grading and checking off boxes on a list showing progress related to specific skills." The consensus seems to be that there are some excellent FTOs, but that too often, insufficient real training or teaching occurs in the interchange between FTOs and recruits.

Field training is often very good, but also often appears to involve less training and teaching than evaluation of progress. Many FTOs are relatively inexperienced officers.

In-Service Training

There are no minimum in-service training requirements. Policing time needs to be balanced against the need for training. E-training can help.

One of the major problems in the field training model appears to be that frequently the FTOs are not veteran officers, with relatively young, inexperienced FTOs often paired with young recruits. Ideally, FTOs would have some background in training/instruction, and would have at least four or five years experience as officers before becoming FTOs, but that is not always the case. Several of the officers at different levels that we met with spoke of situations in which FTOs with as little as two years on the force (including the time in the Academy) were overseeing the field training of new recruits. A study done in 1992 as part of a Consent Decree update found that, at least at that time, one-third of the FTOs had been officers for less than five years. Whether that is still true today is not known, but the anecdotal information we obtained suggests that “the young training the young” continues to be relatively common.

There appears to be no policy within RPD governing the extent of in-service training required during the year. Much of the training that now occurs is reportedly focused primarily on guns/weapons issues, as well as changes in legislation or new operations (for example, one day was set aside this spring for training related to the implications of the new reorganization plan). There is a recognition among many within RPD that, particularly with the importance of some of the issues raised below and throughout this report, there is a continuing need for in-service training and continuous improvement throughout the organization, but this must be balanced by the need to have as many officers on the streets as possible at any given time. One possible way to balance the need for more training with limited available time to pull people into formal training sessions is to make more extensive use of e-training (electronic training, using modern technology). The department is beginning to make greater use of this approach, which makes it possible to expand training opportunities with less disruption to officers’ regular schedules. To the extent that at least some types of training lend themselves to this approach, it should be expanded, although certain types of training that are needed are more likely to require formal, scheduled training time (see below).

Interpersonal and Sensitivity Training

Some police officers and command staff questioned the need for more training in interpersonal skills and sensitivity and cultural understanding: “We’re almost afraid of that stuff, given the

macho nature of police.” But others across experience levels said, “We can say we don’t want or need this, but the reality is that it’s what we need more than anything, since that’s what the job is mostly about, interacting effectively with each other as officers and with people in the community.” These officers, as well as many clergy and community leaders, emphasized the importance of expanded training to enhance communications, trust and respect between police and community. They consistently emphasized that increases in such training could help prevent confrontations and escalation of episodes in the future.

Core training is effective on weapons, tactical and procedural issues, but less so on interpersonal skills.

Several experienced and relatively new officers, as well as community observers, added that the core training offered by the Department is especially effective on issues related to weapons, tactics, and general procedures, “but way too little on community relations, good listening and being sensitive to others, especially from different cultures and backgrounds. We need to have a better ability to relate to different people, for our own good, or we will make things worse in the areas we’re serving.”

Several officers noted that previous efforts to provide sensitivity training have been perceived as ineffective and “a waste of time.” Most suggested that the only ways of getting their attention on such matters were (1) to have “respected career cops with a tough guy reputation” delivering the message of “how you have to balance being tough with respect and sensitivity to get people to cooperate.,” or (2) to learn directly during training from exposure to respected community leaders.

Exposure to Community Leaders

Over time the Department has appropriately begun to devote increased amounts of both Academy and field training to time spent with various community leaders. Clergy, neighborhood leaders, representatives of various cultural and ethnic groups and organizations are invited to address the Academy to share their experiences and insights about cultural differences, and sensitivities and issues to be aware of in different segments of the community. Ideally, such Academy presentations and discussions should be followed up during field training by visits and ongoing discussions with community leaders, and by guided rotation through various sectors of the community so that recruits are

Community leader input in training is very valuable, and should be expanded, as should follow-up time during field training.

exposed to different cultures and experiences under the guidance of their FTOs.

Such follow-up exposure during field training appears to be inconsistent, happening to varying degrees, depending on such things as the workload and the initiative and guidance of the FTO. One of the stated values of such exposure is to give new recruits “a sense of hope and possibility” in the midst of the negative situations they are thrown into and the cynicism that some may begin to experience. Such exposure can help recruits see community residents as “people rather than only as suspects, and as potential allies rather than enemies.” Several experienced officers and community leaders noted that “It’s important for them to be exposed to positive developments and to see the things that community leaders are trying to do to make a difference. That knowledge can be helpful for new recruits (and experienced officers) to keep in mind as they get immersed in their normal business with the community.”

Role-Playing in Real-World Simulations

One of the criticisms of both Academy and ongoing in-service training is that too little time is spent in dealing with how to handle true-to-life situations. Although role-playing occurs during the Academy, many consider it to be too little. Given the potentially volatile variety of scenarios in which most officers will find themselves shortly after being placed in the field, many believe that they should be better prepared during basic training through increased use of role-playing techniques, with follow-up group discussions and critiques. As one criminal justice leader said, “It’s not fair to just put recruits into these difficult situations with only basic training behind them. We should be making sure they’re as prepared as possible by confronting them with simulated real scenarios and forcing them to react to them, and then to discuss what was good and what needed to be improved about the way the role-playing was handled.” Many other veteran officers made similar comments. Such sessions in the Academy can ideally be followed up with good FTOs asking “what if” questions about how the recruit would handle different scenarios based on situations they actually face during the field training.

More role-playing is needed in training to prepare young recruits for difficult experiences they are likely to face.

One of the most compelling reasons why it is important to have recruits experience such “what if” and role-playing situations in training is that,

because of seniority provisions, they as the least experienced and least prepared officers are “among the most likely ones to be placed in the most difficult and volatile situations in the most difficult shifts.” Therefore, the more simulated situations they have been forced to experience and think through in training, the more prepared they are likely to be when confronted with real life in the field.

Verbal De-escalation Techniques

It seems clear that significant training is provided in strategies and tactics to use as alternatives to the use of force, but it is not as clear how much training and role-playing are provided in using techniques of “verbal de-escalation.” Some spoke of an approach called “verbal judo,” involving a set of steps an officer should go through before having to resort to force to control a situation. Training in this approach was apparently fairly common a few years ago, and the technique continues to have its proponents, but it does not seem to be widely used at this point. It is less clear whether something as good or better has been used in its place, though we were not made aware of any such approaches.

Leadership and Supervisory Training

Supervisory training has historically been limited to Sergeants, and included little emphasis on important aspects of leadership and supervisory training.

One of the major deficiencies in RPD’s training repertoire has in the past been in the area of preparation and ongoing training in leadership and supervisory skills among Sergeants, Lieutenants and Captains. Key to effective supervision of individual officers is the supervisory and leadership role played by the Sergeants—a role that is even more important under the police reorganization plan, in which Sergeants are responsible for teams of officers within a Police/Patrol Service Area (PSA) team concept. Yet *when officers make Sergeant, they receive one-time four-week training in basic supervision, and that has typically been the only supervisory/ leadership training any of the command structure of Sergeants on up ever received on a systematic basis.* And, even that four-week training focused primarily on such procedural matters as paper work, general orders and basic discipline. It provided little focus on how to actually do the job, and on key leadership and communications skills; setting examples for officers; creating expectations and standards, and holding officers accountable for meeting them; best practices; and how to provide effective mentoring and guidance for officers under them.

Some have suggested that among the most important supervisory skills that should be emphasized are how to maximize a team’s problem-solving skills. Part of the role of the supervisor becomes

one of encouraging team members to become critical thinkers and problem solvers (skills also enhanced by role-playing approaches), and delegating tasks to them, while playing the oversight role of motivating and coaching. Little training appears now to focus on such an approach.

To RPD's credit, the training that does occur now for Sergeants, even with its limitations, is much better and more comprehensive than what has been developed by NYS, described by some as "worthless." But historically, no training has been required beyond the initial Sergeant's training for Rochester's top command staff, particularly for Lieutenants and Captains.

However, there is currently movement and a specific plan in place which is designed to ultimately provide structured management and leadership training for the entire supervisory force in the Department. A certificate leadership program has been designed by RPD in conjunction with St. John Fisher College to provide between 15 and 20 leadership staff at a time with basic management and leadership training and skills. The first such class was initiated during the course of our study. It has been designed for Captains and Lieutenants (and some civilian supervisors), with the expressed goal of helping to change the culture of the organization by exposure to new leadership styles and approaches. The intent, if funding can be obtained (which should be a departmental priority), is to eventually expose all supervisory staff, from Sergeants up, to the program.

A new certificate leadership training program has been designed to ultimately reach all supervisory personnel.

Early reactions to the program, admittedly still in the evolving stages, were somewhat mixed. While supportive of the concept, some questioned whether the climate within the department encourages the concepts being taught. For example, to the extent that those in the class are being empowered and encouraged to lead and innovate, the culture remains one where such leadership and acting in new ways is not always supported back in "the real world." But of course, that is the point, that the process of changing a culture needs to start somewhere and won't necessarily be easy, and will indeed be resisted until there becomes more of a critical mass in support of new approaches. Thus the need to expose as many command staff as possible to the new training within as short a period as possible. And, perhaps equally

Training on Paperwork and Investigations

important, to make sure that a careful assessment be undertaken of the views and suggestions of the initial class, so improvements can be made in the approach based on their feedback.

Apparently over the years recruits and FTOs had suggested the need for more emphasis in training on how to do the mountain of paperwork required by RPD for documentation of activities. As a result, substantial numbers of hours of training in the Academy are now reportedly devoted to how to complete the various forms and documentation requirements of the department. But according to some officers and others in the criminal justice system who use and are familiar with reports used in investigations and for development of prosecution cases, many of the reports continue to be poorly written, unclear “and often not very helpful in holding up in court.”

More emphasis has been placed on improved report writing, but too little focus on doing good investigative work.

Moreover, we heard several complaints from experienced officers about the “shoddy reports completed as a result of initial investigations at the scene of a crime.” Too often, according to this perspective, the reports are technically correctly filled out, with all the appropriate boxes filled in, but they are of little value in terms of completing investigations and clearing crimes. Officials expressing these concerns stress that too much emphasis is placed in training on “how to make us good report writers and cover our tracks so we won’t be questioned,” with far too little emphasis on what is needed to conduct a good and helpful initial investigation: “It’s like we’ve been trained to become glorified report writers instead of being trained to do good investigatory work that might actually have some value.”

Other officers of various levels of experience also emphasized the “inordinate inefficiency represented by the whole process of manual paperwork that consumes so much of an officer’s time.” Emphasis was placed on the need for eventually moving toward systems that take greater advantage of technology, through expanded use of laptop computers in cars or the ability to speak reports into computers while the information is fresh, with reports edited more efficiently later.

Training Recommendations

Based on the issues raised above, we offer our recommendations for consideration by the City, the Rochester Police Department, and various segments of the community. The recommendations

are organized by theme/issue, and we suggest who should be responsible for implementing each one.

Field Training and Mentoring

❖ ***RPD should require a minimum of five years experience as a police officer, as well as some training or teaching experience, to be eligible to become a Field Training Officer. (Chief, Deputy Chief)*** Such experience would help to assure that recruits are receiving more actual training, rather than primarily evaluation, from officers with more practical experience to offer.

❖ ***In addition to FTOs, RPD should assign an experienced mentor to each new recruit. Mentors should continue to meet with recruits throughout the probationary period. (Chief, Deputy Chief)*** Mentors would be experienced officers, and ideally Lieutenants or Captains, who could offer advice, support, friendship, and even criticism as needed until the recruit is firmly established within the force. The mentor would provide more continuity than the FTOs, and their role would be to provide a different perspective than that of the FTOs. Mentors are especially important to assign to minority recruits, given their higher attrition rates during training, but we believe that all new recruits could profit from such mentoring relationships.

Expanded In-Service Training

❖ ***RPD should develop a policy requiring a minimum of three days of in-service training per year for all officers and supervisory staff. (RPD, Union)*** Considerable in-service training occurs now without such a policy, but it is too easy to let the training slide by without a policy in effect, and the need for training updates is too great for that to be allowed to happen.

❖ ***To the extent that selected training can be effective without interaction between officers and a trainer, the department should continue to expand the use of e-training. (Deputy Chief)*** Such directions are already underway. The key is to find ways to make sure that the use of e-training is monitored, to make sure that officers have received full value from such training.

Sensitivity Training

❖ ***RPD should expand the amount of training provided in interpersonal skills, sensitivity and cultural understanding. (Deputy Chief)*** Such expanded training should include additional sessions in the Academy for new recruits as well as on an in-service basis for other officers and supervisors as well.

❖ ***Expansion of training in sensitivity, cultural understanding and interpersonal skills should be done with***

the direct training involvement of one or more respected career officers or supervisors with reputations for being “tough but fair cops.” (Deputy Chief) Messages related to sensitivity and improving communications and interpersonal skills are more likely to be taken seriously coming from such sources than from other trainers without such “face credibility” with officers. Respected officers can get across a believable message of the balance between being tough but with respect and sensitivity to accomplish the officer’s objective.

❖ *As much as possible, training, especially for new recruits, should emphasize role-playing in how to deal with real-life simulated scenarios. (Deputy Chief)* The more realistic the training recruits receive, the more likely they are to be successful when they are on their own in the field.

❖ *RPD should build on its positive current use of community leaders and clergy to share their experiences and insights about community policing as part of recruit training. Use of community leaders should be expanded, and follow-up exposure of recruits to such community leaders during field training should be strongly encouraged. (Deputy Chief)* Use of such leaders provides a valuable perspective for new recruits, with a balance of factual information, perspectives, understanding, insights, challenges and support that they can bring—most of which would not be available through traditional trainers. By being part of the training process, they also present themselves as potential resources the officers can go to if they need help.

❖ *Verbal de-escalation techniques (e.g., “verbal judo”) should be part of the training related to alternatives to the use of force. (Deputy Chief)* These techniques have been used in the past, apparently with some success, and may be still in use today, but those we spoke with seemed to think they are less frequently used now than in the past.

Leadership and Supervisory Training

❖ *Core supervisory training provided to new Sergeants should be expanded to include such topics as leadership and supervisory skills, effective communications, modeling behavior and holding staff accountable, staff development, mentoring and guidance. (Deputy Chief)* The department’s training for Sergeants, to its credit, already well exceeds that required by the state. But as the person most integral to the supervision of individual officers, and critical to the success of the reorganization plan, it is essential that Sergeants receive even

broader supervisory leadership training than they are currently receiving.

❖ *The encouraging new certificate leadership program offered to selected Lieutenants and Captains should be funded and expanded to all members of the command staff and other key supervisory staff within RPD. (Deputy Chief)* This is RPD's current plan. The impact of the first year of the program should be evaluated by RPD, and the program, modified as needed, should be offered as soon as possible to all supervisors with the ranks of Sergeant and above.

❖ *Mandatory annual supervisory and leadership training updates should be provided for all key management and supervisory staff. (Deputy Chief)* The topics would vary from year to year, depending on changing needs, but the concept of annual updates on leadership-related issues should be built in to annual continuous improvement strategies for the leadership staff of the Department.

Paper Work and Investigations

❖ *RPD should review the emphasis in training on paper work and its relationship to appropriateness for the DA and courts, as well as its relationship to the initial investigatory process. Representatives from the DA's office and judges should be part of that review process. (Deputy Chief, DA, City Court)* Changes should be considered as needed in the training to make the paperwork conform as much as possible to standards set by the DA and the Court.

❖ *Equal emphasis in training should be placed on increasing the understanding of the investigative process when an officer responds to a call, and making better use of the required paperwork not just to "office" a case ("no solvability factors"), but to attempt to create the basis for a subsequent investigation to solve it where possible. (Deputy Chief)* Up to this point, many officers seem to have gotten into the habit of simply doing the required paperwork to close a case, without giving adequate consideration to factors that might enable the case to remain open for subsequent investigation.

❖ *Over time, the department should consider ways of finding grant or other sources of funds to increase the technological capacities within RPD such that officers could do their required reporting via laptop or voice-generated computer, as a means of saving time for more important aspects of their job, and also improving the quality of their reports. (Chief, City)* We are well aware of the economic

implications of this recommendation at a time when the City is facing a budget deficit, but we believe that there may be other sources of funds available for the purchase of the needed hardware and software to make this possible.

7. TARGETED POLICING INITIATIVES

In most of our interviews, frequent mention was made of two significant initiatives—begun by RPD since the high-profile deadly-force incidents that prompted this study—which involve significant amounts of police time and are highly visible to large segments of the community. They are discussed here, because of the significant use of law enforcement resources they consume, differing levels of actual and potential collaboration, and the significant impact each has on perceptions of police-community relations—and on the ability to help prevent use of force and limit the potential for escalation of incidents between police and citizens.

Project Impact

Beginning earlier this spring, and building on an earlier initiative undertaken the previous year, Project Impact involves the targeting of more than \$500,000 in state funds to underwrite the costs of a federal, state and local partnership designed to fight crime in the highest-crime neighborhoods within the city. Although some of those funds had previously been announced, they represent a significant effort to combine resources to fight against visible and violent crime, and to help prevent potential citizen-police conflicts from escalating, in selected neighborhoods, particularly within the crescent area of the city. Perhaps even more important than the money is the commitment to link New York state troopers, Sheriff's deputies, and City police in teams to carry out planned responses to crime patterns.

The earlier initiative, minus the influx of funding support, had also paired RPD, Sheriff, and State resources in teams within city neighborhoods. Although considered to have been effective and extremely well-received by residents in the affected areas, that initiative had been marked by objections from the Locust Club on behalf of RPD officers. Although officers cooperated with the program and joined in the praise for its success, the union continued with formal grievances against the program, raising questions about the appropriateness of having outside resources without urban policing experience patrolling Rochester streets, and

expressing concerns about the loss of overtime for RPD officers. Neighborhood leaders and other citizens throughout the city accused the union of putting its members' economic security ahead of the public safety of the communities they serve. More than a year after that initiative began, several clergy and neighborhood leaders and even several newer and experienced police officers independently brought up that earlier initiative and their frustration at the union's role in it, and their fear that the union's objections may have prevented the continuation of the effort.

But prior to the advent of the new program this spring, the union had worked out an agreement with the City that has helped make the union a supporter of the concept this time around. City and union officials indicate that they are both happy with the compromise reached that has enabled the collaborative partnership to go forward for at least a six-month period.

Importance of Collaboration

The project reflects the importance of a shared commitment of community resources to a community problem.

The program is important not only for its influx of funds, but because it establishes definitively the notion that the Sheriff and State Police can legally and legitimately operate in the city in collaboration with RPD officers, particularly upon invitation as part of a strategic partnership. In addition to the practical benefit of having 20 troopers and ten deputies added to RPD resources at strategically-determined times and locations, the initiative also has symbolic importance for taxpayers throughout the city and county. It stresses the importance of sharing community-wide resources and using taxpayer dollars efficiently and equitably to deal with problems that suck resources from the entire community. *It says clearly that the larger community has an important stake in strengthening the quality of life in the city.* Since city taxpayers heavily subsidize Sheriff's and state police services that they rarely receive, and since Monroe County has recently cut back its funding support of some city services, the timing of this commitment of county resources to supplement RPD efforts is especially significant. Substantial amounts of vocal support have come for the project efforts and its impact on crime from both city and suburban proponents of shared community resources.

The concept is to use the joint resources strategically and selectively. For the most part, RPD will remain solely responsible

Project resources are used selectively and strategically as needed.

for patrolling city streets, and will not become dependent upon the additional resources of its Impact partners, but the resources are committed to be used as needed to supplement RPD efforts in ways jointly determined to be the best use of community resources.

The efforts of Project Impact are enhanced by other cross-agency collaborative efforts such as Project Exile and Project Cease Fire, which have been instrumental in collaborating with city police to help reduce the impact of gangs and related violent crimes in the city. Through cooperative efforts to target, arrest and convict individuals and groups involved in significant amounts of violent activities in recent years, a number of individuals charged with numerous criminal activities have been incarcerated.

Recommendations

❖ *We strongly endorse the concept of the collaborative efforts represented by Project Impact, and urge City, County and State officials to extend the terms of the current six-month agreement indefinitely.* We believe the concept has proven itself in its two “rollouts” to date, and that its selected and strategic collaborations are very much in the community’s collective interests. This represents a good investment of shared community resources.

❖ *We agree that RPD should not become dependent on the influx of these external resources, and that the project should continue its emphasis on limited targeted, strategic use of the outside deputies and troopers.* RPD officials are in agreement with this selected and strategic approach to the ongoing implementation of Project Impact, and this understanding should be part of any public pronouncements about continuations of the initiative.

❖ *Deputies and troopers to be involved in the initiative in the future should receive supplemental sensitivity and cultural awareness training prior to becoming involved with the partnership.* Although some of this training occurs informally as part of the teams created when RPD and outside officers join forces, some more formal training in advance would also make sense, and has been advocated by several representatives of each of the parties involved. To date there appear to have been no significant problems as a result of the different backgrounds of the deputies and troopers, despite their primary experiences in rural and suburban locations, but we suggest that introduction of

at least a level of basic sensitivity training would be a good investment in this ongoing partnership.

❖ *Some officers, citizens and criminal justice officials we interviewed suggested that the community would benefit from expanded partnerships and cooperation with the Drug Enforcement Administration and the FBI, particularly concerning undercover efforts. We recommend that the potential value to the community of expanding such relationships be pursued in discussions between the Chief of Police and the Sheriff, and if they agree that discussions should be further pursued, the Mayor and County Executive should be consulted, with the understanding that they may ultimately need to make a joint formal request to appropriate federal officials for such expanded services.*

❖ *Probation and Parole officers should be encouraged to continue and expand current efforts to ride with police to determine any violations of release conditions of any of those they are monitoring.* Such efforts would not only represent further examples of resource sharing across jurisdictions, but would also help create opportunities to create greater levels of accountability than typically occur for those on probation and parole.

Mobile Field Force

More than a year ago, RPD began to implement Mobile Field Force (MFF) convoys in selected areas of the city, primarily within the crescent neighborhoods. Teams of seven officers plus a supervising Sergeant are deployed en masse as needed to control community disturbances, break up open air drug markets or unruly gatherings, respond to high level acts of violence, and in general seek to bring order back to streets where citizens had previously feared walking (“at least now the criminals or gangs can no longer operate with impunity”). The MFF groups can be split up as necessary to respond to more traditional calls for service, but the idea of working as a group is to provide strength in numbers, thereby reducing the probability of a disturbance getting out of hand, and potentially leading to the use of force to control the situation, if only one or two officers respond, which would have been more typical in the past.

One of the keys to the success of the approach to date is the consistent leadership and discipline supplied by the Sergeant assigned to each MFF team. Instead of following up on an issue of discipline or suggested changes in approach some days later, perhaps after reading a

The MFF supervision and modeling of behavior by the Sergeant are key to the program's success. The Sergeant is accountable and holds team members accountable as well.

report, a Sergeant in charge of an MFF detail can provide guidance on the spot, based on immediate feedback, direct observation, and resulting teaching and correcting as needed. The approach also involves a form of ongoing training, through setting and modeling of clear standards and consistent approaches. *In many ways, the supervisory strategy tested under MFF appears to be the model for the reorganization plan and its PSA teams, as discussed in Part Three of the report.*

The MFF concept was designed to provide aggressive, visible shows of force, putting officers on the street and acting assertively, but fairly and respectfully under the watchful eye of the Sergeant (“aggressive but professional policing”). Evidence available to us from police officers, supervisors and community representatives suggests that the operations to date have, for the most part, been well received, with many expressions of gratitude from residents for allowing them to feel safe again on their streets, at least for the time being. While these visible displays of aggressive police responses occur as needed, regular 911 calls have continued to be addressed in routine ways, and MFF teams can be dispatched or broken up and deployed in smaller units to address routine matters if regular service calls begin to overwhelm a given shift of officers.

Clearly these aggressive efforts to “sweep the streets” are not panaceas, and do not solve deep-seated underlying problems; in some cases the MFF efforts may do little more than displace the problem. Police officials claim that overall crime patterns are down in the immediate and surrounding areas following MFF sweeps, compared to before the sweeps take place, but we have not seen direct data to either independently verify or raise questions about those conclusions. All we have at this point, from perspectives gleaned from numerous interviews and from data showing reductions in total complaints filed against police last year, suggests that there may have been some actual reductions in crime, at least in the immediate areas, with definite indications that there are at least frequent *perceptions* of lowered crime and increased community safety and quality of life since the advent of the MFF concept.

Flexible Approach

The approach was designed to be flexible, and indeed must be flexible if it is to manage to keep ahead of those it is designed to

control and disrupt. Specific strategies, times MFF convoys will be employed, ways and places they will be employed, and numbers of officers involved will all need to be changed and “mixed up,” in response to actions taken by those on the streets and in order to stay ahead of “the bad guys” and avoid becoming too predictable. In some cases, the MFF teams may even include Project Impact personnel. Several officers stated, “The intent is to keep the enemy off balance and unable to know what will be coming next, and how it will be coming.” Because much of the initial cost of the MFF detail was covered by overtime, there was also a practical need to vary the strategies and numbers of people involved at various times in order to control costs. Members of MFF teams are often officers on their regular assignments, with less reliance on added officers paid overtime to supplement the regular schedule. The ability to deploy staff to fill MFF convoys without paying as much overtime may increase under the reorganization, because of the greater ease with which staff can be assigned immediately to areas of need.

Internal Perceptions and Concerns

Initial perceptions of the initiative from within the Department seemed to be very supportive, with many reports of increased morale resulting from the perceptions “that we’ve been allowed to go in and really do something to make the community safer.” For the most part, that general support for the MFF concept seems to have remained in place as it has evolved.

On the other hand, some concerns have been expressed internally about the concept and how effective it will continue to be in the long run. Among concerns we heard from citizens and officers:

- ◆ With MFF’s concentrated attention on the most visible street disturbances, there is a concern that routine quality-of-life calls won’t get addressed or will have much longer response times. If violence is reduced, this may be an acceptable price to pay, but it is nonetheless a concern.
- ◆ A related concern is that the MFF convoys will lead to increases in arrests, which may further exacerbate problems in certain parts of the community, but with the further problem that the criminal justice system may let many of those arrested off with little more than “slaps on the wrist,” leading to further disdain by youth, “with one

more example of the lack of consequences and the lack of power of the system to do anything to them.” On the other hand, RPD should continue to do what it can to disrupt their operations and keep people on the move, thus making them less able to operate with impunity and consistency, thereby at least providing citizens with some respite from the effects of their behavior. Moreover, MFF actions may at least force drug dealers or others disrupting life on the streets to become more discreet in their behaviors, thereby making streets at least “appear and feel safer.”

- ◆ There is also the unintended consequence of simply displacing crime elsewhere, but the data we have seen are not clear about this one way or the other. The approach necessarily involves small momentary victories, but little ability to couple that with longer-term strategies to secure for the long haul any gains made in the short run.
- ◆ Some concerns were expressed that after a while the MFF concept becomes boring to the involved officers, with lots of “stop and disperse” activities, mostly led by the Sergeant, with little creative thinking or problem-solving by the officers. This can result in both boredom and burnout over time. On the other hand, *this can be resolved to a great extent by rotating people in and out of the MFF teams, which is presumably a good idea anyway, and by interspersing regular service calls with MFF responses to the extent possible.*
- ◆ There is the danger of overreacting, and not treating people with respect when making the “sweeps.” On the other hand, there may be less likelihood of disturbances getting out of hand with the larger teams sent in to disperse the crowds, and if Sergeants are as careful about maintaining discipline and appropriate behavior as advertised, the behavior of the officers on such details should actually improve over time.
- ◆ Similarly, some officers were concerned about being assigned to MFF teams because of the fear that there would be resulting complaints filed against them, and that they wouldn’t be backed up with appropriate levels of support from RPD management. It does not appear as if this concern has proven to be accurate, as there appear to have been relatively few complaints resulting from the MFF approach, and there is no evidence we

have seen that suggests that the Chief and Mayor have been anything other than strongly supportive of the officers, as long as they were following procedures. The Sergeant's presence is also viewed as a helpful deterrent to behavior that could get an officer in trouble.

Recommendations

❖ *The Mobile Field Force concept seems to continue to have merit, used with flexibility and discretion. However, we suggest that Research and Evaluation undertake an assessment of the impact of MFF "sweeps" as carried out in various ways to see if some approaches appear to be more effective than others, and to also attempt to determine the extent to which, if at all, crime is being displaced or reduced by the MFF efforts. The research should also attempt to assess the impact of MFF details on the ability to respond in a timely manner to other types of service calls.* There remains a prevailing sense that the MFF approach works and adds to the feelings of safety in neighborhoods where it has been implemented, but more extensive data on the overall effects of the initiative would be helpful.

❖ *As the police reorganization becomes fully implemented, we suggest that combinations of the PSA teams may become effective building blocks for at least some of the MFF types of activities needed in the future.* It may be that, instead of needing an "MFF superstructure," having PSA teams trained to carry out these types of sweeps as needed, by themselves or perhaps in combination with nearby teams, might work in selected situations, with the same model of a Sergeant with a group of officers.

8. REDUCING ALLEGATIONS OF POLICE MISCONDUCT

The first chapter in the 1976 report of the Crimi Committee dealt in detail with issues related to policies and procedures then in effect for dealing with allegations of police misconduct. At that time, all investigations of alleged misconduct were conducted internally by an Internal Investigation Section. There was no external citizen review of either internally- or externally-initiated complaints.

As a direct result of the Crimi Committee's recommendations, City Council in 1977 approved the creation of a Complaint Investigation Committee (CIC), which initiated the practice of civilian involvement in the review of complaints against police officers. Through a series of subsequent Council resolutions in 1984, 1992 and 1995, the original CIC has evolved into today's Civilian Review Board (CRB), which now reviews, and makes recommendations concerning, selected internal investigations of what has evolved into the Professional Standards Section (PSS) of RPD (which conducts all internal affairs investigations of alleged police misconduct). In addition, Council action in 1992 led to other changes in PSS practices, and in the recruitment, training and supervision of police officers.

Most of the actions reflected in the earlier resolutions by City Council have resulted in the intended results. The CRB is often viewed as a model program throughout the country. Nonetheless, despite the creation of procedures for addressing complaints against police officers which have been cited in national reviews of best practice models, concerns about the process continued to surface in our interviews. This chapter outlines those concerns, places them in the context of how the current system for responding to complaints works, and suggests enhancements to current practices and procedures. We believe these suggested refinements will strengthen the community's ability to meet both the public's and police officers' needs for a review process that is fair, balanced, and effectively communicated to and understood by all segments of the public.

The Citizen Complaint Process

The establishment of an effective process for filing citizens' complaints which allege police misconduct involves a difficult balancing act. In the final analysis, the process of filing and processing complaints must be perceived as fair and accessible by the public, but at the same time it must not be seen as "stacking the deck" against the police officers who must continue to serve the public. Our interviews highlighted the need for an effective, accessible process that citizens are aware of and encouraged to use when appropriate. But they also underscored the need to assure the police that the process is fair and not encouraging of "frivolous or vindictive" complaints with little or no merit that are designed primarily to embarrass the police, without offering substantive charges of merit. The latter concern was echoed by many, both within and outside the Police Department, who worried that if police officers feel too threatened by "unwarranted complaints," it could affect their morale and ultimately their willingness to take the kinds of risk officers must often take to ensure public safety.

Educating the Public

We have concluded, based on our interviews, that even many knowledgeable citizens have little awareness of the process for filing a complaint against the police. On the other hand, there are some who are quite knowledgeable about their rights and what they need to do to file a complaint, and are more than eager to do so at the slightest provocation. Currently complaint forms can be filed at the Public Safety Building, at the Center for Dispute Settlement (CDS), and at various other community sites. However, several suggested the need to do a better job of making citizens aware of their options. Several options are currently available or were suggested as potential future ways to encourage people to file legitimate complaints, including:

- Wide dissemination of a brochure detailing citizens' and police rights and responsibilities, and what a citizen should do if he/she has a complaint. A brochure has just been updated, under the leadership of the Center for Dispute Settlement, with the support of a broad range of criminal justice/public safety agencies. This is expected to be widely distributed through community agencies, but even if it is seen by many citizens, it still leaves considerable

ambiguity as to what an individual should do to file a formal complaint, and where to go to do so.

- NET offices were cited by many as logical places to file complaints, because of the accessibility to people in neighborhoods, but some were concerned that the presence of police officers might intimidate some citizens from completing the forms. Others thought that this concern could be overcome by having one of the civilian NET staff help if questions arose. This is currently an option, though not frequently used.
- Some suggested having brochures and complaint forms widely distributed in such places as branch libraries, City Hall, various community agencies, NET offices, and the Center for Dispute Settlement. This is done to some extent, and is likely to be done more frequently with the new brochure in place.
- Others suggested having trained staff available in key agencies such as ABC, the Urban League, neighborhood associations, CDS, settlement houses, etc. who could help individuals fill out the complaint forms if necessary and/or answer questions about the process as needed. Such staff could also help potential complainants understand their responsibilities for filing complaints, help them think through the merits and limitations of their likely case, and the likely implications of going forward with the complaint. This is now rarely if ever done, at least not with any degree of consistency.
- Some suggested the need for Public Service Announcements and other forms of public education to present a balanced perspective which would focus both on acknowledging positive police work and also filing complaints when necessary. This is not now being done.
- The community as a whole needs to be better educated on the issues involved in filing complaints, and what happens as a result. Information needs to be shared routinely that helps people understand how the process works, what they will need to do if they file a complaint, and what the

A number of suggestions were offered for improving public awareness of procedures for filing complaints, and understanding their implications.

ultimate outcomes have been historically. This has not been done to any significant extent.

Avoiding Inappropriate Complaints

While it is appropriate and in the public's interests to encourage the filing of legitimate complaints documenting alleged police misconduct, it is equally appropriate and in the public's interests to ensure to the greatest degree possible that any complaints that are filed are legitimate, and not just "witch hunts" against officers because someone didn't like being singled out as part of a legitimate police action.

Encouragement of filing complaints needs to be balanced with a warning against filing false complaints.

A number of police officers, but also others external to RPD, worried about "frivolous or flagrantly false complaints" being filed. Whether they like the complaint process or not, most officers and command staff within RPD understand the importance of allowing and taking seriously citizen complaints. But they worry about the complaints that they believe can be "filed with impunity" and without consequence against the complainant, even though there may be little or no merit to the charge from the beginning. Of course the merit of a case can lie in the eye of the beholder, but there does appear to be some reason to question the legitimacy of at least some complaints that are filed.

Some suggested that it would be helpful to have messages in brochures and in advertisements encouraging citizens to file complaints that also indicate that there are potential criminal consequences of filing false complaints, and to have staff in agencies who advise potential complainants also reiterate the message that complaints should only be filed if they have merit. Such consultation should, for example, encourage complainants to line up independent witnesses in support of their positions, given that so often evidence corroborating the charge is difficult to verify. Such preparation would be intended not to dissuade people from filing legitimate complaints, but to have them be as realistic as possible in their expectations, and to have them think through the implications and consequences of their actions in advance. Such preparation would be intended to *help educate people that if their case does not result in action against an officer, it doesn't necessarily mean a police cover-up, but just that the evidence may not have been*

strong enough, without independent supporting evidence or witnesses, to support the complainant's position.

One potential way of reducing the likelihood of false complaints is to track the patterns of complaints filed, and their dispositions, by individual complainant, to ensure that individuals are not routinely filing complaints that are consistently dismissed or found to have no validity. Such information would need to be used carefully and with safeguards built in, but it could help to limit the likelihood of frivolous complaints, and could become the basis, if the process is abused, for a criminal charge being placed against a complainant suspected of filing false statements. Warnings against such actions should be made clear.

PSS Investigation Role

According to Professional Standards Section Annual Reports for the past three full years (2001-2003), an average of just over 100 *citizen complaints* have been initiated against RPD officers each year—consistently about two-thirds of all complaints filed during the year. The remainder are filed internally, with an average of about 13 considered *Command Discipline* cases (handled through the normal chain of command, without involving formal departmental charges being brought against an officer) and about 37 considered regular *departmental charges* that must be investigated through the formal PSS/internal affairs process. Thus a total of about 140 new complaint cases (non-command discipline) have been initiated by PSS each year, in addition to any carryover cases from the previous year.

Staffing and Length of Investigation Time

The PSS staff responsible for investigating the charges against officers includes the supervising Lieutenant, five or six Sergeants, and a police officer. Staff typically spend an average of about four or five years in this high-stress unit.

According to information provided to us for this study, investigations are completed by PSS staff within an average of about eight weeks per case, prior to reviews by various command/supervisory staff, and in some cases by the Civilian Review Board (see CRB discussion later in this chapter). Each command staff reviewer can hold onto the case file for varying lengths of time, which can significantly add to the average time a case remains open. Moreover, investigations can drag on for long periods of time if awaiting hearings involving the availability of an arbitrator.

Detailed breakdowns of the length of time various types of cases remain open were not available to our study team. However, cases that ultimately are referred to the CRB, as described below, have been open for much longer periods of time in recent years, with an average of 225 days in 2003, according to Center for Dispute Settlement data.

Alternate Internal Investigation Staffing Models

Some other jurisdictions have hired civilians to carry out the internal investigation function for the police department, either as employees of the department or under the Mayor's office. Others have begun to employ a combination of civilians and sworn officers to team together to conduct internal investigations, providing a combination of internal police experience and understanding of the practices and pressures facing officers, along with a civilian perspective to help provide assurances to the public that no police "cover-up" could occur. Information available from other districts suggests that adding a civilian perspective does not necessarily improve outcomes, and may in fact contribute to more cases going to court at greater cost to the jurisdiction.

Trends in Complaints Filed Against Police

Although complaints tend to fluctuate up and down from year to year, the number of cases/complaints filed against police officers in Rochester in 2003 was the lowest total in the past four years, based on data from PSS Annual Reports. Following increases in the previous three years from 137 to 150 to 187, the total number of complaints in 2003 (departmental, citizen-initiated, and command discipline) was 120—a decline of more than one-third from the previous year. Departmental charges declined by more than half between 2002 and 2003 (from 50 to 24), and citizen complaints declined by more than one-third, from 128 to 80.

Complaints filed internally and externally declined significantly between 2002 and 2003.

Some of those we interviewed had been worried that the numbers of complaints might actually have increased during 2003, with the introduction of the more aggressive approaches such as Mobile Field Force and other aggressive policing initiatives. These data suggest strongly that, at least by the best available measure, citizens apparently were satisfied that the initiatives were carried out in such a way that they did not result in significant numbers of complaints being filed against the officers. These findings, in conjunction with the earlier survey data reported in Chapter 3, suggest that these efforts have been carried out with sufficient

levels of respectful behavior by the officers involved, and sufficient levels of supervision, that overall citizen satisfaction with services has remained high while official complaints have declined. One should always be cautious about drawing definitive conclusions from a single year of data, but given the potential for these numbers to have gone in different directions this past year, they should be interpreted, we believe, with cautious optimism.

Definitions and Context Each complaint contains one or more detailed allegations, each of which results in a specific action or finding, based on the review by PSS staff. The following categories of findings are possible:

- *Sustained* – Misconduct is proven;
- *Exonerated* – Conduct occurred and was lawful, justified and proper;
- *Unprovable* – Insufficient evidence to prove or disprove an allegation;
- *Unfounded* – Alleged act apparently did not occur;
- *No findings/closed* – Complainant fails to follow through, and insufficient evidence to determine a conclusion.

Data from jurisdictions throughout the country indicate that *typically police internal affairs units sustain in the vicinity of 10% to 13% of all individual allegations filed by citizens*. Departmental charges tend to be sustained at higher rates, with little national data to indicate specific comparable proportions. Nor are comparable data consistently reported for proportions of cases in which at least one allegation is sustained, or for proportions of officers for whom charges are sustained. Typically the greatest numbers of citizen complaints result in either unfounded or unprovable charges, given the fact that there are often no independent witnesses or corroborating evidence to facilitate a clear resolution of what actually happened.

The Past Three Years

About 9% of all allegations by civilians resulted in sustained charges by PSS in the past three years.

Of all 1,126 allegations (each *case* may have multiple *allegations*) in civilian complaint investigations involving RPD officers which have been completed in the past three years, 8.7% resulted in PSS sustaining the charges—well below national reported ranges. About 18% of the allegations have resulted in the officers being

exonerated. By comparison with 1976, before any civilian review mechanism was implemented or other changes made in the internal review procedures, 13.7% of all civilian allegations were sustained, and 33% were exonerated. *These comparisons at least suggest that the changes made since then have contributed to substantially fewer officers being exonerated on charges, but also fewer being sustained and disciplined.* Meanwhile, the proportions of unfounded and unprovable allegations have both increased (to 22% unfounded and 40% unprovable, respectively).

Less than 5% of allegations alleging unnecessary force were sustained. Complaints involving discourtesy were more often sustained.

Of all citizen allegations alleging unnecessary use of force, only 17 in the past three years (4.4% of all such allegations) were sustained, while 16% were exonerated. Allegations about officer discourtesy were most likely to result in sustained charges over the past three years: 25 separate allegations (9.4% of all discourtesy complaints).

On internal departmental investigations (complaints initiated within the Department, rather than by citizens), all command discipline cases in the past three years have been sustained, as have two-thirds of PSS departmental investigations. Although specific comparison data were not available, this trend of significantly higher sustained rates for internal charges is consistent with overall national findings.

Up to 29% of all officers each year are involved in a formal internal investigation. However, less than 3% of all officers received a sustained allegation each year on charges filed by citizens.

More than one officer may be involved in a specific case/complaint. *Of all officers on the force, an average of as many as 205 officers per year (29% of the force) over the past three years have been involved in a formal internal investigation, including an average of 151 (21%) on charges filed by civilians.* Several police officers said, in effect: “If you do real police work, you will at some point be facing charges in front of PSS.” These numbers and proportions are certainly inflated by some unknown amount, as they include some officers who were involved in more than one charge. RPD annual reports do not provide any indication of the extent of duplication in the numbers. But even if the degree of duplication is considerable, it still suggests that substantial proportions of the police force have been called up on charges by civilians and/or by other officers during recent years.

However, a relatively small proportion of the charged officers wound up with sustained charges. An average of 62 officers per year (8.8% of the force) have had one or more sustained charges

each year—including 19 (2.7%) on complaints initiated by citizens. Again, it is not known how many of those officers had more than one sustained charge during the year, and how much smaller the unduplicated count of officers would be. *Reported data in the future should provide such information.*

PSS and Chief Too Punitive?

We heard a number of comments throughout our interviews which suggested that many within RPD believe that the Professional Services Section sometimes “oversteps its bounds” and can be “too unfair, aggressive, and overzealous” in its investigations of officers. The perception among a number of officers of varying levels and experience is that PSS “keeps looking until it finds something, even if it’s minor. They need to be more understanding of the tough situations officers get caught in, and be fair with high standards, but not impossible in their expectations.” Some added the perception that PSS “seems to be more responsive to the community in seeking disciplinary actions than to its fellow officers.” Similar comments were made that the Chief does not adequately support his officers and is quick to discipline them.

The facts would seem to suggest that these perceptions of excess discipline are somewhat overstated and inconsistent with actual decisions over the past three years. As noted above, the proportions of sustained allegations have been consistently below national norms in other jurisdictions, and below Rochester proportions at the time of the Crimi report. Furthermore, an average of less than one of every 11 officers a year experienced a sustained allegation of any type between 2001 and 2003. And, the numbers with sustained charges who were subsequently disciplined on formal charges, as opposed to simply having a memorandum of record placed in their personnel files, averaged about 5%, one of every 20 officers, during that period. Moreover, PSS data indicate that during those years, an average of no more than 18 officers a year (2.6% of the entire force and perhaps fewer, as some may have been duplicates) were suspended without pay or forced to resign (three resigned during those years). These examples of the most severe disciplinary actions taken during these years typically involved allegations involving use of excessive force, discourteous behavior, or some degree of untruthfulness/ dishonesty.

About 5% of all sworn officers each year have been disciplined on formal charges, with about 3% losing pay or their jobs.

The other concern that was voiced frequently by officers during our interviews was that PSS has become overly aggressive in adding “satellite allegations” to the original complaint charges. These are described as procedural violations not part of the original complaint that were discovered during the investigation process. Some officers described these as “incidental and nit-picking examples of PSS going overboard,” while others indicated that these satellite issues often involved serious problems that, once discovered, could not be simply ignored. Either way, the extent to which such allegations were reported in the last three annual PSS reports was far less than would have been expected by the comments we heard: a total of 14 such incidents added by PSS during the three years (five per year).

Neither PSS nor the Chief appear to have been unfairly punitive or aggressive in response to complaints.

Without attempting to judge whether the sustain rates should be higher or lower, or whether the use of serious disciplinary actions should be more or less frequent, the reality would seem to us to suggest that neither PSS nor the Chief have been unfairly aggressive or punitive in their reviews and decisions made in response to the complaints presented to them from citizens and members of the police force. *RPD should consider ways of more clearly presenting these facts to the entire police force, along with opportunities to discuss their implications.*

Civilian Review Board Process

Rochester’s Civilian Review Board (CRB) was established by City Council in 1992 to review the investigations of the Professional Standards Section of RPD in cases involving the following:

- All charges involving excessive use of police force;
- Any conduct which, if proven, would constitute a crime;
- Any other cases referred to the CRB by the Chief of Police.

The CRB does not initiate cases, nor does it have the power to provide independent investigation of any cases referred to it. It typically does not interview witnesses or principals involved, although it has the right to request such appearances on a voluntary basis. *The primary role of the CRB is to review the full record of each of the cases referred to it and to determine the fairness, thoroughness and timeliness of the PSS investigation, and to determine if there appear to be any deficiencies in the investigation.* If the three-person panel selected to review a particular case determines that it needs additional work, it

can return the case to the PSS for specified additional work to be done. Once it is satisfied with the investigation, the CRB makes its judgments on each of the allegations, using the categories specified above. The CRB recommendations ultimately go to the Chief, along with the independent PSS recommendations, for a final decision.

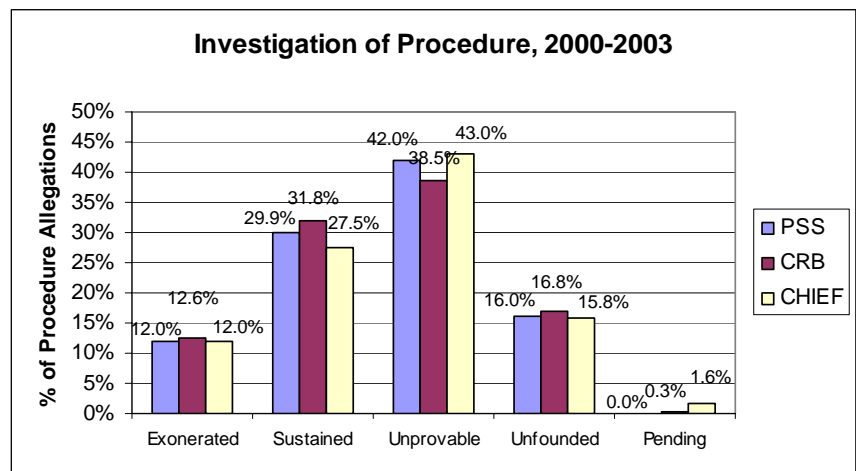
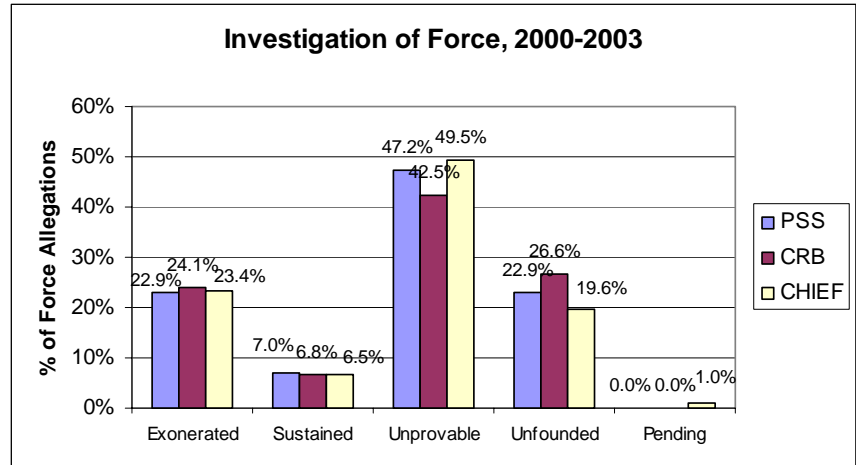
The CRB reviews both internal and external complaints. In recent years, about 50 cases per year have been referred to CRB for review, based on the three categories listed above. These cases have typically involved between roughly 175 and 200 separate allegations. These referrals represent reductions from the high number of referrals of almost 100 cases and about 300 allegations in the late 1990s. Typically between five and ten of the cases each year initially surfaced as internal departmental complaints, with the remainder representing complaints initiated by citizens.

Among the roles of the CRB are to hold police officers accountable for their actions, to prevent future police misconduct, and to help ensure fairness and find the appropriate balance between the needs of citizens to have police adhere to the highest standards and the needs of police to be able to carry out their legitimate functions. To help find that balance, the CRB panelists who review cases in groups of three are certified trained mediators who have received extensive training in mediation techniques and in various police procedures, including training in when to shoot or not, and other reviews of what is appropriate at various stages along a continuum of force. Each CRB panelist also receives annual update training and “ride-alongs” with police officers. The broad training, with particular emphasis on approaches which focus on being able to look objectively at all sides of issues, makes the CRB process stand out from many other civilian review processes. Part-time panelist efforts are supplemented by a range of Center for Dispute Settlement training and support staff functions.

CRB panelists receive extensive training in mediation and police procedures.

***Consistency of Findings
Between CRB, PSS and
Police Chief***

As indicated in the two graphs on the next page, over the past four years, *there has been a high level of agreement between the independent judgment of PSS staff, CRB reviews, and the ultimate decision of the Police Chief, both on cases involving the investigation of force, and those involving more procedural matters.*



Consistently on matters involving complaints about the use of excessive force, only about 7% of all allegations have been sustained during the past four years, and about three times that proportion have resulted in exoneration. However, on procedural matters, about 30% of all allegations have been sustained by PSS, the CRB and the Chief, more than twice the rates of exonerated allegations. Consistently, well over half of all allegations have been found either unprovable or unfounded by all three parties.

Examining the separate decisions made by PSS, CRB and the Chief between 2000 and 2003 for each allegation, PSS and CRB were consistently in agreement on dispositions of about 80% of the allegations, whether initiated internally or externally, and whether involving force or procedural matters. PSS and the Chief wound up in agreement on dispositions of about 90% of the allegations. CRB and the Chief were in agreement on dispositions

PSS, CRB and the Chief consistently agreed on 80% or more of dispositions of all allegations from 2000 through 2003.

The CRB sustained a higher proportion of allegations by citizens than did the PSS.

of just over 80% of all allegations initiated by citizens, and on dispositions of about 85% of all internal charges.

Among complaints initiated by citizens, the CRB sustained 12% of all allegations between 2000 and 2003, compared to the PSS rate of 8.7%—and within the 10% to 13% range reported nationally for review boards in other jurisdictions. The exoneration rates were similar: 17% by the CRB and 18% by PSS. Thus, in contrast to many other jurisdictions, the CRB in Rochester sustained a higher proportion of allegations by citizens than did the PSS. The ultimate impact: the Chief sustained 10.4% of all civilian-initiated allegations, about midway between the respective sustain rates of PSS and CRB. As a proportion of the total number of different individuals filing complaint cases against the police, regardless of the number of allegations involved, CRB sustained at least one allegation in 30% of the individual complaints, compared to about 24% among PSS and the Chief.

Satellite Allegations

As noted above, PSS reported finding an average of about five allegations per year during their investigations that had not been part of the initial complaints. However, it appears that the CRB investigations turned up additional “satellite” issues, since the total number of satellite allegations they reported each year averaged 14.5 per year between 2000 and 2003. This suggests that about 10 such issues a year surfaced during the CRB reviews, over and above those that had previously surfaced during the PSS reviews. CRB has not to this point reported separately on the ultimate outcomes of those satellite complaints, and should do so in future annual reports.

Communications

RPD and the CRB should widely publicize the outcomes of complaints, with “good news” for both officers and citizens.

The information reported above has typically not been widely reported or interpreted to either the public or to the police force. Annual reports are published each year by PSS and CRB, but some of the types of analyses presented above have not been included in the annual reports, and little attempt has been made to present the findings and their implications to the press or in internal meetings with police officers or with citizens’ groups. Much of the information about relatively low sustain and discipline rates should be somewhat reassuring to the police, while the relatively high levels of agreement in decisions between PSS and CRB should help reassure the public that the decisions made by PSS reviewing

complaints made about their own police force are consistent with decisions made about those same cases by independent groups of private citizens.

Makeup of CRB

One factor that would presumably be presented along with reports of the findings about the outcomes of complaints would be information about the makeup of the CRB review panels and how representative they are of the community they serve. Currently six of the 10 different review panel chairs are black or Hispanic, as are just over half of all panelists. Half of the chairs and 80% of the panelists are women. All but one of the chairs and all but two of the panelists are city residents.

The Faith Community Alliance has proposed to supplement, if not in effect replace, the current CRB members with a more “grass-roots” approach to selecting members of the panels, with the Alliance making appointments based on recommendations from churches and community groups of panel members to reflect all ten planning sectors and the racial/ethnic and economic makeup of the city. Other models suggested for modifying the makeup of the current CRB panels include the selection of a panel of former distinguished retired judges to act as chairs of the review panels.

Although not an explicit member of the review panels, an additional proposal to strengthen their work has been a suggestion to incorporate a staff person representing CRB into PSS discussions with complainants, officers and witnesses, and to bring back the feedback from those meetings into the CRB review process.

Length of Time to Resolve Complaints

The lengths of time to resolve allegations of misconduct have been steadily increasing, at least for those cases being referred to the Civilian Review Board (comparable data for all complaints were not included in the PSS annual reports). *The average time just to get the cases through the initial steps before they are even referred to the CRB has increased in the past three years from about 130 days to 225 days, as reported in the 2003 annual report.* Delays in the chain of command review and in challenges of disciplinary actions add to the timeline in many cases. Many officers complained about the length of time to get cases resolved, complaining appropriately that discipline should be much quicker than it currently is. Yet the officers and the union are sometimes part of the delay process. Most people

agree the process is way too long in many cases, but few have come up with realistic solutions to the delays, given challenges built into the police contract. Some other communities have set goals for completing the review process of as little as 75 to 150 days. We were not able to find consistent data from other jurisdictions indicating how often such goals were consistently met.

Conciliation Process

An approach which could help reduce the long process of resolving at least some complaints might be the more frequent use of conciliation of selected complaints or disputes between complainants and officers. Conciliation is designed as a voluntary process that brings a complaining citizen together with the officer who is the subject of the complaint in a neutral setting, in a session facilitated by a CDS mediator, to try to resolve possible misunderstandings or miscommunications. If issues that otherwise would go to a more formal PSS investigation process can be resolved through the simpler mediation process, no PSS investigation would be opened. However, in the past four years, only 14 cases have been referred to CDS for conciliation, only two of which have been successfully resolved. Typically one or both of the parties has declined to participate.

Many reasons exist to expand the use of conciliation as an alternative to full investigation of complaints, but there is little encouragement to do so by RPD or the union.

There are clear benefits that can result by expanded use of this alternative approach to resolving complaints. The process can be much shorter, and there is no record of the complaint on an officer's record if the case can be resolved through conciliation. If the case cannot be resolved, it simply goes back into the initial PSS review process, with no penalties. Many of the majority of cases that now cause frustration by resulting in a final judgment of either unproved or unfounded could potentially be resolved via conciliation. Better understanding between officers and residents could begin to result from such personal connections under controlled circumstances. Several of those with whom we spoke believe that a significant number of complaints could be successfully resolved by simply sitting down together and explaining each other's perspectives.

Complaints involving the use of force or where criminal charges could potentially result would not be eligible, but a range of relatively simple procedural cases could be, including complaints

related to discourtesy, failure to take a report, accuracy of a report, failure to take other appropriate action, etc. At this point neither the police union nor top level administration of the Department has made the possibility of using conciliation a priority as a potential mechanism for resolving citizen disputes with officers. Unless and until both groups begin to urge officers to opt for this approach when it is offered, the long delays and personnel records showing citizen complaints will continue.

Potential Expansion of CRB Role?

Two primary suggestions have been offered during our information-gathering process to expand the role of the CRB: to add the subpoena power to its “box of tools,” and/or to expand CRB’s power to initiate independent investigations on its own.

About 40% of the country’s civilian review programs have subpoena power, but several have not chosen to use it.

National surveys suggest that about 40% of the civilian review programs in the country have subpoena power, though even some of those programs, and other advocates of expanding subpoena powers, acknowledge that it may have at best marginal value in getting a few additional people on the record during investigations. Even some of those that have the subpoena power have not chosen to use it. Some unions have fought its adoption, and have held up in court some proposals to use subpoenas.

Suggestions have also been made to have CRB expand its role from a reviewer of investigative work already done by PSS to a more independent role in which it can initiate its own investigations, and perhaps take on additional types of complaints now outside the three categories of cases eligible for referral to CRB. Proponents argue that this would enable more cases to receive a thorough investigation, thereby holding police more accountable. Doubters of the need for such an expanded approach fear that it would add to existing processing delays, would require recruitment and training of more civilian reviewers, and would probably have only a marginal impact on outcomes of cases anyway. Given the high degree of agreement between PSS, CRB and the Chief that already exists under the current system, some question whether very many ultimate decisions would be changed if CRB had additional powers to initiate cases on its own.

Recommendations

Based on the issues raised above, we offer our recommendations for consideration by the City, RPD, the Center for Dispute

Settlement and its Civilian Review Board. Our recommendations are organized by theme/issue.

*Educating the Public
About Complaint
Process*

❖ ***A broad campaign should be undertaken to inform the public about the citizen complaint process and the appropriate and inappropriate use of the process.*** The City, RPD, the Bar Association, clergy, neighborhood groups and the Ad Council should provide leadership in developing a comprehensive print, media and PSA campaign to publicize the good work of most police officers, while also indicating citizens' rights to file complaints when there are exceptions.

❖ ***Trained staff should be available in key agencies in the city who can help individuals fill out complaint forms, but also provide consultation about limitations of the process, guidance about appropriate and inappropriate uses of the process, and consultation about appropriate uses of conciliation as an alternative option.***

❖ ***The brochure recently developed that details citizens' and police rights and responsibilities should be modified to include more information about the complaint process and what citizens should do, and where they should go, to file a complaint.***

❖ ***RPD and various community groups should examine the suggestions under "Educating the Public" beginning on p. 61 and consider implementing as many of them as feasible.***

❖ ***A database should be maintained on complainants recording the frequency of complaints and the patterns of responses to them.*** The database should probably be maintained by CDS, rather than by RPD, to limit the possibility of suspicion of actions being taken against "multiple complainers." The point of the database would be to provide information about possible abusers of the complaint system, using CDS as a flag for the PSS internal investigation function. RPD should be willing to consider pursuing criminal action against any abusers in the anticipated rare case where a clear pattern of past abuse is apparent.

*Limiting the
Investigation Period*

❖ ***RPD should work with the Locust Club and the City to establish a "speedy investigation process" that would require all investigations on a complaint to be completed within a specified period of time, subject to exceptions which would need to be requested and accepted only upon documented reasons.*** Many cases now are completed within reasonable periods of time, but others drag on because of delays that could be

prevented by one party or the other (e.g., through expediting the “chain of command” review process and by attempting to reduce the delays involved in awaiting hearings involving an arbitrator). It is suggested that a maximum period of 120 to 150 days be established as the norm. In the future, data should be maintained and presented annually by PSS indicating average lengths of time to resolve typical cases, along with explanations of reasons for delays for any cases that exceed that standard. Such data would enable management to determine patterns causing delays and to develop appropriate corrective actions in response.

Staffing and Training of PSS

❖ ***RPD should consider the possibility of developing a future PSS staff mixture of sworn officers and civilian investigative staff, to provide a citizen perspective to work in conjunction with Sergeants. This option should be investigated as part of a larger review of civilian vs. uniformed officer staff.*** This larger study is proposed later in this report (see Chapter 12), and should incorporate a review of the implications of implementing such a “hybrid” staffing model. This would have the effect of freeing up a small number of Sergeants for other duties, if it proved feasible.

❖ ***Sergeants new to PSS should receive advance training in investigative techniques before formally starting the position.*** Currently new staff in the section learn primarily through on-the-job training, which seems to work well. But there may be added value to having new staff assigned to the office exposed to investigative approaches and concepts before actually beginning the job. Such training might involve shadowing a current investigator before officially beginning the position.

Communicating Complaint Process Results

❖ ***PSS and the Civilian Review Board should both examine letters sent to complainants once final decisions are made concerning their complaints. Care should be taken to make sure the letters are as clear as possible in explaining the process, the nature of the decision, implications of possible multiple allegations, if any larger issues were raised for departmental consideration, any opportunities to have the decision reviewed (see below), and expressing appreciation for their concern about the future of police-community relations in the city.*** The intent would be to make the letter as clear and user-friendly as possible, and to create as much good will as possible in the process.

❖ ***RPD management should work closely with the Locust Club to communicate clearly on an ongoing basis the outcomes of the complaint process related to officers, and***

should work closely with the local press and media, and with clergy and neighborhood and community leaders, to present the findings and implications to a broad cross-section of the public on a regular basis. The public and RPD staff should receive information that goes beyond what is now in the PSS and CRB annual reports, to help clarify as much as possible the actual findings of the decisions made as part of the complaint investigation process, along with their implications for trust in the process for both citizens and officers. Particular efforts should be made to reassure the public about what the data say about the review process and the consistency of findings between PSS, CRB and the Chief, and to use the data to discuss with the police force the perceptions that often exist today about the process, and how the data either confirm or deny certain perceptions. Better communication of these data should also be integrated with opportunities to share positive stories of effective policing.

❖ *The press and media should be partners in this effort to present the data as part of a larger effort to shed light on the larger topic of police-community relations in the city.* This effort should be integrated with broader communications efforts discussed earlier in Chapter 4.

❖ *Ideally PSS and CRB should team up their resources for occasional visits to the community to present what they do, and the data reflecting the results of their work.* It may make sense, for example, for teams from both to visit in each quadrant of the city once each year to make progress reports. Such presentations would also provide opportunities to highlight who serves as part of the CRB process, and to recruit possible future members from the community.

Fine-Tuning the Role of the CRB

❖ *We do not recommend that the CRB either be granted the power to subpoena witnesses or to conduct independent investigations of cases on its own. We are not recommending fundamental changes in CRB's mission or core operations. We would anticipate little significant change in outcomes if such changes were implemented. However, we do see the opportunities for slight expansions of its role at the margins, in ways that may be able to help address issues raised during the study. Suggestions for such "fine-tuning" follow:*

- ◆ *Complainants who are not pleased with the outcomes of their complaint investigation in PSS should be offered the opportunity to petition CRB for an independent review of their case, assuming CRB has not previously reviewed the case.* A number

of citizen complaints are not reviewed each year by the CRB, as they do not fall into one of the three categories of eligible cases. Offering the opportunity for an additional review of their case would be a good will gesture on the part of RPD and CRB which would probably not require a large additional investment of CRB time, but which might, especially with appropriate publicity, send a further signal of how open the City and RPD are attempting to be in taking the complaint process seriously.

- ◆ ***CRB may also wish during its routine reviews of cases, especially the large number that fall into the “grey area” of unprovable or unfounded cases, to make a particular effort to offer to meet with the complainant*** to provide the opportunity to raise questions and attempt to clarify issues that may lead to more definitive decisions, or to at least help the complainant understand why certain decisions are made the way they are.
- ◆ ***In dealing with “satellite issues” in the review of complaints, attention should be given to finding ways to include for disciplinary purposes only those that clearly appear to have reflected deliberate misconduct. For “satellite issues” that seem to have been more accidental or incidental to the central complaint incident, such issues should be addressed as an educational opportunity to discuss with the officer, rather than as a disciplinary action.*** Even though the numbers of these cases are relatively small, they seem to engender substantial negative reactions from officers out of proportion to their prevalence in complaints. Actions which can be taken to limit their negative impact, without ignoring any issues that clearly are significant enough to need to be addressed in the process, would be likely to pay long-term morale dividends within the police force.
- ◆ ***The CRB should provide leadership to convene a statewide group of “civilian review boards,”*** as broadly defined, to share insights about the many different approaches in place around the state. Convening such an informal group could have significant value in addressing issues of mutual interest, and learning and sharing best practices across programs. The group

could also consider testing pilot projects and potential model approaches, test the possibility and implications of using subpoena powers more broadly, and share experiences about what approaches have worked well and not so well.

*Expand Use of
Conciliation Option*

❖ *RPD and the Locust Club should work together to develop expanded guidelines for the use of conciliation as an alternative to the PSS investigative process for as many appropriate complaints as possible.* It is clear that strong encouragement is needed to prompt use of this process, which could help reduce time spent in investigations and disciplinary actions, and help reduce the number of unsatisfactory “grey area” outcomes that now result in more than half of all citizen complaints. Without a strong push from management and the union, it is virtually certain that this viable option, that could help enhance police-community relationships, will never be used in more than a handful of cases a year.

Better Use of Data

❖ *CRB should work with PSS to try to determine ways of minimizing the use of the unprovable and unfounded categories, through making as much use as possible of some of the suggestions offered above. In addition, consideration should be given to renaming the Unprovable category, “Not resolved,” as a way of perhaps more accurately reflecting the “state of flux” represented by that category.*

❖ *To the extent possible, data should be presented which show the aggregate characteristics of all officers who have complaints filed against them, compared with the characteristics of those who have sustained allegations. Also, where possible, the data should be presented which differentiate those officers being charged with a single complaint during the reporting period, vs. those with multiple complaint cases.*

❖ *In the future, with reorganization, complaint data should also be related, wherever possible, to the primary supervising officer, in order to determine if there are patterns of problematic behavior associated with particular supervisors that may need to be corrected.*

❖ *Ideally, PSS and CRB should conduct regular surveys of complainants and officers involved in the investigation processes to determine their perceptions of how they were treated, and what ideas they may have for improving a stressful situation to limit the stress as much as possible.*

PART THREE: ADDITIONAL OPPORTUNITIES TO STRENGTHEN POLICE-COMMUNITY RELATIONS

The issues discussed in Part Two of the report were specifically anticipated and targeted in the original proposal for this study. In addition, beyond those, a number of other issues surfaced in the course of our investigation that are directly related to police-community relations, and to the Mayor's expressed desire to prevent future confrontations involving deadly force between police and citizens. The chapters that follow in Part Three identify and discuss those issues. Each chapter focuses on a specific set of issues and opportunities facing RPD and the community, and each concludes with our recommendations for enhanced police-community relations in the future, building on existing strengths.

9. INTERACTIONS BETWEEN POLICE AND COMMUNITY

This chapter provides an assessment of various aspects of police-community relationships, examined from the perspectives of the levels and types of interaction and engagement both of the police and of various segments of community residents and institutions. Following the discussion of what we have learned about the two-way nature of these interactions, the chapter concludes with a series of recommendations designed to strengthen police-community relations in the future.

Communications, Trust and Respect

Many community leaders and Rochester Police Department personnel spoke of the importance of establishing personal relationships as much as possible between police officers and community residents, clergy and leaders of key community organizations. We heard many variations of the following: "We are more likely to be afraid of who we don't know, especially if they represent different cultures or institutions that we don't understand, so the ability to develop relationships that break down those barriers becomes critical, especially when sensitive issues like policing are involved." Accordingly, the concepts of individual relationships, open communications, trust, understanding, and

creating a sense of hope become important dimensions of the foundation of strong police-community relations.

Three key levels of communications were emphasized during our interviews:

- Relationships between the Mayor and top level RPD officials and individual clergy, community and neighborhood leaders—generally considered to be very effective;
- Relationships between RPD officials and formal groups, such as Police-Community Interaction Committees—considered to be effective at the police-communicating-to-citizen level, but perhaps less effective from a two-way communications perspective;
- Relationships “built on the street” between individual officers and “ordinary citizens,” described as “deposits of good will” that can help prevent problems and access information when problems arise—considered effective to some extent, but not nearly extensive or effective enough across the community.

3 levels of police-community communications are key: at the top, on the street, and within formal groups. Though positive now, all need improvement.

For true community policing to exist, all three levels of communication must ideally exist at a high level. While successful communications occur to some extent at each level in all city neighborhoods, there remains considerable room for improvement, particularly within the second and third levels.

Concerns

Officers and residents spoke of the value of treating people with respect, whether an officer respecting a citizen, or a citizen being respectful of an officer. Several clergy and community leaders, as well as many police officers, particularly emphasized the importance of officers treating community residents with respect, “because you will get it back in return, and if you treat someone with respect even in a difficult situation, you’ll keep people talking to you and help avoid escalation of problems now and in the future.” And yet, such mutual respect too often is not evidenced, either in one-on-one relationships or in formal group discussions:

Too many police-community contacts convey disrespect and involve talking “at” rather than “with” citizens.

PCICs are viewed as very important police-community partnerships, but need to become more effective two-way communications channels.

- ◆ Many citizens and officers spoke of the concern that, whatever communication does occur, too often it is less a conversation *with* someone than talking *at* a person, even when the citizen is seeking police assistance or offering information useful to the police.
- ◆ Citizens and officers alike discussed the particular stresses affecting black and Hispanic officers, who are sometimes confronted in primarily-minority communities with comments to the effect of “Why are you helping the man?”
- ◆ At an important level, the PCICs are very effective, and involve a considerable number of citizens in partnership with the police. They are helpful as a way for police to share information and maintain open lines of communications with citizens in each neighborhood and at a citywide level. However, the impression of many neighborhood leaders is that the communications tend to be more one-way than active listening on the part of the police. Several clergy and neighborhood leaders expressed the perception that the police *appear* to listen, but that often little really changes as a result of the discussions: “The police typically listen and solicit information and opinions from us, but they often don’t act on what they hear. We’re not always treated as real partners, and neighborhood perspectives are not always valued or respected.” On the other hand, even those who expressed frustration with the PCICs were, almost without exception, appreciative that they exist and very adamant that they continue to exist.
- ◆ Some of the communications problems were viewed as stemming from two different patterns of communicating by officers: (1) Some officers were perceived as showing no emotions, no sign of compassion in their interactions with citizens (“they need to show that they respect the person they’re talking to by showing some emotion and sign of caring without being emotional”). (2) Others show too much emotion, and “fly off the handle” and get angry at others, “thus disrespecting the other person.” Both examples were cited by citizens and police officers alike as indicative of lack of respect for citizens and of the need for additional officer training in terms of effective communications with the community.

Bottom Line

Approach to Policing: How Aggressive?

Communication at top levels of police and community leaders is typically viewed to be effective in strengthening police-community relations. Communications involving individual officers and citizens, and involving formal groups, can be effective, but are too often viewed as being one-way, with too much talking at rather than with citizens. There is a need to focus on strengthening these communications patterns.

Internally within the Police Department, and between the Department and the community, a never-ending debate continues, sometimes quietly and implicitly and other times vocally and explicitly, as to how aggressive police should be and under what circumstances. The debate centers around the fine line between appropriate aggressive policing and when that approach becomes overly intrusive and “crosses over an imaginary line that should not be crossed.” It is difficult at best to define that line even from a distance and to put it in writing, and even more difficult in many cases for an officer in the heat of the moment to draw the distinction: “How can we know how we’d respond if we’ve never been in those situations?” Training, philosophical and moral groundings, and experience are integral parts of the process of making sure the line doesn’t get crossed—and, for the most part, *community perceptions are that officers in RPD typically stay on the appropriate side of the imaginary line.*

But the conversations need to continue concerning what is appropriate, and what are the expectations of both community and police. Most of those we interviewed, representing a broad range of community and philosophical perspectives, expressed the view that they want police to act aggressively to maintain the appearance and reality of public safety and quality of life in all city neighborhoods. But most also said that they expect the aggressiveness to be tempered with respect for citizens, and they believe community and clergy leaders need to be part of the discussion preceding the development and implementation of strategic approaches involving aggressive police actions.

Neighborhood and clergy leaders said ideally they “should get a heads up and be informed about changes in approaches, and be asked for their input, before actions are undertaken.” Community representatives realize that this can’t always occur, but to the

Ideally community leaders should be included in discussions with police before expansions of aggressive policing approaches, to help establish parameters to minimize potential problems and to ensure support for the actions.

extent that planned strategic changes are contemplated, most community representatives urged the police to seek their input “and try to get their buy-in and support before embarking on new approaches, wherever feasible, especially if they will involve increases in visible, aggressive policing. Doing that in advance, by helping to set acceptable guidelines, will help protect against police going too far. This would help increase the level of community support and help deflect and minimize possible later objections.”

Strengths

For the most part, a broad range of clergy and community leaders expressed support for aggressive police actions to strengthen neighborhoods:

Residents have typically applauded aggressive policing, such as MFF efforts, as long as they are carried out with respect for citizens. There have been few complaints resulting from these efforts.

- ◆ Even applied to the crescent area, support was expressed for high-visibility, aggressive police actions to help control overall and especially violent crime, limit explicit drug sales, reduce perceived fear and increase the sense of security on neighborhood streets. “People want their corners and streets clear and violence-free.” But, as suggested earlier, such support was tempered in almost every discussion by the caveat that such aggressive police efforts need to be carried out with respect, and with appropriate concern for the rights of individuals.
- ◆ As noted in Chapter 7, citizens have been broadly supportive of the Mobile Field Force (MFF) initiative, in which multiple officers in a detail visibly and aggressively respond to public disturbances, open-air drug sales, loitering and harassing, and other types of behavior perceived to be threats to residents’ perceptions of security and public safety. This support is conditioned on “not overstepping boundaries and not creating a backlash by going too far, and being willing to apologize if they do.” To date, community support has remained high, with few complaints that behavior has been inappropriate.
- ◆ We heard many comments from both police and community residents to the effect that “Over the years we’ve been too lax in giving up the streets, and we have to take them back and provide safety and security for the vast majority of citizens who want to feel safe walking in their neighborhoods.” Approaches being used more frequently by police now

are designed to be more proactive in preventing or limiting smaller problems from turning into bigger ones, by controlling “visible activities before they escalate, and to let people know we’re watching and ready to act.”

- ◆ The ideal complement to the aggressive approach to responding to disturbances is to get to know citizens on the street, “simply to establish a relationship and personal trust with people.” Many veteran officers are viewed as role models for doing this effectively. Often such relationships can be instrumental in preventing or defusing situations that might otherwise grow into significant conflicts.
- ◆ The positive aspects of aggressive policing can be offset if officers become overly aggressive, using physical and/or verbal abuse, especially if it involves minority citizens. Such behavior, by confirming old stereotypical recollections of police brutality in minority neighborhoods, adds to the distrust many black males in particular continue to harbor against the police. Most of those interviewed believe that there are relatively small numbers of “bad cops” who engage in such abusive behavior (estimates ranged from 1% up to 10% to 15%, “with most officers being good, honest cops”), but as several clergy, community leaders and police officers noted, “all it takes is one or two to cause problems for everyone.”
- ◆ In many areas of the city, the historical perceptions by neighborhood, clergy and agency leaders of “police as an occupying force who don’t distinguish citizens from legitimate suspects” remain barriers to effective, aggressive policing. Several officers noted: “Even if we stop someone, we have to treat them with respect even if they are a suspect, rather than acting as if everyone is the enemy.” Too often even legitimate police stops which turn out to result in no arrests or actions other than the person being released can be accompanied, as noted by several clergy and neighborhood leaders, by “an unnecessary sneering, disrespectful verbal comment, with no apology at the end or no appreciation for the person’s cooperation.”
- ◆ A study conducted for the New York Civil Liberties Union Genesee Valley Chapter indicates the

Concerns

All it takes is one or two overly aggressive or disrespectful police actions to undermine the good efforts of the majority of officers.

widespread use of field interviews by police officers in the city, especially involving young black males.⁵ Field Interview Forms (FIFs) are used to “report and record non-custodial police interviews and observations as investigative and/or intelligence information.” The forms thus provide information on police stops where no arrests occur. The study suggests that one of every two black males in the city (between the ages of 15 and 24) is stopped and receives at least one field interview during the course of a year, compared to one of every 11 young white males. The study concludes that there is no evidence of “racial profiling or racially biased policing,” because most of the FIFs are written in the crescent area where most of the crimes in the city occur, and where most black males live. Although unable to determine whether individual officers make disproportionate use of FIFs among black males, the study concluded that “the data do not identify the differential treatment of individuals due to their race as a problem in the Rochester Police Department.”

Evidence suggests that one of every two young black males in the city are likely to be stopped for questioning during the course of a year. Questions have been raised about whether such stops could be used less frequently and more productively.

But the NYCLU study does go on to raise questions about possible other consequences of the frequency with which black males are stopped for questioning by officers, such as whether such stops ultimately may lead to more arrests for minor offenses than among individuals where such stops are less frequent, and whether the frequency of the stops may further exacerbate historical police-community rifts within minority communities, as well as affecting future job opportunities for black males. Much of the ultimate impact of FIF stops may depend on how politely and respectfully they are conducted, any introductory comments about the reason for the stops, and whether the community perceives the stops as legitimate aspects of aggressive policing necessary to control criminal behavior in the affected neighborhoods. Even without evidence of racial profiling, the NYCLU has suggested that greater benefits might be gained by reducing the number of FIF stops—such as improved police relationships with the minority community, and perhaps ultimately more useful information to be gleaned from fewer stops, based on the

⁵ *Gathering Intelligence: Race and Field Interviews by the Police in Rochester, New York*, prepared for the NYCLU – Genesee Valley Chapter by John Klofas, Department of Criminal Justice, Rochester Institute of Technology, 2002.

assumption of resulting improved attitudes toward the police among minority community residents.

The NYCLU study examined data for only a three-month period in 2000, and recommendations included in the final report called for an analysis of a full year of data, and an internal assessment within RPD “as to how FIFs are used, and the accessibility and value of the information collected.” To date RPD has taken no action on these recommendations, but has indicated it will do so in the very near future.

Bottom Line

There is a fine line between appropriate and overly aggressive policing, but RPD seems in recent years to have typically stayed on the appropriate side of the line. Most residents seem to be supportive of aggressive community policing and believe RPD has done a good job of finding the appropriate balance between aggressive and abusive policing. Ongoing discussions between police and community leaders can be helpful in making sure the community remains supportive, and has opportunities to raise questions about potential problems before they occur.

Police Commitment to Community

Police officers express their commitment to the community they serve every day of their working lives. Some believe that should be enough, and no one should expect officers to demonstrate any further commitment beyond the hours they devote to the community as part of their job. Others believe that it is in both the officers’ and the community’s best interests to have more police officers directly involved in the life of the community in ways that transcend how they earn their living. The latter perspective suggests that developing personal relationships between officers and citizens that go beyond the demands of the job, and that help break down barriers between stereotypical roles of officers and those they protect, would significantly improve police-community relations in all parts of the city.

Advocates of expanding officer commitments to the community typically focus on two separate approaches: (1) incentives to encourage police officers to live in the city; (2) opportunities for officers to volunteer their time to work with community residents, often youth, on various projects.

Community Residency

In some communities such as Boston, police officers are required to live within the jurisdiction in which they work. The Crimi Committee expressed a strong preference for officers to be city residents. They argued that the police force must have a high degree of cooperation with the community it serves in order to be successful, and such cooperation “can only exist where there is mutual understanding between the police officers and the citizens they serve.” The report went on to argue that such understanding would be enhanced by having resident officers, who would gain a better understanding of local problems and needs, while also helping to break down “the false and damaging stereotyped image many people have of the police.” Living in the city would create a common ground between officer and citizen, and the report particularly focused on the value that would result from having young people get to know officers as individuals, in order to help them form more positive images of the police.

Despite possible advantages to having police officers live in the city, only about 15% do so, with most preferring to create space between the job and their private lives. City government offers no particular incentives to encourage officers to live in the city.

Despite the Crimi Committee’s logic, they ultimately decided against a firm recommendation for a residency requirement for officers, arguing that it might be “unfair and inequitable and undoubtedly would create a serious morale problem among police officers” if they were required to live in the city, without making similar requirements for school teachers, fire fighters and various other city employees. Furthermore, State law prohibits mandating such residency requirements. The City government could offer incentives to encourage officers to live within the city, but these would need to be negotiated with the police union, which has historically resisted such initiatives.

Currently, with the exception of top command officers who are required by the City Charter to live in the city, *about 85% of the police force live outside the city.* The argument most would make in support of such decisions is that they don’t need to live in the city to be effective, and they need a respite and space away from the stresses of the job when their daily tour of duty is over. At this point, City government has no particular policies or incentives in place to encourage officers to live within the city.

Volunteer Community Involvement

Short of living in the city, officers could volunteer their time to youth programs or other community activities. Such involvement would help to break down barriers between the institutional police

officer and citizens, and would help accomplish many of the objectives posited in favor of residency requirements for officers.

A number of members of the police force volunteer on boards, as mentors or coaches, or in other capacities with various organizations in the city. However, there appear to be no data which document the extent to which this occurs. Moreover, there does not appear to be any formal encouragement of such volunteering, either through the Police Department or the Locust Club (the police union). Nor does there appear to be any formal program such as the Buffalo Police Department's Police Athletic League, which involves officers of that department in various capacities working with young people outside the job.

There was a stronger commitment on the part of RPD in previous years to support similar activities, with officers particularly involved in various programs aimed at youth. Some of these efforts were victims of budget reductions over the years. RPD funds were available in the past to help purchase equipment to support various recreational and social activities in which officers and young people participated together, and in some cases funds were used to help subsidize overtime or compensatory time to encourage officer participation in such programs. Over time, with difficult budget realities, resources for such support have dwindled to the point where they barely exist.

The impact of officers who volunteer their time is noteworthy. Strong support was voiced for the creation of expanded opportunities for police officers to volunteer their time to work with community organizations, and especially with youth.

The majority of those we interviewed emphasized the importance of such programs, and of having more officers become involved in non-job interactions with the community, through board memberships and particularly through programs where they can work directly with young people. *Several encouraged RPD and the union to work together to develop programs and encourage officers to become involved in activities such as mentoring, coaching, tutoring, etc.—providing ways of relating to young people as individuals rather than as stereotypes, and of becoming role models for youth instead of “despised figures.”* Many officers do so on their own, and are to be commended for their efforts. Officers who have had such experiences in the past cited examples of the lasting impact of relationships developed with youth through such initiatives.

Citizen Commitment to Police

Just as there is a need to find ways to expand involvement of police officers within the community in which they work, there is a reciprocal need for a greater commitment on the part of more citizens to collaborate with, and show appreciation for, the police officers who serve them. Many citizens in all parts of the city are currently actively engaged with, and appreciative of, the police. But much more active involvement in a variety of capacities is needed from many more citizens if more effective community policing is to result. The primary paths to strengthened community involvement with police include:

Organizational Collaboration

***Expanded PACTAC
patrols are needed to
supplement police
efforts in
neighborhoods.***

More citizens are needed to work with police in helping to patrol neighborhood streets. To paraphrase a number of officers and community leaders: “The community can’t realistically expect to rely exclusively on police to solve their problems; they have to expect more of themselves.” Most emphasized the need to expand the number of PACTAC teams in each neighborhood, so that more teams can be on the streets, as “additional eyes and ears of the police,” at more hours of the day and evening than is currently possible. As several people stated in similar words, “If we can’t get more police officers on the street, we need more volunteers to saturate the streets to support them.” Others spoke of the need to supplement the leadership of the PCICs with fresh people, and to make those existing committees more effective agents of monitoring policing efforts and developing new initiatives as needed within sectors of the city.

Expanded Minority Involvement

A number of those interviewed, both whites and people of color, both within and outside RPD, emphasized the need to find ways to get more minority residents involved in working with the police. This includes more active involvement within efforts such as PACTAC and the PCICs, as well as finding other ways to provide leadership around issues such as the reduction of violence and mentoring of young men. A few specifically mentioned the need to build on and revitalize the Mayor’s efforts to recruit and motivate black men to become more involved in working with young people, but more efforts will be needed to mobilize and train such resources to be effective.

Expressed Support for Officers

Rarely are there opportunities for officers to meet with “average citizens” in relaxed settings, to get to know each other as

individuals, or to feel appreciated for the work they do. Several neighborhood groups provide occasional appreciation nights or dinners for officers, but they tend to be annual events and often only involve a few officers (such as those on the particular shift when the event is held). More frequent events, perhaps scattered in people's homes with a few officers mingling with a few residents, would help break down barriers. For such events to be effective in accomplishing their goals of "humanizing both residents and officers," there would need to be mutual commitments on both parts to make these events a priority. Such efforts at showing appreciation may become even more important with police reorganization in place.

Community residents tend not to speak out publicly about police approaches they support. They need to expand efforts to show support for police officers, and to publicly comment on approaches they especially value.

Several community leaders and police officers alike noted that only rarely do community residents or groups speak out publicly about police approaches they support. For example, in our interviews we heard frequent praise for the Mobile Field Force and for joint law enforcement efforts between RPD, Sheriff's deputies, and State Police troopers, yet few community organizations or clergy have formally expressed their appreciation to those involved, and few have commented in the press or media about their support for these or other practices that have worked well. It is easy and often even appropriate to criticize when things do not go smoothly, but it is equally important for citizens to remember to offer praise in public ways when things go well.

Sharing Information with Police

Police can only do their jobs in solving crimes and helping to prevent future ones if the public cooperates by sharing tips and information they may have about community incidents. Too often many citizens are reluctant or completely unwilling to provide police with information they are aware of that could prove helpful in investigations. Much of this reluctance is attributable to historical gaps in trust between police and community groups, and some is related to fear of consequences if the word gets out about who reported certain information. And indeed we heard some examples of situations in which information provided in confidence was used by police in ways that violated the confidentiality, to the direct detriment of the person who offered the initial information. Police must have cooperation from residents in providing needed information, but ways must be found for residents to feel safe in providing the tips. Further community education is needed to help residents

Ways must be found to increase citizen cooperation with police in sharing information needed in investigations.

understand how they can use programs such as Crimestoppers to provide anonymous crime-solving tips, and that the security and safety they request and demand from the police can only happen if citizens are willing to cooperate in partnership to help make that possible.

Clergy Commitment

As with the need for citizens in general to become more effective partners with the police, most of those we spoke with made similar comments about the clergy. Although clergy of all faiths and colors need to play roles in improving police-community relations, most of the comments focused on the unique roles played, or that need to be played, by black clergy. Because most of the “flash-points” in police-community relations have involved the black community, and disproportionate amounts of the violent crimes in the community have involved blacks, both as victims and perpetrators, the clergy who minister to that community have especially pivotal roles to play in how relationships evolve between the black community and the police.

Degree of Support

The consensus is that the clergy in the black community are more engaged with the police, and more supportive of efforts to improve police-community relations, than they were a decade ago. Many have developed good relationships with the Mayor and Police Chief. The Faith Community Alliance, comprised of some 50 predominantly-black churches, has begun to take activist positions on a number of criminal justice and policing issues. Some of those positions are more supportive of the police than others, but all are designed to strengthen the criminal justice system and ultimately to improve the dialogue between the faith community and those in that system.

Representatives of the faith community meet regularly with the Chief, and others meet quarterly with the Chief, State Police, Sheriff, and District Attorney to develop better understandings of key issues of concern to their respective constituencies. And, as a result of a federal Department of Justice “Racial Profiling” grant, a clergy response team has recently been formed and trained to respond to the scene of serious police incidents such as homicides. Members of the team will assist the police in breaking down communications barriers by acting as a liaison to members of the community. They have also pledged to become more involved in

various neighborhood/community meetings and assist with the recruitment and training of future police officers. In addition, some clergy have been participants in the Citizen/Police Academy mentioned above. Also as part of this grant, linkages have been made between RPD and interested congregations, whereby police officials will meet with those congregations to discuss matters of mutual interest.

Concerns

Despite these welcome and significant developments, a number of concerns were raised in many of our interviews, including:

Level of Engagement

While clergy have become increasingly engaged with police, the number actually involved is relatively small at any given time, and few are involved in joint efforts with police and other community leaders.

- ◆ The number of clergy members who are actively involved in the various police-community efforts on a consistent basis is relatively small. We estimate, based on information supplied in our interviews, that probably about a dozen are actively and consistently involved. Most are black. The most visible spokesman for the black clergy at this time is Rev. Norvell Goff, who is also president of the local NAACP. *Very few white or Hispanic clergy appear to have become actively engaged in police-community issues.* And Rev. Raymond Graves, the primary critic of police officers in various high-profile cases, has recently retired. While his approach was not always embraced by all segments of the community, and not even by all of his black clergy peers, his has been a voice of conscience within the community.
- ◆ Although this may change as a result of the creation of the clergy response team noted above, up to this point there has been little involvement of clergy members of any color or denomination in organized police-focused groups such as the PCICs. *Increasingly, clergy and members of their congregations should be represented along with other members of the community in these discussions about policing strategies.*
- ◆ There is relatively little mixing of white, black, Hispanic, and Muslim clergy, and little mixing of city and suburban clergy. And the interfaith groups as they exist do not appear to have taken on police-community relations in the city as a major concern. *Thus there is little focused energy in the faith community around police-community issues other than that which exists among black clergy leadership.*

Clergy are increasingly being called to become voices for change and to become more involved in direct community action.

Clergy may need to become intermediaries in forwarding needed information from citizens to the police.

- ◆ We heard a number of comments such as, “There appear to be relatively few clergy who can be thought of as change agents in the community on any issue, including police-community relations.” Several, including police officers, neighborhood leaders and some members of the clergy, said the clergy must “become more engaged in the real life of the community beyond what happens on Sunday morning, and must be more forceful in speaking out against injustice and the growing loss of life.”
- ◆ A number of those we interviewed, regardless of race or ethnicity, emphasized the need for minority clergy to increasingly challenge themselves and those in their pews and in their larger communities to begin to take action against the violence that is disproportionately killing people, especially young males, in their communities. The clear consensus view we heard was: In addition to being critical of police when deadly force is used or when other high-profile incidents occur, clergy must increasingly also take responsibility for expressing outrage about the violence, and exhorting those in the minority communities to take responsibility for addressing the issues that are contributing to the violence and the “unconscionable losses of life that are implicitly being condoned by our community’s inaction.”
- ◆ A substantial number of those we interviewed suggested that clergy could and should play an increasing role in receiving tips and background information from citizens on an anonymous basis, and passing them on as a middle person to the police. Several people suggested that using respected clergy, who could be trusted to maintain confidences, might make it easier for otherwise-reluctant citizens to be willing to come forth with information under such a scenario. As several noted, “it needs to be done not as a matter of aligning with the police, but as a matter of ‘this is what we have to do to save lives and regain control of our community.’”

Impact of Schools

In our interviews, schools were rarely perceived to be a significant player in shaping police-community relations. Yet, schools have resources that could be used to help educate students around issues related to police and their interactions with young people (as

noted in Chapter 4). Moreover, Rochester City School District policies and practices have an impact on issues that police must address, and often on specific people they confront on the streets. Police in turn help affect what happens in schools through placement of School Resource Officers (SROs) in middle and high schools throughout the city.

Truancy

The Police Department has assigned two truancy officers to cover the entire city to track down truant students and return them to school. Truancy is acknowledged to be a significant problem by school officials, and one that needs more attention within the District. Many students are absent significant amounts of time, and police officers often find them hanging out downtown or on the streets in their neighborhoods. Some students report being fearful of going to school because they fear violence and “being bullied.” District officials are working through student wellness and support centers in the middle and high schools to address truancy problems at those levels, and are attempting to develop strategies that involve parents in reducing truancy. Although efforts are under way to address the issue, many community leaders and police officers emphasized the need for more joint RPD-CSD discussions to develop a comprehensive truancy and violence prevention strategy in place at all grade levels within the District.

Suspensions

Police officers appear particularly troubled by what several characterized as CSD suspension practices that take students out of school and place them on the streets, which they describe as “doing exactly what the students want.” Officers described situations they were familiar with in which students started fights or other actions that they knew would get them suspended just so they could avoid being in school for a few days. Officers perceive such practices as adding to public safety and police-community problems in city neighborhoods. Their proposed solutions involved more extensive use of in-school suspensions with supervised work assignments. This does not appear to be an issue that police and schools have shared perspectives about in any formal, strategic way.

Dropouts

Police believe that their jobs, and more importantly, the attainment of safety and security on the streets, are compromised

and made more difficult by the large numbers of dropouts from city schools each year. Cohort analyses of District data provide support for that conclusion, with high proportions of all entering 9th-grade students throughout the city dropping out and failing to graduate with their class, or even within five years. CSD officials are very aware of the problem, and are working to reduce the number of annual dropouts by expanding the resources available to work as mentors or advocates with middle and high school students at risk of dropping out.

School Resource Officers

School Resource Officers (SROs) are police officers assigned to each of the city's middle and high schools to help intervene as needed with crises and behavioral problems in schools. The SROs are used in different ways by various schools, in part as a function of separate approaches preferred by different principals, and in part due to the personalities and interests of the SROs themselves. When schools are not in session, SROs typically are available to supplement other officers in responding to service calls.

Most schools consider the SROs to be very valuable resources in maintaining a level of peace and security within the schools, and in resolving issues and defusing crises. Many of the officers establish effective personal relationships with many of the students. As police officers, they can also prove helpful as resources to RPD investigators and the NET offices around specific issues.

The consensus of those knowledgeable about the roles the SROs play in the schools is that many of them are overloaded. Their role with the students is perceived to be crucial to containing many problems during, before and after school, and to limiting the number of service calls the rest of the police force would have to deal with in the absence of the SROs. However, out of the 14 schools in which they are placed, only five have as many as two SROs (East High has three). Several schools that have only a single SRO have student populations with high concentrations of at-risk students. For example, at least two schools with significant problems after school only have one SRO on the staff.

SROs are valuable resources in schools, yet several schools with large at-risk populations have only a single SRO.

Many excellent SROs are currently placed in appropriate settings, but the ability to fit talents and skills to the place where an SRO can be best used is limited by the police contract. Seniority drives the process of determining who gets placed where, and who gets

selected for SRO positions in the first place. To best serve the students in these positions, and to develop positive relationships with students that can help prevent problems later on, it is important to have the best possible resources in these positions. In order to help ensure such matches, modifications would be needed to the selection process for these special positions that would enable seniority to become only one factor in the selection processes, and not the dominant one.

SROs have varying relationships with their schools and the support services within them. Some are very familiar with those support services and others available in the community, others less so. Some make formal referrals to the services, others don't. Some get involved with student families, including making service referrals, while others don't. The standard operating procedures for SROs differ in part because of different demands and needs of individual schools, but also because *there appears to be a lack of clear guidelines and a clear accountability mechanism in place to ensure consistency of core practices.*

For the most part, the SROs exist outside the regular police officer infrastructure. They have a wealth of information to share about young people that could be helpful to officers on a regular basis—and potentially to school officials—but there is typically no formal mechanism for sharing such information. For example, a veteran officer said a recent presentation by an SRO on gangs and how they communicate “was incredibly valuable; I wish I'd heard it years ago.” The ability for field officers to access SRO information about young people may become especially important under the new police reorganization structure, without the reporting relationships of the section offices in place.

Bottom Line

CSD and RPD officials need to discuss issues of mutual concern.

Various problems and issues facing the City School District also have significant implications for the Rochester Police Department and various city neighborhoods. Yet rarely do District and RPD leadership sit down to discuss these concerns and how they can work as partners with each other and with other community resources to address them. Such discussions are needed.

Impact of Press and Media

For the most part, those we interviewed expressed frustration with the local press and media coverage of police-community issues. Most characterized the coverage as “headline-driven and focusing

on the sensational rather than substance,” or “If it bleeds, it leads” on local TV stations. Some police and community leaders characterized the coverage as “too often irresponsibly reporting in ways that raised tensions and anxieties that didn’t exist by blowing stories out of proportion.” The local press was viewed as having improved somewhat and as making efforts to get beyond the headlines and to provide perspective behind some police-community stories, “although there is still a long way to go.” TV, radio and print media all tend to have relatively few veteran reporters with an “institutional memory” or historical perspective that can help provide context for incidents when they occur.

Clergy and other community leaders should be encouraging more responsible press and media ongoing in-depth coverage of police-community issues.

Many suggested that the clergy and community leaders need to write more “Speaking Out” articles and letters to the editor to address police-community issues in substantive ways. Several also suggested meeting with reporters, editorial writers and radio/TV officials to encourage them to provide more responsible in-depth coverage on an ongoing basis around police-community issues, rather than only providing news footage when a crisis erupts. And, when incidents do occur, the press and media should be encouraged to use the occasions to do responsible follow-up coverage which provides understanding and suggests what can be learned from the episodes that can lead to corrective actions.

Anti-Drug Efforts

The effort to control drugs through law enforcement and criminal justice system efforts has not been effective, not only in Rochester but throughout the state and country. Drugs are primarily a public health issue, driven in poor neighborhoods by simple economics. Selling drugs on city streets or in city “drug houses” is a multi-million dollar business. Sale of drugs represents the major source of income for some families in various neighborhoods, and the effects of drugs have had devastating implications for many areas of the city. Sale of drugs has created a virtual “war zone” of competitors and open sales in some areas, leaving some residents afraid to leave their homes, and some dead. The abuse of drugs has crippled families in various areas. And some neighborhoods have been virtually stripped of adult males because of incarceration for drug-related crimes.

Sale of drugs creates one of the most visible forms of conflict on an ongoing basis between city police and citizens—both the sellers

and those who want the sellers controlled by the police and off the streets. As unrealistic as it may be to think that this demand-driven business can be “solved” by any one organization or approach, RPD is often asked, or even expected to do just that by many in the community. The pervasiveness of the drug problem, and its seeming imperviousness to efforts to control it, affects crime patterns throughout many areas of the city and, in turn, affects police responses to attempt to reduce its effects. Much of the violent crime in certain sectors of the city is also viewed by many to be related, directly or indirectly, to conflicts growing from the drug trade. The pervasiveness of the problem, and of RPD’s efforts to respond to it, has a major impact on the relationships between police and community in many areas of the city.

Undercover efforts to interdict major shipments of drugs and to shut down supply lines and major drug dealers were not part of the focus of our study. Only to the extent that dealing with the drug problem overtly affects police-community relations did we address the issue. For example, a significant amount of the focus of the Mobile Field Force has been on closing down or at least disrupting the open air drug trade on street corners of city neighborhoods. For the most part, these efforts are designed not to wipe out the drug trade in these areas or to arrest the big dealers, but to minimize the disruption and the erosion of quality of life on city streets. Beyond the control of the streets, the major visible efforts of RPD in controlling the drug trade are related to efforts to shut down drug houses.

Attempts to Shut Down Drug Houses

As stated by one person who echoed sentiments expressed by others: “So much of our police resources are drained by attempting to shut down a few drug houses. These efforts have not been very productive, and the so-called war on drugs, here and everywhere, is a failure.” Neighbors are especially upset and impatient at the delays and seeming impossibility at times of shutting down drug houses. In the long run, this effort may be far less important than finding ways to reduce violence in our neighborhoods, but the reality is that the drug houses, and the traffic they bring into them and their surrounding neighborhoods, serve as “in your face” reminders on a daily basis of the loss of control many neighbors feel at the presence of the drug houses and the resulting impact on their perceived quality of life and

safety. Few issues frustrate residents in many areas of the city more than efforts to shut down known drug houses.

The District Attorney is proposing a new streamlined approach designed to enable shutdown of more drug houses.

Although efforts to shut down significant numbers of drug houses, and to prevent replacement ones from opening and flourishing, are never likely to have a high proportion of successes, the District Attorney is offering proposals—based on the recommendation of an RPD consultant—for ways of working with police and residents that appear to offer higher probabilities of successful prosecution and shutdowns than have previous efforts. Whereas in the past, typically three drug buys were needed to begin to close a drug house, with a lengthy ensuing process, a more streamlined process is proposed predicated on a single buy and an expedited process of serving a warrant immediately thereafter. The proposed process seems workable, has the support of many neighborhood leaders, and should be monitored closely to determine the record of success over the next year under the new procedures. This effort will require increased cooperation between the DA and RPD, including training of police to understand the legal issues that directly impact whether arrests will ultimately result in convictions.

Drug Court and Treatment Options

Use of Drug Courts, though with demonstrated records of success, has declined in the past year, and several judges rarely use the Drug Court option.

Drug Court is generally acknowledged to be an effective legal and treatment approach for drug users, though it is not a resource that helps with drug dealers. But recognizing that dealers will continue to be successful as long as the demand remains high, there is a strong need in the community to reduce the demand, in part through more effective treatment approaches. Yet despite evaluations that show high success rates, i.e., low rates of recidivism for graduates of Drug Court locally (and in similar courts statewide), the number of cases referred to both the City Drug Court (Misdemeanor) and County Court (Felony) declined substantially in 2003. Several judges in both courts have histories of rarely making referrals to the courts. Little attention is typically given to the Drug Courts and their use or lack of use. That should change.

Beyond Drug Court, there are relatively few treatment options available in the community, and those that are available are not always covered by insurance, which limits their accessibility. *Clearly the drug problem cannot be solved as a law enforcement issue alone, and yet the*

resources available on the Drug Court/ treatment side are far too few to make the needed difference.

RPD Reorganization

The ability to improve police-community relations is affected by the police reorganization plan implemented in mid-June. The plan and its implications for communications and interactions between the police and residents and businesses at the neighborhood levels are discussed in Chapter 13 later in the report.

Police-Community Recommendations

In this concluding section of Chapter 9, we offer our recommendations for consideration by the City, Rochester Police Department, and various community groups related to police-community relations. The recommendations are organized by theme or group, and we suggest who should be responsible for implementing each one.

Communications, Trust and Respect

❖ ***Police officers should receive expanded training and role-playing in effective two-way communications and treating citizens with respect. (RPD)*** This may seem elemental, but people we interviewed repeatedly raised concerns about officers talking *at* rather than *with* citizens, whether suspects, citizens reporting a crime, or members of PCICs. Future recruits should experience expanded training, and particularly more role-playing opportunities in appropriate communications techniques as part of basic training at the Police Academy. Current officers should also be exposed to such training on an in-service basis over the next two years. Under the police reorganization plan, the Sergeants who will be responsible for teams of officers in the PSAs, and those responsible for groups of officers in Mobile Field Force convoys, should also be encouraged to be conscious of communications problems with any of their officers, and to provide constructive feedback and suggestions for improvements as soon as the problems are spotted. As Sergeants take on greater responsibilities under the new plan, they should also be exposed to specific supervisory and interpersonal skills training (in the future, this should happen as they take on their new assignments).

❖ ***The City should provide the impetus so RPD can adopt and implement the MOSAIC program, designed to change perceptions by matching officers with community residents on a one-to-one basis. (City, RPD with neighborhood groups and clergy)*** Through the MOSAIC Partnership program, two people of different backgrounds are paired together, and meet a number of times in various settings over a one-year

period. These meetings are supplemented by periodic cluster meetings of several of the pairs. This program has been under consideration by RPD, and should be implemented as widely as possible. The focus would be on pairing line officers with community residents from different backgrounds. Given some of the comments about lack of respect, and histories of distrust between police officers and persons from minority communities in the city, an opportunity to set up such pairings, in which individuals would get to know each other in comfortable settings other than “on the street,” would be likely to have a profound effect overall in increasing understanding and mutual respect between officers and residents of the community.

❖ ***Academy and field training for new officer recruits should provide expanded opportunities for exposure to community leaders in the classroom and in “real world” settings. (RPD and community leaders)*** This is already happening with new recruits, and should be expanded to provide as much exposure as possible to community leaders from various cultural backgrounds who can help the new officers learn about the community and cultural differences in ways that standard classroom teaching could not convey. Such connections should also provide opportunities for ongoing communications as questions and problems arise in the future.

❖ ***Expanded opportunities should be provided for officers to interact with and learn from youth and young adults in “non-street” settings. (RPD and community groups)*** Since one of the most disaffected groups the police deal with is young people, often black or Hispanic, more efforts should be undertaken to bring representatives of disaffected youth together with groups of officers in informal settings. A model program in Ottawa, “Kops and Kids,” has devoted two days of new officer training to workshops and informal discussions between the officers and groups of “at-risk, street-savvy kids,” with excellent results: strengthened personal relationships and reduction of barriers of distrust. This model should be considered for replication in Rochester. Beyond that, we recommend that RPD establish processes for obtaining youth input and suggestions on an ongoing basis, and for obtaining regular input from the School Resource Officers on their perceptions of youth-police issues.

❖ ***The City and police officers must make showing respect a priority. (RPD)*** For example, when officers stop a citizen for whatever reason, question the person and ultimately release him/her with no further actions taken, *a simple expression of “sorry for*

the inconvenience” or “thanks for your cooperation” could demonstrate respect for the person and help take the edge off the experience.

Aggressive Policing

❖ ***RPD should continue its recent visible efforts to aggressively control crimes and street disturbances in city neighborhoods, as long as those efforts are carried out with respect for citizens involved. (RPD)*** Such efforts as Mobile Field Force and joint efforts with Sheriff deputies and State Police troopers have proven effective, and popular with citizens. It is expected that the tactics of such efforts will need to change as needs change over time, but with continuing appropriate supervision and aggressive-yet-respectful police conduct, the approaches should continue to be well received.

❖ ***Wherever possible, RPD should include community leaders and clergy in advance discussions about policy and procedural changes in aggressive policing tactics, to obtain practical advice and ensure support for the actions. (RPD and community leaders)*** Those invited should recognize *improving communication is a two-way street and that attendance is important. (Clergy and community leaders)* It is understood that such discussions may not always be possible or wise, but wherever it is feasible, the police may benefit from such advance “screenings” of forthcoming strategies by receiving community suggestions, anticipating and revising strategies to address any potential problems, and increasing the likelihood of community “buy-in” for the new approaches.

❖ ***Under the reorganization of the department, with its emphasis on flexibility in addressing problems promptly as they arise, emphasis should continue to be placed on preventive, community-based policing as well. (RPD)*** Our interviews suggest that the community is pleased with the visible aggressive policing tactics they have seen on the streets, but also want to continue to see emphasis placed on bike and foot patrols and other evidence of visible interpersonal forms of policing and connecting with the public.

RPD should assess, based on a full year of actual data and on a priority basis, the value of its extensive use of FIFs vs. the possible alienating effects of frequent stops of young males in minority communities.

❖ ***The Rochester Police Department should assess the value of its extensive use of FIFs vs. the possible alienating effects of frequent stops of young males in minority communities. (RPD and community leaders)*** RPD should immediately conduct an objective internal assessment of the strategic value it obtains from the frequent stops it makes of black males in particular—using actual data from a full year—and determine the relationships between the value received vs. possibly offsetting negative effects associated with the potential to further exacerbate

historical bad feelings between police and minority communities. As part of this internal assessment, the police should address, per the 2002 recommendation of the NYCLU, “how FIFs are used, and the accessibility and value of the information collected.” The RPD internal assessment should also address how FIF stops are carried out, and whether they can be implemented more respectfully and effectively in the future.

Police Commitment to Community

❖ ***The City and RPD should reconsider offering incentives for officers to live in the city. (City, RPD and Union)*** We do not recommend requiring officers to live within the city. But we do believe there are advantages associated with having as many officers as possible living in and being part of the areas in which they work. Therefore, we suggest that the City and Union reinvestigate the possibility of offering financial incentives through home ownership programs (e.g., Officer Next Door) to encourage officers to consider buying within the city, although we are quite mindful of the fact that, as noted earlier, State law and Union opposition have limited opportunities to offer such incentives in the past.

❖ ***RPD and the Locust Club should work together to develop a pilot program (e.g., Police Athletic League or its equivalent) and encourage officers to become involved to work with city youth. (RPD and Union)*** Symbolically, doing this as a joint effort would send an important signal that volunteering in the community represents an important way of connecting officers with youth and their parents, as a way of helping to counter stereotypes and break down barriers between police and those they serve. Depending on available resources, a pilot program could be developed citywide or on a more limited scale within one or two neighborhoods (e.g., within PSA areas). Criteria should be established for evaluating the results of such a pilot project.

Given the City’s fiscal condition, it is not likely that the City/RPD could contribute dollars to the initial costs of such a program (such as equipment costs), but ideally the Union might be willing to use some of its contingency resources to help with initial funding. In exchange, we recommend that RPD provide on-duty time of a few officers to work with Union officials to plan and implement such a pilot program. Ideally, such planning, and ultimately the ongoing operation of the program, should involve collaboration with community residents, so that both officers and residents would be volunteering together as coaches, mentors,

referees, teachers, etc. in whatever program is ultimately developed.

❖ ***Funds to support such an ongoing outreach community-based effort should be sought through grant funds and/or through local business and corporate leaders, as a way of supporting both the local police and preventive youth activities in the community. (RPD with local corporate leaders)*** RPD and/or Union officials might seek out support for this initiative, for example, from the Rochester Business Alliance, the Rochester Area Community Foundation, or the Rump Group.

❖ ***In addition to those who may choose to be involved in any new pilot program, consideration should be given to encouraging officers to volunteer time in a variety of other ways in the city as well (e.g., with Scouts, recreation programs, tutoring, mentoring programs, etc.). To supplement volunteer efforts on their own time, it is recommended that RPD enable officers to spend as much as one hour per week of paid time working with a community organization. (RPD with community organizations)*** To ensure that the time is being spent legitimately, it is suggested that RPD make this commitment to officers who are already volunteering with an organization, and who have made at least a three-month commitment to that volunteer activity. Where that is the case, RPD would enable one of the officer's regularly scheduled work hours to be spent supplementing the volunteer activity. This would represent a further visible commitment of both the individual officer and of RPD as an institution to the community, and should represent an additional way of reaching out to break down barriers between the police and the community. We view such a commitment as a legitimate part of police work, and an additional way of enhancing police-community relations.

Citizen Commitment

❖ ***Neighborhood organizations, faith communities, and individual residents should expand existing efforts to provide tangible evidence of support for the police officers who serve in their areas, and to publicly commend police approaches they especially value. (community groups, clergy and faith community)*** Public appreciation nights, organizational dinners, private gatherings in homes with officers and citizens invited—these and other types of activities should be organized in all city neighborhoods to develop personal relationships between more citizens and officers, and to show community appreciation for the important and difficult work the officers do. Also, when RPD as an organization or individual officers undertake particularly

noteworthy and helpful initiatives, groups should be as quick to publicly praise these actions as many are to criticize what they don't like. At the same time, particularly in the context of strengthened relationships between citizens and police, residents should also offer critiques and suggestions related to officer behavior or police practices they do not understand or approve of.

❖ ***Community organizations and the faith community should be much more aggressive in recruiting residents to become involved in PACTAC, PCICs and any other related police-community activities. (community groups and faith community)*** Expanded PACTAC patrols are needed in nearly all areas of the city to supplement police efforts to patrol the streets and to be a visible presence in neighborhoods during as many times of the day and evening as possible. A few clergy have been successful in recruiting congregational members for PACTAC in their neighborhoods, but more such active recruiting is needed by clergy and community organizations. Some research has suggested that previous victims of crime may be a fertile source of future PACTAC or PCIC recruits, because of their desire to get involved and to prevent similar things from happening again to them or to others. Particular efforts are needed to recruit additional minority volunteers to become involved in predominantly-minority neighborhoods. Community leaders, clergy of congregations in those neighborhoods, black sororities and fraternities may all be important in the efforts to recruit and motivate additional people to become involved.

❖ ***Community and religious leaders should work with RPD to expand the numbers of citizens involved in the Citizen/Police Academy. (RPD, neighborhood and clergy leaders)*** Efforts should be made to expand the numbers of residents, local business leaders, clergy and congregational members who are exposed to the Academy.

❖ ***The City's informal group of neighborhood association leaders should become a stronger voice and advocate concerning improved police-community relations citywide. (neighborhood associations and their existing group)*** This group represents the leadership of virtually all large and smaller community organizations in all sectors of the city. It currently meets monthly to discuss matters of common concern, but rarely takes positions on issues. It could become a more vocal voice for change or support of issues affecting public safety in the city should it choose to do so. It could become more of an advocate praising the police where appropriate and also challenging them or

raising questions as needed. It might also be a group with which the police should meet periodically, especially under reorganization, as a means of obtaining citywide feedback as to how the reorganization is being perceived, and the impact it is having on services across the city. In addition to the citywide PCIC, this group might even be more useful for police to work with, since it is more broadly representative of overall neighborhood leadership beyond just public safety issues. The group could also be instrumental in helping to recruit individuals for various tasks, as suggested above.

❖ ***To the extent possible, neighborhood groups should also establish an active court watch process to track cases through the criminal justice system. (neighborhood associations and faith community)*** Judges suggest that it is important for them to hear from community groups when they are hearing and pronouncing sentences in cases that are of particular concern to neighborhoods. Such court watch groups could be helpful in providing a local perspective and history related to particular patterns of crime that could be helpful in sentencing decisions. It takes vigilance to know when court cases are on the docket, so it may be helpful for groups to include retired persons with flexible schedules, and NET officers may also be able to be helpful in tracking particular court cases and informing neighbors of when court dates are scheduled.

Faith Community Commitment

❖ ***Greater numbers of clergy must challenge themselves to become more actively involved in addressing matters of police-community relations, both in terms of involvement in existing groups, recruiting congregational members to become more involved in such groups, speaking out against violence, and proposing and acting on new initiatives to address these issues. (local clergy)*** Clergy involvement should be increased in such efforts as PACTAC, Clergy Response Team, Police/Citizen Academy, and PCICs. This includes black clergy in areas most directly affected by police-community issues and violent crime, but it also means that more members of the broader faith community need to become engaged, including those from suburban congregations. Various interfaith groups need to discuss this report and related issues to determine ways they can begin to make a difference, individually and collectively.

❖ ***The faith community throughout the county should consider ways of becoming partners in addressing crime and police-community relations in the city. (faith community)*** Through various interfaith groups, ways should be explored of

linking city and suburban congregations or neighborhoods in ways that would make possible such things as expanding suburban mentors and tutors in city neighborhoods, linking congregations in various activities, and expanding suburban residents willing to walk PACTAC in city areas.

❖ ***The faith community should take the lead in working within city neighborhoods to develop expanded programs to tutor and mentor young people. (faith community)*** Several churches in the city have been very active in establishing a variety of services needed in their respective communities, but many others have tended to remain relatively uninvolved. Congregations on their own, or preferably in partnership with others (city or suburban), can play a helpful role in reaching out to urban youth before they become victims of the violence and drug trade that drags many of them down.

❖ ***Clergy should be willing to become intermediaries in receiving confidential tips and background information from citizens about criminal behavior and passing that information on to police without revealing the sources. (clergy)*** Clergy should explicitly offer to play such a role and invite citizens to confide such information in them, not as an agent of the police, but as an agent for change in strengthening the lifeblood and quality of life in their community.

❖ ***Various community educational and theological resources should be encouraged to offer to train clergy to play more activist roles in addressing police-community issues in the community. (seminaries, colleges, clergy and RPD)*** It may be helpful for RPD grant-writers to seek foundation grant funds and/or funds from the corporate community to provide funding to support the provision of such training, workshops, and community conferences. We believe, based on our interviews, that more clergy than are now engaged are willing to become more involved in the life of their communities around police-related issues, and to challenge members of their congregations to become more involved as well, but need guidance and specific training in ways of doing so.

*School and Human
Services Commitment*

❖ ***CSD and RPD top level officials should meet to discuss possible approaches to having more officers in “troubled” schools and to determine who should do what concerning such issues as truancy, suspensions, and dropouts. (CSD, RPD)*** As noted earlier, a number of issues of concern to the District also have significant implications for the Police Department, yet more joint efforts are needed to resolve the issues

and to determine any interactions that need to occur between the two organizations, and if there are actions one party can take to minimize problems for the other, and vice versa.

❖ *Consideration should be given to strengthening the important roles of SROs, and to ensuring that sufficient numbers of SROs exist in every secondary school, depending on the number of “at-risk” students.* RPD and the City School District should meet to discuss needs by school before the start of the next school year, and a plan should be laid out for SRO needs by school as they transition from the current grade configurations to the fully-implemented grade reorganization plan.

❖ *High level policy-makers from RPD and the CSD should meet to work out mutually agreeable plans and consistent expectations and standards for SROs in the future. SROs can be more valuable to both CSD officials and other RPD officers and supervisors than is currently the case, and appropriate roles and the types of information that can be shared with whom for what purposes need to be worked out.* For example, the SROs tend to address issues as one-time solutions, but they have much more extensive information about many individuals and in some cases their families that could be helpful in linking with services that address their holistic needs. They are also aware of “big picture” issues and patterns that could be helpful for both schools and RPD to be aware of. How should such information be processed, and by whom?

❖ *RPD should develop a clear position description that spells out the unique aspects of this position and the special skills required. This description should be developed in such a way that the position in the future should be filled based on demonstrated experiences and skills and less on seniority than is now the case.*

❖ *SROs should all be oriented consistently to the range of services available in their specific schools and throughout the community for youth with particular sets of needs, and should receive training in how to access such services for students and parents as needed.*

❖ *The SROs should meet regularly with staff in the NET offices and perhaps from the PSA teams in the geographic areas closest to the schools in which they operate, to share information that could be useful to those serving in those areas. They should also help set up youth advisory groups*

that could meet with police officers and provide youth perspectives on relationships between police and students.

❖ *Concerning the dropout problem facing the District, with perceived implications on the street for RPD, we recommend that the community develop a strategy to ensure the ongoing funding support needed by the Hillside Work-Scholarship Connection, and to subsidize funding of similar mentor/advocacy-based programs designed to reduce the number of city dropouts. (CSD, various funders and service providers)*

A recent evaluation by CGR documents that urban students at risk of dropping out who receive the attention of student advocates and related services from the HW-SC are twice as likely to graduate from high school as are comparable at-risk students not served by the program. The model program, and others designed to provide mentor/advocate student connections, should be funded as a direct means of reducing the number of city dropouts.

❖ *RPD should make clear to funders what it needs from human services agencies in the community. Expanded focus in particular is needed on funding preventive and early intervention services (e.g., Safe Start, mentoring, tutoring, after-school programs). (RPD, funders)* Such programs are perceived to have significant impact in reducing the likelihood that the young people making significant use of such programs will be on the streets causing problems for police officers.

*Business/Corporate
Community
Commitment*

❖ *Local business associations should work closely with police in their neighborhoods to assure mutual needs are met, and business leaders should reflect their appreciation publicly. (business groups)* Many already do, but those that are not involved should become directly involved with local police, at least through their local PCICs. Like community associations, they should be public in their praise of police when they have been particularly helpful, while also offering their concerns when improvements are needed.

❖ *Local merchants should be encouraged to work with RPD to help support special programs set up to link police with local youth. (RPD, local merchants)* See the earlier discussion of the proposed pilot project involving police involvement within the community.

❖ *The corporate community should be encouraged to provide employment opportunities to youth who have minor offenses, particularly if they were non-violent and not part of a pattern of illegal behavior. (Rochester Business Alliance)*

In past years, the former Industrial Management Council provided a program which helped ex-felons find work. Consideration should be given by RBA to providing encouragement for local employers to hire youth with minor records as a way of providing opportunities to get them started in the job market, and providing some hope that they can obtain a legitimate job. Such opportunities might in some cases be linked with programs offering mentoring/advocacy services for young people, to assure that a level of accountability is present for the youth.

❖ ***RPD officials should ask to meet with the Rump Group (activist local private sector leaders) and Rochester Area Community Foundation concerning any support RPD would like to receive for particular initiatives. (RPD)*** The Rump Group and RACF are not only potential sources of funds for new initiatives, but are also advocacy voices for change and support of particular positions in the public interest. RPD should consider a targeted list of priorities that it would like to consider having such groups support (which could include support for non-RPD initiatives that would be of benefit to the overall public safety of the community).

Anti-Drug Efforts

❖ ***We endorse the new expedited approach advocated by the District Attorney for the prosecution and closing of drug houses. The results of the new approach should be monitored and publicized, and compared with previous approaches. A court-watchers group might be an appropriate group to be responsible for such monitoring.***

❖ ***As a way of at least frustrating some drug houses and limiting their amount of business, we suggest that police officers writing reports park in front of known drug houses.***

❖ ***News articles should be written about Drug Court and the reasons why it is not being used as frequently as in the past. Judges who make frequent and infrequent use of this option should be noted, and asked their reasons why.***

❖ ***The Bar Association should consider spearheading a campaign to publicize the advantages of Drug Court, and to advocate for the District Attorney and judges to work together to ensure that more widespread use is made of the option in the future. The District Attorney and judges in City and County Court should meet together in working seminars to discuss appropriate use of Drug Court, and how the two parties can work together in appropriate cases to make sure the referrals are made.*** Discussions should focus in

part on reasons why there are significant differences between judges in the use of the Drug Courts.

❖ *We endorse the notion of shifting resources from the costly incarceration of those convicted of minor drug-related offenses to expanded treatment options for minor drug offenders who now wind up in prison.* As a result of the Rockefeller drug laws, thousands of offenders have wound up in prison when they and society would have been better served, with better outcomes, had they been sentenced to treatment options instead.

❖ *Probation officials should be held more accountable for tracking probationers who are referred to drug treatment programs. Currently there are typically few consequences for offenders not complying with treatment referrals.* There should be consequences for offenders of not following up on treatment referrals, but Probation needs to monitor and follow up on these failures to appear in order to potentially order the offender back to court if he/she is not in compliance with any treatment conditions of probation.

10. IMPROVING RELATIONS BETWEEN MANAGEMENT AND THE POLICE UNION

“There is a constant struggle for the hearts and minds of Rochester’s police officers.”

This direct quote, and countless variations of it that we heard from nearly everyone we talked to, epitomizes the long-standing and ongoing frustrations and conflicts between management of RPD and the police union, the Rochester Police Locust Club, Inc. The conflicts and struggles between the two are pervasive, deep, and affect virtually all aspects of the work done within the Department and all levels of employees throughout the organization—and as such have significant implications for interactions between police and citizens throughout the community.

The Locust Club represents the sworn employees of the Police Department, with the exception of the following: the Chief and up to four sworn officers working on his staff, the Chief’s Aide, two Deputy Chiefs, three Commanders, the Captain of the Research and Evaluation Section, and the Lieutenant in charge of the Professional Standards Section. The union represents and is the exclusive bargaining agent for all other sworn employees of the Department: i.e., police officers, Sergeants, Lieutenants and Captains.

Differences in perspectives between management and the union—and a history of confrontation between the two—affect communications and morale throughout the Department, levels of trust between staff, perceptions of management support for its employees, how officers and supervisory staff are deployed, how people react to assignments, staff development and discipline, how promotions are determined, what types of staff carry out what types of tasks, how new initiatives are developed and implemented, reactions to change and, indeed at times, even who is perceived to be in charge.

Significant differences between management and a strong police union affect virtually all aspects of life within RPD.

The central fact is that the union—through its leadership, protections built into state legislation such as the Taylor Law and the Civil Service Law, and the Agreement or contract governing bargaining relationships between the

City/RPD and the Locust Club—has enormous influence, explicit and implicit, over virtually all aspects of the operations of the Department. Depending on one’s philosophical perspective and position within RPD, this can either be very good or potentially troublesome for the operations of RPD and for the overall good of the community. Most of those we talked to expressed strong positions on one side or the other. Our job was to: (1) recognize the legitimate differences between the two parties, (2) go beyond them to find areas of common ground and interests on which to build, and (3) help find approaches whereby even legitimate differences can be resolved in the future in ways that are less destructive to internal departmental relations and to external relations between police and community.

The Conflict in Context

First, a word of history and context: Many community leaders and police officers, especially the more experienced officers, believe the relationship between the union and management has deteriorated significantly since the Civil Rights police trial of the early 1990s. The trial and its aftermath are perceived by many as having helped shape residual distrust and long-standing animosities between some in leadership positions within the administration and within the union. Some believe this has been exacerbated by the continuing influence within the union of some retired and current officers who help “keep the ghosts of the past alive.” Suspicions going back to the early 1990s have also led, many indicated, to the perception among union leaders that police officers will not be supported by management if they are aggressive in carrying out their tasks. As a result, the union is perceived by some, both supporters and non-supporters alike, as encouraging, at least implicitly, more cautious behavior on the part of members.

Union/management relations deteriorated since the early 1990s; some believe police are now less aggressive as a result. However, there have been some recent positive signs of improvement in relations between the two parties.

People with knowledge of other police departments around the county and state told us that they believe that the conflicts between management and union in previous years have been particularly confrontational here, compared with many other jurisdictions. However, *there are also recent more positive indications that suggest that conscious efforts have been undertaken to develop better working relationships that have been emerging between the two parties in recent months.*

Two Chiefs? Three?

Many of those we talked with believe that RPD has, in practical terms, two separate chiefs. Clearly the Chief of Police has ultimate control over most issues and decisions within the Department. But because of decisions made over the years, and incorporated into State law and the local contract via negotiation and arbitration, the union has significant influence over many of those decisions, at least by implication and the threat of action. The union leadership, which has been successful in negotiating favorable contracts over time, is perceived as supportive of its members. It is often effective in countering management proposals.

Management and the union often operate in a confrontational style, with little attempt to work together to find viable compromises. Some recent evidence suggests that this has been changing for the better in recent months.

Rather than the normal “give and take” that shapes many discussions about differences in approaches, in the spirit of an attempt to find a compromise decision that everyone can live with, the union perspective, according to many observers in positions to know, instead is often not to negotiate but rather to reject a proposal without offering any counterproposal, and simply send it for arbitration. And, in turn, management will sometimes not include the union in discussions about matters on which the union perspective could be helpful, preferring to just announce that a decision has been made. The result has often been stalemate, or confrontation. More recently, agreements have been reached on police reorganization and officer deployment related to implementation of Project Impact that offer hope for more negotiated joint decisions in the future.

It is not always clear who has ultimate control over key decisions within RPD. The chief, union, and contract arbitrator all have significant power.

Over the years, however, on some of the most important policy and procedural decisions affecting the way in which police services are provided and internal decisions are made, neither management nor the union were making the final decision. The issues far too often are simply declared at an impasse, permissible by the state’s Taylor Law, and referred to arbitration, where the ultimate final decision is made by the contract Arbitrator. Typically the entire Agreement governing relations between the union and the City/RPD is the result of negotiations, but with a final arbitrated decision. *Thus in many cases the Arbitrator has the ultimate control and power.*

As stated in one interview with a person knowledgeable about arbitration approaches, “New York State’s Taylor law gives police

and fire binding arbitration for all contractual issues. It is a well-known fact in the State of New York that if an arbitrator screws with police and fire, the arbitrator will be blackballed. Few arbitrators will strongly and consistently uphold management rights or proposals to change management rights. The only way you get union support on management rights is to buy it [through higher salaries and benefits].”

The interests of the public are often overlooked in the decision-making process.

In effect, there is a three-legged stool of power, and one major player—the public—often has little influence over decisions shaping how and by whom many key police services are provided. Far too often decisions affecting the public’s legitimate concerns about costs, allocation of resources, efficient management, discipline and accountability, and ultimate public safety are determined not by the Chief, who is paid to be accountable for those decisions, and not even by the union, but by the Arbitrator who tries over time to balance wins for management and wins for the union. *It is less clear to us, and to many of those on all sides of the issue, to what extent wins for the public factor significantly into the equation.*

Beyond Normal Adversarial Relationships

The union charges that management is not supportive of its officers, though data suggest such comments are overstated.

Of particular concern have been the frequent reports by officers at all levels of RPD that the union has been “deliberately undercutting management by suggesting that management is not supportive of the rank and file members,” and “by planting seeds of doubt about management’s commitment to us.” Others said the union frequently says management will not support officers in disciplinary hearings or when citizens’ complaints are filed against them. Management counters that it will not and should not countenance improper police behavior, but that it always backs aggressive policing as long as it is respectful and adheres to departmental standards, and cites figures documenting that relatively small percentages of citizen complaints are ultimately sustained with disciplinary actions taken (see Chapter 8). In effect, supporters of management say that the union exacerbates the effect of a relatively small number of disciplinary actions and suggests to its members that they are far more significant in impact than they really are. The union in turn reportedly contends that management is inconsistent and can’t be trusted to provide consistent discipline or support for officers “because of flip-flops over time.”

Communications, Trust and Morale

Communications are often unclear. Often officers are uncertain whom to believe, and supervisors are often caught in the middle between management and union perspectives.

We heard many variations of the following: “It is all about relationships and trust, but those are fragile within the department and in need of attention.” As a result of the history and the ongoing conflict, communications between the parties appear to ebb and flow. At times, management and the union appear able to sit down and communicate effectively and resolve their differences, but at other times, some observers wonder “Why doesn’t someone just pick up the phone and call and say can we talk about this?” Officers in the field are often described as “not knowing who to trust or believe when they get commands from the top but hear questions being raised through the union or even supervisors who are part of the union.” Often supervisors are caught in the middle between management and union positions.

Most officers and supervisory staff were portrayed in our interviews as respecting the Chief and wanting to believe he would support them if they are brought up on charges, but they are not certain, given seeds of doubt that have been planted over time. As a result, morale was consistently characterized by most of those with whom we spoke as having been low throughout the department, with poor communications, uncertainties, and questions of trust occurring up and down the chain of command, including questions of openness and sharing of information even between the Chief’s office and Captains in the field. These communications and perceived morale problems often were described as leading to inconsistent and sometimes hesitant behavior by officers in their field assignments.

Indications are that union/management relationships have begun to improve recently.

On the other hand, to be fair, interviews conducted later in the study (late spring/early summer 2004), at least suggest that some of the “low morale problems may be clearing up, as we’ve had some successes with Mobile Field Force and Cease-Fire and other things that seem to be working, so people are feeling more like we’re making a difference and our work is being supported.” To test the accuracy and legitimacy of reported perceptions about departmental morale, RPD may wish to undertake a formal survey of officers in the future.

Lack of Strategic Planning

Long-term strategic planning is rare within RPD. Circumstances and needs in the community can change rapidly, requiring RPD to react to crises. Overall trends are not always clear at the “big

picture” level in time to craft proactive interventions in a timely fashion. The historic lack of cooperation between union and management has created further impediments to effective strategic planning. Responding to contract-driven grievances and negotiations over personnel assignments and related matters can be time-consuming tasks for management staff. As a result of these and other contributing factors, strategic planning has not been one of the department’s strengths over time. RPD has probably come as close to strategically thinking about issues during the past year’s efforts to implement the reorganization plan as around any issue. It is hoped that once the plan has been in full operation for a while, the resulting focus on issues from more of a citywide perspective, rather than a section-driven perspective, may make it easier to focus strategically on longer-range issues in the future.

Public Concerns about the Union

Union positions often raise public questions about the commitment of officers, thereby potentially undermining public confidence.

Nearly everyone we interviewed from “the community,” including neighborhood representatives, clergy and heads of community-based service provider agencies, expressed misgivings about the union and its perceived lack of concern for the public interest. Most cited the example of the union’s position in opposition to joint efforts to team State Police, Sheriff and RPD resources in a concentrated attack on crime in selected areas of the city more than a year ago. The union was pictured in our interviews as “having cared more about their overtime than about what was best for the public.” Some of those we interviewed within RPD supported the union position, but even most of those felt it sent the wrong message, and at least raised questions in the public’s mind about the level of commitment of the union “to the public that it supposedly serves.”

Some of the displeasure about the union was subsequently offset by praise for officers involved in the Mobile Field Force initiative that began in the summer of 2003, which was almost universally praised by citizens in the affected areas. But many of those we talked with were concerned that perceived union positions on various issues raised questions about how much officers in the field could be trusted to carry out their assignments in the public’s best interests: “The union sometimes shoots itself in the foot in how it represents its members to the public.”

Several people commented that the public may need to find ways to “express its support for the job most officers do in our areas, while at the same time making sure the union knows what we expect of them in terms of a full commitment to the community. *We’ll continue to support the police, but it needs to cut both ways.*” Since that initial dispute, agreements have been reached between management and the union, and a new similar multiple-agency endeavor, Project Impact, has begun recently (see Chapter 7) with no opposition and at least implicit support from the union.

Single Union

A concern raised by many of those we interviewed, both internal and external to RPD, was the fact that the Locust Club includes all levels of sworn personnel in the Department from officers up through Sergeants, Lieutenants, and Captains, with the few exceptions noted earlier. Having all these levels together in a single union was viewed as troublesome by a number of people because of the potential difficulties it causes in the areas of performance reviews, staff development and discipline.

The perception from a number of officers at all levels of the organization is that it is more difficult for a supervisor to provide a fair and balanced performance assessment for “a fellow union brother,” and even harder to provide discipline when it may be needed “when there is no separation between union and management levels in the contract, and when common union issues come up.”

Having officers and supervisors in the same union can have a negative impact on performance reviews, discipline and clear channels of communication.

Moreover, the lack of separation of management staff and rank and file officers was blamed by several for the reported communication problems that seem to exist between the Chief and at least some of the Captains, and throughout the chain of command. Support for union positions by those in upper supervisory ranks can create conflicts. In particular, issues around reorganization were apparently not shared in a timely manner, or in a way that invited input, between the Chief and the Captains. This was reportedly due in part to the fear of discussing issues that needed to remain confidential with Captains who were part of the same union as other people with whom it would have been premature to share the information at that time. Captains in turn have not always been as clear as they could be in passing on

administrative issues and directives that they may have had questions about.

Many other municipalities around the state, including some within Monroe County, have separate unions for management staff and other officers.

Contract Issues

A number of issues related to the formal Agreement have been alluded to in this discussion, and others are addressed in other chapters, with recommendations deferred until Chapter 15, after these other issues have been addressed in their appropriate contexts.

Signs of Hope

The union and RPD management appear to be making conscious efforts recently to work more effectively together.

Despite the concerns we have heard about the problems between management and the union, the department overall continues to function relatively smoothly, and at least this year to date has brought a welcome reduction in measures of violent crime in the city. Moreover, there have been some indications recently that the union and management are working together more effectively in efforts to resolve issues on their own, without resorting so frequently to the Arbitrator. In addition, recent collaborative efforts between the Chief and union president resulted in a signed agreement between the City and the union that are helping shape the reorganization. Hopefully such signs of hope are real and not illusory, and can be built on to help ensure that the reorganization works and that a new Agreement can be constructively agreed upon before it is scheduled to take effect in mid-2005.

Management- Union Recommendations

Based on the issues raised above, we offer our recommendations for consideration by the City, Rochester Police Department, and the Locust Club. The recommendations are organized by theme/issue, and we suggest who should be responsible for implementing each one.

Common Vision; Spirit of Negotiation

❖ *The management of RPD and the union should pledge publicly to develop a shared vision of community policing for the city, and to commit to working together to find common ground and negotiate agreements on their own on a variety of issues facing them, with less reliance on arbitrated decisions in the future. (Leadership of RPD and Union)*

The Locust Club and the RPD administration have proven on selected issues that they are capable of taking common positions in the best mutual interests of union members, management and the

public. They should commit to attempting to make this more the norm than the exception in the future. This does not mean ignoring or compromising legitimate differences that will always exist between the two parties, but it does mean more actively seeking to find positions of agreement, and appealing to the best instincts and motives of all parties involved.

❖ ***Each party should be increasingly willing to come to the other and say, “This is what I need or would like to see happen; I need your help. How can we work together to come up with a workable solution in the public’s interest?” (Leadership of RPD and Union)*** We believe that acting in the public’s interests is also in each party’s best long-term interests, even if it means making some short-term compromises. We urge both parties to attempt to develop solutions to issues that recognize the reality of limited fiscal resources facing the City, the need for using those limited resources as effectively and efficiently as possible, and the need to put public safety and quality of life concerns at the top of the priority list shaping how both RPD management and the union view their responsibilities and positions on various issues. In some cases, this might mean, for example, joint meetings of RPD and union officials with groups like PCICs or other community groups to help define issues and possible responses.

*Improved
Communications*

❖ ***The Chief of Police should spend more of his time focusing on internal communications with his command/supervisory staff and with rank and file members of the police force, and gradually delegate more of his “community and media time” to other high-level staff where appropriate (e.g., Deputy Chiefs, Commanders). (Chief)*** The benefits of this delegation have been discussed previously in Chapter 4, and we have indicated that this is already increasingly happening where appropriate. Internally, this recommendation would enable the Chief to spend more time in valuable two-way communications with staff at various levels within the organization, which he is now focusing increased attention on. The timing is especially important as the reorganization initiative evolves, so he can “have his ear to the ground” to hear what people throughout all levels of the force are saying pro and con about how the new plan is working, and what changes might need to be considered. For this approach to work, both the Chief and those he speaks with must commit to being candid with each other, and to actively listen respectfully to the perspectives being presented. Done effectively in good faith, honestly and with openness on all sides, such discussions can help to repair some of the communications gaps,

misunderstandings, and lack of trust issues that have existed between management and other levels throughout the force.

❖ *These meetings should be used in part to listen carefully to officers' concerns about procedures for handling complaints against police, discipline policies, Critical Incident Teams, perceived lack of support from the top, and other issues that have surfaced as sources of tension between the union, officers and management. (Chief)* Such discussions should provide the opportunity for the Chief to offer appreciation for effective policing, to reaffirm support for officers, to solicit suggestions, and to clarify and seek greater understanding on both sides of previous areas of conflict and misunderstanding, including any clarifications of myth vs. reality where objective information can be used to help educate officers around particular issues (e.g., concerning numbers and circumstances surrounding general types of sustained complaints and related disciplinary actions taken).

❖ *Particular attention should be paid by the Chief to meeting regularly with the Captains, as a group and as individuals. Since the role and responsibilities of many of the Captains have undergone significant shifts under reorganization, it will be especially important for the Chief to listen to their perspectives as the reorganization evolves, and for him to share with them his vision of the importance of their role under the new structure. (Chief, Captains)* This is an opportunity for the Chief to reiterate the importance of the Captains' roles and to say, "I need your help and suggestions and honest assessments to make this work." This is beginning to happen. At least some of these discussions should be on the Captains' turf, and not always at Headquarters. Opportunities should be explored concerning how to create a top-level management team that includes the Captains, along with other top administrative and policy-making officials within the Department.

❖ *Meetings with members of the force at all levels should be used to inspire members to seek to continuously improve their behavior and aggressive-but-respectful approaches to policing, consistent with high standards set by the department, and to remind them that aggressive policing and respect are not inconsistent. (Chief)* The existing performance evaluation system is not linked in any formal way to consequences of either good or bad behavior, so appealing to the best instincts and the reasons people were attracted to police work in the first place could be helpful in motivating officers to overcome cynicism and challenging them to rededicate themselves to doing their best,

rather than the cautious approach that some officers admitted to in our interviews. The recommended discussions with officers should provide an opportunity to remind them of departmental expectations of standards to be reflected in the job, and to provide assurances that policing consistent with those standards will be actively supported and publicly recognized.

❖ ***The union should also agree to adopt over the next year a focused motivational approach with its membership. (Union)***

Several of those we interviewed spoke of entering the law enforcement profession “as a calling,” but often acknowledged that they had lost that ideal along the way. The union could play a useful role in helping to remind officers of those original aspirations, and encourage officers to seek to regain their original enthusiasm and passion for policing, based in part on reassurances from the Chief that the administration will provide support for aggressive policing consistent with departmental standards.

Strategic Planning

❖ ***RPD should commit to initiating a strategic planning process concerning long-range directions and plans for the Department. The union should be engaged in the process of designing the strategic planning process to help define the issues and the approach to be used. (RPD and Union)***

Such a process should also include input from the community. It should be designed to focus on community policing issues and directions that may need to be considered in the context of the new reorganization structure, and initial learnings from the first year of its implementation.

Accountability to the Public

❖ ***The public should be encouraged to be visibly supportive of the police (see previous chapter), but should also be willing to “push back” at the union to the extent that it takes actions not consistent with the public interest. If our overall recommendations are followed to any significant extent, the need for such critiques should be minimized. (community organizations, businesses, clergy)***

Individuals and groups representing residents, businesses, faith communities and the like should be encouraged to express their praise when they see policing being carried out professionally and effectively, but they should also express concerns when they become aware of them, and to hold the union publicly accountable if and when it takes actions that appear inimical to the public’s interests.

❖ ***Whenever necessary, community coalitions should come together to express their concerns for inappropriate union behavior that is undermining effective policing or putting union interests ahead of the larger public interest.***

(association of neighborhood leaders, faith community groups) Again, the hope and expectation is that there should be less need for such an approach if the recommendations in this report are largely followed. Despite widespread community concern, there was little unified public outcry about the union's failure to endorse the shared law enforcement resources initiative of more than a year ago. Forums for channeling such concerns and making the union aware of the community's expectations may be helpful in holding union leaders accountable for their actions. It may be especially important to help create a set of community expectations, assumptions and hopes going into the next round of contract negotiations.

Separate Unions

❖ *Separate unions should be created for supervisory positions and rank and file officers. (City, RPD, Union)* Supervisory personnel should be in a separate union from those they supervise. Ideally, Sergeants and above should be separated from rank and file officers. Such separation may become even more important to do with reorganization, given the increased responsibilities Sergeants will have for providing more leadership and supervisory oversight for teams under the new system. If that level of separation is not possible, at least Lieutenants and above should be separated from the current union. Separation of supervisors from field officers already occurs in the Sheriff's Department and many other police forces. Ideally, Captains should not be in a union at all, and should become confidential employees as part of a management team.

11. IMPROVING PERFORMANCE EVALUATION AND STAFF DEVELOPMENT

At the time of the Crimi report in 1976, the Rochester Police Department had no formal process in place to evaluate the performance of its personnel. The Committee recommended strongly that the Department should take immediate action to develop and implement a formal performance evaluation process on at least an annual basis. Formal evaluations were, in the Committee's judgment, to be used to determine "suitability for promotion,...appropriate job assignment,...[and] the acceptable level of job performance to merit keeping the job and/or to determine appropriate increases of salary."

Since then, an extensive, comprehensive performance evaluation system has been put in place by RPD. The question is how well it is used to accomplish the stated purposes of the system.

Description of Current System

The performance system is neither an effective management tool nor a motivator of performance.

Properly used, a performance evaluation system should be an effective management tool for assessing staff performance as well as a motivator to help ensure the highest possible level of employee performance. As it is presently constituted, the RPD performance evaluation system typically accomplishes neither objective.

RPD General Order 207 describes an extensive, clearly-laid-out "Performance Assessment and Career Development" policy, forms, definitions, rating scales, and guidelines for the use of those doing the evaluations. According to the General Order, the performance assessments are to be used "to assist in the growth and career development of each employee [and] career counseling will be offered annually as a part of the employee's performance appraisal conference."

The rating scales appear to be clear, and seem to cover the logical dimensions of performance for assessing the work of a police officer. The question is how seriously the performance review is taken. According to some persons knowledgeable about the history of RPD and its procedures, the performance evaluation

The Union has not been willing to link the performance evaluation system to any consequences.

Limited Value of Performance Evaluation System

The performance evaluation system is viewed as having little or no value, with no consequences for poor performance. Union members evaluating each other contributes to little differentiation.

system was activated in part to meet the needs of a national accreditation process, and was designed as much to look good for that process as to be functional and useful. Union officials have not agreed to the use of the process as a formal link to any significant decisions about officer performance, salary or promotions. The formal Agreement between the Locust Club and the City/RPD makes no explicit reference to the performance assessment system, and makes only a bland reference in Article 4 to Union recognition of “the necessity of continuous improvement in efficiency and effectiveness throughout the employer’s operations...and in this connection, [the Union] will urge its representatives and members to cooperate jointly with the employer in accomplishing this result.” Beyond that, nothing that obligates either party to any use of any formal evaluation system.

Although apparently supervisors do at least “go through the motions of completing annual evaluations of their employees, the process is worthless,” as described by numerous officers at all levels of RPD, who further described it as an elaborate system that is “meaningless and has absolutely no value for discipline or promotions or pay. It is not used to distinguish between officers at all.” Others described the “halo effect hovering over each officer,” with no deficiencies, and “everyone seeming to be an exceptional performer. No one wants to be the bad guy in rating someone low.” In part this is because of the system and the built-in lack of consequences or accountability, and in part, according to a number of observers, “to the issue of union members evaluating each other.”

But others went on to point out that it wouldn’t matter even if low ratings were indicated, as the system does not have any effect on salaries anyway. Supervisors put in the time completing the forms, but most view it as a “waste of time, because of the lack of consequences.”

Despite the absence of any formal connection of the process to much of anything, other than generating a lot of paper, some supervisors reportedly do try to take the process seriously and create some value out of the “flawed system.” They view it as better than nothing, and at least as an opportunity to use the rating process and discussion with officers as a professional development

Some have been able to salvage some value from the performance review process as a professional development tool.

opportunity. Some supervisors attempt to use the process to go over strengths and limitations in an employee's performance, and to appeal to their self-development instincts to make needed improvements, even if there is no formal linkage between the successful accomplishment of any of the goals and subsequent rewards. Some supervisors who have established strong personal or mentoring relationships with their employees have been able to use the evaluation system to provide direct feedback about specific areas of performance as a result of the procedures being in place. Thus the process can have value, but it depends on the good will and commitment of individual supervisors and the self-directed desire to improve by individual officers, and *has little or no value for overall management or staff development purposes across the entire system.*

Probationary Period

The City's Civil Service Rules, as approved by the State Civil Service Commission, provide for a probationary appointment for all police officers in the city of 18 months. It is only during this probationary period that it is possible to formally link performance and performance appraisal to real consequences. Only during this period can persons with problem behaviors be terminated by management without going through cumbersome grievance and appeals processes. This is the period during which it is possible to provide supplemental training if needed to correct problems or, ultimately, to "simply say, this is a bad officer with behavioral problems who should be let go, because it isn't likely that things will improve."

RPD should make greater use of the probationary period to terminate those with continuing behavioral and performance problems deemed likely to continue.

Almost 30 years ago, the Crimi Committee made similar observations, and strongly urged RPD management to "take full advantage of the opportunities afforded by the probationary period to eliminate those who demonstrate unfitness." Despite that counsel, there still appears to be little willingness to use this period to cut ties with more than a small handful of recruits once they graduate from the Academy. Several observers noted variations on the following theme: "There are frequently early warnings, but they are typically ignored. We need to pay more attention to the signs and the behavioral problems along the way and not be afraid to say that this person shouldn't be an officer." There is a natural reluctance to sever ties once the training

investment has been made, “but sometimes the costs and problems become greater by not taking action early.”

Early Warning System

Once officers have passed the probationary period, they are still subject to the use of an expanded, newly computerized early warning system which tracks behavior over time on various indicators such as complaints filed against the officer, disciplinary actions taken, and various personal indicators of potential problems. These are viewed as being outside the evaluation system, and are considered “suggestions or warnings” that are intended to be used as indicators of the possible need for intervention, counseling or “coaching sessions” with a supervisor or other appropriate person. The use of this information is often viewed by officers as punitive and intrusive, rather than being viewed, as management prefers to emphasize, as a helpful suggestion that help may be needed before more destructive behavior occurs. *Supervisors may need more training concerning how best to use this potentially valuable resource.*

Promotions

Seniority typically plays a significant role in the process of determining eligibility for many promotional opportunities. Many command and other officers noted comments similar to the following: “On various specialized assignments/units, such as investigators, positions are typically determined on the basis of a competitive process and merits, rather than seniority, but most others wind up heavily influenced by seniority. In other words, ‘it’s the senior person’s to lose.’”

Many of those we met with argued that increased focus in decisions made about promotions should be placed on previous performance and demonstrated effectiveness in working with the community. In the past, community residents were frequently part of the process of selecting the best candidate for a promotional opportunity. They were often part of interview/selection committees, or were parts of panels allowed to question candidates. This still apparently happens in some cases, but is not a routine occurrence at this time, according to many of those who commented on promotional decision-making. *Many felt that it was important to reinstate community input regularly into the process for making promotional decisions in the future.*

Performance Evaluation Recommendations

Our recommendations are offered for consideration by the City, RPD, and the Locust Club. They are organized by theme/issue, and we suggest who should be responsible for implementing each one.

Strengthen Performance Evaluation System

❖ ***RPD and the Union should agree to implementing a formal evaluation system that incorporates rewards for good performance and consequences for poor performance. (RPD, Union)*** This act would send an important signal to the public that both the union and management have faith that an effective performance evaluation system can strengthen overall police performance throughout the community through use of motivational factors that are not now in place.

❖ ***RPD and the Union should agree to the implementation of a “360 degree” evaluation system in which people at each level in the organization can complete performance evaluations of those above and below them. (RPD, Union)*** This would help indicate the importance of the evaluation process and increase accountability for performance in both directions.

❖ ***Whether under a new evaluation approach or the existing one, supervisors should use the annual evaluation to appeal to their employees’ best instincts and to their professional pride to seek to become the best they can be and to seek to upgrade their performance to meet goals and standards jointly agreed upon by both the supervisor and the employee. (RPD, Union)*** The performance evaluation process should be used, even if it has no formal consequences, to encourage employees at all levels to motivate themselves to the best possible performance. Even if there are no external consequences, employees should be encouraged to challenge themselves to a higher level of performance each year. The Union should be a partner with RPD in jointly encouraging members to demonstrate to themselves and the community what they are capable of.

Strengthen Use of the Probationary Period

❖ ***RPD should urge Civil Service to expand the probationary period from the current 18 months to two years to help weed out officers with consistently poor performance. (RPD, Union, Civil Service)*** Both the Union and RPD should join in this effort to lengthen the period of time during which RPD can fire an officer for inappropriate behavior without going through lengthy grievance procedures. Both the Union and management are helped in the public’s eye if problem officers can be fired before they become a continuing problem for multiple years. Adding six months to the probationary period would enable

additional time to test the validity of early warning signals to see if they continue, or abate, thereby enabling sufficient time to make the best possible decisions about any officers in question.

❖ ***RPD should more effectively use the probationary period, of either 18 or 24 months, to more intentionally evaluate the performance and warning signs of “marginal officers,” and to make more informed decisions about their future than is now the case. (RPD)*** Observers indicate that RPD has not made particularly good use of the probationary period in the past, and should be more intentional about using this time to make more informed decisions about marginal officers in the future.

Strengthen Use of Early Warning System

❖ ***RPD should train its supervisors to make more effective use of early warning indicators as a preventive resource to help employees prevent future problems. (RPD)*** Currently many officers view these as having a punitive focus. Management should make a conscious effort to demonstrate how the warning signs can be used to offer support for the employees, rather than as a form of discipline.

❖ ***RPD employees should be encouraged to access the free and confidential services of the Officer Assistance Program (OAP) as needed and as a preventive initiative. (RPD)*** Because of the high stress levels associated with the job, officers should be encouraged to use this service on their own.

Strengthen Decision- Making Process for Promotions

❖ ***RPD should negotiate with the Union to reduce the presumption that seniority should have primary say in most promotion decisions. (RPD, Union)*** The public should be reassured that the best candidate is being promoted, all things being equal, with seniority being an important, but not the most important, consideration.

❖ ***Community input should be expanded, to the extent possible, in the decision-making process about promotions. (RPD, Union)*** In cases where promotions affect positions in which there will be significant interaction with the community, and/or where candidates have had significant amounts of interaction with the public in previous jobs, members of the public should be invited to participate in rounds of interviews or to offer input in other ways that could help influence RPD’s final decisions. Obviously the final decisions remain within the organizational structure, but the public should be treated as a partner in the process, wherever possible.

12. DETERMINING THE APPROPRIATE MIX OF UNIFORMED AND CIVILIAN EMPLOYEES IN RPD

With significant budget issues facing Rochester, the City has done well to hold the line without losing any uniformed police officers in the Mayor's 2004-05 budget. Yet there remains a strongly-felt desire on the part of many city residents to want more police officers visible on the streets, carrying out preventive community policing functions, patrolling neighborhoods and carrying out foot or bike patrols. Given budget realities, there is no reasonable likelihood that Rochester will see any increase in police officers in the near future. Thus the most likely way in which it might be feasible to put additional officers "on the street" is by freeing up some of the uniformed, or sworn, officers who are currently assigned to various "specialty/administrative/desk" positions, and move them into patrol or other visible community-based positions. Realistically, since those types of "administrative" positions represent functions that need to be done, this may mean having to move more civilians into positions currently occupied by sworn officers, thereby freeing them up to be redeployed "to the streets." This chapter examines some of the implications of that possibility.

Sworn vs. Civilian Employees Now in RPD

According to the Mayor's 2004-05 budget, RPD contains 869 authorized positions, of which 706 are sworn/ uniformed officers, and 163 are civilian positions (81% sworn).

Comparisons of such numbers with those of other jurisdictions are always risky, without knowing the range of services provided by each jurisdiction. Nonetheless, they provide a benchmark of sorts, a point of departure for assessing how Rochester's staffing of the police function compares with other communities. Thus, using 2002 data from the *Municipal Year Book 2003*, we compared Rochester with the 30 listed cities with similar populations (those between 175,000 and 275,000, or roughly Rochester's population plus or minus 50,000). On a per-resident basis, Rochester has among the highest concentrations of police employees, sworn and civilian, but its proportion of civilian employees to the total is in the lower range of the 30 comparison cities:

Compared with similar-size cities, Rochester has a high level of police services, but a relatively small proportion of police services provided by civilians.

- ◆ Rochester employs the second-highest per capita number of police employees, sworn plus civilian, of all 30 cities: 4.02 per 1,000 residents, compared to the average of 2.63;
- ◆ It also employs the second-highest ratio of sworn officers: 3.26 per 1,000 residents, compared to the average of 1.99;
- ◆ Its ratio of civilian police employees was 10th-highest: 0.76 per 1,000, compared to the average of 0.64;
- ◆ Yet Rochester was 21st among the 30 in the *proportion* of total employees who were civilians: 19%, compared to the average of 24.7%.

Thus Rochester, compared to similar-size cities, has been able to maintain a high level of police services. Despite complaints from some residents that the police do not provide as many services as responsively as they would like, *the reality is that Rochester has been able to maintain a high level of police services compared to most of its counterparts of similar size.* City officials believe that we compare well with other comparable jurisdictions on such things as community policing, responsiveness to service calls, provision of preventive and quality-of-life-oriented services such as those offered through the NET offices, etc.

RPD may have the ability to shift some jobs from police officers to civilians.

Yet, using these same bases of comparison, Rochester appears to be relatively far down the list in the proportion of police services provided by civilians. *Twenty of the comparison cities had higher proportions of civilians than in Rochester, and in ten of those cities, about a third or more of all full-time police employees in 2002 were civilians, compared to 19% in Rochester.* Again, the caution that without knowing more about the specific services provided, and the quality of those services, comparisons can be misleading. But nonetheless, they can also be suggestive. And these comparisons at least suggest that Rochester may have the capability to shift some of its policing functions, at least more of the administrative/specialty ones, to civilians in the future.

Could Some Functions Be More Civilianized?

A review of current functional area assignments by sworn vs. civilian staff within RPD suggests that a number of functional areas already are dominated, in some cases exclusively, by civilian staff, including: animal control services, the auto pound unit, the call reduction unit (a mix of mostly civilians but about a quarter

sworn officers), FACIT, headquarters and records unit (about a quarter are sworn officers), information systems unit, and the victims assistance unit. Some of the officers interviewed for this study suggested a number of possible functional areas where at least some of the assignments currently undertaken by sworn officers could perhaps in the future be provided as well or better by civilians. Among the potential areas suggested: more of the call reduction and headquarters/records jobs noted above, crime analysis, research and evaluation, background and recruiting, license investigation, professional development/training, and traffic enforcement (e.g., writing traffic tickets or taking traffic accident reports).

There appears to be the potential to shift a number of uniformed officers to street jobs, with civilians taking over their previous assignments.

None of this should be interpreted as suggesting that any of these functions *should* be shifted in whole or in part. For example, there need to be desk/administrative types of positions where sworn officers on disabilities can be placed. Similarly, officers on vacation or sick leave often are backed up by officers from some of the specialty positions. But it is to suggest, as many of those we met with have, that *there may be a number of uniformed officers in jobs that civilians with appropriate skills could do as well, if not better in some cases—and perhaps at less cost in many cases.* And if that is true, potentially more of the sworn officers in those positions now could in the future be shifted into higher numbers of officers “on the streets” and/or into more neighborhood-based assignments.

Implications of Expanded Civilianizing

If consideration were to be given to shifting some jobs or functions from sworn officers to civilians, we would recommend that this happen only under the stipulation that there would be no reduction in the number of authorized sworn positions within the department. That is, this would not be proposed as a cost- or staff-reduction strategy (although it could help reduce amounts and costs of overtime), but rather specifically to expand the number of officers freed up to do more field work assignments. This would presumably mean that either the positions now filled by uniformed officers would be filled by newly-hired civilians, thereby increasing the total number of employees within RPD, or at least some of the tasks now performed by officers could be scaled back and performed by existing civilians and/or performed more efficiently by smaller numbers of civilians in the future.

Before any extensive shifting of positions from officers to civilians could even be considered, many questions would need to be asked and answered, as suggested below. Even before getting to some of the practical questions concerning feasibility, costs and other impacts of potentially making such shifts, several union- and contract-related questions would need to be considered.

A number of union issues would need to be addressed as an important part of any analysis of possible shifts in job responsibilities from officers to civilians.

The assumption is that many of the positions that might be considered for “civilianizing” would be covered under existing unit work rules giving uniformed officers exclusivity rights to specific positions (under the “historical domain of the union”). Changes of such positions may only be possible through negotiations with the union, or through changes in the basic nature of the terms and conditions of the job itself, and/or in the qualifications needed to perform the job. So the focus of some jobs may need to be changed in order to avoid conflicts with unit work rules/exclusivity rights, and other shifts in responsibilities away from sworn officers might have to be negotiated. Still other jobs may not be an issue, because they already involve assignments in which civilians and officers currently share tasks—and the only question would be whether more of those positions in the future would be shifted from officers to civilians, thereby freeing up the officers for other types of work assignments. Clearly there are precedents for shifting some assignments within RPD over the years. The question becomes whether there is sufficient justification to consider making other adjustments in assignments in the future.

Officer/Civilian Recommendations

❖ *We recommend that the City, RPD and the Locust Club undertake or authorize an objective study of the feasibility and implications of the possible shifts of any jobs and functions from uniformed officers to civilians.* There are a number of important questions that would need to be addressed in contemplating such a potential shift of resources and functions. Input would need to be obtained from community leaders about the possible implications of changes, as well as from RPD officials. Among the key questions and issues to be addressed by such a study would be the following:

- What jobs or functions should be considered for possible shifts of at least some positions from uniformed officers to civilians?

- What are the work unit/exclusivity implications of any possible shifts in positions?
- How many jobs should be shifted? Which could potentially benefit from shifts from officers to civilians and which would not?
- What would be the implications for the nature of the job and for the quality of the services provided if any shifts were to be implemented?
- How would any officers freed up from existing “desk/administrative/specialty” jobs be best redeployed?
- What would be the implications for overtime of any officers shifted to new assignments, and what would be the implications of placing additional officers “on the street” on the overtime potential of existing officers?
- Would there be any reductions in the numbers of jobs previously performed by officers, or would they all need to be replaced by civilians? Is it likely that efficiencies could be implemented over time that could reduce the number of jobs without reducing needed services?
- Over what period of time should any shifts in assignments be made? Should some be phased in over time?
- What would be the likely implications of possible shifts of additional officers to patrol or other community-based functions? Would the shifts be significant enough in numbers to make a noticeable difference in police services? How would the impact of such shifts be determined?
- What would be the overall cost and staffing implications of any proposed shifts? Assuming no reductions in officer positions, would the net effect of possible changes be a net increase in the number of civilian jobs, and if so, by how much? What would be any net additions in costs to RPD? Would there be any potential offsetting cost savings or revenue enhancements that could be used to reduce or eliminate the impact of any net additional costs?
- If, even after factoring in any offsetting cost savings or revenue enhancements, there would be a remaining net

increase in costs of any proposed changes, how would the public react? What would be the perceived relationship and tradeoff between added costs and expanded police services? What would the public prefer?

Ideally, such a study should be undertaken and completed before the negotiations for the next contract extension would be completed, so that the results could be factored, to the extent necessary, into the negotiations.

13. THE RPD REORGANIZATION PLAN AND NET

Most of the issues raised throughout this report will be affected by the sweeping Rochester Police Department reorganization plan implemented in mid-June 2004. It has been referenced in several sections of the report. This chapter focuses primarily on implications of aspects of the plan for interactions between police and community, with particular reference to its implications for the NET offices. The chapter is not intended as an assessment of either the reorganization plan or NET, but rather concentrates on the implications of each for police-community relations in the city.

The reorganization plan created a more centralized organizational structure in which the former seven geographical sections were reduced to two (east and west of the river), each headed by a Commander. Each of the two sections was subdivided into Patrol Service Areas (PSAs), which correspond roughly to neighborhood boundaries. Each PSA is now staffed based on expected workload demands on a shift-by-shift basis. Sergeants supervise teams of officers in each PSA and/or adjoining PSAs. Each of the east and west sections has four Captains: an Executive Officer to assist the Commander and oversee the NET offices on each side of the river, and three assigned as the commanding officers overseeing each primary 8-hour shift. In addition, the field investigative function is being reorganized to strengthen management of the criminal investigations function. Very rough initial estimates were that about \$250,000 could be saved each year as a result of reduced overtime demands. Other stated reasons for undertaking the reorganization plan included.

- Enable the ability to more effectively provide a citywide overview of overall needs and to respond accordingly.
- Create greater flexibility to adjust staffing to meet changing service demands throughout the city.
- Increase the ability to equalize workloads for officers and command staff.
- Reduce response times for calls for service.

Police-Community Interaction Implications of the Plan

- Create greater direct supervisory accountability for field officers.
- Use neighborhood boundaries as building blocks for Police/Patrol Service Areas (PSAs).

Initial indications as the reorganization initiative has been implemented are that the new plan was operating effectively in its early months. As with any plan, the ultimate impact of the reorganization effort, and its effect on police-community issues, will only be determined over time as it becomes fully implemented, “debugged,” and tested. But based on the implementation to date, since mid-June, and on comments from both police officials and neighborhood residents, some of whom have been involved in the development and implementation of the final plans, the following comments related to police-community relations seem appropriate in terms of realistic expectations:

- ◆ It appears that the PCICs, PACTACs and NET offices will remain intact, with their same neighborhood configurations. PCICs will continue to meet monthly for each current geographic area, with Commanders or other high level command staff in attendance at each meeting.
- ◆ PACTACs are operating from local NET offices, rather than from more centralized locations.
- ◆ PSA teams are based in defined neighborhood areas and have consistent supervision by the same Sergeants, rather than police officers having split supervision as under the previous model. This should provide greater accountability for officer behavior and performance. As one police official noted: “This structure should make it harder for any bad cops to hide, since there will be one consistent supervisor and a consistent set of expectations.”
- ◆ Although it is clear that PSA teams may at times need to be moved to accommodate special needs, the clear intent is to keep them focused on their assigned areas, providing the types of services appropriate to meeting needs of each area. As stated by the Reorganization Community Interaction Committee, which was responsible for working out the plan’s police-community relations implications (and which included

The newly implemented plan appears to address most of the concerns raised about the original reorganization plan, though careful monitoring of implementation will be needed.

an equal mix of RPD and community members), “Officers will be deployed to PSAs and will be redeployed elsewhere only as needed. Should not adversely effect [sic] officers’ ability to establish and maintain relationships.”

- ◆ The intent is to also have flexible officers assigned to a separate platoon that will be able to be moved into a neighborhood to provide backup support if resources do become imbalanced within a particular area.
- ◆ A number of visible command staff will be available that neighborhood people can go to with questions and concerns. Although there is no longer a single Captain responsible 24/7 for a section, under the new plan there is a separate Captain for each shift for each side of the river who can be accessed, along with Lieutenants and Sergeants responsible for areas smaller than the previous sections, as well as NET officers. The belief is that command/supervisory officers may actually be more accessible under the new structure than in the traditional RPD structure. This is clearly one of the key issues that will need to be monitored carefully as the implementation unfolds.
- ◆ The clear conclusion of those we spoke to, both internally and external to RPD, who were responsible for the detailed reorganization planning, is that “this in the final analysis will be good for the neighborhoods across the city.”

The remainder of this chapter focuses on three major internal aspects of the reorganization plan as they relate to police-community relations: aspects of the supervisory structure under the plan, the field investigations function, and the NET function and role.

Supervisory Structure

Among the most profound changes established by the RPD reorganization are those affecting the roles, functions and accountability associated with the different levels of the command and supervisory structure within the Department, from Captains through Sergeants.

Changing Roles of Captains

Among the most visible changes of the plan is the elimination of the seven neighborhood-based sections, and the resulting changes in the power and control of seven Captains. In addition to the

implications of this change in terms of the interactions of a Captain with his/her neighborhood or section, the change has significant internal implications as well, including:

Some Captains tended to think of their changing roles as demotions, but others see the new roles simply as different opportunities, rather than as reductions in roles.

- ◆ Many of the Captains previously in charge of a section worried initially that their new role would be somewhat “diminished in importance,” although most acknowledged, but tended to initially discount, the significance of the control the Captains in charge of a shift would have over a wider array of resources and decisions affecting their deployment over a much broader geographic area.
- ◆ Others within the Department viewed the changes not as a diminished role, but more simply as a *change* to a *different, rather than a reduced role or responsibility*. This perspective suggested that under the new plan the Captains could play a much more explicit and valuable role as mentors of young police officers, with the opportunity to more closely observe the performance of officers on a shift, and to establish more personal relationships with more officers, including more opportunities to train and mentor less experienced officers.
- ◆ Active involvement of several Captains in the detailed planning for implementation of the new structure helped dispel some of their concerns, as their input was incorporated and welcomed as part of the process of shaping the “nuts and bolts” of the plan.

Team-Based Supervision

Supporters of the reorganization plan emphasize the importance of having teams at the PSA level supervised on a consistent basis by the same Sergeants, with less split supervision than under the current organizational structure. This is viewed as an opportunity to develop improved performance throughout the police force, as a result of building in greater accountability for officer and supervisory behavior and performance.

One of the perceived strengths of reorganization is the opportunity for implementing consistent supervision and standards under Sergeants for teams of officers.

- ◆ The model is predicated in part on the assumption that more consistent supervision of teams of officers who get used to working together under the same Sergeant will improve overall performance, with consistent standards and expectations being continually reinforced and modeled.

- ◆ This implies that the Sergeants will also be held accountable for their behavior, as they become more explicitly responsible for the behavior of the officers assigned to them. The theory is that more consistent hands-on supervision, along with greater opportunities for consultation and mentoring, both by Sergeants and up the line through Lieutenants and Captains on specific shifts, should help control complaints and strengthen the incentives for positive aggressive-yet-respectful police behavior to occur.

Supervisory Structure Recommendations

❖ *The Chief of Police should make a particular effort during the first year of reorganization to meet regularly with supervisors at all levels, in groups as well as individually as much as possible. These meetings should be used to provide support and encouragement to supervisors, to emphasize the importance of their changing roles, and to address any concerns related to the new plan.* Such meetings should be used to address any concerns remaining from the development and implementation of the new reorganization plan, and to reinforce the Chief's support for his command structure and for the importance of the mentoring, teaching and accountability roles that they should play in their dealings with subordinates.

❖ *Through such meetings, formal training opportunities and other forms of communications, emphasis should be placed on strengthening a team approach, consistent procedures and standards, and a spirit of camaraderie and shared values across the management/supervisory command structure of the organization.* Within the seven sections, such consistency and overall teamwork and shared values may have been harder to create. Under the new organizational structure, the development of consistent approaches and a sense of shared management values and approaches should become more feasible, and should be in everyone's mutual interests to develop and sustain.

Field Investigations

In recent years, the clearance rate for crimes within the city has been declining. During the 1990s, the overall crime clearance rate citywide was typically around 55%. In 2002, that rate dropped to 52%, and in 2003 dropped below 50% (to 49%) for the first time in more than ten years. In three of the seven sections, the overall clearance rate was well below 50%. The clearance rate is typically relatively high for Part II, relatively less serious crimes: An average over the years of about 75%, though that dropped somewhat in 2003 to about 72%. Perhaps most disturbing is the

Clearance rates for city crimes have been declining in recent years, with changes as part of the reorganization plan expected to reverse these declines.

consistent downward trend in the proportions of serious Part I crimes solved/cleared over the years. The clearance rates for such crimes are typically much lower than for Part II crimes, but the percentages had at least been consistently in the upper 20s during the 1990s, reaching a clearance rate high of 29% in 1999. Since then, those rates have steadily declined, reaching lows in 2002 and 2003 of 22%, with rates as low as 17% and 18% in two of the sections.

RPD officials have acknowledged their concerns about these declining rates, but are optimistic that changes being implemented as a result of reorganization will increase the rates back toward a Part I clearance rate goal of closer to 30% of all arrests.

Changes in Investigation Function

The reorganization plan shifts much of the supervisory responsibility for investigative personnel from the sections to a more centralized operation under the overall direction of a Captain of Field Investigations, with an oversight Lieutenant on each side of the river, and teams of Sergeants and investigators on different shifts with dedicated responsibilities for undertaking investigations. These efforts will be supported by an overall Crime Analysis Unit and Coordinators on each side of the river. The more direct and focused responsibilities for the investigative function, with more accountability for supervision of investigative personnel, is expected to improve the management of investigations, increase the clearance rates (thereby increasing the likelihood of greater accountability for criminal behavior), and provide new assignments and career path opportunities within the Department for Sergeants and Lieutenants.

Problems with Initial Investigation Process

Concerns have been raised about the need to strengthen the investigation process by initial officers at the scene of crimes.

A number of problems were pointed out in the process of conducting initial investigations by field officers responding to service calls, prior to the investigative staff becoming involved. A number of officers and management staff commented on what they considered to be the “poor quality of initial investigations and the need for better training to correct the problem.” Officers in NET offices commented on the numbers of calls they get that should have been addressed by the initial officers at the scene: “Too often sloppy initial work leads to further follow-up calls for service.” The perception is that the training process focuses heavily on paper work and writing reports, including reports of

initial investigations, but that far too little emphasis is placed on the importance of officer interpersonal skills and what officers should do in the process of conducting the preliminary investigations themselves, in preparation for the trained investigative teams to follow. How investigations are perceived by the public affects their perceptions of police work in general.

Too often the mentality seems to be to just check off the boxes on the form that suggest there are “no solvability factors,” meaning that the case can be effectively closed. “Too often officers think their role is not to solve a crime, but just to file a report saying the service call was completed.” In some cases when officers are so busy that they are being sent from call to call, there may be little opportunity to conduct a thorough initial investigation, but under such circumstances it is at least possible to fill out the form in such a way that the case remains open, but too often the paperwork has the effect of closing the case. And, there has apparently been little careful review of the reports/case records by supervisors, so the “safe approach” of not getting heavily involved gets rewarded, rather than being challenged.

Investigations Recommendations

❖ ***RPD should carefully monitor clearance rates for all types of crime under the new investigations structure, comparing pre- and post-reorganization rates in each geographical area.***

The promise and logic of the new investigation structure should be evaluated over the first year of the plan to determine if the desired outcomes are indeed occurring. Findings of these analyses should provide management with useful information needed to assess the impact of its changes and to make appropriate modifications in the structure if necessary to ensure that the higher clearance goals are met.

❖ ***RPD Professional Development Services should consider modifications in Academy and in-service training, and in the training and emphasis of Field Training Officers, which would result in more focus on the quality and thoroughness of initial investigations by field officers and more emphasis on not just closing out a case prematurely.*** If there is not time to complete an initial investigation because of competing backed-up service calls, officers should be encouraged to keep the case open and return to the scene when there is more time to complete the investigation, rather than simply racing through the initial report form and “‘officing it’ due to no solvability factors.”

❖ *Sergeants should be held accountable for doing more thorough reviews of the reports filed by officers to assess whether more cases should be kept open for subsequent investigation.* As Sergeants work more closely with teams of officers at the PSA level, there should be opportunities not only to review the forms more carefully, but also to discuss them in more detail with officers to question why reports were filled out certain ways for certain cases, and why further investigation was not done in some cases.

NET Offices

At the Mayor's initiative, the Neighborhood Empowerment Team (NET) offices were established several years ago in each area of the city (NET offices roughly, but not precisely, cover areas similar to those covered by the former police sections). They were designed to provide a series of formerly centralized services at a decentralized level, with offices in the community staffed by both civilians such as building inspectors and police officers (a combination of Lieutenants and Community Police Officers). Civilian NET Administrators are responsible for overseeing the joint efforts of the staff and activities operating out of each office.

The initial intent of the offices from a police perspective was to provide a proactive, preventive approach to community policing, based in part on the establishment of good police relationships with community leaders. Each NET office has a Lieutenant (some have two) to oversee the policing aspects of the office, with two to four CPOs in most offices to provide preventive work, and to respond to complaints and requests from the public. Some NET offices also work closely with area PACTAC organizations.

This section briefly discusses implications of NET offices under reorganization for police-community interactions. The purpose and function of NET are not being evaluated here.

Selection of Best and Brightest Lieutenants

When the NET offices were initially established, a conscious effort was made to select NET Lieutenants from among the "best and brightest Lieutenants" in the force. People were "hand-picked" on the basis of those determined to have the best people and community-oriented skills needed to be effective in this new assignment. Initially Lieutenants were selected and chosen to become NET officers "almost out of a sense of a calling" and a sense that this was a special job and opportunity. Over time that sense of a special calling has eroded. Now the process is far less

selective, with a dwindling pool of Lieutenants seeking the positions, and some people wind up in the position based primarily on seniority and the nature of the job (regular Monday-Friday, day shifts), rather than based on a selection process emphasizing the “best and brightest” and a careful screening process against a set of established criteria.

Fish or Fowl?

Police in NET offices have not always received full support from the RPD command structure, and sometimes get pulled into other tasks.

Throughout the life of the NET program, particularly in more recent years as the initial excitement of “something new” has worn off, there have been questions as to RPD’s degree of commitment to NET, as exemplified in part by the evolution of the process for selecting the NET Lieutenants. The program was established as a priority of the Mayor, and has not necessarily always been as much of a priority within the Police Department. The fact of two separate chains of command, through RPD and the civilian structure, has further complicated matters. Thus, although the NET officers receive support from the top levels of RPD, NET staff occasionally (some would say frequently) get pulled into other details, in part to compensate for other RPD vacancies, and there is the perception among many officers and community residents that “NET is tolerated by RPD, but is not embraced, and doesn’t always get the active support it needs to be totally successful.”

Historically, much of the success of NET has been dependent to a great degree on how much support it had from the Captain in the NET office’s section. If strong support and interest in the NET mission characterized the Captain, the NET office tended to flourish. In those cases where such support has been missing, the community policing, preventive focus of the office was often compromised by having NET police officers pulled off onto other assignments.

Communications need to be improved between the Police Chief, overall NET Administrator, and the Lieutenants and Administrators in the separate NET offices.

As noted, the chain of command affecting NET officers has not always been clear. In the individual NET offices, the Lieutenant reports to a Captain, but also answers to requests from the civilian Administrator of that office. The Lieutenants also meet regularly with the overall citywide civilian Administrator/Director of NET services, but rarely with top police officials. In turn, the NET Administrator typically meets only quarterly with the Chief, and often there is little consultation on matters affecting mutual concerns of RPD and the NET offices.

Thus the NET police function has often been characterized as a hybrid which is “neither fish nor fowl,” without a comprehensive plan or clear sense of continuing mission: “The Department is never quite sure what to do with NET,” and some sense was expressed by several police officers and citizens that “NET is sort of like an appendage, and the NET officers are not always viewed as real police officers by their peers.” Some CPOs spoke of receiving relatively little training in their new job, as the Lieutenant was pulled in too many other directions to provide the necessary guidance and leadership to orient new staff. In turn, the NET officers do not always communicate effectively with field officers in their area, or vice versa.

NET police officers need to have sufficiently flexible schedules to be visible at key times within the communities they serve.

Not only were concerns expressed about whether NET receives adequate staffing and resources assigned to their offices, but questions were also raised, particularly by community residents, as to why, if NET officers are designed to interact with the public and to help improve the quality of life in neighborhoods, they are not always able to attend important community meetings in the evenings. Several indicated that officers are only able to attend meetings on their regular schedule, and that they should be able to use flexible time to attend meetings of importance during their off-hours. There is a general sense among community leaders that there needs to be a more visible commitment among officers associated with NET to the community they serve.

Training

Several training-related issues were raised concerning NET, including:

More training is needed for NET Lieutenants, CPOs, Administrators, and new police officers concerning relations between NET, community and regular police functions.

- ◆ Several suggested that new police officers as part of their field training often receive very little exposure to NET offices, and thus develop little sense of how the field officers and those in the NET office could work more effectively together.
- ◆ There is little formal training for new NET Lieutenants or CPOs.
- ◆ NET Administrators are not typically exposed to the Police Academy or any formal aspects of officer training. Thus there is little mutual exposure of police to NET, or NET civilian leaders to police training and values, other than what happens through direct interaction.

Impact of Reorganization

There is a need to strengthen the relationships between NET officers and the rest of the field officer staff in each city neighborhood.

Many believe that reorganization will help to put NET more on the map in terms of police services and importance to the community. *With the closing of section offices, the NET offices will become a primary point of access of community residents to the police.* This suggests in turn that there then needs to be a clear relationship between NET officers and the rest of the field officer staff, so that there are formal ways of sharing information between these different resources. This suggests the need to return to having NET Lieutenants selected by a process that relies less on seniority and more on the skills, interests and community focus of potential candidates. The reorganization process provides the opportunity to reestablish the importance of the NET offices, and their integral link between the community and the rest of the police force. A stronger relationship will probably need to be forged between NET Lieutenants and the Sergeants in their respective areas, in order that important information be exchanged on a regular basis. As several suggested, “It will be even more important under reorganization to make the NET philosophy a clear partnership with the rest of the police force on a planned, integrated basis.”

NET-Related Recommendations

❖ ***As part of the reorganization, RPD should make a strong commitment to fully supporting NET, and should maintain strong NET offices, fully staffed with Lieutenants and CPOs. The NET offices should become a key foundation of the reorganization initiative at the neighborhood level.*** The offices should be staffed to carry out their original mission, with the understanding that, with the increased flexibility under reorganization to shift staff as needed across regular field officers and geographic areas, there should rarely if ever be the need to shift officers away from their NET preventive- and quality-of-life-oriented functions.

❖ ***RPD should return to the process of selecting the strongest possible candidates for NET Lieutenant positions, with the primary focus on the skills needed to be successful in community-sensitive relationships, rather than having decisions affected heavily by seniority.*** RPD should encourage strong candidates to apply for vacant NET positions—and should work with the police union to establish this focus on skills and a joint understanding of the importance of thinking of these positions as ones in which critical skills are more important than the automatic seniority preference. Although a few of those we

interviewed suggested having Sergeants head the police aspects of the NET offices, we believe that the importance of the office, especially under reorganization, requires that the offices be headed by strong leadership at the Lieutenant level.

❖ ***There needs to be a clear chain of command and frequent communications between NET officers, the NET Administrator/Director and the separate NET office Administrators, and the Chief of Police.*** There should be regular meetings and joint decision-making around issues of mutual concern.

❖ ***NET officers need to have the flexibility of schedules necessary to be able to attend evening meetings without forcing the choice of no attendance or paying overtime.*** NET Lieutenants and CPOs whose primary focus is on interactions with the community should routinely be able to “flex their schedules” to meet with community groups, as long as schedules are approved in advance, so that access to the public can be maximized. Management and union officials should work out agreements that make such flexibility possible.

❖ ***New police recruits should receive training about the NET offices and be exposed to one or more of the offices as part of their field training.*** This apparently does not happen routinely with all new recruits, and should. To the extent possible, veteran officers should also receive in-service training in the purpose of NET, and how NET and field officers can mutually support each other.

❖ ***NET Administrators should receive training through the Police Academy as a means of better understanding the police demands and how they should interact with field officers, and vice versa.*** As new civilian Administrators are hired, they should be exposed to relevant portions of the next available Academy offering, and/or go through the Citizens’ Academy offerings.

❖ ***Lieutenants and CPOs assigned to NET offices should receive basic training and orientation in the NET functions before beginning the positions.*** This typically does not appear to happen now, as officers are put into the positions with little orientation, and expected to learn everything they need to know on the job.

❖ ***As part of the reorganization implementation and any orientation provided to staff about the new approaches, the importance of integrating the NET philosophy and resources***

with the rest of the plan should be emphasized. We understand that an evaluation of NET is to be undertaken soon. That assessment should provide useful guidance which should help improve the NET structure and its relationship with RPD.

Overall Police Reorganization Recommendations

❖ *As a further sign of visibility and reassurance to the community, officers should at least occasionally complete their written reports while sitting in their car in visible locations. (RPD)* This suggestion is based on the concern of some neighborhood activists that some areas of the city may have officers shifted to other locations at peak times, so that it will be important to convey visible coverage when officers are within the “home” PSA. They view this suggestion as a subtle prevention approach and a reminder that resources are available and can be at any given place at any time.

❖ *RPD should carefully monitor the impact of implementing the reorganization plan. (RPD)* In addition to surveying residents across the city concerning their reactions to the new plan after a year or so of implementation, it will be important to monitor carefully such variables as response times, clearance rates, crime rates, citizen complaints, officer overtime, and proportion of time PSA teams are in their areas vs. pulled to other areas. To the extent possible, these comparisons should be made with data before and after reorganization implementation. Data should be monitored against such variables as PSA, shift, hours of the day, and season of the year. Impressions of PCICs and neighborhood groups should also be monitored. Information should be shared with the PCICs and ultimately in reports to the public, along with any adjustments that may be contemplated (other than confidential information that should not be shared).

14. MISCELLANEOUS

This chapter briefly addresses a few remaining issues that surfaced throughout the study that did not receive a great deal of attention, but which should at least be raised for consideration by the City, RPD, and the Locust Club

Release of Information from Sealed Grand Jury Proceedings

In several discussions during the study, concerns were raised about how to address suspicions raised among the public when a Grand Jury “no bills,” or fails to indict a police officer in a highly visible case which has received considerable publicity, and which has raised public questions about appropriate police behavior. Some have raised the question of whether it may be possible to release certain information from the sealed proceedings from the Grand Jury hearing, in order to inform the public about underlying facts in the incident.

The various provisions of Section 190 of the State Criminal Procedure Law confirm the secrecy of the Grand Jury proceedings and limited means to open the minutes to inspection, no matter the public interest in the matter. Under the law, the ability to reopen Grand Jury records in order to inform the public of the facts behind a police incident, one would have to argue that the public interest in favor of disclosure outweighed the presumption of privacy, officer rights, and secrecy of the Grand Jury. There are precedents for such opening of the sealed minutes, but the exceptions are rare. To change the privacy and secrecy assumptions underlying the law, there would need to be a change in state law based on a strong legislative purpose of informing the public of information upon which an officer was cleared. Our legal advisors suggest that it is unlikely that such a difficult piece of legislation would be approved. Others we spoke with suggested that it is better to seek exceptions to the law under the rare circumstances where the public interest seems to demand the release of the information, and that the advantages of seeking new legislation would be too limited to justify the effort.

Recommendation

❖ *Thus we recommend no effort to change the law, and urge the Police Chief to continue to disclose as much as*

possible of the basic facts of the criminal investigation prior to the submission of the case to the Grand Jury, since nothing is sealed at that time. The Bar Association should also identify persons designated to explain to the public the background legal issues involved in the protection of sealed information, without taking a stand on the specific merits of the particular case at issue.

Use of Videos/ Cameras in Police Cars

A controversial issue raised in a number of our interviews has to do with the use of cameras/videos in police cars which could be activated whenever suspects are pulled over by an officer. Such resources are increasingly being used in various jurisdictions in conjunction with traffic stops, some as the result of consent decrees related to racial profiling cases. Other jurisdictions have explored the notion of using videos to tape police-citizen interactions without being required to do so. Proponents believe that the use of video cameras in cars would help to ensure high quality police behavior and avoid problems related to lawsuits and the inability to document what really happened in specific incidents.

Those opposed to the idea of putting cameras in police cars see the cameras as intrusive and potentially limiting officers' ability to do their jobs effectively. Others fear that they will simply present one more way for management to discipline officers based on documented information, which may still only show part of the story. Others, including some jurisdictions which have begun to use videos in cars, have become converts to the idea and believe that having the cameras can be just as helpful to the police, if not more so, than to the defendants, and they can provide a documented record of why police did what they did, and can be used to refute stories of the citizens involved in the incident.

Recommendation

❖ *We recommend that the City and RPD consider investing in a pilot project to test the benefits and any concerns about the use of videos in cars, that the impact of the pilot project be evaluated before any further expansion of the effort is considered, and that federal grant or foundation funds be sought to cover the costs of the pilot project and related evaluation.* There are legitimate concerns that would need to be addressed as part of a pilot project such as this, but we believe there are enough potential benefits to justify the creation of a pilot

Videotaping Interrogations

project to test the concept and police and community reactions to it.

A few states are now requiring the electronic recording of interrogations, typically via video cameras. Although a small minority of locations at this point, more than 200 police departments currently tape entire interrogations in serious cases. Among those who are using videos to record interrogations, most seem to have lost any initial fear they may have had about the concept, because the consensus, based on a study just released by the Center on Wrongful Convictions at Northwestern University, seems to be that there are significant benefits to police departments and courts: major benefits appear to be reduced time and money, stronger evidence more likely to hold up in court proceedings, reduced allegations of police misconduct and greater use of unimpeachable testimony in court. Potential downsides include the costs, storage of the tapes (though maybe reduced with digital cameras), and concerns about the cameras having a “chilling effect on defendants.” At a conference of the American Bar Association this year, the ABA adopted a resolution submitted by the New York County Lawyers’ Association adopting a policy to encourage the videotaping of the entirety of all custodial interrogations of crime suspects.

Recommendation

❖ *We recommend that the City, RPD, the County and the District Attorney’s office, along with local courts, consider investing in a pilot project to test the benefits and any concerns about the use of videotaping interrogations, that the impact of the pilot project be evaluated before any further expansion of the effort is considered, and that federal grant or foundation funds be sought to cover the costs of the pilot project and related evaluation.*

15. RECOMMENDED CHANGES IN THE POLICE AGREEMENT/CONTRACT

A number of issues have been addressed throughout the report which have implications for the basic Agreement between the Rochester Police Locust Club and the City/RPD. Rather than repeating the issues here, we simply outline our recommendations for changes in the 2005 Agreement, or for consideration in future contractual Agreements, with appropriate underlying logic:

❖ *The City/RPD should negotiate to create a supervisors union separate from the current Locust Club, to be operated by a separate union leader. That is, all supervisors from Sergeants through Lieutenants and Captains should be in a separate bargaining unit from the union representing the rank and file officers.* The report has discussed numerous concerns related to having a key portion of the command structure part of the same union as those they supervise.

❖ *If possible, the City/RPD should attempt to have the Captains created as a class of confidential employees who can be hired and placed at the discretion of RPD management. They would become a crucial component to the RPD management team.* This would be preferable to having the Captains as part of a supervisory union, in which case the proposed supervisory union would include only Sergeants and Lieutenants.

❖ *The City/RPD and the Union should seek to negotiate changes in the contract that specify certain jobs for which seniority will not be the primary factor in selection of candidates. For example, NET Lieutenants and School Resource Officers should be positions in which the officers should be selected based on their sets of skills and background, and less on their seniority.*

❖ *Changes should be negotiated which change the work rules and exclusivity limits which make it difficult to shift tasks from sworn officers to civilian employees. Flexibility to make shifts to civilians, if otherwise justified and economical to do so, should be possible in the future.* A study proposed elsewhere in the report (recommendations in Chapter 12) would determine the implications of making such changes, and which

changes may or may not make sense to consider, but the ability to make such shifts if justified may first need to be negotiated.

❖ *Promotions, particularly to positions directly affecting neighborhoods and significant interaction with the public, should be determined in conjunction with significant opportunities for community input.* Such opportunities have been available at various times, but need to be regularized.

❖ *The performance evaluation system should be strengthened, with at least some rewards and incentives linked to real consequences related to performance.* See more extensive discussions in Chapter 11 concerning specific recommendations.

❖ *The exclusivity clause should be changed to remove limits on the ability of Rochester Police Department to routinely collaborate with Sheriff's deputies and State Patrol troopers.*

❖ *Consideration should be given to reducing the minimum hour overtime obligations of the contract, which require payment for four hours if called in for overtime, even if the person only works a short time.*

❖ *The City should attempt to develop at least broad understandings of issues and possible changes concerning the police contracts in other jurisdictions, so that RPD management can work with a clearer understanding of what other jurisdictions are likely to do in their negotiations, just as the Union knows what other unions are likely to push for.*

❖ *The City should strongly advocate for abolishing at the state level the reliance on binding arbitration to settle contracts and most grievances, as well as press for changes in the Taylor Law and PERB to make the Department more self-sufficient.*

Conclusion

There is much to applaud about police-community relations in Rochester. Such relationships are much stronger now than they were a decade ago. But changes are nonetheless needed to further strengthen many aspects of the relationship between police and community throughout the city. Improving police-community relations is up to the entire community. *The job cannot be left to the police alone.* It is up to the police, community leaders, community organizations, and to each of us as involved public citizens, to use the pathways suggested in this report to achieve better police-community relations in Rochester.

It is never easy to change well-established behaviors. In fact it takes enormous determination and effort to do so. It only happens if we commit to change, put steps in motion, and establish checkpoints along our path to measure progress.

But first we must answer one overriding question:

Do we have the political and community will and commitment to make needed change, or will we settle for the status quo?

We believe now is the time to act—to build on a solid foundation of good police-community relations, and to take Rochester to the next level of becoming a national model of police and community working together to improve public safety and the quality of life throughout all segments of the city.

APPENDIX: CATEGORIES OF PERSONS INTERVIEWED

Police Administration (Captains and above) 15

Police Officers (Lieutenants, Sergeants, Officers) – 15

Criminal Justice/Judicial Officials – 7

Elected Officials – 7

NET Officials – 8

Neighborhood Leaders – 28

Faith Community Leaders – 7

Community Leaders/Officials – 9

Service Agency Directors – 6

Private Citizens - 4

CO-CHAIRS, COMMISSION ON POLICE-COMMUNITY RELATIONS:

REVEREND LAWRENCE HARGRAVE

Lawrence Hargrave has been the Director of Alumni/ae, Church and Community Relations at Colgate Rochester Crozer Divinity School since August 2001. Since October 2003 he has also served as Acting Dean of Black Church Studies at CRCDS.

Reverend Hargrave previously served as pastor of South Avenue Baptist Church and in leadership positions within the American Baptist Churches of the Rochester/Genesee Region. Prior to becoming an ordained minister, he held award-winning sales representative and management positions with Procter and Gamble Corporation.

A Bachelor of Arts graduate of SUNY Buffalo, Reverend Hargrave received a Master of Divinity degree from CRCDS. He has received awards and honors from CRCDS and the American Baptist Churches, and has served in leadership capacities on numerous boards and commissions throughout the community. For years, he hosted a jazz show on WRUR FM.

JUDGE MICHAEL J. MILLER

Michael Miller served for more than 10 years as a Monroe County Family Court Judge. While on the Court, he wrote more than 20 published decisions, including a landmark opinion which resulted in a major change in New York's Child Abuse Law. He is currently associated with the law firm of Chamberlain, D'Amanda.

Judge Miller graduated with a Bachelor of Arts Degree from Syracuse University, and subsequently received a Juris Doctor degree from the Syracuse University College of Law. Following graduation from Law School, he engaged in the general practice of law before serving on Family Court.

He served as councilman for the Town of Brighton for 15 years, and was Chair of the Monroe County Democratic Party from 1986 to 1988. He has authored numerous articles on local government and has been a strong advocate for the rights of disabled citizens. He serves on various boards, and has been the recipient of many community awards over the years.