



**CITY OF ROCHESTER – POLICE DEPARTMENT**  
PROFESSIONAL STANDARDS SECTION  
*Investigative Steps in a Citizen Complaint*



1. Photographs will be taken of any injuries that the complainant may have sustained. Any available physical evidence will be gathered. Medical and documentary releases will be obtained, if applicable. The complainant will be asked to identify potential witnesses. Photo arrays may be used to identify involved officers.
2. The complainant will be interviewed. The interview may be videotaped (with the complainant's consent), audio taped, stenographically recorded, or taken in the form of a written statement (deposition). Preliminary reports regarding the incident will be gathered prior to the interview, if available.
3. A neighborhood check for witnesses is conducted in the area of the incident. Audio taped statements or written depositions may be taken from witnesses. Videotaped interviews may be scheduled for witnesses with extensive information. Photographs are taken of the incident scene. Physical evidence is gathered if it exists.
4. Witness interviews that are videotaped are conducted in the Professional Standards Section. Again, witnesses may or may not choose to be videotaped. If witnesses do not keep scheduled appointments, they are rescheduled. Attempts are made to contact them by phone or mail.
5. Reports are gathered from officers involved in the incident.
6. All officers responding to the incident are interviewed.
7. A case summary is prepared by the investigating Professional Standards Section sergeant. All documents, evidence, and photographs are placed in the case package.
8. If a complaint involves excessive force, or an allegation that an officer may have committed a crime, a Civilian Review Board (CRB) is formed to review the completed case package. The CRB consists of three civilian panelists who are provided by the Center for Dispute Settlement. The CRB will review stenographic and written statements, photographs, reports, tape and video recordings, as well as any physical evidence gathered. The CRB will recommend one of four findings regarding each allegation in the case.

The findings are as follows:

**UNFOUNDED:** As a result of our investigation, we believe that the act did not occur.

**SUSTAINED:** The alleged act occurred, amounting to misconduct or misjudgment.

**EXONERATED:** The personnel's conduct complied with Department rules, regulations, and guidelines.

**UNPROVABLE:** Insufficient evidence exists to prove or disprove the allegation.

The CRB also has the option of returning the case for further investigation and then reconvening on a future date. They may make recommendations on any additional allegations or satellite issues that they identify.

9. The CRB report is forwarded to the Chief of Police, who will either concur or not concur with the findings of PSS and the CRB.
10. If the Chief agrees that the complaint against the officer(s) was Unprovable, Unfounded, or Exonerated, a letter will be prepared and sent to the officer(s) and the complainant explaining the findings of the investigation.
11. If the Chief finds that the case has been sustained against the officer(s), the Chief may order the officer to receive remedial training in those situations where there were minor violations of the General Orders or Rules and Regulations; or, the Chief may order that Departmental charges be prepared.
12. If the complainant wishes, a civilian from the Center for Dispute Settlement can sit as a member of a departmental hearing board. If the officer is found guilty following this departmental hearing, the penalty is then imposed and will consist of one of the following: a letter of reprimand, a fine up to \$100, suspension without pay (not to exceed 60 days), demotion, or termination. The Complainant will then be notified by letter of the outcome of the hearing and whether the officer was or was not disciplined. However, due to the confidentiality restrictions, the exact penalty will not be disclosed. Section 50-A of the Civil Rights Law dictates that personnel records be kept confidential. You may call the Investigating Sergeant personally and receive a more detailed explanation of the investigation.

You will receive a letter updating your investigation every six weeks after you file your complaint. Please contact us if you have a change of address during the investigation.