

Rochester NY Police Department's Body Worn Camera Program

Annual Report 2018

Community Justice Advisory Board

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**The Community Justice Advisory Board (CJAB) is a ministry of
United Christian Leadership Ministry of Western NY, Inc.**

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Executive Summary

Our Mission

In the summer of 2016, in response to longstanding community demand, the City of Rochester began to implement a police body worn camera (BWC) program. BWCs are being implemented in police forces nationwide. In many cases their use has resulted in better police-community relations through reductions in police uses of force, de-escalation of police-citizen encounters, and fewer citizen complaints about police.

In November, 2017, the City of Rochester formalized a process for ongoing community input into the BWC program by signing a Memorandum of Understanding with the Coalition for Police Reform (CPR). CPR is a consortium of community groups led by United Christian Leadership Ministry. This MOU established regular meetings between CPR and the Rochester Police Department (RPD), as well as making other commitments of cooperation between the City, RPD, and CPR.

A CPR subcommittee, the Community Justice Advisory Board (CJAB), was formed for this purpose and has been meeting quarterly with RPD since January, 2018. CJAB is pleased with the good working relationship, teamwork, and transparency that our partnership with RPD and the City partnership has achieved.

What follows is CJAB's first annual report on this partnership.

Evaluation of BWC Policy

RPD gets generally high marks from CJAB for its BWC policy. We applaud the transparency of the process, general clarity of the guidelines, attention to privacy concerns, overall policies for storage of recorded footage, and guidelines for release of footage to the public.

Areas in which we continue to seek policy improvement include:

- Removing BWCs from schools until school-specific BWC policy has been developed with input from community stakeholders, especially parents and PTAs. THIS IS A PRIORITY FOR CJAB AND FOR THE COMMUNITY.
- Changing BWC policy guidelines to require that officers submit their initial written report on an incident prior to viewing related BWC footage
- Clarification of RPD policy's "safe and practical" guidelines for BWC activation
- Immediate deletion of BWC footage recorded in error
- Assurance that the City's response to Freedom of Information Law (FOIL) requests complies with written BWC policy and with state FOIL law
- In view of upcoming RPD enhancements in image collection and data management, formulation – with community input - of a policy regarding biometric screening of footage

Evaluation of BWC Implementation

Because BWCs are a relatively new development in policing, and because our City needs to contribute its information to the national exploration of best practices for BWC use, it is important to make sure that comprehensive data are collected about Rochester's BWC program. This will help both Rochester and the nation ascertain how BWCs can be optimally (and cost-effectively) used.

We applaud RPD for its ongoing efforts to monitor the BWC program and to adjust policies and procedures as experience suggests. In the course of CJAB's work with RPD and the community, we have discovered a variety of additional BWC data that would aid these efforts. Fortunately, RPD is in the process of developing an improved data management system, expected to be in place by the 3rd quarter of 2019. We understand from RPD that the new system will be capable of accommodating the data that CJAB requests, and we advise that the following items be included in the new system as it is implemented:

- Details on camera functionality
- Additional **details** on whether camera use is in accordance with written policy, enabling specific pinpointing of any problem areas. Of particular interest and relevance are:
 - Demographics of both civilians and police involved in police encounters
 - Statistics about BWC use during arrests and during police uses of force
 - Statistics about availability of BWC footage for complaints of misconduct that are filed
- Details on City response to FOIL requests
- Details on how the presence of BWC footage may affect the resolution of **various kinds of misconduct complaints**
- General surveys of police officers, police administrators, community, and other stakeholders with respect to their perceptions of BWCs and their view of police-community relations in general.

Conclusions

RPD's implementation of BWCs is off to a strong start, with generally favorable ratings from police and the community. The presence of BWC footage appears to be significantly helpful in facilitating civilian review of police misconduct complaints (although we do not yet see evidence that BWC footage changes the eventual outcomes of complaints, which are ultimately decided by the Chief of Police). We are optimistic that, with continued experience with BWCs plus evidence-based program improvements, we will also begin seeing the results seen in many other communities: reductions in police use of force, de-escalation of police-civilian encounters, and fewer civilian complaints.

CJAB looks forward to continued partnership with the Rochester Police Department and the City of Rochester. We will work assiduously toward the goal of a successful BWC program and positive community-police relationships.

Background

Community-police relations have been a concern for decades, especially among communities of color. In recent years, however, national attention has at last become broadly focused on this issue due to increased publicity about police killings of African-American and Latinx people. The killing of an unarmed African-American teenager, Michael Brown, by a police officer in Ferguson, Missouri, on August 9, 2014, is often seen as the watershed event in this heightening of the nation's attention. The tragedy in Ferguson led to local riots, nationwide outrage, the birth of the Black Lives Matter movement, and the creation of President Obama's *Task Force on 21st Century Policing*.

Rochester itself has a long history of community-police discord. Only a few years ago, Rochester somberly reflected upon the 50-year anniversary of its 1964 "riot", which began as an altercation between police officers and a group of Rochesterians of color. Now, in 2019, the Rochester Police Department (RPD) continues to be faced with numerous civilian complaints and by widespread community mistrust. In recent years, the community has been outraged by well-publicized allegations of police abuse of civilians (mostly civilians of color), including Ricky Bryant, Brenda Hardaway, Benny Warr, and many others. The City quietly pays hundreds of thousands of dollars each year in legal settlements to civilian victims. In a further development, at the time of this writing, one RPD officer faces criminal trial for alleged brutality in the beating of Christopher Pate. The ongoing antagonism and mistrust between the community and RPD threatens the safety and well-being of civilians and police alike.

For decades, Rochester civil rights, human rights, and social justice organizations have sought changes to specific policies and practices of the Rochester Police Department. In 1963, Rochester introduced a "Police Advisory Board" that enabled rudimentary civilian review of police behavior, but this short-lived effort ended in 1965. In the early 1970s, in response to continued complaints of police abuse, a coalition of religious leaders formed an organization called United Church Ministry, Inc. (UCM). Under the leadership of Rev. Julius Jackson, Rev. Raymond Graves, Rev. Willie Harvey, Minister Franklin Florence, Dr. John Walker, Dr. Paul Garlington, Dr. Leardrew Johnson, and Rev. Lewis Stewart, UCM made renewed calls for civilian oversight of police behavior. In 1992, under pressure from these ministers and other community leaders, the City created a "Civilian Review Board", which continues to function at the present time. This Board has limited power, however, and is widely perceived as ineffective its mission to reign in police violence.

Eventually, in 2013, when Rochester was faced with a new series of police-involved killings and other controversial uses of force, Rev. Stewart resurrected UCM in a new incarnation as United Christian Leadership Ministry of Western NY, Inc. (UCLM). UCLM recruited other community groups, such as the Genesee Valley chapter of the New York Civil Liberties Union (NYCLU), the Greater Rochester Community of Churches (GRCC), and Rochester's Green Party, to form the Coalition for Police Reform (CPR). A "Community Safety Agenda" developed by CPR included insistence upon a strengthened civilian review process and also called for the implementation of police body worn cameras (BWCs). Currently, efforts are underway in Rochester to increase the authority of civilian reviewers.

In 2015, in response to demands by CPR and other community members, Rochester's City Council unanimously passed legislation establishing a BWC program, which Mayor Lovely Warren signed into law. Funding of the cameras was assisted by a U.S. Department of Justice grant. In the summer of 2016, RPD began to equip officers with BWCs. (More details on the history of Rochester's BWC implementation may be found at <https://www.cityofrochester.gov/RPDBodyWornCamera>.)

Throughout this process, CPR insisted that the implementation of BWCs be accompanied by sound policy for their use. We developed a set of policy guidelines, which we provided to the City and RPD. Acknowledging our role in this process, in 2017 the City of Rochester signed a Memorandum of Understanding (MOU) that formally established a partnership between RPD and CPR to monitor the BWC program. The MOU was signed on November 28, 2017, by Mayor Warren and by CPR representatives Rev. Lewis Stewart and Mike Bleeg. A copy of the MOU is available in Appendix B of this document.

To fulfill the MOU, CPR/UCLM formed a subcommittee to focus specifically on the BWC program. This subcommittee, the Community Justice Advisory Board (CJAB) includes representatives from CPR's member organizations as well as interested community members. It is administered by UCLM. In accordance with the terms of the MOU, CJAB meets quarterly with RPD to help assess and improve the BWC program.

CJAB would like to take this opportunity to especially thank Mayor Lovely Warren for her willingness to make the collaboration between CJAB and RPD a significant and landmark reality in the City of Rochester. Without this joint effort between local government and community, this capacity to move forward together to promote police transparency and accountability would not have been possible.

CJAB would also like to thank the following RPD officials for their helpful and straightforward collaboration: Interim Chief Mark Simmons, former Chief Michael Ciminelli, Deputy Chief of Community Affairs La'Ron Singletary, retired Deputy Chief of Community Affairs Wayne Harris, former Capt. Korey Brown, Lt. Michael Perkowski, Lt. Laszlo Tordai, and RPD Business Intelligence Director Nicholas Petitti.

CJAB's work is vital for enhancing mutual trust between the community and law enforcement, thereby improving the quality of life for all in Rochester. We commend the collaborative spirit that has characterized this endeavor.

What follows, for the consideration of City government, RPD, and the general public, is CJAB's analysis of the City of Rochester's Body Worn Camera program from its inception until the end of 2018.