



# Rochester Police Department

Office of the Chief: David M. Smith

June 13, 2024

# Media Release

185 Exchange Boulevard

## PAB Discipline Oversight Investigation Response:

The Rochester Police Department continues to move forward under the Pillars of 21<sup>st</sup> century policing, recommendations from the RASE Commission, the Public Safety Partnership with the Department of Justice, and many other community inputs, with a goal of continuous improvement as officers work to keep our community safe.

Chief Smith has made numerous changes to the organization, including a recent restructuring and significant policy changes in key areas, including the handling of protests and juvenile use of force. He has also implemented a highly regarded Cultural Immersion training program.

Throughout these efforts, Chief Smith actively engages with community partners, and is receptive to working with the PAB in partnership, as evidenced in Page 17 of the report where it is acknowledged that he requested a draft of the report, for context, prior to an interview. He is disappointed that the PAB provided a copy of the report to the RPD only this morning, and that the PAB continues to present its feedback in the form of a hasty report to be discussed through the media rather than working with the RPD directly.

That said, the RPD has the following immediate response to the PAB's oversight report titled, "RPD Discipline: An Oversight Investigation." This response is preliminary and high-level, as the City has had little time to review the report in its entirety, but there are several misleading sections that should be immediately addressed.

The PAB report highlights an apparent zero findings of misconduct from calendar year 2023, without providing context. Disciplinary proceedings, in the second half of 2023, were significantly delayed due to Locust Club elections and ensuing change in their leadership. Upon installation of new union leadership at the beginning of 2024, disciplinary matters have begun to move forward again, with seven sustained findings of misconduct, several of which were pending since 2023.

The report cites nearly 30 percent of sustained cases resulted in a Memorandum of Record (a form of training), rather than disciplinary action. This should be unsurprising. Like many other employers, Chief Smith recognizes that discipline is not necessarily appropriate for minor policy violations that can frequently be better resolved with counseling or training.

Finally, the PAB alleges that the RPD is in violation of Article 18 of the City Charter, which states, "*any complaint received and accepted by PSS shall be transmitted to the Board.*" As stated in the report, "*the RPD only notifies the PAB of investigations that originate from citizen complaints.*" The RPD has not received any non-citizen-based complaints since

For more information or media requests please contact the Rochester Police Department  
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the inception of the PAB and, as stated by the PAB, are in compliance with the City Charter. Page 22 of the report highlights 11 departmental PSS investigations that were initiated during the 2023 calendar year. Where a PSS investigation results from an internal request by the Chief, rather than from a citizen complaint, the above-cited Charter language is not implicated.

In the coming days, Chief Smith and his staff will continue to review the report from the PAB and work to address any deficiencies, such as data-entry with some of the noted cases.

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