The Final Report of the Citizen's Committee on Police Affairs

City of Rochester
THE FINAL REPORT OF THE
CITIZENS COMMITTEE
ON POLICE AFFAIRS
THE CITIZENS COMMITTEE ON POLICE AFFAIRS

Charles F. Crimi, Chairperson
Charles L. Willis, Vice Chairperson

Isaac D. Carson
Eugene T. Clifford
George A. Cocuzzi
Robert J. Coyne
Elizabeth B. Croft
Daniel J. Funk
Domingo Garcia

John D. Hostutler
William A. Johnson
James McCuller
Constance Mitchell
David O'Keefe
Philip O'Sullivan

Consultants

Patricia M. Carter
John Bozza

Secretary

Linda L. Dawson
Foreword

This is the Report of the Citizens Committee on Police Affairs. It is the product of the work of fifteen persons appointed by the Honorable Thomas P. Ryan, Jr., Mayor of the City of Rochester, New York and the Rochester City Council.

The Committee was specifically charged to study and evaluate:

a. The policy and procedures of the Rochester Police Department in regard to responding to crisis calls;

b. The policy and procedures of the Rochester Police Department in dealing with allegations of misconduct on the part of police officers;

c. The Rochester Police Department firearms policy;

d. The classroom and field training of police officers for duty in multi-racial neighborhoods;

e. The evaluational process used to measure whether a police officer's job performance merits continued employment on the police force;

f. Methods by which the FACIT Program can be expanded city-wide;

g. Procedures for establishing a reference list of non-white and white clergy to be on call to assist in the resolution of family crisis problems;

h. The policy and procedures in the Rochester Police Department for utilizing multi-racial police teams in non-white and multi-racial neighborhoods;

i. Review the Affirmative Action Plan in the Rochester Police Department and prepare a report on its implementation.

The Committee assiduously confined its work to the stated charge.

The Committee feels strongly that this report is one which can be and should be implemented, for the benefit of our community as soon as possible. The Committee further feels that it should not be disbanded upon filing of this report, but should be allowed to continue to serve for a period of time in order to collectively and individually urge the earliest possible implementation of its recommendations as well as to monitor the progress of such implementation.
The Committee thanks its Consultants, Patricia M. Carter and John Bozza as well as its Secretary, Linda L. Dawson, all of whom served the Committee well and far beyond the perimeters of employment.

The Committee is most grateful to the many citizens, citizens groups, community leaders, community organizations, law enforcement agencies, Federal, State, County, Town and City, and many others too numerous to mention, all of whom offered and when requested helped it.

/s/ Charles F. Crimi
Chairperson

/s/ Charles L. Willis
Vice Chairperson

Isaac D. Carson
John D. Hostutler

Eugene T. Clifford
William A. Johnson

George A. Cocuzzi
James McCuller

Robert J. Coyne
Constance Mitchell

Elizabeth B. Croft
David O'Keefe

Daniel J. Funk
Phillip O'Sullivan

Domingo Garcia

-2-
Introduction

On January 14, 1976, Mayor Thomas P. Ryan, Jr. announced the creation of a fifteen person Police Study Committee, and charged that Committee with the duty to study and evaluate some nine areas of concern dealing with the Rochester Police Department, its policies, training programs, and its relationship with the community. All those appointed agreed to serve, and after some early organizational meetings, met thereafter on a bi-weekly basis. Each of these bi-weekly meetings lasted from two to four hours, and later from six to eight hours.

Shortly after its early meetings the Committee renamed itself; it unanimously voted its name to be, "The Citizens Committee on Police Affairs." The Committee was then subdivided into three Task Forces. Task Force One was charged with the responsibility to investigate, research, evaluate and make recommendations concerning the policy and procedures of the Rochester Police Department in responding to crisis calls; in dealing with allegations of misconduct on the part of police officers and its firearms policy. This Task Force was co-chaired by Ms. Bette Croft and William Johnson, Director of the Urban League. Its work is reflected in Chapters 1, 2 and 3 of this Report.

Task Force Two, co-chaired by James McCuller, Director of ABC, and Lt. Robert Coyne of the Rochester Police Department, had the responsibility to cover in like manner, classroom and field training of police officers, the evaluational processes used to measure a police officer's job performance and promotion, and the policy and procedures concerning the utilization of multi-racial police teams in non-white and multi-racial neighborhoods. This Task Force is responsible for Chapter 4 of this Report.

The third Task Force was charged with reviewing the Affirmative Action Plan of the Rochester Police Department and making recommendations for its implementation, the methods by which the FACTIT Program could be expanded city-wide and the procedures for establishing a reference list of non-white and white clergy to assist in the resolution of family crisis problems. This Task Force was co-chaired by Philip O'Sullivan and Msgr. George Cocuzzi. Chapter 5 of this report is attributable to this Task Force's labors.

Each of these Task Forces met repeatedly throughout the ensuing months in addition to attending the regular bi-weekly meetings. In addition, the Committee held two public hearings. The first was held at 700 North Street, on May 4, 1976 and the second at St. Augustine's School Hall, 410 Chili Avenue on May 20, 1976. Members of the public addressed themselves to the issues. These public hearings plus the past incidents which have occurred in the City of Rochester demonstrated to the Committee that there was a real need to study and make recommendations and changes in many areas such as the present policies, procedures concerning the investigation of citizens' complaints, crisis calls, the use of firearms
on duty as well as off duty, the selection of persons as police officers, their job performance evaluation processes, how they are promoted, how they are trained, both in the field and classroom, the need for continuing and continual training, what relationship all phases of the training should bear to the community at large as well as segments of the community, and many others. All of the areas set forth in the charge to the Committee are covered in this report which contains close to a hundred recommendations.

This was a hard working Committee. It dedicated itself to making recommendations which were capable of being implemented at the earliest possible moment in order to maximize as quickly as possible their beneficial effects both to the community as well as to the Rochester Police Department. It is the Committee's avowed goal that these recommendations be implemented; and if they are, the Committee is confident that the recurring conflicts between citizens and the police will be minimized, with each segment acquiring a growing respect, confidence and pride toward the other.

[Signature]
Charles F. Crimi
Chairperson
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>1</td>
</tr>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>Summary</td>
<td>10</td>
</tr>
<tr>
<td><strong>CHAPTER ONE</strong></td>
<td></td>
</tr>
<tr>
<td>Introduction</td>
<td>21</td>
</tr>
<tr>
<td>The Policies and Procedures in Dealing with Allegations of Misconduct on the Part of Police Officers</td>
<td>21</td>
</tr>
<tr>
<td>Reorganization and Creation of New Components in the Internal Investigation Process</td>
<td>25</td>
</tr>
<tr>
<td>Recommendation</td>
<td>28</td>
</tr>
<tr>
<td>Disciplinary Hearings</td>
<td>30</td>
</tr>
<tr>
<td>Recommendation</td>
<td>31</td>
</tr>
<tr>
<td>Notification to Complainants of Disposition of Complaints</td>
<td>31</td>
</tr>
<tr>
<td>Recommendation</td>
<td>32</td>
</tr>
<tr>
<td>Clarifying Complaint Investigation Responsibility</td>
<td>33</td>
</tr>
<tr>
<td>Recommendation</td>
<td>34</td>
</tr>
<tr>
<td>Public Information n the Complaint Process</td>
<td>35</td>
</tr>
<tr>
<td>Recommendation</td>
<td>36</td>
</tr>
<tr>
<td>A Complaint/Commendation Form</td>
<td>37</td>
</tr>
<tr>
<td>Recommendation</td>
<td>38</td>
</tr>
<tr>
<td>Physical Location of Internal Investigation Section</td>
<td>39</td>
</tr>
<tr>
<td>Recommendation</td>
<td>41</td>
</tr>
<tr>
<td>The Selection, Training and Rotation of Internal Investigation Section Investigators</td>
<td>41</td>
</tr>
<tr>
<td>Recommendation</td>
<td>43</td>
</tr>
</tbody>
</table>
Record Keeping Within the Internal Investigation Section ........................................... 43

Recommendation ................................................................. 45

Public Accessibility to Information Related to Citizen Complaints ............................ 46

Recommendation ................................................................. 47

CHAPTER TWO

Firearms Policy ........................................................................ 48

Introduction ............................................................................. 48

Limitations on the Use of Deadly Physical Force by Police Officers ......................... 51

Recommendation ................................................................. 51

Training and Qualification of Police Officers in Use of Firearms ............................ 51

Recommendation ................................................................. 54

Firearms Discharge: Report, Investigation, and Review ........................................... 55

Recommendation ................................................................. 58

Defensive Tactics: Use of Nonlethal Weapons ......................................................... 59

Recommendation ................................................................. 61

CHAPTER THREE

Policy and Procedures in Regard to Responding to Crisis Calls ............................. 62

Introduction ............................................................................. 62

Recommendation ................................................................. 65
CHAPTER FOUR

The Selection, Training, Evaluation and Promotion of Police officers

Selection of Police Personnel

Introduction

Recommendation

Classroom Training

Introduction

Recommendation

Field Training

Introduction

Recommendation

Probationary Period

Introduction

Recommendation

Performance Evaluation

Introduction

Recommendation

Promotions

Introduction

Recommendation

In-Service Training

Introduction

Recommendation
CHAPTER FIVE

Family Crisis Intervention Program .............................................. 93
Introduction .................................................................................. 93
  Recommendation ......................................................................... 95
Referral Follow-Up Procedure ....................................................... 95
Introduction .................................................................................. 95
  Recommendation ......................................................................... 96
FACIT Support Team Personnel .................................................... 96
Introduction .................................................................................. 96
  Recommendation ......................................................................... 97
Institutionalizing of FACIT Program ............................................. 97
Introduction .................................................................................. 97
  Recommendation ......................................................................... 98
Establishment of a Reference List of White and Non-White Clergy to the FACIT Program .................................................... 98
Introduction .................................................................................. 98
  Recommendation ......................................................................... 99
Training of the Clergy ................................................................. 99
Introduction .................................................................................. 99
  Recommendation ......................................................................... 100
Advertising the FACIT Program .................................................. 100
Introduction .................................................................................. 100
  Recommendation ......................................................................... 100

CHAPTER SIX

Affirmative Action
Affirmative Action Enabling Legislation ..................................... 101
SUMMARY

Chapter I

The Rochester Police Department's system of handling complaints against its policemen is completely internal. Only police personnel participate in the investigation of complaints and in the process leading up to a final decision by the Chief of Police. This completely internal process may be fair but may not be credible in the eyes of the public which does not perceive it as fair.

In a democratic society, effective policing requires citizen cooperation and support. The necessary public confidence, in the Committee's opinion, can be achieved only if representatives of the public are involved in the investigations of citizens' complaints against policemen.

Previous attempts to involve the public in the complaint process have been designed to put the public's participation after a determination had been made, a review type of function. The Committee recommends public participation and input prior to a decision being made. Since the process needs persons with a good understanding of the police function in the community, and have credibility in the eyes of those being judged, the process must remain basically an internal one with police personnel participating.

The Committee reviewed the Ombudsman system in depth, and while an independent Ombudsman office appears to be an effective mechanism for resolving citizen complaints, its responsibilities should be related to all governmental agencies, not just one agency such as the police.

The Committee recommends that a Complaint Investigation Committee be established with both citizen and police representation. It would review
the investigations carried out in serious citizens' complaints and make recommendations to the Chief of Police. This procedure involves the citizen before a decision has been made and not after. This committee would have three members, one of whom would be a private citizen of the Rochester community who would be chosen on a rotating basis. The Committee also recommends that the local office of the Community Dispute Services of the American Arbitration Association establish, coordinate the training, and administer a panel of citizen volunteers who, on a rotating basis, would be assigned to the Complaint Investigation Committee.

Other recommendations of the Committee include placing the Internal Investigation Section directly under the Chief of Police, the establishing of an Advisory Committee composed entirely of command police personnel which would review all investigations of all complaints against police officers, all use of force and firearms reports filed by police officers and all accidents involving police vehicles. The purpose of this over-all review would be to obtain an informed perspective on such incidents and make recommendations to the Chief of Police regarding possible changes in the disciplinary process, training programs, community relations programs and the improvement of police performance. The Committee recommends also that where official charges are placed and hearings are held, that the Chief of Police designate as a hearing officer, a person not employed by the City of Rochester or connected with the Police Department.

Following the decision of the Chief of Police regarding the disposition of a citizen's complaint, the Committee recommends that the complainant be notified in a letter signed by the Chief of Police which among other things should inform the complainant of the specific outside agencies
available to review the complaint if the complainant be dissatisfied.

There should also be developed a new system for the proper classification of complaints against police officers; it is recommended that the classification of alleged behavior follow the definitions in the Penal Law or if Departmental rules are violated, the specific section and offenses be cited. Departmental rules should clearly vest responsibility for all complaint investigation, review of use of force, use of firearm reports and all other investigations with the Internal Investigation Section, and recommendations are made as to what the role of the Internal Investigation Section should be.

The public should be made aware of the existence and purpose of the Internal Investigation Section and to this end a brochure should be developed and widely distributed, in English and Spanish versions, containing specific information about the process of investigating citizen complaints. Also, the Committee recommends that a report form be designed and implemented for use by citizens wishing to complain against or commend police personnel. Again, this would be prepared both in English and Spanish and would contain and request specific information concerning the complaint or commendation. Also, the physical location of the Internal Investigation Section should be moved to promote accessibility, preferably outside the Public Safety Building, but if such cannot be accomplished immediately, to a location in the Public Safety Building other than the present one where it would be more visible and accessible. Clear and adequate signs, in English and Spanish, should be posted in the building, directing citizens to the Internal Investigation Section officer.

The Committee also recommends that the investigators in the Internal
Investigation Section should be selected from those already qualified as investigators in the Police Department, should receive in-service training, and serve no more than eighteen months on a rotating basis.

The Complaint Register should be revised to include not only citizen and Departmental complaints but also all reports filed by officers on the use of force or firearms. The Register should be so set up as to provide space for detailed information.

The public should be advised by both quarterly and annual reports of the number and kinds of citizens' complaints received and investigated and the disposition of those complaints.

Chapter II

The Committee recommends that the Rochester Police Department's rules on "Use of Firearms by Police Personnel" should be amended to include a prohibition against discharging a firearm from or at a moving vehicle unless the occupant(s) of the vehicle is using deadly force against the officer or another person.

Firearms training programs for both recruits and in-service officers should be expanded to include as a training component the use of life-like situations designed to test officers' judgment of when to fire, and standards should be established, developed, tested for acceptable performance levels for officers to qualify in these simulated crisis exercises. Departmental rules and regulations should mandate that every sworn office demonstrate his shooting competency semi-annually by maintaining a qualifying score in both the traditional and the recommended training component. The Committee further recommends that failure to qualify in both after two attempts, could lead to the officer being cited for a violation of Departmental rules.
and regulations or to his receipt of intensive training on his own time. The Department rules and regulations, in addition, should mandate that all police officers be required to qualify annually for any firearm registered and approved by the Department to be carried while on plainclothes assignment or off duty. The City of Rochester should plan for the construction of an outdoor firing range to provide appropriate facilities for the expeditious implementation of the recommended firearms training and qualification program.

Departmental rules regarding the reporting of the use of firearms should be designed so as to elicit a full description of the incident, and information which can be utilized both for administrative decision making and designing new or remedial training programs. In this regard, the Committee recommends that the Department's rules and regulations should mandate that any sworn officer who discharges, off duty or on duty, in any manner, while not involved in training or practice, must, without delay, notify his superior officer and fill out and submit a Special Firearms Discharge Report. This report should be designed to gather essential information for administrative decision making and providing data relevant to training needs. The responsibility for receiving, recording and investigating these reports is to rest with the Internal Investigation Section. Where there is a discharge of a firearm not involving a human being the findings and recommendations of the Internal Investigation Section should be submitted to the Advisory Committee for review. Where the firearm is discharged against another human being, the findings and recommendations, should be submitted to the Complaint Investigation Committee for review and its action pursuant to previous
recommendations in this report. All Firearms Discharge Reports are to be reviewed by the Advisory Committee for the purpose of recommending to the Chief of Police the need for new procedures in disciplinary process, training programs, expansion of existing programs to foster good police-community relations; and any other changes needed to improve police performance.

The Committee also recommends refresher courses in defensive tactics and the use of non-lethal weapons. Officers should be encouraged to foster and maintain defensive tactic skills through regular practice and the Rochester Fire Police Training Academy should contain gymnastic equipment conducive to keeping officers physically fit and for their practice of defensive techniques.

Chapter III

The Chief of Police should establish a committee representing all levels of police personnel to examine the number of patrol cars dispatched for assistance, the time, place and types of situation where uncalled police cars also are responding. Such a survey should include monitoring of such scenes, and thereafter guidelines should be established for the number of cars to be dispatched to specific types of calls, and rules and regulations adopted controlling the response of police cars to the scene. Also, a training program should be developed for both dispatchers and police personnel to provide the basic data and rationale supporting the policy. After implementation, monitoring of the dispatching policies should take place for several months in order to make any revisions.

There should be developed by the Rochester Police Department an in-service first aid training program and all police officers should be required to receive certification in first aid at least once every three
years. In addition, all patrol cars should carry basic first aid equipment, a blanket and flares.

Chapter IV

The Committee recommends that the procedures used for the selection of persons to become police officers be reviewed periodically to keep in tune with the changing conditions of present day society and current needs of police work. This review should cover the basic educational minimum requirement and the relationship between psychological screening and background investigations. The acquisition of data to give validity to psychological techniques predicting future performance of police officers should be encouraged.

The present classification of police recruits as "recruit officers", should be changed, and a different title given to recruits since "recruit officer" suggests to them that they are not still in training. Also, individuals hired by the Rochester Police Department should not be sworn in as police officers until they have successfully completed the basic course at the Criminal Justice Education and Training Center. The training of the recruits should include at least five two hour sessions with community leaders within and without the training center. Following this, their probationary period should commence.

There should be a requirement that all probationary officers spend four to six weeks beyond formal recruit training in specially selected neighborhoods under the direction of qualified field training officers and community leaders and citizens of these neighborhoods.

The Committee recommends that the probationary period should commence upon certification by the Criminal Justice Education and Training Center.
and after the recruit has been sworn. The probationary period should be at least 26 weeks and could be extended to 38 weeks, if the additional time is necessary for continued training. Throughout the probationary period an evaluation process should be developed to gauge the performance level of those in the probationary status.

The Rochester Police Department should take immediate action in planning the development and implementation of a performance evaluation system. Once the system is developed, it should be used to conduct periodic and regular performance evaluations at least once a year. Performance evaluation should be consistent with determining suitability for promotion, job assignments, salary increases and remaining employed.

A clear definition of promotion should be made and an outline of specific jobs should be prepared specifying what the requirements for each are in terms of education, skills, ability, knowledge and work experience. Each police officer should be evaluated as to his potential to perform at the next higher level, and specific data concerning each officer's job performance should support the periodic evaluation for promotions. In the process of selecting officers for promotion, the Rochester Police Department should use job analysis and other criteria. Assessment of past performance, on the job and in individualized training and development programs, demonstrated initiative in self development as well as oral interview and job related mental aptitude tests should be among the selection devices for personnel to be promoted. The Rochester Police Department should implement Section 52-2 of the Civil Service Law which among other factors, lists previous training and experience as well as performance ratings to be considered in promotions.
The Committee also recommends in-service training for officers with a minimum of 40 hours a year, that such training should precede assignment to any specialized function, that the educational incentive in the contract agreement relative to obtaining criminal justice education be implemented, that the first year of employment should include coached field training for at least four months, that such field assignments be rotated, and documented as to employee performance. Additional training at the training academy for at least two weeks should be provided six months after the basic training has been completed and again after the first year's employment in the field.

Chapter V

The Advisory Board of the Family Crisis Intervention Program should review the present relationship between the FACIT Support Teams and the area social agencies with a view to the expansion of social services to the Support Team. So that assistance of a particular social service agency or its personnel may be secured after normal working hours, a telephone hot line should be established.

The Rochester Police Department should institute a referral follow-up procedure in order to assess the success of the FACIT referral process, and should also monitor the personnel needs of the FACIT Support Team and increase its personnel if necessary. The Rochester City Council should immediately initiate steps to provide financial support of the FACIT Support Team staff as well as for the continuation of FACIT training. Other recommendations are that the Rochester Police Department request ecumenical and interfaith clergy associations to cooperate in establishing a clergy "hot line" for FACIT referrals; and clergy who volunteer to participate in the
program's referral procedure be provided with FACIT training. The FACIT Program should be advertised to make the public aware of its operation, goals and benefits.

Chapter VI

The Committee basically found no fault in the expressed intentions of the Affirmative Action Plan of the Rochester Police Department. However, it recommends that the City of Rochester press for changes in the Civil Service Law to the end that promotion be based not only on written tests but on employee evaluation reports and an oral review board, and also a modification of the Civil Service Law to permit a nationwide recruitment program. A recruitment section should be established by the Rochester Police Department, staffed by both majority and minority officers. This section should cause visits to be made to college campuses, and by involvement in local high school programs, boys clubs, stimulate interest in the city's youth toward a police career; solicit help of the local media for publicizing its goals; and work closely with leaders of the minority community in attracting minority applicants. An in-service training program on an on-going basis should be instituted to provide police officers with greater understanding of the mores of minority communities.

The Committee recommends also that a thorough study be carried out by the City Council to look into the possibility of requiring all of its new employees after July 1, 1977 to be city residents within six months from the date they are hired and maintain such residence during their employment. The present hiring practice of the Rochester Police Department in certifying first for employment those candidates who have been residents of the City of Rochester for at least four months should continue.
Chapter VII

The Committee recommends the creation of a public information section directly under the Chief of Police, which section would have the responsibility of keeping the public informed concerning police activities, rules and regulations of general interest and other matters affecting the public or their need to know. Also, this section should perform the internal function of keeping the police officers informed of latest changes of rules, regulations, and allied matters dealing with their duties, functions, and training.

Chapter VIII

The Committee recommends that a police legal unit be established within the Rochester Police Department, headed by an attorney duly licensed to practice in the State of New York, with additional staff police or civilian, if or as needed. Such a unit and its attorney would serve a myriad of functions including providing officers with information on new legislation, court decisions and interpretations, planning training programs on facts/evidence required for affidavits, filing information, applications for search warrants, updating departmental rules and regulations, to mention but a few.

Chapter IX

The Committee recommends that the Rochester Police Department should re-evaluate its goals and objectives following which it should clearly enunciate in writing its policy statements toward obtaining such goals and objectives. Further, the existing rules, regulations, and procedures should be combed to remove what is obsolete or outmoded and be revised and updated to reflect present performance standards.
CHAPTER ONE

The Policies and Procedures in Dealing with Allegations of Misconduct on the Part of Police Officers

Introduction

Police activities are complex and diverse, ranging from giving emergency aid to the injured to criminal investigation and arrest of suspects. While police authority and behavior is circumscribed by statutes and case law, police still retain a great deal of discretion in their operations. The Rochester Police Department, as other police agencies, has established policies to guide the exercise of discretion of individual police officers and has developed internal procedures providing controls for assuring compliance. This, and subsequent chapters of the report address both the policies and procedures of the Rochester Police Department in maintaining internal control over the conduct of individual police officers.

Currently, an Internal Investigation Section, located in the Internal Affairs Division of the Administrative Bureau of the Rochester Police Department, is responsible for investigating complaints against police officers. These complaints, which may be initiated either internally by police officers or by citizens, generally involve situations in which an officer's behavior is considered either illegal or improper. Police personnel of the Internal Investigation Section investigate the complaint and make recommendations as to any disciplinary action. The investigation and recommendations are reviewed by the commanding officers of the Internal Affairs Division and the Administrative Bureau and are sent to the Chief of
Police, who, under law, is responsible for deciding whether or not official charges will be placed against the police officer for purposes of removal or other disciplinary action.

The Rochester Police Department's system of handling complaints is typical of that found in other police agencies. The system is completely internal—the only participants in the investigation of complaints and in the process leading up to a final decision by the Chief of Police are police personnel.

Although a complaint investigation process which is completely internal may be a fair process, conducted in a fair manner, the Committee believes that such a process may not hold credibility with the public because the public does not perceive it as being fair. The exclusion of the public from the complaint investigation process may be perceived by a segment of the public as evidence that the process is less than fair to a complainant and that the police fear that public participation will reveal that fact.

In a democratic society, effective policing requires citizen cooperation and support. It is the opinion of the Committee that the process for investigating citizen complaints of police behavior can only inspire the necessary public confidence and cooperation if representatives of the public are involved in the process.

The Civil Service Law of the State of New York places the final authority for disciplinary action against employees in the hands of the public official who has the power to hire and fire the employee. In the case of police officers, this official is the Chief of Police. In the past, attempts have been made to involve the public in the complaint process after
the decision by the Chief of Police, in the form of a review process. There were two main drawbacks to this procedure: (1) the review board really had no authority to reverse the decision made by the Chief of Police, and (2) the citizen's involvement was after the decision had been made.

The Committee is of the opinion that the best complaint investigation process should involve a citizen in the process at a very early stage so that he can have the opportunity for real and meaningful input into the system. The Committee, however, also is cognizant of the fact that the process must still include police personnel who have a good understanding of the police function in the community. Furthermore, in order for a complaint process to have credibility in the eyes of those most intimately affected by it — the police officers — the Committee believes that the process must remain basically an internal one.

In order to reconcile these factors, it was concluded that a Complaint Investigation Committee, with both citizen and police representation, should be recommended. This committee would review the investigations carried out in serious complaints and make recommendations to the Chief of Police. In the event that the committee could not reach unanimous agreement on any particular complaint, any member of the committee could submit to the Chief of Police a "minority report" setting forth his recommendation and his basis for it. In addition, and perhaps of even greater importance, any member of the committee would have the right to send the matter back to the investigator for further investigation, if the member felt that the investigation was lacking in any way.

This procedure involves the citizen before the fact, not after
the fact. Instead of having citizens reviewing the process and criticizing the decision after it has been made, the recommended procedure brings the citizen into the process at a very early stage, at a point where he can have input prior to decision and can actually participate in working toward a fair and just disposition of the complaint.

The Committee feels strongly that the implementation of this and other recommended changes in the procedure, as discussed below, will not only be of advantage to the public, but should assist the police, as well. The citizens' participation in the process should give greater credibility to the decisions made by the Chief. Thus, if he decided in favor of exoneration of an officer, the public will be more likely to conclude that the complaint was, in fact, unjustified. In addition, it is hoped that the public involvement in the complaint process will help to give those citizens participating in the process a much better and deeper knowledge and appreciation of a police officer's job and the problems he faces in trying to carry out his duties.

Before discussing specific recommendations, the Committee would like to point out the Ombudsman system -- and its applicability to the complaint investigation process -- was reviewed in depth. At least three states and fifteen major cities in the United States have created Ombudsman offices. Two major responsibilities common to the Ombudsman are providing citizen requests for information about government and receiving and investigating citizen complaints against government. Procedures among jurisdictions vary widely in responding to citizen complaints: in some, citizens must exhaust the normal complaint process before the Ombudsman can intervene and conduct an independent review; in others, the Ombudsman acts as facilitator, motivating
agencies to conduct investigations themselves; and in others, the Ombudsman initiates an investigation autonomously, independently collecting facts and reaching conclusions. In all instances, the authority of the Ombudsman is limited to making recommendations for appropriate action to be taken.

While the independent Ombudsman office appears to be an effective mechanism for resolving citizen complaints, its appropriate jurisdiction is at the city or county level with responsibilities related to all governmental agencies in that jurisdiction, not just one agency such as the police. Since the Committee's scope of study, as mandated by the Mayor, is limited to the Rochester Police Department, the Committee takes no position on the desirability of an Ombudsman office on either the city or county governmental level. The Committee does emphasize, however, that whether or not an Ombudsman office was established, the Rochester Police Department would still be involved in the complaint investigation process, and the Committee's recommendations are addressed to improving the process.

Reorganization and Creation of New Components in the Internal Investigation Process

The Internal Investigation Section of the Rochester Police Department has responsibility for receiving and processing internal and citizen complaints against police officers, investigating incidents where civil claims may result (such as accidents involving police vehicles), conducting background investigations on potential Department employees, and maintaining files of police reports on use of force and use of firearms.

Currently, the staff of the Internal Investigation Section investigates complaints against police officers and makes recommendations as to the
disposition of the complaint. Complaint dispositions are classified in the following manner:

1. **Sustained:** the investigation discloses that the act complained of did occur and does amount to misconduct.

2. **Not Sustained:** the investigation discloses insufficient evidence to prove or disprove clearly the allegation made.

3. **Exonerated:** the investigation indicates the act occurred but that it was justified, lawful, and proper.

4. **Unfounded:** the investigation indicates that the act complained of did not occur.

The 1975 annual report of the Internal Investigation Section lists 226 citizens' complaints against police officers and shows the following dispositions: 31 sustained; 80 not sustained; 75 exonerated; and 40 unfounded.

The present procedure for reviewing the investigation of complaints against police and recommendations concerning the case disposition is structured for a case-by-case review by members of the chain-of-command. A case is reviewed by the commanding officer (a Captain), of the Internal Investigation Section then the Major of the Internal Affairs Division and then the Deputy Chief of the Administrative Bureau before it is sent to the Chief of Police, who has the final authority for commencing disciplinary action.

In the opinion of the Committee, the present procedure for review is inadequate in that: (1) it is done on a case-to-case basis which does not give the reviewers an over-all picture of the problem which might lead to recommendations for desirable planned change; (2) those officers who could give additional valuable input in terms of recommendations and planning programs to institute them (commanding officers of the Community Services
Section, the Research and Evaluation Section, and the Training Section) have no access to the records and no review responsibilities; and (3) unless a complaint is involved, there is no procedure for reviewing the police reports on use of firearms or use of force.

In terms of the locus within the Department of complaint investigation, the Committee points out that ultimate accountability for proper police performance rests with the Chief of Police. It is his responsibility to monitor the adherence of police personnel to Departmental rules, regulations and procedures. The unique nature and importance of the Internal Investigation Section indicates that the Chief of Police should have direct responsibility for supervising its function. Public respect and confidence in the Police Department can be enhanced if community members know that the section investigating their grievances is not 'several layers down' in the bureaucratic structure but that the Chief of Police, himself, recognizes its value to the Department by placing it directly under his supervision and control. Precedent has already been set for placing other sensitive functions, such as community relations, directly under the Chief of Police.

Finally, and most importantly, the Committee stresses that the integrity of a police department depends on the constant monitoring of police performance by administrative personnel. One way of monitoring this performance is through soliciting citizens' criticisms and grievances and making thorough, objective, and fair investigations when they are received.

Self-regulation is to be desired; however, even though procedures and decisions may meet high standards of objectivity, if they do not instill public confidence and give the unqualified appearance of fairness to the community, it is time to include non-police representatives in the internal
disciplinary process.

The introduction to this Chapter discussed the Committee's firm belief that citizen participation should be built into the complaint investigation process. The following recommendations address both citizen involvement and restructuring of the complaint review process.

Recommendation

1.1 Immediate steps should be taken to place the Internal Investigation Section directly under the Chief of Police in the organizational structure of the Rochester Police Department.

1.2 Immediate steps should be taken to establish an Advisory Committee, consisting of the commanding officer of the Administrative Bureau as Chairman and additionally including the commanding officers of the Research and Evaluation Section, the Training Section, and the Community Services Section. This four-member committee should meet regularly, at least on a bi-monthly basis, and will be responsible for an over-all review of:

   a. all investigations of internal and citizen complaints against police officers,

   b. all use of force and use of firearms reports filed by police officers, and

   c. all accident reports involving police vehicles.

1.3 The purpose of the review by the Advisory Committee will be to obtain an informed perspective on the above named incidents and to make recommendations to the Chief of Police regarding:

   a. the need for changing or instituting new procedures in the disciplinary process;

   b. the need for training programs for police personnel as a whole, in part, or for particular officers;

   c. the need to institute new or improve existing programs designed to foster good police - community relations;

   d. such other changes as may be appropriate to improve police performance.

1.4 Immediate steps should be taken to establish a Complaint Investigation
Committee, consisting of a private citizen from the Rochester community, selected on a rotating basis; one member of the Advisory Committee, selected on a rotating basis; and the accused officer's commanding officer.

1.5 It is recommended that the local office of Community Dispute Services, of the American Arbitration Association, be asked to establish, coordinate the training, and administer a panel of citizen volunteers from the Rochester community who, on a rotating basis, would be assigned to the Complaint Investigation Committee. Training of panel members will include familiarization with relevant state and local laws, Departmental rules and regulations, and fact-finding methods and procedures.

1.6 The Complaint Investigation Committee will be formed and hold session whenever an investigation is undertaken of a citizen complaint against a police officer where such complaint, if it could be proven, would constitute a misdemeanor or a felony. The commanding officer of the Internal Investigation Section will be responsible for notifying the Chairman of the Advisory Committee when such a complaint is under investigation. The Chairman, in turn, will be responsible for activating the Complaint Investigation Committee by contacting the office of Community Dispute Services to arrange for a citizen's participation from the panel and also will arrange for a member of the Advisory Committee and the accused officer's commanding officer to be present, and will schedule the session.

1.7 The three-member Complaint Investigation Committee will convene and hold session to review one or more cases as available, on a case-by-case basis, with no more than three cases being reviewed at any given session. The functions and responsibilities of the Complaint Investigation Committee will be to:

a. receive completed investigation from the Commanding Officer of the Internal Investigation Section on all cases where a citizen complaint against a police officer would, if it could be proven, constitute a misdemeanor or a felony;

b. review the fairness, thoroughness, completeness, and promptness of the submitted reports in order to discover failures in the investigation;

c. return to the commanding officer of the Internal Investigation Section for further investigation any case which any member

1Robert J. Coyne, President of the Rochester Police Locust Club and a member of the Committee objected strongly to this recommendation on the grounds that there is neither basis nor need to inserting a civilian in the Internal Investigation process; that a civilian in this process, not knowing police procedures, laws, and evidence, would only cloud and slow down procedures in a very sensitive area.
of the committee feels is deficient, giving reasons therefor;

d. review acceptably completed investigation to determine whether
or not further proceedings leading to disciplinary action are
warranted; and

e. vote, as a group, on proposed recommendations and transmit the
outcome of that vote to the Chief of Police, with majority and
minority statements if applicable, for his deliberation in
making his final decision as to the disposition of the case and
whether or not disciplinary proceedings will be commenced.

Disciplinary Hearings

Section 75 of the Civil Service Law of the State of New York provides

that:

"no persons holding a position by permanent appointment in the
competitive class of the classified civil service" may be
"removed or otherwise subjected to any disciplinary penalty ... except for incompetency or misconduct shown after a hearing
upon stated charges ..."

The same section, in discussing requirements for the hearing, says:

"The hearing upon such charges shall be held by the officer or
body having the power to remove the person against whom such
charges are preferred, or by a deputy or other person designated
by such officer or body in writing for that purpose. In case a
deputy or other person is so designated, he shall, for the
purpose of such hearing, be vested with all the powers of such
officer or body and shall make a record of such hearing which
shall, with his recommendations, be referred to such officer or
body for review and decision." (Emphasis added)

The contract between the City of Rochester and the Rochester Police
Locust Club, Inc. mandates that disciplinary proceedings against members
be in accord with Section 75 of the New York State Civil Service Law.

The present practice in the Rochester Police Department is for
the Chief of Police, after reviewing the investigation and recommendations
submitted to him, to make the decision whether or not official charges
should be filed. He then designates a high-ranking police officer, who
is his subordinate, as hearing officer. After the hearing, that officer
submits a record of the proceedings and his recommendation to the Chief who has decision-making responsibility.

Since the law does not preclude the Chief of Police from naming an individual not connected with the Department or with city government as a hearing officer, it would seem that for credibility of the process in the eyes of the community and in fairness to the accused officer, a non-involved citizen should be selected.

The City Charter, also, does not preclude the appointment of a civilian or civilians to serve as hearing officer/officers. Section 9A-7 of Article VIII A states:

"The hearing may be held by the Chief or by a person or persons designated by him who, in the opinion of the Chief, is qualified to hold hearings by virtue of his education, experience, and training."

Recommendation

1.8 In those cases where official charges are placed against police officers for the purpose of removal or other disciplinary action, it is recommended that the Chief of Police designate an individual not connected with the Department nor employed by the City of Rochester.

Notification to Complainants of Disposition of Complaints

When the disposition of a citizen complaint has been determined, it is the general practice for the Chief of Police to send a letter to the complainant notifying him of the disposition of the case and encouraging him, if he is dissatisfied with the result, to make an appointment to talk with the investigator from the Internal Investigation Section who handled the case.
While the Department's integrity in providing viable procedures for fair, objective, and impartial processing for citizens' complaints against police officers should be such as to inspire public confidence, further recourse to sources outside the police agency are always available to the dissatisfied complainant. In the opinion of the Committee, those resources deemed applicable to the particular complaint processed should be made known to the complainant at the time he or she is notified of the Department's disposition.

This notification to the complainant regarding resources outside of the police agency should be in addition to the present practice of encouraging the dissatisfied complainant to call for an appointment to personally discuss the outcome of the investigation. In some cities, the police agency institutes this contact rather than using a form letter because it is felt that greater understanding for the decision can be obtained through personally reviewing the investigation and reasons for the disposition with the complainant. A combination of the two methods of communication would seem desirable; however, it should be the responsibility of the commanding officer of the Internal Investigation Section to discuss the complaint at its conclusion, if it is to be discussed, with the complainant rather than delegating this to an investigator.

Recommendation

1.9 Following the decision of the Chief of Police regarding the disposition of a case involving a citizen's complaint against a police officer, the complainant should be notified, in a letter signed by the Chief, of the disposition of the case, and given the name and telephone number of the commanding officer to contact, if dissatisfied with the results, who will personally review the case with the complainant.
The letter should inform the complainant of the specific outside agencies also available to review the citizen’s complaint should the complainant be dissatisfied with the conclusions reached by the Department through its internal investigative process.

**Clarifying Complaint Investigation Responsibility**

Present rules and regulations of the Rochester Police Department (General Order 73-14) specify that the commanding officer of the Internal Investigation Section or his designee will: "A. 1. Investigate all allegations of: (a) the use of excessive force, (b) violations of civil rights, (c) complaints of misconduct." The same order also specifies that "A. 3. Upon receipt of an alleged violation (the Internal Investigation Section shall) (a) conduct an independent investigation of the complaint or, (b) refer it to the accused person's commanding officer for investigation .."

Although the commanding officer of the Internal Investigation Section has the authority to delegate investigative responsibilities regarding complaints to other officers in the Department, in practice, responsibility usually is assumed for conducting the investigation of citizens' complaints of a serious nature, including any complaints alleging the use of excessive force by police officers. Minor complaints, however, such as disputes over parking tickets or towed vehicles, generally are referred to the accused officer's commanding officer for investigation.

Given the fact that Internal Investigation Section investigators are experienced, trained officers supervised by a commanding officer knowledgeable in this sensitive area of police work, the present general practice of retaining and referring complaints according to type and seriousness should be continued, but this practice needs to be clearly stated as a mandated police procedure.
In the opinion of the Committee, the wording of the present General Order regarding the duties and responsibilities of the Internal Investigation Section is vague and subject to different interpretations. As indicated in the recommendations, the Committee believes that responsibility for all investigations and review of police conduct should be clearly specified in the Department’s rules and regulations and vested with the Internal Investigation Section. The Committee also recommends that when an investigation uncovers evidence that a criminal matter is involved, the matter also should be immediately brought to the attention of the District Attorney.

The Committee notes that generalized categories are now used for classifying complaints—such as improper procedure, improper action, improper language, delayed response, and misconduct. These categories are further broken down into law violations, unnecessary force, assault by officer, false arrest, and missing property. In the opinion of the Committee, these categories are much too general and do not provide any information on the specific type of alleged behavior or its severity. If information on complaints against police is to be meaningful either to the public or to administrative decision makers within the Department, a uniform classification system indicating the type and severity of the alleged behavior complained about must be adopted.

Recommendation

1.10 The Commanding Officer of the Internal Investigation Section should develop a new system for the proper classification of complaints against police personnel. It is recommended that the alleged behaviors be classified in accord with definitions as written in the Penal Law or, where the alleged behavior involves a violation of Departmental rules, the specific section and offense be cited.
1.11 The Departmental rules should clearly vest responsibility for complaint investigation, review of use of force, use of firearms reports, and investigations involving civil actions and police vehicle accidents with the Internal Investigation Section. The rules should clearly delineate what specific types of complaints against police personnel must be investigated by the Internal Investigation Section and specify the types of complaints which could be referred elsewhere for investigation. In the event a complaint was referred elsewhere, the Internal Investigation Section should be made responsible for monitoring and coordinating the investigation and should retain overall responsibility for the matter.

1.12 The Internal Investigation Section should conduct all investigation of complaints against police personnel which would fall within the category of a violation, misdemeanor, or felony, if proven.

1.13 The Internal Investigation Section should not make any recommendations as to disciplinary action in those cases to be reviewed by the Complaint Investigation Committee.

1.14 Should the Commanding Officer of the Internal Investigation Section need additional officers to facilitate the handling of serious cases or to process the workload in a timely fashion, it should be his responsibility to request from the Chief of Police the assignment of additional officers to work on a temporary basis under his direction and control.

1.15 A Departmental order should be issued instructing Internal Investigation Section personnel that, if during the investigation of a complaint the assigned officer believes that there is sufficient evidence for criminal prosecution, he must notify the commanding officer of the Internal Investigation Section immediately. The commanding officer must notify the Chief of Police who is responsible for referring the matter to the District Attorney. The Internal Investigation Section will continue the investigation, however, to gather additional evidence which might lead to intra-departmental disciplinary action, whether the act is a violation of law or of Departmental rules or regulations.

Public Information on the Complaint Process

The Reception and Investigation of Citizens' Complaints

The effectiveness of a police complaint procedure is dependent not only upon the fairness of that procedure but on the public's perception of the procedure as being fair or unfair. The private citizen who is
asked to place his faith in that procedure must know that the effort he invests in lodging his complaint and the inconvenience he may experience in following through with his complaint is well worth it because his complaint will be thoroughly investigated, carefully reviewed and justly determined.

The Committee reviewed the present complaint procedure of the Rochester Police Department and found a number of areas in which improvements could be made and should be made in order to not only improve the system itself, but also to improve the public perception of the system and, hopefully, thereby improve its effectiveness.

There appears to be no substantial effort on the part of the Rochester Police Department to make the public aware of the existence and purpose of the Internal Investigation Section, much less to inform and educate the public as to the procedure to be followed by a citizen in lodging a complaint with the Internal Investigation Section. The "secrecy" thus created regarding the Internal Investigation Section, coupled with the fact that it is a completely internal complaint investigation system, helps to create the impression in the minds of many citizens that the police discourage complaints against its officers.

The Committee concluded that the Rochester Police Department should immediately take steps to dispel this impression.

Recommendation

1.16 A brochure should be developed and distributed widely throughout the City of Rochester to create public awareness and understanding of the Department's civilian complaint process. This brochure, in easily read and understood language, with both English and Spanish versions, should include, at a minimum, the following information:
a. That the Department welcomes and encourages valid citizen complaints and commendations as a means of monitoring and improving police performance and police - community relations;

b. How and where to file a complaint or commendation;

c. The information required for the report;

d. The responsibility of the complainant in terms of being available at home or at the Internal Investigation Section office to be interviewed;

e. How and by whom complaints are investigated;

f. What kinds of decisions are possible and their effects;

g. How and by whom the final decision is made;

h. How, when and by whom the complainant will be notified of the decision;

i. What recourse the complainant has if dissatisfied with the decision; and

j. A carefully worded statement describing criminal liability under 210.45 of the Penal Law to which an individual could subject himself were he to file a complaint containing statements he knew or believed were false.

A Complaint/Commendation Form

The present complaint form in use by the Rochester Police Department is designed to be completed by police personnel using information supplied by the complainant in a personal interview. In fact, the complaint forms are to be completed only by officers assigned to the Internal Investigation Section unless that office is closed, in which case an officer of the rank of sergeant or above may complete the form.

This requirement tends to be intimidating to a complainant. The Committee concluded that the danger of this intimidation could be substantially reduced by the design and implementation of a new form, designed to
be completed by the complainant, himself, and then submitted to the Internal Investigation Section, perhaps through the citizen's District Commanding Officer, by mail, etc.

The research conducted by the Committee also revealed that the present procedure followed by the Department fails to provide a vehicle for the public to express its satisfaction with the performance of an officer. Although it is extremely important to provide an effective means for expression of public criticism of police activity, the Committee concluded that the Department also should provide the public with the means to express positive feelings toward police personnel. Just as police personnel who have erred or overstepped their bounds should be required to answer for their misdeeds, so officers who have improved police - community relations by their outstanding efforts should be recognized in a positive way as well.

Recommendation

1.17 A report form should be designed and implemented for use by citizens wishing to complain against police personnel or wishing to commend police personnel. The report form should be prepared to be easily read, understood and completed, have both English and Spanish versions and should contain at least the following information:

a. A statement showing that the Rochester Police Department encourages and welcomes citizens' complaints and assurance that all complaints will be thoroughly investigated;

b. Space for the complainant's name, address, telephone number and business telephone number if he can be contacted at work;

c. If complainant has no telephone, telephone of a person through whom complainant can be contacted;

d. Date, time and location of occurrence;
e. Details of the complaint;

f. Identification of all police personnel against whom the complaint is being made (name/names if known, description by sex and approximate age, height, and weight, etc.);

g. Civilian and/or police witnesses (names, addresses and telephone numbers, if known);

h. A carefully worded statement that, while the Department encourages citizens to file legitimate grievances, they should do so in good faith because should it be found that the person making a complaint has made statements which he or she knew or believed to be false, that the Department could institute criminal proceedings against that person under Section 210.45 of the Penal Law of the State of New York;

i. Signature of complainant and date of signature.

1.18 That the commendation side of the form should contain at least the following information:

a. Space for the citizen’s name, address and telephone number;

b. Date, time and location of incident(s) prompting the commendation;

c. Details of the incident(s) prompting the commendation;

d. Names, addresses, telephone numbers of any witnesses;

e. Signature of citizen and date of signature.

1.19 Complaint/Commendation Forms should be made freely available and accessible to the public, including making them available at each of the Department’s Districts.

Physical Location of Internal Investigation Section

The present procedure normally followed by the Internal Investigation Section requires the complainant to personally visit the Internal Investigation Section officer to either file his complaint or participate in further investigation, or both.

The officers of the Internal Investigation Section presently are
located on the third floor of the Public Safety Building behind a closed
door upon which is posted a sign reading:

Private
Police Personnel Only
Internal Investigation Section
Room 382

Not only must a complainant travel into the offending officer's
own "turf", in which he will be surrounded by uniformed colleagues of the
offending officer, but he also must summon up courage to disregard the
"No Trespassing" sign leading to the Internal Investigation Section before
he has even had a chance to relate his complaint.

Since citizens' complaints against police officers can provide
valuable information to a police administrator in terms of discovering
and correcting situations adversely affecting good police-community
relations, it is clearly within the best interests of the Department to
encourage citizens who have grievances to come forth so that an investigation
can be made and appropriate action taken.

The present location and signage would appear to discourage all but
the most persistent complainant from pursuing his complaint or, at the
least, give him a sense of uncertainty, insecurity, and unwelcomeness.
Further, once having located the Internal Investigation Section, there is
no indication to the complainant, where he is to go. He may not see any
employee nor may he be seen since the offices open off a long, narrow
corridor where there are no signs.

There is no room large enough for investigators to work together.
The present offices are small and not conducive to interchange of information
between officers nor to in-service training for newly assigned investigators.
Recommendation

1.20 The Department should seriously pursue the possibility of relocating the Internal Investigation Section office to a site outside the Public Safety Building. If such relocation cannot be effected immediately, the Internal Investigation Section office should be moved to a location within the Public Safety Building where it will be more visible and accessible to the public and where more adequate space with a better structured layout, can be arranged consistent with the purpose and function of the unit.

1.21 There should be clear and adequate signs posted throughout the building directing the public to the Internal Investigation Section office.

The Selection, Training and Rotation of Internal Investigation Section Investigators

The Internal Investigation Section has responsibility for receiving and processing complaints (internal and external) against police officers, making reports, record keeping, investigating incidents where civil claims may result and conducting background investigations of potential department employees.

During 1976, the Rochester Police Department established new procedures for the selection of the Department's investigators from the body of police officers interested in investigator positions. The Department is to be commended for the intensive process of testing devised, and, because of the nature of the work, officers assigned to the Internal Investigation Section should be selected from this group of officers found qualified to serve as investigators.

Because of the diverse and sensitive nature of the Section's mission, it is essential that investigators assigned be provided with special training aimed at promoting the unique skills required. They need to be knowledgeable in Departmental rules, regulations, and procedures.
and with applicable sections of the Civil Service Law, the contract between the City and the Police Locust Club, Inc., and civil law. New and different investigative techniques must be learned because investigators are given greater latitude in investigating complaints against police officers aimed at administrative hearings than they are in criminal investigations. Expertise in human relations is essential since the Internal Investigation Section investigator must respond with heightened sensitivity to the concerns of both the public and the police.

The Internal Investigation Section consists of only five (5) investigators. In the future, if Committee recommendations are implemented, new investigators will be assigned on a staggered rotating basis. It would, therefore, be impossible to provide classroom training within the Department. Regional training programs should be encouraged, however, and all-encompassing written guidelines for investigators can be developed, and new officers can be carefully instructed by an experienced investigator and closely supervised by the commanding officer of the Section.

There is no doubt that the Internal Investigation Section must command the respect and trust of police personnel as well as the community. Otherwise, it cannot hope to be accepted for its valid role within the Department and the community. Although such a role is manifestly important, in general, an assignment to the Internal Investigation Section is not considered a desirable one. Police officers resist such assignments, no doubt in part, because they see themselves as becoming alienated from their brother officers.

There is also a tendency for police officers not only to be on the
defensive when complaints are made against them but, because they do not generally come in contact with the Internal Investigation Section they know little of what goes on behind the closed doors or what kinds of confidential records are kept, and, thus, they cannot help but fear the consequences should a complaint be made against them.

The investigators in the Internal Investigation Section should be rotated for the following reasons: it would make assignment to that Section more popular since it would be limited in time; it would increase the number of officers given insight into the disciplinary process, thereby strengthening their own discipline, and decreasing their fear of the Section, and, finally, it would result in the development of a corps of trained, experienced officers, who could be called upon to help later, on a temporary basis, in the event an unexpected workload or special investigation developed.

Recommendation

1.22 Henceforth, Internal Investigation Section investigators should be selected from officers who have qualified as investigators within the Department and according to the new qualifications for investigators.

1.23 Internal Investigation Section investigators should be afforded specialized in-service training whenever practicable and, at the minimum, be provided with written material related to their responsibilities. In addition, the new investigators should work with an experienced Internal Investigation Section investigator, and under close supervision of the commanding officer, for a reasonable period of time.

1.24 Sworn personnel should be assigned to the Internal Investigations Section for a maximum of eighteen (18) months. In order to provide continuity and stability, a plan should be devised to do this on a staggered basis during the first few years.

Record Keeping Within the Internal Investigation Section

Presently the Internal Investigation Section of the Rochester
Police Department maintains a Complaint Register (pursuant to General Order 73-14) wherein complaints against police personnel are recorded. "Precautionary Reports", reports filed by police officers whenever they are involved in situations where there has been any "use of force", or the use of firearms also are recorded in the Register.

The Committee's investigation of the Complaint Register would make it appear that its only use is to: (1) make sure that complaints are recorded by giving each a number as it is received thus eliminating the chance that a complaint could be 'lost' and (2) provide a limited amount of material for compiling annual statistics. The headings under which information is contained in the Complaint Register are: name, address and telephone number of the complainant, date complaint is received, allegation or complaint, the investigating officer's name, the date assigned for investigation, the date investigation is completed, the date accused officer is notified, the date complainant is notified, the disposition and the case number.

The Complaint Register could be of vital importance to police administration over and beyond its present function if it were set up to include space for more information than presently gathered. An augmented and adequately maintained Complaint Register could show (geographically and on what shifts) problems exist, types and seriousness of complaints, whether individual officers' names appear frequently, the charge lodged by the officer if an arrest is made, numbers and types of precautionary reports filed where no complaints were made, number and types of other investigations made by the Internal Investigation Section personnel, time delay in completing investigations, etc.
The Complaint Register could then become an important resource in administrative decision making in such areas as revision of rules, regulations and procedures; it could be used for dissemination of information to officers, as an indicator of need for specific training programs or changes in assignments and as a guideline for instituting or improving existing police - community relations programs.

Recommendation

1.25 The Complaint Register should be revised to include, in addition to all complaints coming to the attention of the Internal Investigation Section from the community or from within the Department, a record of all precautionary reports filed by officers on use of force and use of firearms by police personnel.

1.26 Complaints and precautionary reports should be recorded in the Complaint Register as they are received, with appropriate entries made during the course of the investigation and upon final disposition.

1.27 The Complaint Register should be set up to include space for the following information:

a. Case number;

b. Date complaint or precautionary report received;

c. Manner received (phone, mail, in person, other)

d. Officer receiving complaint;

e. Complainant's name, address and telephone number;

f. Complaint/complaints (to be designated in accord with definitions in the law or sections of Departmental rules, regulations or procedures followed by a brief description);

g. Date, time and place of incident;

h. Arrest of complainant - charge;

i. Civil action filed by complainant;

j. Physical injury or monetary damage sustained by officer;

k. Name, badge number, rank, and assignment of accused officer;
l. Physical injury or monetary damage sustained by officer;
m. Date investigation assigned to Internal Investigation Section investigator;
n. Name of Internal Investigation investigator assigned;
o. Date complaint referred to accused officer's commanding officer for investigation;
p. Name of officer to whom referred;
q. Date investigation completed;
r. Disposition;
s. Date complainant notified;
t. Date accused officer notified;

1.28 Within the Internal Investigation Section, cards should continue to be kept on each individual police officer whereon information related to complaints received against him/her is recorded.

1.29 The commanding officer of the Internal Investigation Section should monitor the record-keeping operation regularly to ensure that all information is recorded in accordance with mandated rules, regulations, and procedures.

Public Accessibility to Information Related to Citizen Complaints

While the confidentiality of the records in the Internal Investigation Section related to the names of citizen complaints and police officers should be maintained, greater public understanding would result from information released by the Department on a regular basis which would show the number and kinds of investigations made regarding citizen complaints and their dispositions.

The public has a right to know how many and what kinds of complaints are made against police officers plus the dispositions. This information would tend to dispell rumors about the Department's internal discipline
process as well as show, in numbers, the scope of complaints received.

**Recommendation**

1.30 A quarterly and annual report should be issued by the Chief of Police and made available to the public through the media giving such information as the number and kinds of citizens' complaints received and investigated and the dispositions of those complaints.
CHAPTER TWO

Firearm's Policy

Introduction

To examine the use of firearms by police officers is, in essence, to address the issue of the use of deadly physical force. As defined under law, deadly physical force means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. A police officer who discharges his firearm in the direction of any person, regardless of intent, must realize that death may result.

Use of deadly physical force is regulated by state law, and New York State's is more stringent than many in limiting the circumstances under which a police officer is justified in using deadly physical force. Basically, the law provides that an officer is justified in using deadly physical force when arresting a person who he reasonably believes has attempted to or has committed a felony offense and who has attempted or threatened to use physical force against a person; when there is reasonable belief that the person has attempted or committed kidnapping, arson, escape first, or burglary first; and where a person has attempted to or committed a felony and, in the course of resisting arrest or attempting to escape from custody, is armed with a firearm or deadly weapon.

The law further provides that a police officer also may use deadly physical force to defend himself or another person when, regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly force is necessary to defend the officer or another person from what the officer reasonably believes to be the use or imminent use of
deadly physical force.

In the vast majority of instances where officers have fired at human beings, and this is true for those reported in Rochester during 1975, they have fired in self-defense or in the defense of another person. Questions arise, however, following a shooting resulting in death when it is later discovered that the person had an unloaded gun, or toy pistol or no weapon, or that considering the weapon and the circumstances involved, the officer could have been expected to use an alternative to deadly force.

In New York State, all cases involving self-defense as a justification are reviewed by a Grand Jury who decides whether the officer, with the facts known or reasonably believed by him at the time of the incident, was justified in using his firearm.

In January, 1975, a black, unarmed teenager was shot in the back by a State Trooper as he ran from the Thruway. The Trooper was cleared by a Grand Jury; it was stated that the officer reasonably believed that the young man was reaching in his pocket for a weapon. This incident caused Governor Carey to ask the New York State Division of Criminal Justice Services to study:

"1. The necessity for the use by the State Police of the .357 magnum; the damage inflicted on the human body by that weapon as compared with more traditional weapons; and the experience of the State Police and other law enforcement agencies with the magnum since its adoption.

2. The training currently provided members of the State Police and other police agencies in the State in regard to the use of deadly force; existing police rules and regulations in regard to the use of such force; and recommendations as to how these training procedures, rules and regulations might be improved to provide the public with greater protection against the unnecessary and unwarranted use of deadly force by police."

-49-
The Division of Criminal Justice Services' report, entitled Police Handguns and Deadly Force, was released in January, 1976. The report points out that some police agencies in the state have no written policy related to the permissible use of deadly force, some adhere strictly to that contained in the Penal Law, and others, like Rochester, provide administrative regulations limiting the officer's authorization to use of his firearm to a narrower scope than allowed under the Penal Law.

In reviewing the report of the Division of Criminal Justice Services, the Committee found that the Rochester Police Department already complies, and in some areas more than complies, with many of the recommendations. For example, in the Rochester Police Department: (1) there are three qualified range instructors; (2) probationary officers are not allowed to carry firearms until they have received adequate training and qualified; (3) recruits receive firearm training far in excess of that mandated by the state; (4) officers do use a reasonable amount of regulation service load ammunition in training sessions; (5) in-service firearms training is conducted on a semi-annual basis, and (6) officers are required to register their off duty weapons.

As addressed in the following recommendations, the Committee feels that there are some areas, however, where new policies should be adopted and present programs expanded, specifically in the areas of training police officers in realistic alternatives to the use of deadly force and in developing adequate reporting and review procedures to insure the thoroughness and fairness of investigations and decisions made following the discharge of an officer's firearm.
Limitations on the Use of Deadly Physical Force by Police Officers

As previously noted, the Rochester Police Department has a written policy governing the use of firearms which limits the officer's use of a firearm to a narrower scope than that allowed by the Penal Law. Specifically, in addition to the restrictions imposed by the Penal Law, the Department prohibits an officer from using or threatening to use a firearm against a human for the purpose of emphasizing or implementing commands. Further, in order to eliminate the possibility of killing innocent persons, an officer is prohibited from firing warning shots.

Several police agencies also prohibit shooting at or from a moving vehicle unless the occupant(s) of that vehicle is using deadly force against the officer or another person. It is the Committee's belief that it should be added to the Rochester Police Department regulations. There is no intent to limiting an officer if he or another is faced with deadly force, but unless this is so, it appears to be an unjustifiable risk for an officer to shoot at or from a vehicle since a ricocheted bullet, a poorly aimed shot, or a vehicle out of control can injure or kill innocent people.

Recommendation

2.1 The following should be added to the Rochester Police Department's rules on "Use of Firearms by Police Personnel:" (General Order 68-15):

Discharge of a firearm from or at a moving vehicle is prohibited unless the occupant(s) of a vehicle is using deadly force against an officer or another person.

Training and Qualification of Police Officers in Use of Firearms

The New York State Municipal Police Training Council requires that
police recruits throughout the state have at least 24 hours of firearms training including the discharge of at least 240 rounds of ammunition. Recommendations of the Division of Criminal Justice Services' Report are that this be increased to 40 hours and 600 rounds of ammunition. Firearms training in the Rochester Police Department exceeds this recommended program—the last group of recruits coming into the Department had 80 hours of firearms instruction and each officer shot 1500 rounds of ammunition. Recruits were carefully tested; a minimum qualifying score of 75% was mandated before appointment.

The Division of Criminal Justice Services' Report also recommends that "In-service firearms training be conducted at least on a semi-annual basis with a minimum of 100 rounds fired at each session" and that "the shooting course should stimulate real conditions, not merely provide stationary bulls-eye targets."

At the present time, Rochester police officers qualify on a time-fire course; the officer shoots within a limited period of time from different positions at targets placed 21', 45', 60', and 75' away. A score of 65% is acceptable. Officers qualify semi-annually, on the indoor range at the Rochester Police-Fire Academy during the winter and on the Greece Department's outdoor range in late summer or fall. The Academy range generally is open 20 hours a week with a qualified firearms instructor on duty. Unlike many other Police Departments, ammunition is available at no cost to officers who want to practice on their own time.
It is not clearly written in any Departmental rule, however, that officers must appear and shoot a qualifying score semi-annually. For the most part, officers do appear and do shoot qualifying scores but for the safety of the public and for the safety of the officer and fellow officers, proof of competency in the use of firearms should be a continuing requirement to employment as a police officer. This needs to be made a part of the Department’s rules and regulations, and disciplinary action should be taken if an officer fails to meet acceptable standards.

Officers who own and carry personal weapons on special assignments or off duty must register them and have them approved by the Department. Since 1974, officers have been required to qualify with the personal firearm prior to approval but there are no mandates for further inspection of that weapon or for continuing qualification.

The Committee points out that in addition to traditional firearms training the Department is now using simulated, life-like situations in both recruit and in-service firearms training. Basically, this involves projecting real life scenes and situations on a screen in front of the officer. Emphasis is on rapid decision making as to shoot or not shoot in situations comparable to those officers may face on duty. To date, reactions from officers regarding this type of training is very favorable.

While only one officer at a time can participate in this type of program, which makes it more time consuming than traditional firearms training, a group of officers waiting can watch and then listen to and discuss with the firing officer his reason for shooting or not shooting, other methods that might have been used in handling the incident, etc.

The Committee feels that the value of this realistic type of firearms
training far outweighs the expense in terms of overtime pay for officers and enthusiastically endorses the purchase of needed equipment so that additional films can be produced, thus providing officers with simulated situations which are new, different, and continually changing.

As outlined in the recommendations below, the Committee strongly endorses the Department's expanding and incorporating into the firearms training program the use of reality-oriented simulated situations; developing qualifying standards for the program in terms of justification for shooting or not shooting; and requiring continuing qualification of all police officers in the firearms program.

**Recommendation**

2.2 The Rochester Police Department should expand and incorporate into the firearms training program for both recruits and in-service officers the use of simulated life-like situations designed to test officers on their judgment of when to fire. This training component will complement and be in addition to the traditional firearms training testing marksmanship and reaction time.

2.3 The Department should develop, test, and establish standards for acceptable performance levels for officers to qualify in the recommended training component involving simulated life-like crisis situations.

2.4 The Department rules and regulations should mandate that every sworn police officer must demonstrate his shooting competency by maintaining a qualifying score, as adopted by the Department as acceptable, in both the traditional and recommended component of firearms training. Officers, using their service revolvers, must exhibit this competency semi-annually on the firing range.

2.5 If an officer fails to qualify in both components after two attempts at each, he should be given the opportunity to take intensive training, under qualified supervision, on his own time.

2.6 If an officer fails to qualify within seven days of his first attempt to qualify, the Commanding Officer of the Training Section should be required to file a formal complaint with the Internal Investigation Unit, citing the officer in violation of the rules and regulations requiring semi-annual qualification.
2.7 The Department rules and regulations should mandate that, in addition to the above recommended rules and regulations, all police officers be required to qualify annually in the traditional test for marksmanship with any other firearm registered and approved by the Department to be carried by the officer while on plainclothes assignment or off duty.

2.8 In order to assure that appropriate facilities are available for the expeditious implementation of the recommended firearms training and qualifications program, the City of Rochester should plan for the construction of an outdoor firing range within the next two years.

Firearms Discharge: Reporting, Investigation, and Review

The Rochester Police Department presently requires a police officer who discharges a firearm in the course of duty to file a special report giving details of the incident. Specifically, General Order 68-15 "Use of Firearms by Police Personnel," which defines "use" as "firing the firearm," states in Section V:

"A. Any officer who discharges a firearm in the course of his duties, other than for training purposes, shall immediately submit, in addition to any other required reports, a special report which will be forwarded without delays through channels to the Office of the Chief of Police. This report will include all details relating to the incident, including the basis for the 'reasonable beliefs' required by this order and by the provisions of the Penal Law. Such reports will be prepared prior to the conclusion of the tour of duty on which the incident occurred, by the officer, or, if he is incapacitated, by his immediate superior."

For 1975, the Internal Investigation records of the Rochester Police Department show eleven incidents in which seventeen officers used firearms and filed the mandated report.

The Committee points out that there are no explicit instructions regarding an officer reporting discharge of his firearm while not on active
duty. Further, it is the Committee's belief that there may be a misunderstanding within the Department as to when it is necessary to file the report -- warning shots may have been fired, guns may have been discharged accidently where no one was injured, and officers may have destroyed animals, etc., but not filed a report since there was no resulting human injury or intent to inflict same.

The Committee also points out that the form utilized to report use of firearms, called the "Precautionary Report," is a multi-purpose form used for reporting any use of force, including use of the mace, handcuffs, etc. Although officers generally submit additional special reports to detail incidents involving use of firearms, there is no standardized report format.

As indicated in the recommendations following, the Committee is of the opinion that the Departmental rules regarding reporting the use of firearms should be designed so as to elicit from the officer a full description of the incident and information which can be used for administrative decision-making and for designing new or remedial training programs for the police.

Currently, investigation of incidents involving reported police discharge of firearms is undertaken by Internal Investigation Section and reviewed by the Chief of Police. The Committee notes that the New York State Division of Criminal Justice Services' Report, Police Handguns and Deadly Force, made recommendations related to the review of all instances where officers' firearms have been discharged, as follows:

"A statewide firearms discharge review board should be established to perform the following functions:
a) Review all incidents involving shots fired by police officers and peace officers, whether on duty or off duty, except shots fired in the course of lawful hunting or target practice, in order to provide useful data for police training purposes. In this regard, if an appropriate local review mechanism exists within any given police department or agency employing peace officers, or is hereafter established therein, its investigation report may be accepted by the state board. In such cases the board will analyze the reports only for the purpose of abstracting useful training materials and not for the purpose of re-investigating the shooting incident itself.

b) Set standards for local firearms discharge review composition, procedures and operation; certify local review boards that conform to the established standards; monitor all local boards periodically and require local boards to furnish incident reports to the state board.

c) Where no appropriate local review board exists, the state board will be responsible for reviewing the facts and circumstances pertaining to the firearms discharge incident.

d) Render an annual report to the governor which presents a description and analysis of pertinent data gleaned from its incident reviews, summarize the training materials developed or refined as a result of these analyses and, where appropriate, set forth recommendations for administrative, executive or legislative action."

Legislation based on these recommendations has been written, and it is expected to be passed and signed by the Governor. While there is no indication from the State as to what the standards for local review boards will be in terms of composition, procedures, and operations, it is the Committee's feeling that its recommendations for investigation and review of firearms discharge meets the intent and purpose of the State's recommendations -- a thorough, fair investigation necessary for objective decision making.
Recommendation

2.9 The Department's rules and regulations regarding discharge of firearms should specifically mandate that any sworn officer who deliberately or accidentally discharges either his issued or approved firearm while on or off duty while not involved in training or practice must, without delay, notify his superior officer and fill out and submit a special Firearms Discharge Report.

2.10 The Department should design and institute a Firearms Discharge Report form, for mandated use by officers discharging their firearms, which will gather information essential to: (1) administrative decision making in individual cases and (2) providing data relevant to training needs.

At a minimum, this form should require the officer to draw a diagram of the incident and to give such descriptive information as: events preceding the occurrence, weapon used by the officer, weapons held or utilized by the subject, the position of the officer (standing, crouching, moving in the open or behind cover, etc.), the position of the subject, distance from subject, direction of fire, lighting conditions, number of shots fired, firearm and ammunition used, and witnesses.

2.11 The Internal Investigation Section should be responsible for receiving, recording, and investigating all Firearms Discharge Reports, following the same procedures established for the investigation of complaints against police personnel.

2.12 Where a firearm is discharged by an officer but no other human being is involved, the Internal Investigation Section should submit their findings and any recommendations as to disciplinary action to the Advisory Committee for review.

2.13 Where a firearm is discharged against another human being -- whether or not a complaint is received against the officer and whether or not injury or death resulted -- the Internal Investigation Section should submit their findings to the Complaint Investigation Committee for review. The Committee, following procedures similar to those for reviewing complaints (see Recommendation 1.7) will submit their recommendations on the matter to the Chief of Police.

2.14 All Firearms Discharge Reports should be reviewed by the Advisory Committee (consisting of the commanding officers of the Administrative Bureau, Community Services Section, Research and Evaluation Section and Training Section) for the purpose of making recommendations to the Chief of Police related to the following:

a. The need for instituting new procedures in the disciplinary process;
b. The need for training programs for police personnel as a whole, in part, or for particular officers;

c. The need to institute new or improve existing programs designed to foster good police-community relations;

d. Such other changes as may be appropriate to improve police performance.

**Defensive Tactics: Use of Nonlethal Weapons**

Under the law, police officers are allowed to use only that amount of force necessary to make an arrest and, as previously discussed, there are restrictions on the use of deadly force according to the type of crime and the circumstances.

It is the Committee's belief that everything possible should be done to provide officers with alternatives to the use of deadly force; even in those situations where officers are justified, under the law, to use deadly force, the sanctity of human life is paramount and, therefore, training should concentrate on defensive tactics as well as on firearms.

The F.B.I. training program uses techniques from Aikido, Judo, Karate and sports such as boxing and wrestling to train police. Their emphasis is on teaching basic fundamentals and principles of defensive tactics and applying those learned skills through continuous practice. It is obvious that the more skillful and confident an officer becomes in his ability, for example, to disarm a threatening subject, the more likely he will be to instinctively react defensively rather than using a lethal weapon.
The New York State Division of Criminal Justice Services Report recommends that "those departments already affording their men training in defensive tactics should re-evaluate those training programs, and those departments without such programs should institute them immediately".

The Regional Criminal Justice Education and Training Center of Monroe Community College since August, 1975 has been conducting police training for the Rochester Police Department. The Center has already graduated two recruit classes and is now conducting a third class with 32 of its recruit officers being from the Rochester Police Department.

The 1976 recruit training program includes 32 hours of instruction in unarmed defense. This represents a 55% increase in unarmed self defense training over previous recruit training programs conducted prior to the Center's inception in 1975. In addition, the recruit officer while in training at Monroe Community College, receives 16\(\frac{1}{2}\) hours of physical conditioning conducted by the College's Physical Education Department.

The State (Bureau for Municipal Police) mandated police recruit training program does not require physical conditioning training. Nor does the State require physical training for police in-service training programs. However, during its 1976 in-service training program, the Rochester Police Department did require its officers to participate in three hours of defensive tactics to include the use of the baton (nightstick). In the opinion of the Committee, however, longer time periods should be allocated for this self defense training during in-service training periods.

Officers should be knowledgeable, through training, with the basic principles of hand-to-hand control techniques and the proper use and effectiveness of the chemical mace and the baton.
The baton has come in for bad publicity, mainly because of its misuse. Members of the public who are unaccustomed to seeing the nightstick (baton) as part of every uniformed officer's equipment may see it as a threat when carried. As a nonlethal offensive and defensive weapon, in the hand of an officer who has been trained in its use and who feels confident by practice in his ability to use it to parry blows, and thereby protect himself, it could very well make the difference between his instinctively using it rather than his gun, even though he would be legally justified in using the latter.

There are physical requirements which must be met for appointment as a police officer in the Rochester Police Department. Although the Fire Police Training Academy on Scottsville Road has gymnastic facilities, they are now used for storage purposes. The Committee recommends that a gymnastic program be encouraged and appropriate equipment be provided.

**Recommendation**

2.15 In conjunction with one of the periods set aside each year for qualifying with firearms, officers should be given a refresher course in defensive tactics and defense and control techniques designed to overcome physical resistance or personal attack. Emphasis should be placed on hand-to-hand methods, chemical mace, and the baton.

2.16 Since the actual use of defensive tactic skills depends on the officer's confidence in his ability to use them instinctively and with competence, and since he cannot gain this confidence without adequate practice of the principles taught, officers should be actively encouraged to foster and maintain defensive tactic skills through regular practice during off duty hours. Officers also should be encouraged, if not required, to keep themselves in good physical condition. The Rochester Fire Police Training Academy, which has space and some facilities (gym, lockers, and showers), should contain gymnastic equipment conducive to both keeping officers physically fit and for their practice of defensive techniques. Further, its use should be available to officers at all hours.
CHAPTER THREE

Policy and Procedures in Regard to Responding to Crisis Calls

Introduction

The Committee defines a "crisis" call as any call to the Department requesting police assistance in situations where it appears that actual or potential physical danger exists to civilians or the police—such as calls regarding serious automobile accidents, burglaries in progress, any incident involving use of weapons, disorderly gangs, bar fights, or serious assaults.

At present, there is no written policy regarding the number of patrol cars which should be dispatched to respond to the various types of calls for assistance received by the Department. The dispatcher makes a judgment as to the type of situation and generally dispatches one car to routine matters and two cars to "crisis" type situations. Since most patrol cars in Rochester are manned by one police officer, this means that either one or two police officers are officially dispatched, at the outset, to respond to most calls for assistance. In crisis type situations, a commanding officer also routinely responds. At any time, of course, an officer can request additional assistance if he deems it necessary.

In the opinion of the Committee, two problems exist in regard to the response to calls for police assistance. First, there is a need to determine and, subsequently, establish policy guidelines assuring that necessary and sufficient police manpower will be dispatched at the outset to handle the various types of situations requiring police assistance. Second, policies and procedures should be established for
controlling the number of police personnel responding to a scene on their own initiative.

It appears that in addition to police officers dispatched to scenes, others also respond, and this happens frequently not only in crisis situations but in situations involving routine matters. The Committee recognizes that many police officers who have not been dispatched to a scene but respond anyway usually do so for well-meaning reasons. Almost all patrol cars in the City of Rochester are one-man cars, which means that even when two cars are dispatched, there are only two officers at the scene. Uncalled officers frequently respond to see if they are needed for assistance. Further, with the District system and team-policing, officers work in one area for long periods of time and become acquainted with the people and the trouble spots. An uncalled officer may respond because he recognizes the address and feels it may be a dangerous situation or he may know the people involved and feel that he might have a calming effect. The problem, however, is that the display of police force at the scene may serve as a factor in triggering resentment, with the result that an otherwise routine situation may be escalated into a serious matter.

Further, numbers of police cars and police officers arriving at a scene frequently result in streets being blocked and usually precipitates crowds gathering, with the result that the officer's job of investigating, calming the situation, or making an arrest is made more difficult. Other problems can arise when armed, but civilian-clothed investigators also voluntarily arrive at a scene. Finally, as a practical matter, it is noted that an overconcentration of police manpower at one
scene has the effect of depleting police manpower in other areas of the city.

The Committee points out that the trend in police work today, even in strike or demonstration situations, is to keep extra police in reserve in the vicinity where they can be called in immediately if needed but where they are, otherwise, not visible from the immediate scene.

The Committee feels that with the exception of commanding officers, only those police who are directed to respond to a call should respond. Plans could be developed for other police officers, who may be able to respond and want to do so, to proceed to the general vicinity but avoid the immediate scene unless or until directed to respond.

As embodied in the recommendations below, the Committee feels that a realistic and coherent policy regarding dispatching of police manpower should be developed by the Department; that all levels of police personnel should have input into the development of the policy; that the policy, with supporting reasons and data should be fully explained to all personnel; and that procedures should be established for pinpointing responsibility in controlling voluntary police response to scenes.

Since police officers driving patrol cars respond to many kinds of emergency situations in advance of medical personnel, the Committee also recommends that a program be undertaken to assure that police first-aid skills will be maintained and that adequate equipment will be readily available in the patrol car. At present, there is no in-service training
program for updating first-aid skills, and patrol cars do not carry basic equipment for dealing with emergencies.

Recommendation

3.1 The Chief of Police should immediately establish a committee, representing all levels of police personnel to:

A. Examine the number of patrol cars being dispatched to various types of calls for assistance and the time, place, and types of situations where uncalled police also are responding. Such a survey should include monitoring scenes to assess the adequacy of manpower as well as interviewing uncalled police to determine their reasons for responding.

B. To establish guidelines for the number of cars to be dispatched to specific types of calls, and to adopt rules and regulations specifying that where two or more cars are dispatched, no other police officer except command personnel can proceed to the immediate location unless called for by the officers on the scene.

C. To develop a training program, both for dispatchers and other police personnel, which will provide the basic data and rationale supporting the policy.

D. After proposals are implemented, to monitor the situation for several months in order to make any necessary revision in dispatching policies and training of dispatchers and other police personnel.

3.2 The Department should develop an in-service first aid training program and require that all police officers receive certification in first aid at least once every three years.

3.3 All patrol cars should carry basic first aid equipment, a blanket and flares.
CHAPTER FOUR

The Selection, Training, Evaluation, and Promotion of Police Personnel

Selection of Police Personnel

Introduction

Police officers hold positions of power, trust, judgment and in the exercise of their duties are truly the ambassadors of the government. If they abuse their powers, violate their trust, make consistently wrong or malicious judgments, they create discontent, dissatisfaction, and breed disrespect for the law. Under such circumstances the citizenry becomes quite cynical about our system of government. It follows, therefore, that lazy, injudicious, harsh, insensitive, corrupt, discourteous persons should in no way be permitted to become or remain as police officers. The truth of the matter is that it is a profession, a profession reserved for the honest, virtuous, sensitive, and hard working and conscientious individual who has a solid dedication to his profession and to his community.

The process of selecting persons to hold such positions obviously must be a most thorough one. Presently there exists an extensive process for the selection of police personnel. Each applicant must pass a Civil Service Test, a physical examination, and an agility test. If the applicant is successful in these tests, his background is then investigated and he undergoes psychological testing. Having succeeded in passing all of these, the applicant is then placed upon a certified list. Once he is selected from the list he, as a recruit officer, undergoes training at the Monroe Community College Criminal Justice Education and Training Center. Upon his completion of that course and having successfully passed, he is then assigned to his police duties.
But it is not enough to have such a process, vigorous as it might appear. What is further needed is that the selection procedures be reviewed periodically to keep pace with changing conditions in today's society and the current needs of police work. This type of review would provide the information to determine whether or not the standards which are presently employed should be revised and upgraded. Such a review should be conducted on a regular basis. In the course of its study, the Committee found at present at least two areas which seemed to require immediate attention.

Presently, a high school education or its equivalent is the minimal educational requirement for our police applicants. Given the level of educational achievement in our country today, the Committee felt that the retention of this requirement should be reviewed. While the general level of education has risen dramatically, the educational standards of most police departments, including the Rochester Police Department, have remained relatively static, requiring no more than a high school or equivalency diploma.

Today, 60% of high school graduates go on to college, and it is anticipated that in 1979, 65% will seek a college degree. It is apparent, keeping an eye to the future, that although 20 years ago the high school diploma was, indeed, a significant education achievement, such is not the case today nor will it be so in the future.

In view of these facts, the Committee feels that the minimum educational level requirement for the Rochester Police Department should be elevated to focus upon the college educated population. The failure on the part of most police agencies in not raising educational standards has caused their losing ground in the race for highly qualified employees.
College graduates generally are looking elsewhere for employment. Police work, in itself, has often come to be regarded by the public as a second class occupation open to anyone with a minimum education, average intelligence and good health.

In 1973, standards released by the National Advisory Commission on Criminal Justice Standards and Goals addressed raising the minimum educational standards for police officers throughout the country, as follows:

"Immediately, all police officers should have at least one year of college or obtain one year of college within 36 months. By 1975, two years of college will be required; and by 1978, 3 years of college."

It appears that the concept of higher education for the police is beginning to enjoy acceptance and further, police agencies throughout the country are starting to require higher education as a condition of employment. Over 400 colleges and universities now offer criminal justice education programs at the two and four year level and approximately 900 educational institutions participate in the federally funded law enforcement education program.

It is important to indicate at this juncture that it is not absolutely necessary for a Police Department to decrease the number of non-white applicants and the number of minority recruits hired because the minimum educational standard is raised. Other compensating factors (see page 87, post) can be developed without sacrificing non-white jobs. Of course, this requires a policy on compensating factors which would be tailored to the Rochester Police Department's needs and goals; and this policy application

---

should ensure that each applicant or candidate is hired only after he or she has been determined to be qualified as a police officer. At the present time, the Rochester Police Department has taken positive and encouraging steps to assure that the rights of non-whites to participate as full fledged police officers are protected. This progress is expected to continue; but in the light of what is going on to make police work a highly respected profession, the Rochester Police Department must do everything possible within its promotion and advancement policies to develop a personnel force which will be believed to be a highly professional group not only by its employees but also by the community at large.

The second area which the Committee felt immediate attention should be directed involves the need to define and clarify the relationship between background investigations and psychological screening. This relationship is extremely important because the need for public trust, and respect in the police department and the responsibilities entrusted a police officer preclude the hiring of dishonest, unreliable, persons. A background investigation very often permits the systematic collection and evaluation of data on an applicant's past life, including information concerning his/her educational history, work record, physical and emotional health, character, and integrity. Jewell Ross, in Police Selection\(^2\) states that the purpose of a background character investigation is three-fold:

1. To learn how a candidate has behaved under a wide variety of circumstances (and from this to base a future prediction concerning future performances as police persons).

2. To verify all statements made by a candidate in his/her application, and

3. To prevent the police agency from hiring a person who will prove unqualified.

No one doubts that police officers are very often subjected to great emotional stress. They take on a very challenging and significant responsibility and are placed in positions of trust. Clearly, police officers should be carefully screened to preclude the employment of those who suffer from any form of emotional instability or illness. Dr. James Rankin, a police psychiatric consultant, is reported to have stated that "there is a high degree of correlation and mutual support between background investigations and the psychological screening of police applicants. Both background investigations and psychological screening are directed toward an overall evaluation of past behavior and the existing personality traits, as well as the potential for unacceptable behavior."\(^3\)

Individuals who are accepted into the Department have already undergone some previous experiences which tested their emotional stability, and which caused certain attitudes to crystallize. Background investigations serve as a tool to evaluate questionable attitudes discovered through psychological examinations. At this time, however, psychological screening frequently is utilized, however, independently of background investigations. The Committee, in suggesting a review of the relationship between background investigations and psychological screening, does not infer that the Rochester Police Department has not reviewed this relationship or is not cognizant that such a relationship does and should exist. In the course of its study the Committee's concern was that this relationship should be reviewed. It

is possible that severe emotional disabilities or mental illness may be discovered through psychological screening even though it is not apparent from an examination of past behavior. Also, there seems to be a significant need to have research done in order to measure the effects of psychological stress factors on present police officers. Such a study or research project might provide an answer to the question as to whether or not police who are experiencing emotional stresses quite frequently over a period of time are, in fact, rendered ineffective and/or dangerous to the public's welfare. Along these same lines there should also be a study aimed at obtaining some psychological data that would assist and aid the Rochester Police Department in making some valid predictions of the psychological strengths prospective police officers should possess in order to become truly professional and successful in their occupations.

Recommendation

4.1 The Rochester Police Department should review existing selection procedures to determine which standards should be raised in order to attract a higher caliber of applicant for the profession of police officer.

4.2 The first areas of review should cover: (a) the minimum educational requirement and (b) the relationship between background investigations and psychological screening.

4.3 The Rochester Police Department should make every effort possible to acquire data that indicates what psychological techniques have the validity to make predictions on the level of future performance for success as police officers.

Classroom Training

Introduction

All persons who want to become police officers must go through an extensive process to qualify for admission to the Criminal Justice
Education and Training Center located at Monroe Community College. Each applicant must pass a Civil Service Test, a physical examination, and an agility test. Applicants successful in these tests are subjected to a thorough background investigation. Applicants who survive this in depth examination then pass psychological tests before their names are placed on a certified list. The applicants on the list are then selected by one of the police agencies in the region to enter the training center's recruit program as a "recruit officer," although they are sworn police officers.

It is the judgment of the Committee that the title of "police officer" as applied to recruits in training is not appropriate since the individual has not completed the minimum mandated state requirements and therefore has not been certified by the school director of the Criminal Justice Training Center. The classification, as a police officer, should not be used because it is obviously misleading. In the Committee's opinion, individuals who are hired by the Rochester Police Department should not be sworn in as police officers until they have successfully completed the basic course as administered by the Criminal Justice Education and Training Center. All recognized professions have extensive training programs prior to the individual being admitted as a full fledged member of that profession. Society should not expect anything less of the police profession. Hence, it makes only good sense to wait until an individual has completed recruit training before he or she is sworn in as a police officer. As it stands now, with the officer already being sworn prior to attending training, he may have the feeling that all he needs to do while at the Center is to endure the training program and that his performance at the Center will
really not affect his status since he is already a police officer.

The State Bureau of Municipal Police mandates that recruits maintain an adequate scholastic grade average of 65%, (an overall grade of 70% is expected by the Criminal Justice Center for passing the academic portion of the curriculum); that they complete fully and adequately the firing range training under the direction of a qualified range officer with a minimum score of 75% and that they maintain an adequate notebook during the course which must be reviewed and graded by an instructor. It is presently possible for "recruit officers" to fail to meet the basic mandated requirements of the New York State Bureau for Municipal Police and still be retained as police officers. It becomes vitally important therefore to change the title from police officer and use such titles as "Criminal Justice Trainee", "Recruit Trainee", "Police Trainee", etc., so that the individuals undergoing training know that attendance and mere completion of the course does not automatically make them police officers.

Needless to say, since police work is in the category of the most sensitive and significant occupations within the community, everything possible must be done to impress upon individuals who seek to become police officers that the selection standards are extremely formidable, that the qualification program is difficult, and that successful achievement within that program is a truly high distinction. This same impression should carry over to the next level of accomplishment, that being a probationary officer in the Rochester Police Department.

Another problem arises as to when an applicant should be certified as a police officer. The present practice is to swear in all applicants as police officers before they have been certified by the Criminal Justice
Education and Training Center Director as having satisfactorily passed all of the state requirements. The swearing in for entry clearly is entirely different from certification after the recruits have successfully passed the state mandated requirements. It would make much more sense to graduate a trainee to being a probationary officer after he had been certified as having satisfactorily passed all of the state requirements. There should be only one certification. This certification should be had after the recruits have completed all training requirements. Entry to the Training Center could be signified by merely stating that the candidate has been approved for such admission and therefore obviating any so called pre-admission certification.

As part of its study the Committee reviewed the classroom curricula, and it was noted that the training of recruits takes place independent of the community or communities in which they may eventually work. Most training programs for prospective police officers are not designed to communicate to such officers the nature of the community in which they will be called upon to serve.

There are indications that an officer's understanding of his or her role and the degree of his or her feeling of isolation depends on the geographic and the demographic makeup of his or her community. These indications are based upon evidence that police persons, in small towns and rural areas, being familiar with their community, can readily identify unusual situations which require investigation. Their presence is usually accepted rendering the potential for conflict less. Additionally, their role, less complex than their urban counterparts, is usually better understood by both the officers and the residents of the community they serve.
The homogeneity of a community also affects an officer's perception of his role. Middle class suburbs tend to have fewer internal conflicts over the expectations of police service. Consequently, suburban police officers encounter less conflict situations than city police officers, particularly those who serve the inner city. Police officers are recruited predominantly from the middle class. These police officers come from a single neighborhood where there has been little exposure to the varying lifestyles common to the larger community in which they expect to serve. As a result, a young man or woman reared in the suburbs, who becomes a police officer in the city, may be ill prepared to deal with the culture of urban society, and in particular, that of the inner city. Such culture might embrace behavior he or she was taught to regard as unquestionable or unacceptable which in fact may not be considered such in the area to which he or she is assigned.

Therefore, it appears necessary, that the classroom training programs for prospective police officers be structured to communicate to the trainees the nature of the community to be served. The relative complexity of such classroom training programs depends on the differences in the communities that will be policed. Large heterogeneous cities pose a particular challenge to the officers who have middle class backgrounds. Generalized training programs would be of little value because such officers would have problems in understanding communities having different classes, cultures, languages, processes and races. The training programs for officers to work in inner city neighborhoods composed of blacks, spanish and other non-whites must be specific in their approach to the needs, expectations, and interpretations of these diversified communities. Recruits must be introduced to the needs of the communities to be served in classroom training before they become
police officers in order to help them in their police function. This is manifest because the real life community which future officers will serve may be one which is insensitive, sometimes violent, and alien.

One of the best ways to communicate to a prospective police officer the nature of the communities is classroom training programs which include interaction with community leaders in neighborhood organizations. The specifics of such programs should, of course, be worked out by the Rochester Police Department, Training Center, community leaders and community citizens. The Police Department of Dayton, Ohio developed such a training program. New recruits were assigned as professional assistants in a series of fourteen social action agencies during the first four weeks of training. After this, they were trained in the Department's police role and practices. Upon graduation, all officers were paired and assigned to field duty for six months under the supervision of specially selected and trained sergeants. This program appears to systematically combine community awareness, role identification, and subculture socialization. This type of training within a classroom training program integrates as a normal, natural part of the training process, input from community leaders, neighborhood organizations and citizens.

In the City of Rochester, community leaders4 would be in a position to initiate the interaction between all the parties in order to provide classroom training with input from community leaders within and outside the Training Center.

4This term is widely and loosely used but in the City of Rochester it includes the various community and neighborhood associations such as WEDGE, Ibero-American Action League, Hispanic Businessmen's Association, Urban League, Baden Street Settlement, Montgomery Settlement, FIGHT, Action for a Better Community. Of course, nothing set forth in this report is to limit the definition of community leaders to those organizations listed.
Recommendation

4.4 Create a new Civil Service Classification for candidates enrolled in the Regional Criminal Justice Education and Training Center.

4.5 Change swearing in date to reflect completion of state mandated requirements.

4.6 A recruit should not be sworn as a police officer until after certification by the Criminal Justice Education and Training Center; after which the probationary period should begin.

4.7 Include, at least, five (5) two (2) hour sessions with community leaders within and outside the Training Center; especially those in multi-racial neighborhoods, as part of the training curriculum.

Field Training

Introduction

As it has been pointed out already, police training, classroom and field, at the present does not accentuate the necessity for significant, positive, community involvement in its curricula. The training at the Criminal Justice Education and Training Center is conducted by civilian professionals and police personnel who have extensive backgrounds in police work. This is not necessarily bad but it seems, with the continued population increase of the non-whites in the city, the training of police officers should not be completely separate from the communities to be served. As has been pointed out, the classroom training programs should include a planned role and/or interaction for community residents, community leaders, and neighborhood organizations. What is also necessary is that this community involvement continue past the stage of classroom training and into a second phase of training outside of the classroom, which is defined as field training. This field training should take place when an
officer has become a probationary officer, and should include a familiarization with the neighborhoods, the kinds of things that happen in neighborhoods, families, individuals, etc. Such familiarization would be extremely beneficial at a given critical moment minimizing possible conflict or injury to police and citizens alike. Field training within the community where there are diverse cultures, experiences, environments, perceptions and interpretations, should be an important, and continuous aspect of police training.

Recommendation

4.8 During the probationary period, all probationary officers should be required to spend an additional four to six weeks beyond formal recruit training in specially selected, multi-racial neighborhoods under the direction of qualified, experienced, field training officers.

4.9 Community leaders and citizens of the neighborhood should be involved in this four to six week probationary phase of the probationary training, helping to educate the probationary officers to the culture, interpretation, and mores of the community.

Probationary Period

Introduction

At the present time, police officers in recruit training undergo at the Regional Criminal Justice Education and Training Center, a course consisting of eleven weeks of classroom training, one week of field training, and one week of range training. Upon the successful completion of this thirteen week training course, these officers are considered ready to assume regular police duties. They are assigned to Departments and begin their work. They work with a senior officer; they are expected to be rotated through every phase of the Police Department. However, what they are expected to learn in
each Department is not presently well defined. The amount of time that they are to spend in various sections of the Department is not specifically delineated. The proficiency level and/or the quantity as well as the quality level of the knowledge they are supposed to acquire is not presently indicated.

Although the Civil Service Law allows for a probationary period there does not presently appear to be, in practice, a defined period of probation. Indeed the agreement between the City of Rochester and the Locust Club contains no section which addresses itself to a probationary period as such. The Committee was informed during the course of its research that in addition, once the new officers joined the force, there is no intensive review of such officers' performance to determine whether or not they will perform satisfactorily. Nor, is there any review of their work designed to determine if what they are being taught or are learning will enable them to become superior police officers, fully qualified to be promoted to higher ranks. There should be a period which is clearly delineated as a probationary period and which has time limits. During that clearly delineated probationary period there should be a probationary evaluation process. This process would set forth specific bench marks which would assess how well the police officer was progressing which, in turn, would enable the Police Department to decide whether the police officer should continue to pursue a career within the Police Department. Such an evaluation process should permit the Rochester Police Department to instruct and guide officers in need of additional training to be a quality police person and/or to terminate such officer for cause. Any
officer involved could decide for himself whether he should continue with the Police Department. Such a clearly defined period of probation containing an evaluation process, would confer many benefits to all concerned. First of all, the new officers would know that unless they performed at a satisfactory level of proficiency they would not achieve permanent employment. Secondly, the Department itself would be empowered to take whatever action necessary, such as continue the period of training or intensify the training for particular officers. It would serve also as notice to all police officers that the process to become competent, qualified officers is substantive; demanding consistent demonstration of their competence in order to successfully maintain employment. Thus, the probationary period is an important tool for training purposes. It is, in fact, "on the job" performance, which in itself is an excellent indicator of whether or not an officer can handle the essential responsibilities of police work. This "on the job" performance offers to the trainee an opportunity to demonstrate how much moral and physical courage he or she possesses, how well he or she applies his or her knowledge, and how his or her personality withstands the stress of police work. Certainly a probationary officer who performs poorly will not generally improve with continued service; the pressures of police work tend to cause such officers to deteriorate and become a burden to the Department, a negative strain on the Police Department's image. A detailed, intensive evaluation process would serve to screen into the Rochester Police Department those with the best qualities as well as screen out those whose performance cannot be upgraded by additional training. The management of the Rochester Police Department should take full advantage of the opportunities afforded by the probationary period to eliminate those who demonstrate unfitness. Failure
to remove the incompetent and otherwise unsuited probationary officers is a hallmark of weak leadership.

This probationary period should be for at least six months. However, in those instances where the Rochester Police Department considers that it is probable that additional time, if granted to the probationary officer, would be sufficient to improve his or her performance to merit a recommendation to be given permanent status as a police officer, a twelve week extension could be granted by the Department.

Recommendation

4.10 Establish administrative policies that mandate probationary period that will commence upon certification by the Criminal Justice Education and Training Center and after being sworn.

4.11 The period should be no less than twenty six (26) weeks; but if circumstances warrant, it should be extended to 38 weeks.

4.12 The twelve week extension should be used only when the Department considers that the additional time is sufficient to allow the probationary officer to improve his or her performance to merit either a recommendation to be given permanent status as a police officer, return to further retraining, or release.

4.13 The Rochester Police Department develop an evaluational process during the probationary period with specific bench marks that indicate when assessment of progress will take place. Factors being assessed and minimum rating required to continue probationary period.

Performance Evaluation

Introduction

It is the responsibility of the Rochester Police Department's management to determine at all times whether or not its personnel is performing satisfactorily. This responsibility mandates that all personnel be evaluated, and that each of the persons evaluated be informed of their
strengths and weaknesses and be told what they have to do to retain an appropriate level of performance or risk demotion or release from the Department. In addition, the Rochester Police Department should have a means to determine when officers are ready to compete for positions of greater responsibility. These desirable ends suggest that the only way to accomplish these is to conduct evaluations of all personnel on a regular basis.

Employees with potential should be identified and included in the formal development program to make them ready for advancement opportunities. Those pursuing a course of self-development should also be recognized. Evaluation of personnel should be related to the skills, abilities and knowledge required for target positions. An employee should be measured by his grasp of the appropriate requirements in his performance of the tasks required in the advanced position. His or her progress should be documented.

At the present time, the Rochester Police Department does not utilize a formal process for the evaluation of its personnel. The Department has, however, demonstrated a consistent interest in this area and has made attempts to develop a reliable instrument for this purpose. Its efforts, unfortunately, have been apparently frustrated by the lack of funds available for such an undertaking. There is every indication that the Department continues to be interested in pursuing this vital area and would be receptive to suggestions in that direction. Even though the lack of funds has some validity for the Rochester Police Department's failure to develop a formal process of evaluation, it is unacceptable as an excuse for not putting a performance evaluation system into operation. Without such a system, the
Rochester Police Department is not in a strong position to convince the public that it is a competent, well managed organization.

Rochester Police Department officers should be able to expect that the management group will take every action to assure that they have high-quality skills to do an exceptional job. Pride and competence in job duties are invaluable job qualities. Only a well managed development program can establish these qualities. Training, additional participation, "on the job" measurement of experience, and applied abilities can substantiate in employees' minds that they have earned the commendation of superiors, appreciation of co-workers, higher rank, salary, and job tasks related to their growth and achievement. The Committee's research has developed evidence which indicates that performance evaluation is an area of great sensitivity among police officers because there are so many functions they have to carry out; therefore, developing devices to rate and measure proficiency is very difficult. For those in the Rochester Police Department who will be assigned responsibility for the evaluation system, the following information is set forth for their guidance:

1. The first step in the performance evaluation process is a clear identification of the evaluation's purpose. Too often there is a tendency to generalize evaluation procedures and use the same instrument for different purposes. In order to maintain the integrity of an evaluation process, the purpose for which it is designed should be clear and made consistent. Employees generally are evaluated for one of three purposes:

A. To determine the suitability for promotion.

B. To determine an appropriate job assignment.

C. To determine appropriate increases in salary.

It is possible that each purpose may require the assessment of different qualities which would in turn necessitate the use
of a different evaluation tool. Every effort should be made to clearly distinguish which evaluation tool is to be used, and for what purpose. If different qualities are being measured, then the evaluational tool should be planned and developed only for that purpose to measure those specific qualities. Each employee should be informed concerning the qualities which are being measured and the skills they should be learning in relation to the specific position and/or task which they are assigned to or will be assigned to or are aspiring to.

2. Once the purpose has been specifically stated, it is then possible to identify the specific behavior to be tested or measured. For example, an evaluation of an officer's potential for performing suitably in a particular assignment could be accomplished by determining the behavioral qualities the assignment requires and then measuring the presence of those qualities in the particular police officer. If there are particular skills and methods needed for the particular assignment, those skills and methods and knowledge should be concisely defined.

This is a most significant part of an evaluation process because it is at this stage that appropriate or desired behaviors are determined. Objective and clear delineation of these behaviors are essential for subsequent accountability. Evaluation of the personnel should be related to the skills, ability, and knowledge required for the target position. An employee should be measured by his grasp of these requirements and his performance of the tasks required in an advanced position. His or her progress should be documented.

3. Evidence developed in research demonstrates that it can be extremely difficult to conduct a performance evaluation in a thoroughly objective manner. To enhance objectivity it is probably wise that evaluations should make use of more than one assessment tool and more than one evaluator in each case. Using different assessment devices for each case would tend to lend credibility to the process in the eyes of the target group. Using this approach generally increases the overall reliability of a performance evaluation.

4. Probably the most significant aspect of evaluating police behavior is the selection of the specific behavioral criteria to be assessed. The formulation of performance objectives are often helpful in this regard. This requires the development of standardized modes of behavior for a given situation. This is an attempt to establish the model of behavior that should be exemplified. It isn't possible to foresee the infinite number of situations which may arise. Therefore, the important value of establishing performance objectives
for behavior enables those conducting the assessment and those personnel who are expected to perform at a higher level, to relate their behavior to certain "normative" responses, e.g. behavioral standards of expected and appropriate action in specific situations for police officers. These standards serve to guide, control or regulate proper and acceptable behavior. Careful thought and study should be given to the process by which these objectives are developed. Establishing a clear, simple, process is of particular significance. It is important that input is obtained and solicited from various constituencies. The input of these constituencies should be clearly reflected in the final product, which is the objectives that are developed. Community concerns, organizational requirements, and practical imperatives must all be taken into consideration. Officers themselves must be prepared to assist and identify standards for their own conduct. Those involved in the establishment of a process to establish the objectives, to develop under the performance evaluation system should take every action possible to convince and persuade the officers to contribute as fully as they can to the development of these objectives.

5. Behavioral objectives are useful only to the extent that they are reinforced by the community and the Police Department. Line supervisors as well as citizens themselves, play a particularly important role in this regard, having a first hand opportunity to assess the performance of all officers and motivate appropriate behavior. It is especially important for the community to recognize the tremendous impact it has on police behavior and to affirmatively respond to the standards of behavior it helps to establish.

6. Performance evaluations must be supported throughout the Department. Staff personnel must be prepared to engage in such an endeavor with dedication of purpose. Staff, themselves, should be evaluated in part on their own efforts in this regard.

Recommendation

4.14 Rochester Police Department take immediate action to prepare a schedule outlining plans to develop and implement the performance evaluation system, that the schedule established should contain target dates for completion of the system.

4.15 Use the system to conduct periodic, but regular, performance evaluations,
semi-annually if possible, but not less than annually.

4.16 Rochester Police Department apply the performance evaluation consistent with each of the following different but related purposes:

A. Evaluation to determine suitability for promotion.
B. Evaluation to determine appropriate job assignment.
C. Evaluation to determine the acceptable level of job performance to merit keeping the job and/or to determine appropriate increases of salary.

Promotions

Introduction

Strange as it may seem, there is no definition of what a promotion is or means in relation to the Rochester Police Department. Article 19 in the Agreement between the City of Rochester and the Locust Club defines transfer as follows: "A transfer shall be defined as a change of assignment from one section to another section or from one division to another division. Changes of assignment made within the Criminal Investigation Division and the Special Criminal Investigation Division will not be considered transfers. Permanent change in platoon assignment shall be considered a transfer." There is no section in the Agreement which defines promotion. The only language that can be construed to refer to promotion is found in seven sections of Article 24, Civil Service Procedure, which covers the following subjects; single lists (promotions); duration; schedule of tests; preparation of test; physical standards; filling of vacancies; and standards.

This information is to be found on page 17 of the Agreement between the City of Rochester and the Locust Club.

See Article 24, Civil Service Procedures, page 21, Agreement between the City of Rochester and the Locust Club.
None of these seven sections indicate what is a promotion and/or how one gets prepared for a promotion. While it is true that the definition of promotion may be implied in this article, the implication is simply that a promotion is a position that you must take a Civil Service test to achieve. But a promotion, by common definition, means more than just registering for and passing a Civil Service examination and being rated among the top three. The meaning of promotion therefore should be defined.

At the present time the first level of promotion in the Rochester Police Department is from the rank of patrolman to investigator. A testing procedure is utilized for this promotion. Prior to 1975, the promotion to detective (which position has since been replaced by that of an investigator) was the first level of promotion and was not dependent on a test but upon years of service, and by recommendation of superior officer, etc. Since 1975, as noted, the detective position was changed to investigator and in order to achieve the position of investigator a promotional test had to be taken and passed.

Written Civil Service tests generally are designed to test applicants' knowledge of police work. In addition, the promotional procedures allow some credit for length of service; however, no consideration is given for other compensating factors such as achievement, experience on the job, the ability to work successfully with different kinds of people within the Departmental structure, related agencies, groups, and organizations outside of the Department. Many police officers question the validity of Civil Service promotional procedures. They feel, not without reason, that such tests do not adequately measure the knowledge of the work, experience on the job, self-confidence, respect, and rapport
with co-workers and supervisors. They maintain that the tests may qualify only those persons who have the ability to score well on a written test, without regard to grading other attributes more essential to police work. They express dissatisfaction with promotional procedures which in their judgment are not necessarily related to police training. Such a deficiency should be corrected. One certainly would have to question the wisdom of using promotional procedures which are unrelated to police training either in the classroom or on the job.

Civil Service testing does not automatically produce the most prepared candidates for promotion. The Rochester Police Department and other police agencies should strive to press for the consideration and rating of other factors in the promotional scheme in addition to the scores on written tests.

As it stands now, there seems to be little that can be done immediately to change existing promotional procedures as established by the Civil Service Law. There is a need for the City to renew its efforts to modify existing laws so as to provide the Police Department with a greater degree of flexibility in filling vacancies and newly created positions. In renewing these efforts, the city should be strongly urged that every single section of the Civil Service Law be thoroughly analyzed in an effort to find ways and means to stop the "Rule of Three" from being as prohibitive as it is at the present

7The Civil Service Law of the State of New York provides in Section 61 (1) that a selection is to be made of one of the three persons certified as standing highest on the list of eligibles. This has come to be known as the "Rule of Three".
The Committee is concerned that its research has led to a conclusion that many talented and deserving officers are not promoted simply because they cannot score high enough on Civil Service written tests to be included in the charmed circle of the top three. The fact that talented officers are thus excluded is serious enough in itself but the Committee's concern is deepened because such a result affects police morale negatively. Accordingly, the City of Rochester should keep on pressing for changes in the Civil Service Law and regulations to achieve flexibility in the area of promotions.

Recommendation

4.17 Define promotion to assure the lateral job movements or transfers are not construed as a promotion.

4.18 Prepare an outline of specific jobs and a promotional ladder, required levels of education, work experience, skills, ability, and knowledge required for each position.

4.19 That the Rochester Police Department evaluate the potential of every employee to perform at the next higher level of responsibility.

4.20 That specific data concerning every employee's job performance, training, education, and experience support the periodic evaluation for promotion and advancement.

4.21 The Rochester Police Department use job analysis in the development of job-related tests and other criteria for the selection of personnel for promotion and advancement.

4.22 That selection devices for personnel to be promoted consist of at least one if not all of the following:

A. Assessment of past job performance.

B. Performance in the individualized training and development program.

Robert J. Coyne, President of the Rochester Police Locust Club and a Member of the Committee, objected strongly to any change in the "Rule of Three" for promotional purposes within the Police Department, expressing concern that any relaxing of the rule would open the door wide for any and all political or pressure groups to widespread abuse.
C. Demonstrated initiative in the pursuit of self development.

D. Oral interviews

E. Job related mental aptitude tests.

4.23 That the Rochester Police Department implement Section 52-2 of the New York State Civil Service Law on factors in promotion:
"Promotion shall be based on merit and fitness as determined by examination, due weight being given to seniority. The previous training and experience of the candidates, and performance ratings where available, may be considered and given due weight as factors in determining the relative merit and fitness of candidates for promotion."

In-Service Training

Introduction

The Rochester Police Department's approach to in-service training is relatively informal. When the Rochester Police Department desires in-service training, it suggests in-service courses to the training center, the Regional Criminal Justice Education and Training Center at Monroe Community College. The training center itself can suggest courses to the Rochester Police Department. Based upon the evidence reviewed by the Committee, there appears to be no established policy; there is not a minimum of hours required for in-service training; there is no plan or systematic approach to the development and implementation of in-service training, it does not have a planned approach to the training and without such a planned approach, full benefits are impossible to be realized. Also, there appears to be no diagnostic approach as to what in-service training is really needed. There is no one assigned to consistently identify training needs and what the training resources are which are available within the Region and the State.
It is without doubt that a planned in-service training program should be implemented so that "permanent" officers can keep their skills sharp, acquire new knowledge, and remain proficient. The immediate goal of the Rochester Police Department should be to keep the quality of performance level of its personnel up to date; and to do this continual monitoring and in-service training is required. It follows that a policy must be established concerning in-service training and a minimum number of hours officers should spend per year in in-service training should be set.

It should be noted that in the Agreement between the City of Rochester and the Locust Club, there are defined incentives for those who desire to pursue a continued education. Although these incentives are present in the Agreement, the Committee was not able to find a consistent program being implemented insuring a certain percentage of the Department's staff involvement in acquiring undergraduate degrees annually in police science and criminal justice. Such laudible incentives should be consistently encouraged and every effort should be made to insure that a specific percentage of the Department is in fact pursuing undergraduate degrees. Certainly the goal should be to have a majority of the officers acquire college degrees. Without a defined and enforced practice, only the most highly motivated officers would take advantage of the proffered educational incentives. This section of the agreement previously referred to should be utilized and implemented more fully than it is presently.

**Recommendation**

4.24 That the Rochester Police Department make a policy decision on the
number of in-service training hours that officers should receive per year.

4.25 That this in-service training minimum be at least 40 hours.

4.26 Rochester Police Department take immediate steps to provide training for every police officer employee prior to his or her assignment to any specialized function requiring additional training prior to his or her promotion.

4.27 Rochester Police Department develop a plan to implement Article 14, Educational Incentive, in the Contract Agreement between the City of Rochester and the Locust Club.

4.28 During the first year of employment in addition to the minimum basic police training, Rochester Police Department provide full-time, sworn employees with additional formal education, coached field-training, and supervised field experience through methods that include at least:

A. A minimum of four months of field training with a sworn police employee who has been certified as a training coach.

B. Rotation of field assignments to expose the employee to varying operational and community experiences.

C. Documentation of employee performance in specific field experiences to assist in evaluating employees and to provide feedback on training program effectiveness.

D. Periodic meetings between the coach, the employee, and the training academy staff to identify additional training needs and to provide feedback on training program effectiveness.

E. A minimum of two weeks additional training at the training academy six months after completion of basic training; and again after one year's employment in field duties.
CHAPTER FIVE

Family Crisis Intervention Program

Introduction

The Committee has carefully reviewed the application for federal funds to support first and second year operations of the Rochester Police Department's Family Crisis Intervention Program, commonly called the FACIT operation. The program presently operates in the following manner:

A mobile team consisting of one professional and one paraprofessional will respond to an officer's request for assistance in cases involving family disturbances, suicide attempts, mental disturbances, rapes, children beyond parental control, tenant and neighborhood troubles, child abuse, etc. to which the police are frequently called. These calls originate from police officers in the field, who make on the spot decisions as to whether help at that time might be useful, and such police officer contacts the police dispatcher, who in turn contacts the FACIT Support Team.

The goal of these calls is to provide short term crisis intervention and a referral to an appropriate community resource. The team under these circumstances responds only if the police believe that it may be useful and when the citizens involved give their consent. All of the referrals must be voluntary.

The decision as to whether or not to call a FACIT mobile Support Team rests with the police officer at the scene. It is only upon his decision that the services of the Support Team are needed that he will contact them and then, again, only after having received the consent of the parties to the dispute. In order to help him make his decision, he can refer to certain guidelines which he has been given during his FACIT training. These guidelines are as follows:
When To Call The Support Team

To help a person or persons get treatment at a specific community resource or to firm up a diagnosis and treatment plan that the client can achieve.

Serious family conflicts that require immediate professional help beyond the expertise of the officer in order to prevent further deterioration.

When mediation is unsuccessful to minimize further police involvement by providing solutions before serious physical injury results.

To further evaluate their motivation to seek help and/or to determine the need for social service intervention.

The Committee's determination, after a review, indicates that while the relationship between the social service agencies of Rochester and the Police Department is good, it needs to be strengthened by increasing the channels of communication. In addition, the Committee noted that while the FACIT Program operates on a 24 hour, 7 day a week basis, the social service agencies which are used for referrals do not, for the most part, remain open after 5 p.m. on weekdays and are closed on weekends and holidays. Obviously, such a difference in working hours between the social service agencies and the Police Department limits the police flexibility in making proper referrals. It is not uncommon, of course, that many family crises develop on weekends and on holidays and at night. It would appear that in order to increase the flexibility, and indeed, the effectiveness of the Family Crisis Intervention Program of the Rochester Police Department that efforts be made to convince social agencies to be available after 5 p.m., on weekends, and holidays for referrals. Without this, the program can not achieve maximum effectiveness.

Another area of concern to the Committee was its finding that social
agencies to which referrals are made are very often a distance away from those who have been referred to them. In many instances these same people are without automobiles and the distance involved may be critical as to whether or not the counseling service will be utilized by them.

It would appear desirable for certain critical social service agencies to decentralize their counseling staff and relocate them to those neighborhoods where experience has shown the demand for their services to be the greatest. Such decentralization and relocation would overcome the considerable obstacle of the distance that has to be traveled by people who are to be counseled through the program. Of course, it may not be feasible that social agencies decentralize and relocate in neighborhoods, and if this is so, certainly the alternative of having these social agencies establish a telephone hot line and man it on an agency rotating basis should be implemented. In such a case, if the Support Team or a police officer needed the assistance from an agency it could be secured through the hot line after normal working hours, weekends, or on holidays.

Recommendation

5.1 That the Advisory Board to the Family Crisis Intervention Program review the existing relationship between the FACIT Support Team and the area social agencies in the greater Rochester area with a view to the expansion of social services to the Support Team.

5.2 That a telephone hot line be established whereby the assistance of a particular social service agency or its personnel may be secured after normal working hours.

Referral Follow-up Procedure

Introduction

At the present time there is no follow-up procedure whereby the
Rochester Police Department can ascertain, if in fact, a referral it made to a social agency took place. Hence, a mechanism should be instituted by which the Police Department would be notified whether those referred did not avail themselves of the services of the agency to which they were referred. This will enable the Support Team and the Rochester Police Department to determine the effectiveness of the referral system and the number of persons who are utilizing the various social service agencies.

Recommendation

5.3 That the Department initiate a procedure whereby it can determine the success of its FACIT referral process.

FACIT Support Team Personnel

Introduction

Allowing for the Rochester Police Department's present strength, and recognizing its increasing workload, it cannot be expected that a police officer will be able to handle all crisis calls by himself. The Department must continue to provide him with back-up assistance from the FACIT Support Teams. Recognizing that the Rochester Police Department regards the personnel strength of the Support Team to be sufficient, there should, nevertheless, be established a monitoring system which will quickly alert the Police Chief to the need for additional Support Team personnel should such a need arise. The Committee is confident that as the rest of the Rochester Police Department's line personnel are exposed to the Family Crisis Intervention Program through special training, the demand for the Team services will dramatically increase.
Recommendation

5.4 That the Department closely monitor the personnel needs of the FACIT Support Team and increase the Team personnel as necessary.

Institutionalizing of the FACIT Program

Introduction

The Rochester Police Department, through the implementation of the FACIT Program gives recognition to the fact that much of the daily police activities are service oriented. It is now fairly well recognized that the law and order function of any Police Department or law enforcement agency involves approximately only ten percent of its expended man-hours. The remaining ninety percent is spent providing various services of a social nature to the community. Such an overwhelming amount of man-hours being spent providing services of a social nature obviously makes it most reasonable to expect that the police be fully trained and prepared to meet those needs for the community. However, traditionally, Police Departments have been very reluctant to develop programs of a social service nature. Most Police Departments have concentrated the development of their training programs toward the law and order function which, as has been pointed out, really involves only ten percent of the man-hours expended.

It has been very difficult for Police Departments to recognize that programs of a social service nature are just as important as the development of programs for the law and order function. In fact, there are many Departments which refuse outright to develop their own FACIT Programs, sticking to the belief that crisis intervention should not warrant police attention. This narrow thinking ignores the fact that most
police officers killed and/or injured in the line of duty have been killed or injured while responding to family crisis calls.

Since the present FACIT Program as implemented here in Rochester, New York by the Rochester Police Department is still being evaluated, its effectiveness, as far as quantitative data is concerned, cannot be gauged at this time. Its success to date accordingly is at best speculative. However, one can surmise that countless injuries and homicides must have been averted because many of the departments have been specially trained and Support Team personnel have been available to provide that all important immediate assistance to crisis intervention calls. The Rochester Police Department under all the circumstances is to be commended for its willingness to institute the FACIT Program which is a service oriented program.

Of course, the present program is federally funded and when the funds are no longer available the program could cease. The Committee feels strongly that the FACIT Program and Support Teams are a most worthwhile venture and should have the full endorsement of the Mayor and City Council; and this endorsement should take the form of a resolution pledging the City to institutionalize the operational costs of the program once federal funds are no longer available.

Recommendation

5.5 The City Council should immediately initiate the necessary steps to provide for the financial support of the FACIT Support Team staff as well as for the continuation of FACIT training both at the recruit and in-service training level.

Establishment of a Reference List of White and Non-White Clergy to the FACIT Program

Introduction
As has already been pointed out in this report, the Committee recommends that a single "hot line" be established and the Committee feels that this "hot line" is the most efficient way of contacting available clergy from a reference list established by the Rochester Police Department in conjunction with local white and non-white clergy to be utilized for referrals made by FACIT Program personnel. Individuals who are determined to be in need of counseling from a member of the clergy would then be in a position to call a central number and at that point the person who is manning the telephone line would make the referral to an appropriate member of the clergy. The location of the telephone and the designation of the agency responsible for the referral service should be made by the clergy associations themselves.

Recommendation

5.6 That the Rochester Police Department request the ecumenical and inter-faith clergy associations in the city to cooperate in establishing a clergy "hot line" for the use of the FACIT Program personnel in making referrals.

Training of the Clergy

Introduction

Social conflict situations call for a certain amount of expertise. Certain it is that not everyone has this type of expertise and indeed one cannot expect that all of the clergy are experts in handling social conflict situations. Recognizing this, it is manifest that the participating clergy should be afforded an opportunity to undergo FACIT training. It follows, of course, that if the clergy is to be expected to play a larger role in FACIT referral, then the Police Department should provide a FACIT training
program for it.

Recommendation

5.7 The clergy who have volunteered to participate in FACIT referral procedure should be provided with FACIT training.

Advertising the FACIT Program

Introduction

The Committee finds that there needs to be a coordinated effort on the part of the Rochester Police Department to advertise the FACIT Program. The general public is presently almost completely unaware of the program's operation, its goals and its benefits. Such a valuable and worthwhile service which is being ably provided by the Rochester Police Department deserves much greater publicity. With a greater public awareness of the program through advertising, it would appear that the program would be perhaps more widely utilized and, of course, its benefits better known.

Recommendation

5.8 The FACIT Coordinator should elicit the assistance and cooperation of the local media (press, radio, television) etc., in informing the citizens of Rochester regarding the FACIT Program. In addition, an informational brochure should be prepared which would briefly outline the philosophy of the FACIT Program and how it works.
CHAPTER SIX

Affirmative Action

Affirmative Action Enabling Legislation

Introduction

The Committee was charged with reviewing the Affirmative Action Plan of the Rochester Police Department and basically the Committee could find no fault with the expressed intentions of the plan itself. However, several impediments surfaced which appear to prevent the Chief of Police from securing a proportionate minority representation in the Police Department. The employment of minorities in the Police Department has been identified as a matter of critical importance by several presidential commissions as well as by state and local groups. Yet, the "Rule of Three," e.g. the rule that one of the first three rated in Civil Service tests be selected,¹ will never establish an equitable distribution of minorities in the Rochester Police Department as the turnover rate is low. The small number of vacancies, together with the use of the "Rule of Three", and intense competition from hundreds of candidates result in most minorities on the list never being certified for the entry level position. Selective certification which would allow the Department to select beyond the three top achievers on a promotional list could be a "catch up" device to be used only until true affirmative action is implemented.

¹See footnote 7 pg. 88 ante, of this report.
It is stated in the City of Rochester's Affirmative Action Progress Report for the twelve month period ending December 31, 1975, on page 13 thereof, that "current Civil Service standards continue to frustrate the achievement of the City's Affirmative Action objectives." The report singled out the "Rule of Three" as being particularly discriminatory. However, the report indicated that local units of government are powerless to change the Civil Service Law. Only at the state level, according to this report, can such a change take place. In appearing before the New York State Senate Standing Committee on Civil Service and Pensions on April 11, 1975, Mayor Thomas P. Ryan stated that, both labor contracts and "...the existence of antiquated Civil Service Laws [are barriers] to the achievement of equal opportunity." The Mayor went on to state that the city has requested the state legislature enabling legislation to re-establish the City's Civil Service Commission.

As it stands now, however, there is little that can be done locally to change the existing promotional procedures as established by Civil Service Law. The Members of the Committee recognize that there is a need for the City to renew its efforts to modify the existing laws so as to provide the Police Department with a greater degree of flexibility in filling vacant and newly created positions within its ranks. In this regard the city may want to institute procedures for "home rule" administration.

The turnover rate for promising minority officers is even higher than for white officers.² This can present a serious problem for the

administrator for it has been found that where promotional opportunities are few or where promising young officers have to wait three or more years before he or she becomes eligible for promotion, the turnover rate is high. Lacking the opportunity to quickly advance through the ranks due to Civil Service prescribed procedures and labor contracts, minority officers often accept a position in other occupations, where his or her chances of being promoted are more likely. This presents quite a dilemma for the police administrator; once he has attracted qualified minority applicants, how can he keep them? Hence, the Committee is advocating a management internee program which provides the means for quickly advancing promising minority officers up through the ranks of the supervisory and administrative positions. This program is especially important if the Department is successful in recruiting minority college graduates.\(^3\)

**Recommendation**

6.1 The City of Rochester should vigorously press for immediate changes in the existing Civil Service Law.

a. Revision of the promotional section of the Civil Service Law. Promotions would be based not only upon a written examination but also on employee evaluation reports and an oral review board. Modification of the Civil Service Law for an accelerated promotional procedure through a management internee program.

b. Modification of the Civil Service Law to allow for a nationwide recruitment program.

Minority Recruitment

Introduction

The present Affirmative Action Plan of the Rochester Police Department shows that the Department has instituted several procedures whereby qualified minorities are attracted into the police ranks. The first program conducted in cooperation with Civil Service Commission and funded by an LEAA grant through the Division of Criminal Justice Services provides for the employment of minority persons as community service office cadets and trainees. In addition, the Department has cooperated in a special pre-selection training program for minority candidates which is being conducted by the Urban League of Rochester. The Affirmative Action by the Police Department in this direction is certainly a positive indication of its desire to seek more minority representation in the uniformed ranks with the minority population of Rochester within a reasonable time frame, it will be necessary for the Department to mount an aggressive recruitment campaign directed toward attracting applicants from the minority community. Since May, 1975 the Rochester Police Department has been hiring new officers under the provisions of a federal court consent decree whereby the Department must, until it has achieved a minority representation of twenty-five percent (25%) of the force, select two persons from a sublist of qualified minority candidates for every three persons selected from the sublist of non-minority candidates. This the Department is doing and, of course, must do until the provisions of the decree have been met.
The President's Task Force on the Police recommends that a team of specially selected officers, especially minority officers, be formed and be assigned as recruiting officers. Their qualifications should be the same as those enumerated by the most recent Presidential Advisory Commission, the National Advisory Commission on Criminal Justice Standards and Goals, in its report Police (1973). The Committee endorses the Advisory Commission's Report and encourages the Rochester Police Department to implement its excellent recommendations especially as they relate to police recruitment and selection.

There are highly qualified minority persons who would make excellent police officers. They must, however, be attracted to a law enforcement career. It is in this area that the Police Department must make every effort to reach those prospective candidates and convince them that a career in the police profession is a worthwhile one. Recruitment efforts should be coordinated with community groups such as, but not limited to, FIGHT, ABC, Urban League and the Ibero American League. The news media must be solicited for their support in advertising the value of a career in law enforcement. High schools, recreation centers, and college campuses should be visited by the recruiting officers. Special brochures should be designed to highlight the rewards of a career in law enforcement with the Rochester Police Department. Ride-a-Long and similar familiarization programs should be initiated and directed toward minority youth.

The recruiting officers must be able to overcome the stereotyped image that many minorities have of the Police Department. The Rochester Police Department, in turn, must ensure that all ranks receive additional
and regularly scheduled in-service training which has at its core the "sensitizing" of the officer toward the community he serves. Highly qualified minority applicants will not be attracted, or once attracted, will not remain on the police force if the white officers are not sympathetic and understanding of the mores of the minority community.

Recommendation

6.2 That the Rochester Police Department establish a recruitment section to plan and implement an aggressive recruitment program to attract highly qualified applicants:

a. The recruitment section should be staffed by both majority and minority officers.

b. That college campuses, especially colleges with a large minority student body, be visited by the recruiting team.

c. That the Department through involvement in high school programs, boys clubs, etc. develop an interest in the city's youth toward a career with the Department.

d. That the recruiting section solicit the help of local advertising media for publicity support.

e. That the recruiting section work closely with leaders of the minority community in attracting qualified minority applicants.

f. That the Department institute an on-going in-service training program which will provide its officers with a greater understanding of the mores of the various minority communities.

Residence Requirements

Introduction

The Rochester Police Department has recently instituted a practice in which there are two lists of eligible candidates prepared after the Civil Service exam results have been received. The first list is of those
candidates who received a passing grade on the examination and who were city residents for at least four months prior to the date of the examination. The second list is of those candidates who received a passing grade on the examination but who were not city residents for four months prior to the date of the exam. The first list of city residents must be exhausted before candidates whose names appear on the second list can be hired.

This procedure is to be commended since it gives preference in hiring to those candidates who have at least experienced city living for at least a minimal amount of time and who are hopefully somewhat aware of and sensitive to the varied and complex factors and problems which are involved in an urban setting, in general, and in the City of Rochester in particular.

There are however a number of very strong arguments which can be made for requiring members of the police force to remain residents of the city during the term of their employment with the city.

The success or failure of a law enforcement agency is intimately related to the degree of cooperation that agency receives from the community it serves. That sort of cooperation can only exist where there is mutual understanding between the police officers and the citizens they serve.

The report of the National Advisory Commission on Criminal Justice Standards and Goals (January, 1973)\(^4\) pointed out that:

\[\text{Mutual understanding between the officer and other citizens results from the officer's assuming an active private role in addition to his professional role in the community. This rapport, in turn, helps the officer understand local problems and needs, while destroying the false and damaging stereotyped image many people have of the police. Such understanding develops when police officers become, for example, scout leaders or members of such groups as PTA, Optimists or Kiwanis.}^*\]

\((p. 323)\)

By living within the city, the officer becomes part of the community he serves. His residence automatically gives him at least one thing in common with those he serves and, hopefully, his private community activities will increase the common grounds between him and the citizen. In addition, the citizen, looks upon the officer as a member of the community—as a neighbor—as a fellow parent—as a fellow church member—as someone, in short, who has a real and personal investment in the community. This feeling on the part of the citizen should assist in increasing the confidence of the citizen in the officer and ultimately create a greater spirit of cooperation.

Although this improvement should be seen among all age levels of the public, it would, hopefully, be most apparent among the youth. If a child or teenager has the opportunity to become personally acquainted with police officers as neighbors, scout leaders, little league coaches, etc., he should form a more positive image of police officers and a much more cooperative attitude toward them. In the same way, officers residing in the city neighborhoods would be more aware of what's happening within the neighborhood and thereby become a much more effective law enforcement officer.

There would, of course, be a financial benefit to a city residence requirement. Hopefully, it would help to reverse the shrinking tax base of the city. New York City has shown what a shrinking tax base can cause and both the public and the police officers have suffered by layoffs of police officers because there was no tax money to pay their salaries.

It is, however, important to remember that there are no solid hard facts which indicate that a police officer who is a resident of the city
is or will become a better police officer than a police officer who is not a resident of the city. Furthermore, to require members of the Police Department to live in the city and to fail to make such demands upon other city employees such as school teachers, firemen, recreation employees and other city employees would be unfair and inequitable and undoubtedly would create a serious morale problem among police officers. Therefore, it is the Committee's recommendation\textsuperscript{5} solely that a thorough study be carried out by the City Council to look into the possibility of adopting an ordinance requiring all new employees hired by the city after July 1, 1977 to be city residents within six months from the date they are hired and to maintain that residence during the term of their employment. Exempt from any such ordinance, if indeed such an ordinance were passed after a thorough study recommended the same, would be the present employees of the city who could remain at their present residence and also could be promoted without having to move into the city.

\textbf{Recommendation}

6.3 That the Rochester Police Department continue its present hiring practice of certifying first for employment those candidates who have been residents of the City of Rochester for at least four months, and that the City of Rochester seriously study the possibility or feasibility of requiring all new employees of the City of Rochester hired after July 1, 1977 to become residents of the City of Rochester within six months after they become employees and to maintain such residency during their period of employment.

\textsuperscript{5}Robert J. Coyne, President of the Rochester Police Locust Club and a Member of the Committee objected very strongly to any mention or recommendation of residency requirements in this report. It was his position that the matter of residency was not one of the Committee's original charges and that it has no meaning or place in any Final Report of the Committee.
CHAPTER SEVEN

Public Information Section

Introduction

Progressive organizations have long recognized the need to provide general information in order to maintain an open and trusting relationship with their constituencies. Government is just beginning to realize the importance of such a policy. The Police Department of any city is obviously one of the most vital and sensitive components of local government. It must be particularly concerned with demands for information concerning its policies and practices. It is, therefore, apparent that it is essential in order to further public confidence to establish a viable system of communication between a Police Department and the public. Furthermore, the emphasis should not be placed only on the volume of information which is supplied, but also on the substitutive elements of the varied communications. The need for information to be given to the public is, however, but one facet of a public information system. There is an equal need for information to be given internally to the members of the Police Department themselves.

There being demonstrated a need for the public to be informed as well as the Police Department's members to be the recipients of information, there should be created a public information section with a public information officer with the rank of sergeant or higher at the head of the section. Such an officer would have the responsibility of maintaining liaison with the public. It would be his job to make sure that any lack of understanding or misunderstanding should not arise out of a lack of communication. The public should be continually informed about the Police Department's activities,
changing crime situations, departmental rules and regulations of general interest, and particularly, new regulations or procedures which affect the public. The entire public information section should be responsible for press releases, dissemination of information on acute occurrences, arranging community meetings with police officers and/or administrative personnel; meeting with public and private organizations, and establishing a police bureau. As stated above, it would have an internal function and it should publish an intra-departmental monthly publication to satisfy the needs of the members of the Department for information. At the present time, there is a weekly bulletin published by the training section. While this is indeed a worthwhile effort, it would appear that if a central office responsible for all publications were established through the medium of the public information section, such bulletins could be coordinated and become a part of the information garnered from citizens, court cases, various sections and divisions within the Department, which would be published for police officers.

**Recommendation**

7.1 That there be created within the Rochester Police Department, directly under the Chief of Police, a public information section.

7.2 That the public information section should be commanded by an officer with the rank of sergeant or above and that the personnel should be assigned as needed; if secretarial help is required, it should be provided.

7.3 That the public information section should have external duties as far as keeping the public informed as well as internal duties in relation to keeping the Rochester Police Department members informed.
CHAPTER EIGHT

Police Legal Advisor

Introduction

Across the country, police officers and administrators now seem to recognize the need for having licensed attorneys, specially trained and experienced in legal matters pertaining to police practices attached to their Departments. The functions of police legal advisors (at present about 300 employed in Departments throughout the country,) vary depending on the scope of responsibility given to the appointed or elected city or county attorneys, and their ability, within their available time, to be responsible to individual police agencies within their jurisdiction.

Here in the City of Rochester, it appears that in the past at various times the Rochester Police Department has had a legal advisor. The practice, however, has not been uniform or constant and at present they do not have a legal advisor.

The Rochester Police Department undoubtedly can call upon the city Corporation Counsel's offices, the county District Attorney's staff, to satisfy some of their needs for legal advice. However, the services of such attorneys cannot meet the day to day needs of the members of the Rochester Police Department considering its size and the volume of its work. It is apparent that the role of a police officer and, particularly in his law enforcement function, is becoming increasing complex and difficult. This difficulty and complexity, of course, arises out of the influx of much new legislation, constantly changing court interpretations of legal situations, of the differing community needs, etc. A legal advisor for the Rochester
Police Department may well serve the following functions:

1. Provide officers with information on new legislation and court interpretations.

2. Planning and executing training programs on facts/evidence required for affidavit preparation, the filing of information, and applications for search warrants.

3. Advise the administration in the formulation of major policy changes so as to preclude possible legal challenge.

4. Assisting in revising and continually updating departmental rules and regulations to assure the changes are within constitutionally prescribed limits.

5. A relation to the revision and updating of departmental rules and regulations to monitor investigation of citizens complaints against police officers and advise administration on internal or criminal actions and their legal consequences.

6. To act as liaison between the Police Department and the city Corporation Counsel's attorneys, District Attorney, and of course to assist in drafting legislation where indicated and act as liaison between the Department and the various legislative bodies.

7. To perform such other legal services deemed to be in the best interests of the Department and the community.

Each of the above services which a legal advisor could render to the Rochester Police Department as well as to the citizens of this community, demonstrates the impelling necessity for a police advisor.

Recommendation

8.1 That a police legal unit be established within the Rochester Police Department.

8.2 That an attorney licensed in the State of New York be hired to serve at the pleasure of the Chief of Police.

8.3 That additional staff, police or civilian, be assigned as needed.
CHAPTER NINE

Revision and Updating of Existing Police Policy Statements, Rules, Regulations, and Procedures

Introduction

The Chief of Police is responsible for the performance of his Department. He is ultimately accountable for the formulation of policy, for the rules, regulations, and procedures instituted to obtain the goals and objectives set down as policy statements, and for the maintenance of disciplinary practices consistent with reasonable demands for exemplary performance.

Written policy statements must be sound and just, and must be written in concise, clear language outlining the procedures for obtaining their objectives. If they are, then they will serve well in: (1) assisting police officers in determining the limits of their discretion, (2) in promoting uniformity and continuity, (3) in instructing new officers, (4) in avoiding distortions and misunderstandings which may exist with verbal regulations, (5) in giving the administration the legal ground necessary to hold individual officers accountable for their actions, and (6) in promoting public confidence.

As it might be expected, policy statements have been issued by many police administrators who have served in the past in the Rochester Police Department. These policy statements have been backed by rules, regulations and procedures and with the passage of time old, out of date, policies have been revised; changed; modified; new rules and regulations have been issued; old rules and regulations have been changed in whole or in part. As a result, a police officer who reads the policy statement
and the rules, regulations and procedures pertaining to a particular issue may very well be forced to search out many different general orders issued in different years and he may operate under an outmoded rule if he has failed to see a revision, a modification or a change. This, of course, is not fair to the officer who is held accountable for his actions and it is also not fair to him to have to go through a tedious process of searching out old general orders, rules and regulations and their revisions. A police officer needs to have on hand the policy statement, the rules and regulations, general orders in a revised and updated condition.

The Committee, however, has found that there has been no overall consolidation or updating of policy statements, rules and regulations and procedures for many years. This deficiency needs immediate attention.

Recommendation

9.1 That the Rochester Police Department re-evaluate its goals and objectives and set the same down in writing.

9.2 That policy statements and furtherance of obtaining the goals and objectives of the Department be clearly written and enunciated.

9.3 That existing rules, regulations and procedures be revised and updated to reflect present performance standards.