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POLICE COMMUNITY RELATIONS PROGRAM:
CIVILIAN REVIEW BOARD
2016 ANNUAL REPORT
January 1, 2016 – December 31, 2016

SUBMITTED TO:

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EXECUTIVE SUMMARY

INTRODUCTION

The end of the 2016 calendar year marks the twenty-fourth year of the civilian oversight of law enforcement process currently in place in Rochester, New York. The Rochester Civilian Review Board (CRB) is by national definition a Type 2 civilian oversight system: Police officers investigate allegations of misconduct and develop findings; citizens review investigations and recommend to the chief of police that the findings be accepted or rejected. The process in place was approved by the Mayor and City Council of the City of Rochester in 1992; program enhancements were made in 2013 that limited all third party neutral panelists to being City residents and added a designated Community Advocate position. The Center for Dispute Settlement (CDS) was selected to be the appropriate contractor to implement the process given the agency's record and experiences in the application of impartial, third party neutral status processes and providing Alternative Dispute Resolution programming.

The Center has been involved in Civilian Oversight since 1977 when Law Enforcement Oversight was a nascent field. The Center became involved in this field because of its strong community presence inclusive of all minority and mainstream residents. The Center has been and continues to bring the best practice recommendations to the Rochester program institutionalizing modifications and improvements to the oversight process to present day.

In 2011 and 2012 the Center for Dispute Settlement's President & CEO, Sherry Walker-Cowart, based on the Center's work in Civilian Oversight of Law Enforcement, was invited to participate in a Rochester City Council Commission to review the current Rochester CRB process. A 16 month City Council Commission review of Police Complaint system resulted in Council recommending police oversight program enhancements that were incorporated into the existing legislatively governed programs. One of the program enhancements included provisions for a part-time Community Advocate position. The Community Advocate is required to be unbiased and able to maintain an impartial posture with respect to complainants and police officers to insure the confidence of the public and of members of the Rochester Police Department in the integrity of the complaint investigation process. The Community Advocate is available to assist a civilian in filing a complaint and also available to accompany the complainant during their interview with the Professional Standards Section. Another enhancement to the civilian oversight process included utilizing only city resident, NY State Unified Court System certified, mediators as Civilian Review Board panelists for reviewing complaint investigations.

A Request for Proposal was issued by the City of Rochester and the Center was chosen as the independent agency to continue to provide Citizen Oversight of Law Enforcement services; this began in January 2013. In late 2015 The Center again responded to a City Request for Proposal and was selected to provide continuing Police Oversight Services. The Center is pleased to be recognized for its expertise in the field of civilian oversight of law enforcement and invited to participate in the CRB review process consistent with its position of providing independent, neutral fair representation for all involved parties.

The CRB is charged with the thorough and total review of all investigations completed by the Rochester Police Department's (RPD) internal affairs or Professional Standards Section (PSS), of allegations of misconduct on the part of sworn Officers of the RPD that involve, use of force and/or actions that would constitute a crime. The CRB responsibility as part of that review is to determine thoroughness, fairness and timeliness of formal investigations into allegations of police misconduct, to render findings and to make recommendations to the Chief of Police based on those findings.

A unique aspect of the Rochester program that sets it apart from all other oversight efforts across the country is the exclusive use of mediators certified by the Center under auspices of the New York State Unified Court System as review board panelists. The benefit(s) derived from this aspect given the mediators' training and experience, is the increased guarantee that panelists will be objective reviewers which is essential/critical to the integrity of this kind of process.

CRB panelists review all completed investigations of citizen complaints that include an allegation of force or criminal behavior by an officer. However, there are many complaints that do not have those types of allegations, such as complaints that just allege procedural and/or discourtesy issues. So as to ensure that all citizen complaints receive fair, thorough and timely consideration, audits of these "non-CRB review eligible" complaints are conducted by CRB Chairpersons. A Chairperson conducts these audits on location at the PSS office having full access to the complaint investigation files. During 2016 CRB Chairpersons conducted an audit of non-CRB review eligible complaints.

Staff provided more than 88 information sessions to the public during 2016. Extensive community outreach and accessibility are key factors for ensuring citizens are aware of the police oversight programs and complaint process. The Community Advocate and other Center staff work directly with community/neighborhood/school/youth groups advising citizens of all aspects of its Police/Community Relations Programs that encompass: Complaint Intake & CRB Investigation Reviews, Police/Citizen Conciliation (PCON) and Public Outreach. These outreach opportunities focus on providing information and access throughout Monroe County and the City of Rochester with special efforts to reach out to economically disadvantaged and marginalized members of the community. Community members, who become aware of their rights and responsibilities in police matters through public outreach and who become aware of the safeguards provided by independent civilian oversight of police complaint investigations, are more likely to initiate a complaint if they believe an officer's behavior in a situation was inappropriate.

The Center has an online link on its website under the Police/Community Programs section that allows complainants to initiate contact regarding a police complaint with Center staff that then follows up with the citizen. As previously noted, the Center prioritizes outreach to disenfranchised and marginalized citizens.

Additional information will be found in the narrative portion(s) of this report under *Panelists Development, Police/Community Relations Outreach and Program Enhancements*. These sections discuss, among other things, the ongoing efforts to strengthen the over-all programs, e.g.; training; collaborations; programs to educate the community about the processes available to: compliment or register complaints against police officers; address police/community issues; citizen's rights and responsibilities; police procedure(s); community policing, and civilian oversight of law enforcement.

REPORT ORGANIZATION

This Annual Report for the **City of Rochester Police Community-Relations Program** is for the 2016 calendar year. The organizational format is designed to first provide the reader with an overview of the total service delivery program. The opening narrative attempts to serve as a basis for understanding the operation/administration of the program, and to help clarify the relationships that exist between the various elements of programming and how they work together to assure the effectiveness of the review process.

The **PROGRAM ENHANCEMENTS** section discusses initiatives undertaken to strengthen the CRB oversight process as well as the Police/Community Relations effort, this information will include:

- Panelist Development -In-Service Trainings for CRB panelists including legal updates, body worn camera policy and equipment overview, citizen's rights and responsibilities, levels of intrusion, use of force procedures, and the early warning system for RPD officers.
- Staff Development- Continuing education in the Oversight of Law Enforcement field through affiliation with the National Association of Civilian Oversight of Law Enforcement (NACOLE) and attendance at the NY State Dispute Resolution Association (NYSDRA) annual conference.

The **POLICE/COMMUNITY RELATIONS PROGRAM** section highlights the very important OUTREACH activities that serve to educate community and promote the use of services and processes. Included among these activities are:

- Community Outreach
- Training Police Recruits
- Citizens' Rights and Responsibilities
- Convening the Police/Community Relations Advisory Council: a diversified group that includes membership from the city and county, academic, legal, and law enforcement communities
- Community Policing efforts
- Conclusions
- Plan for 2017

The **GENERAL INFORMATION** section covers the **CIVILIAN REVIEW BOARD**, statistical data relative to CRB case review findings, recommendations, police/citizen conciliations, police complaint intakes, PSS Audits, Section 75 Hearings and panelists' demographics.

PROGRAM ENHANCEMENTS

Program improvement is an ongoing CDS endeavor. All facets of the service delivery and program management are evaluated on an ongoing basis. Evaluation methodology is utilization focused and the usable information is processed for immediate application. Systems are designed to receive feedback from program contacts; community, law enforcement, judicial, academic, legal, business, government, etc. The results of this activity are often enhancements or adjustments and additions to existing program(s) that strengthen different aspects of the total police/community relations effort as well as the review process.

The following highlight and discuss some of the program elements that contribute to, and/or benefit from the enhancements developed and applied to programs during 2016.

PANELIST DEVELOPMENT

In-Service trainings are scheduled each year in an effort to assure the continued growth and development of individual panelists and the review process. The trainings are designed to update panelists on Police Department procedural and policy changes that have been put in effect during the period, to provide legal updates on evolving State and Federal court decisions that impact citizen's rights and police policy and to expose the panel to subject matter that will broaden their understanding of civilian oversight of law enforcement trends and practices. A portion of the In-Service training regularly includes an opportunity for panelists and PSS staff to cross dialogue during which a great deal of information is shared between the two groups. The product is a better understanding of function and expectation on the part of both groups, and the adjusting and sharpening of review procedures, thereby strengthening the process. In-Services are interactive, and usually include a skill building exercise.

As part of an ongoing effort to expand the knowledge base and skill sets of the panelists, administration seeks relevant, as well as requested, subject matter and presenters for upcoming trainings. CRB panelists were offered in service training opportunities such as Body Worn Camera Protocol, Policies and Equipment overview, Cultural Humility and Implicit Bias Awareness, as well as other training offerings available to mediators at the Center.

CRB panelists must maintain their mediation certification as per agreement with the NYS Unified Court System that states that they must perform community mediation services for assigned cases a minimum of three (3) times per year and attend a minimum of six (6) hours of in-service training. Panelists must also do an annual ride along as part of their annual re-certification process; this is spending an eight hour shift with an on-duty officer.

A goal for 2017 will be to identify, train and certify additional panel members to broaden not only the gender and racial diversity of panel members, but a diversified range in age as well, conduct quarterly in-service panelist training sessions covering a variety of topics including police policies and procedures, updates on legal rights and responsibilities, and CRB case review procedures.

PANELISTS APPOINTMENTS

CRB panelist make up is gender and racially diverse as noted below in the panelist demographic section; continuous recruitment of new panelists is an important aspect for maintaining and sustaining this panel of community volunteers. To this end, city residents are solicited to express their interest in receiving training towards becoming volunteer community mediators, this being the first step toward becoming a CRB panelist. Those city residents expressing interest in becoming volunteer mediators are afforded the opportunity to take basic mediator training –Principles of Mediation (POM); training fees are waived for qualified city residents willing to train to become volunteer third-party neutral mediators. Those volunteers are then afforded mediator apprenticeships and subsequent consideration for additional CRB training. Current volunteer community mediators are also canvassed and those expressing interest in becoming panelists for the Civilian Review Board are also considered for CRB training. Current CRB panelists, current mediators and apprentice mediators can then receive intensive CRB training scheduled on a biennial basis. This included 32 hours of training on Civil Rights, Citizen’s Rights & Responsibilities, Police Policy, Procedures and General Orders. CRB panelists and apprentices are also expected to participate in an 8-hour ride along with an RPD officer during their work shift.

Seasoned CRB panelists are recommended to the position of chairperson as they demonstrate an accepted level of proficiency, and/or as the need for new or more chairs is identified. Nominees for perspective Chair positions must be submitted and approved by the Mayor.

STAFF DEVELOPMENT

Pursuant to enhancement provisions of City Council Resolutions regarding the RPD Oversight programs, a Community Advocate position was created in January 2013.

The functions of the Community Advocate include:

- Facilitating the administration of the citizen complaint intake process for the Police/Community Relations program, including but not limited to the following:
- Guiding complainants through the complaint process;
- Providing for a fair complainant intake process at the Rochester Police Department’s Professional Standards Section (PSS) or other off-site locations;
- Providing case status updates to complainants at all appropriate case stages providing regular case processing updates;
- Providing Community Outreach to individuals, community/social action/neighborhood groups regarding the Police/Community Relations program and The Center’s services;
- Assisting with the preparation, design and implementation of in-service training programs for CRB panelists;
- Responding to citizen initiated mediation referrals providing case management services through The Center;
- Conducting public education programs and outreach with community agencies, social action, neighborhood groups and referral sources;
- Obtaining and maintaining The Center’s mediator certification.

Cheryl Hayward has served in this position since its initiation. All complainants are now afforded the assistance of the Community Advocate. Complainants have requested support from the Community Advocate, at times accompanying them during the PSS formal interview regarding their complaint. During 2016 twelve (12) complainants requested the assistance of the Community Advocate, which included accompanying them when their stenographic statement was taken at PSS. During this period, the Advocate conducted over one hundred follow-up contacts with PSS and complainants, included those who had been provided assistance with drafting a complaint but chose to wait to forward their complaint on for investigation; this is often the case when there the complainant is involved in other pending legal actions.

In response to concerns and questions raised by community members and complainants, Cheryl continues to offer and provide support to those interested in filing complaints by providing a safe place to share their grievances, initiate police complaints and describe how they were impacted by the interaction with an RPD officer.

The Community Advocate continues to take a leadership role in encouraging people to think about and to become involved in ways to improve community life. Cheryl's work as a Community Advocate, interacting with hundreds of citizens on a regular basis provides her with an intimate understanding of the public's needs, concerns, and expectations. This perspective enables her to candidly discuss realistic approaches on ways that members of the community and law enforcement can actively support each other. The Community Advocate actively encourages community members' involvement in public service by encouraging city resident participation on The Civilian Review Board (CRB), facilitating police/citizen community conversations, offering Police Conciliation opportunities to complainants and in following through with the complaint until the end.

The Center for Dispute Settlement is a charter member of the National Association of Civilian Oversight of Law Enforcement (NACOLE). Beginning in 2010 NACOLE began awarding NACOLE Certified Practitioner of Oversight (CPO) designations to field practitioners who have demonstrated knowledge of the oversight field through their work experience, subject matter knowledge and diverse training in oversight best practices and procedures. The Center's Director of Police/Community Relations Programs achieved this certification in the field of Civilian Oversight of Law Enforcement in 2011 and renewed that certification in 2014.

The Community Advocate attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference in September 2016. Ms. Hayward utilized this opportunity to learn about other oversight programs/structures and the manner in which they are exercised in communities throughout the country. Workshops sessions offered insight into different community outreach methods and highlighted community members/groups that may be apprehensive in accessing police oversight services. She has also accrued credits toward obtaining the Certified Practitioner of Oversight (CPO) status.

POLICE/COMMUNITY RELATIONS PROGRAM

In addition to conducting intakes on complaints, conducting conciliation sessions, scheduling CRB sessions and conducting audits, the Police/Community Relations Programs are also engaged in a number of other police/community relations initiatives. Each initiative is designed to collectively improve the overall quality of civilian oversight services while raising the public's awareness and understanding of the various police/community relations programs offered at Center for Dispute Settlement (CDS) as well as increasing community participation in these public processes.

COMMUNITY OUTREACH

A primary goal for CDS staff in 2016 has been to raise the community's awareness and understanding of the agency's programs and the role of the mediator in resolving community disputes. As this applies to police/community programs, objectives include: increasing community understanding of civilian oversight of local law enforcement; building public confidence in the police complaint, investigation and review process; ensuring fairness throughout the process; reaching out specifically to disenfranchised and marginalized sectors of the community and building bridges between the police and the citizens. In addition, emphasis is placed on educating the community on the rights and responsibilities of citizens in police matters. Outreach presentations for the year provided training and informational sessions for hundreds of participants. Informational materials such as Rights and Responsibilities brochures, a CRB history and organizational literature brochure, and CDS contact cards were provided to numerous sites that reached an estimated twenty-five hundred (2500) community residents and service providers.

The Community Advocate and Program Director and Center staff have done extensive outreach throughout the City and surrounding towns explaining the Oversight programs in excess of 100 times during 2016. They have conducted large and small groups information sessions at neighborhood meetings, to community service organizations, faith based congregations, at Neighborhood Service Centers and libraries. It is estimated that more than 2500 residents have been reached through these efforts. The Community Advocate continues to provide extensive outreach throughout the City and surrounding towns explaining the Oversight programs. To support outreach efforts, Ms. Hayward continues to supply local business, libraries, community organizations with the Police/Community Relations Programs overview brochure (available in English and Spanish), and has facilitated interactive discussion sessions targeted for youth and adult audiences regarding their Rights and Responsibilities when encountering law enforcement officers. Outreach presentations and informational meetings were provided at: Charles House, Native American Cultural Center, ABC, Legal Aid, Boys & Girls Club, Monroe County Law Enforcement Council, many Monroe County and surrounding area Law Enforcement Agencies, Neighborhood Safety Net Coordinators, Crime Victims network, Webster, Arnett, Winton, Lincoln, Downtown Libraries, SWAN, MCC faculty and student groups, Ave. D & Carter St. Community Service agencies, Recreation Centers, Neighborhood Service Center staff and residents, Community Place, Baden St. Settlement, SWAN's Montgomery Center, Liberty Partnership Program, MOCHA, Citizen's Police Academy groups, NE and SE NSC Quad Meetings, City Council and other groups.

Additionally, *Community Conversations with Law Enforcement* which began in July 2014 continue to be offered to the community. These community events are open, candid conversations with residents and law enforcement personnel facilitated by Center staff and volunteers. The sessions continued through 2016, they are designed to afford all participants an opportunity to share their thoughts and concerns about the state of Police and Community Relations and make suggestions on how to move forward to enhance these sometimes strained relationships.

Rochester media outlets have also provided opportunities to educate citizens about The Center's police oversight programs. Print articles, along with television news, public affairs and radio programming have also been important avenues for informing the public about our programs. Center staff also facilitated a number of community conversations on race held at libraries and other venues throughout the county. Additionally, Center staff have worked with the Democrat & Chronicle's UNITE campaign and provided facilitator services for the Community Leaders workgroup addressing systemic issues relative to poverty, race, education, law enforcement and housing.

The Center is an active member of the Chief's PCIC committee providing yet another opportunity to directly connect with neighborhood representatives to enhance community building efforts and provide information about the Center's Police and Community Relations Programs.

The Community Advocate in conjunction with the Center's Director, Police/Community Relations Programs provided *Community Building in the 21st Century* training sessions to suburban Rochester Police Department employees. The training sessions were focused on Conflict Management and De-Escalation skills, understanding implicit biases, cultural humility and proactive community building service strategies. The trainings were well received and benefits verified by confidential participant feedback surveys.

It is our goal to continue to explore and develop processes through which the issues that promote conflict can be addressed and disputes that exist between police and community can be resolved. The community education effort is the number one vehicle for carrying forth this effort. We will continue to explore ways to enhance outreach activities.

TRAINING FOR POLICE RECRUITS

Based on CDS recommendations presented to City Council in 2010, Police/Community Relations staff continues to provide training presentations for the police recruits completing the training cycle at the Police Training Academy. These sessions are now a standard part of the recruit training curriculum. This training includes the history and evolution of civilian oversight of law enforcement in the Rochester area, the complaint processes in Monroe County for citizens, conciliation programs, and state of the police-community relationship in this area and the goals and objectives of the CDS Police/Community Relations Program.

CITIZENS' RIGHTS AND RESPONSIBILITIES

Encounters between citizens and law enforcement officers have long been identified as the driving force behind what many community people see as the poor relationship that exists between community and police.

As part of the ongoing effort to address this issue, Police/Community Relations staff, with the assistance of the Advisory Council and the Monroe County Bar Association and IBERO American Action League staff, developed a brochure detailing the rights and responsibilities of citizens when interacting with members of law enforcement which also describes the variety of programs encompassed by Police & Community Relations Programs. This document has become one of the program's most important outreach tools in that it often serves as a basis for dialogue for community trainings and information sharing sessions. This brochure is being actively distributed throughout the City and County and is an excellent complement to the earlier Citizens' Rights and Responsibilities brochure.

As an Outreach concept, presenters go out in teams consisting of representatives from the CDS/CRB and the RPD/PSS. These joint presentations, sometimes referred to as "*Road Shows*", were developed as a way to expose citizens to the complete complaint, investigation and review process as well as information on civilian oversight of law enforcement, community policing and citizens' rights and responsibilities in police matters. Joint PowerPoint presentations show the path of a complaint from interview through investigation and investigation review. Using this as a basis for dialogue, the presenters are able to provide information and answer questions as part of an effort to educate the community about the availability/accessibility of the program. These programs are arranged and presented to community groups throughout the year. Currently, through collaboration with the MC Bar Association a number of attorneys have agreed to accompany Center staff on road shows, providing a legal perspective on citizens' rights.

POLICE/COMMUNITY RELATIONS ADVISORY COUNCIL

Input from local leaders representing diverse disciplines is crucial for the continued success and improvement of CDS's Police/Community Relations Program efforts in the greater Rochester area. To that end, the Police/Community Relations Advisory Council continues to meet on a quarterly basis sharing information, community feedback, statistical data on citizen complaints and outreach efforts. The purpose of the Council is to provide input and suggestions to CDS staff on how to grow and enhance current programs as well as explore new opportunities for growth. The Council includes membership from the academic, legal, community action and law enforcement communities. This body has been instrumental in the evaluation and revision of program brochures for community education in police matters and for bringing forward opportunities for enhancing police community relationships. Advisory Council members also become an integral part of the planning process for important events scheduled for the coming program year.

COMMUNITY POLICING EFFORTS AT IMPROVING POLICE/COMMUNITY RELATIONS

Improving Police/Community Relations is, in large part, a Center *Community Mediation* initiative that offers *constructive processes* for resolving differences and conflicts between individuals, groups and organizations. Such processes are designed to preserve individual interests while building and strengthening connections between citizens and police officers to create processes that make communities work.

As part of community mediation process, there is recognition of the need for all parties involved to be informed and prepared to contribute to a constructive dialogue. To that end, The Center continues to strategically promote community policing efforts to enhance the working relationship between citizens and police officers, wherein officers provide Center contact information “referral cards” to community residents. Officers are often called to situations that are not actual police matters but have the potential to become police matters if not abated in an appropriate manner. Officers are able to provide the disputing parties with Center’s olive colored “referral cards” containing contact information with the suggestion that they consider mediating their dispute in a confidential, controlled setting. In order for disputants or those in conflict to engage in a constructive dialogue they must be able to articulate their positions and/or concerns. They must also be able to share and clarify information in ways that contribute to the collective knowledge base, they must know that they will have an opportunity to be heard, to listen, to have input, that their *process-appropriate* issues will be allowed equal consideration and that they will be part of any decision making process. Statistically, once both parties agree to participate in a Center facilitated mediation, more than 75-80% of these sessions result in the parties coming to a clearer understanding of the situation and in many cases, an appreciation of the issue from the other person’s perspective. These services have the effect of making the outcome of a police encounter a more positive experience with officers providing valuable community resource information to citizens in need. Additionally, this experience brings individual citizens and officers closer; therefore, building bridges between the police and the community. Furthermore, the resolution of minor disputes in a controlled mediation setting can extinguish the brush fires that, if left unattended, can quickly turn volatile and become actual police matters.

Additionally, significant efforts are expended to discuss, examine and evaluate the police-community relationship in the Rochester area, assist community groups and individuals with identifying needs as they relate to improving the police-community relationship, and development plans and strategies designed to address specific community needs as part of a strength-based, coordinated effort to improve the relationship between the community and the police. To this end, ***Building a Culture of Trust*** was the theme for The Center’s bridge building between law enforcement and the community. This theme and concept were highlighted at The Center’s Awards Luncheon held in April in which former Acting Rochester Chief of Police Cedric Alexander, PSY. D, our keynote speaker, highlighted his efforts and findings as a member of President Obama’s Task Force on 21st Century Policing. Community residents were also afforded the opportunity to participate in a free workshop sparking reflection and conversation about building trust within communities that was facilitated by retired RPD Captain Sherman Scott.

The Center's involvement in Civilian Oversight has continually evolved throughout the years in response to social, political, academic and civilian oversight field experience demands. The following recommendations were developed as part of the Center for Dispute Settlement's initiative of "Building a Culture of Trust" that were submitted to Mayor Lovely Warren and City Council members for consideration in October. Some of the recommended enhancements included:

- Consider the CRB findings as the "Official Finding" for each complaint allegation, along with any review board training, procedural or investigative recommendations.
- To address citizen's desire for more transparency, requested that RPD Command Staff routinely report out, to the extent allowable by public law and the Collective Bargaining Agreement, the results of complaint investigations and administrative actions.
- Conduct regularly scheduled Joint CRB and PSS staff meetings to review, discuss and assign all incoming citizen complaints.
- Develop a joint hearing process that allows citizens with Procedural, Courtesy or Demeanor complaints to present their grievances before a panel, comprised of CRB members and RPD officials.
- Provide all sworn officers and recruits with a minimum of 8 hours of Cultural Humility and Implicit Bias Training. Ongoing trainings/in-services provided to officers at a minimum of two hours per year ensuring that this training includes emphasize on generational differences.
- Develop an on-line instructional protocol for citizens that explain how to upload cell phone video that may be helpful for evaluating police/citizen encounters.

CONCLUSIONS

Calendar year 2016 has been a very active year for public outreach, officer training, community policing efforts and general public education. Over the past several years The Center has seen a decrease in the number of citizen complaint inquiries fielded and, in turn, an increasing percentage of formal citizen complaints initiated with the assistance of Center staff. Despite the decrease, the percentage of formal complaints submitted through the Center's complaint intake process represents a substantial percentage of all citizen initiated complaints filed. This can be attributed to increased public knowledge and availability of the complaint intake aspects of the Center's Police/Community Relations Programs achieved through public outreach efforts conducted through a broad spectrum of venues.

The program enhancements implemented in 2014 following City Council's oversight program review have increased public knowledge, understanding and general confidence in the Center's independent oversight process. This serves to reinforce the neutrality and fairness of the complaint process for both complainants and officers with the hope that it will lead to more opportunities to resolve certain lower level complaints such as Procedural and Courtesy complaint

allegations. Since 2014, at the request of Center staff, discussions with City Council lead to a commitment to authorize widespread dissemination of these Annual Police/Community Relations Programs Reports making them available for public consumption, thereby demonstrating more transparency of the oversight programs, particularly the Civilian Review Board process. These reports are now available on-line through the City's website and the Center's website.

The oversight process in place in the Rochester area is unique and effective. Its uniqueness derives from the use of trained neutrals that function under the auspices of the New York State Unified Court System as Civilian Review Board panelists. These citizen panelists evaluate completed investigations of citizen complaints ensuring fairness, thoroughness and timeliness of the investigations they review. Their specific training in becoming a neutral mediator ensures that their evaluation of the fact circumstances of the complaint allegations are evaluated without bias, which is a key factor for ensuring fair, equitable treatment for both complainants and officers. **A review of the 2016 statistical findings for the Rochester CRB panel, as detailed below, indicates a "Sustained" allegation rate of 19%; this rate is significantly higher than the general range of Sustained complaint rates of similar oversight organizations nationally, and in many instances, Rochester's CRB Sustained rate is higher than oversight models that conduct independent investigations of citizen complaints.**

PLAN FOR 2017

The plans for 2017 are to continue to provide quality oversight services to the Rochester community. The Center for Dispute Settlement's 39 years of experience in the Civilian Oversight of Law Enforcement field represents a valuable community asset.

The Center for Dispute Settlement, which arose out of the Civil Rights movement of the 1960-70s, was the first Community Dispute Resolution Center (CDRC) in New York State. Based on The Center's position in the Rochester community as an Agency that provided Dispute Resolution Services to citizens reaching all segments of the community and the reputation of doing so without bias, this Agency was chosen to become the provider of law enforcement oversight services beginning in 1978. CDS's history as a charter member of NACOLE, along with the Agency's work within the international oversight agency IACOLE (International Agency of Civilian Oversight of Law Enforcement), provide a depth of knowledge in the field that has proved invaluable in ensuring continuous improvements to the local Rochester/Monroe County oversight processes throughout each legislative enhancement to these processes. The Center for Dispute Settlement embraces opportunities for continuous improvement of civilian oversight processes that serve to bridge the gap and improve police/community relationships.

The Center's role as involved members of the National and International Citizen's Oversight of Law Enforcement Organizations, ex. NACOLE, charge our Agency with assisting communities with developing, improving and sustaining effective police oversight systems. It has been particularly rewarding for Center staff and volunteers to be involved in the Rochester City Council's CRB Review Committee's activities and be able to provide relevant, pertinent information about the broad spectrum of oversight models and practices in use today. The program enhancements added to the oversight review process in 2013 demonstrate once again, as in 1978, 1980, 1984, 1989 and 1992, that Rochester is committed to providing our community with state-of-the-art Police/Community Relations Programs. The Center welcomes the current review of the oversight process and anticipates additional program enhancements leading to more transparency, accountability, public understanding and confidence.

GENERAL INFORMATION

This is the 2016 calendar year Civilian Review Board (CRB) report. The reporting period covers January 1, 2016 through December 31, 2016 and contains information on Civilian Review Board case findings, recommendations, police/citizen conciliations, police complaint intakes, Section 75 hearings, office reviews and panelist demographic statistics.

THE ROCHESTER CIVILIAN REVIEW BOARD:

Groupings of three (3) CRB panelists are selected on a rotating basis from a pool of qualified individuals of varied ethnic, racial, age and gender backgrounds. Each board contains varied representation, given panelist availability. The panelists have received extensive training in their role as an impartial reviewer as well as in police procedures and policies.

The panelists are required to complete a thirty (30) hour Principles of Mediation Training followed by an apprenticeship program with Center for Dispute Settlement to become a certified mediator. These aspects of CRB panelist requirements are under the auspices of the New York State Unified Court System, Office of Community Dispute Resolution Centers Program. Panelists must also complete forty (40) hours of training on citizen's civil rights, police policies, procedures and practices. Each new candidate observes a complete session of the CRB before being appointed as a panelist.

From the list of CRB panelists, Chairpersons are nominated by CDS for Mayoral approval and appointment. The Chairs are responsible for all administrative duties before, during and after a CRB review session, as well as maintaining appropriate focus, impartiality and processing in the CRB.

The determining criteria for an investigation to be reviewed by the CRB are allegations of actions that would constitute a crime, and allegations involving the use of force. The categories are listed as Investigation of Force and Investigation of Procedure, Investigation of Courtesy and Investigation of Conduct.

The main focus of the CRB is to determine the fairness, thoroughness and timeliness of the police complaint investigation as well as any possible deficiencies. Where appropriate, panelist(s) may make Training, Investigative, or Policy recommendations to the Chief of Police and the Professional Standards Section (PSS). Below is a sample list of the documents accessible to CRB Panelist during an investigative review. Depending on the nature of the complaint, some documents may not be applicable or available for the investigation.

The typical document, photo, audio and video files included in an investigation file are:

- Complaint Form
- NY Criminal Procedure Law
- RPD General Orders
- Pertinent RPD Rules and Regulations
- Crime/Incident Reports
- 911 Recordings
- 911 Dispatch time stamped printouts
- Videotape of interviews
- Interview transcripts from complainant, subject officer(s), witnesses
- Audio and/or video tapes of incident
- Body Worn Camera video
- Prisoner Reports
- Medical Reports
- Warrant information
- DMV information
- Contact attempt validations:
 - certified letters
 - phone call attempts
 - audio recording of phone calls with potential witnesses
- Officer notification memos
- Neighborhood checks
- Photographs and diagrams of incident scene
- Booking photos
- Line up photos of officers
- Case notes
- PSS summary and findings (only reviewed after CRB panelists have finalized their decisions)

Investigation reviews are conducted by the three panelists in a room in City Hall designated and restricted for use specifically for CRB panelist reviews. During 2016, the average time that it took panelists to complete a review was approximately 5 hours. It is notable that the introduction of police body worn camera video of incidents, that is now beginning to be routinely found in completed investigation files, has increased the average review time. As an example, the investigation reviews conducted year to date in 2017 are averaging 7 hours per case review, with one recent review taking 16 hours that required the panelists to convene on three occasions.

Should the review panel conclude that the investigation is inadequate in any manner, it is returned to the investigating Sergeant with reasons stated. Once the follow-up investigation is complete, that investigation is returned to the same panel for review and recommended findings. The panel may then render Recommended Findings, or if not satisfied with the packet, the panel may return the packet to the command officer in PSS. The following is the chain of responsibility should the panel need to return a packet more than once:

The command officer in charge of PSS;
The Chief of the Rochester Police Department;
The Mayor's Office;
Rochester City Council (with discretionary subpoena powers).

POSSIBLE RECOMMENDED FINDINGS ARE:

SUSTAINED	The act occurred, and the act amounts to misconduct or misjudgment;
UNPROVABLE	There is insufficient evidence to prove or to disprove an allegation;
UNFOUNDED	The act complained of apparently did not occur;
EXONERATED	The RPD personnel's conduct was justified, lawful and proper.

The findings and recommendations of the Civilian Review Board are forwarded to the Chief of Police for review. The Chief of Police then issues a final decision on all complaints and determines any remedial or disciplinary action.

STATISTICAL DATA

From January 1, through December 31, 2016 the Rochester CRB reviewed eighteen (18) cases containing sixty-three (63) allegations of misconduct. Of these 18 cases, eight (8) were generated by citizens and ten (10) were generated internally by the Rochester Police Department.

Note: The total number of allegations contained five (5) Satellite issues. A Satellite issue is an additional allegation discovered by the Professional Standards Section during an investigation or brought out by the Civilian Review Board when reviewing the investigation that was not part of the original complaint.

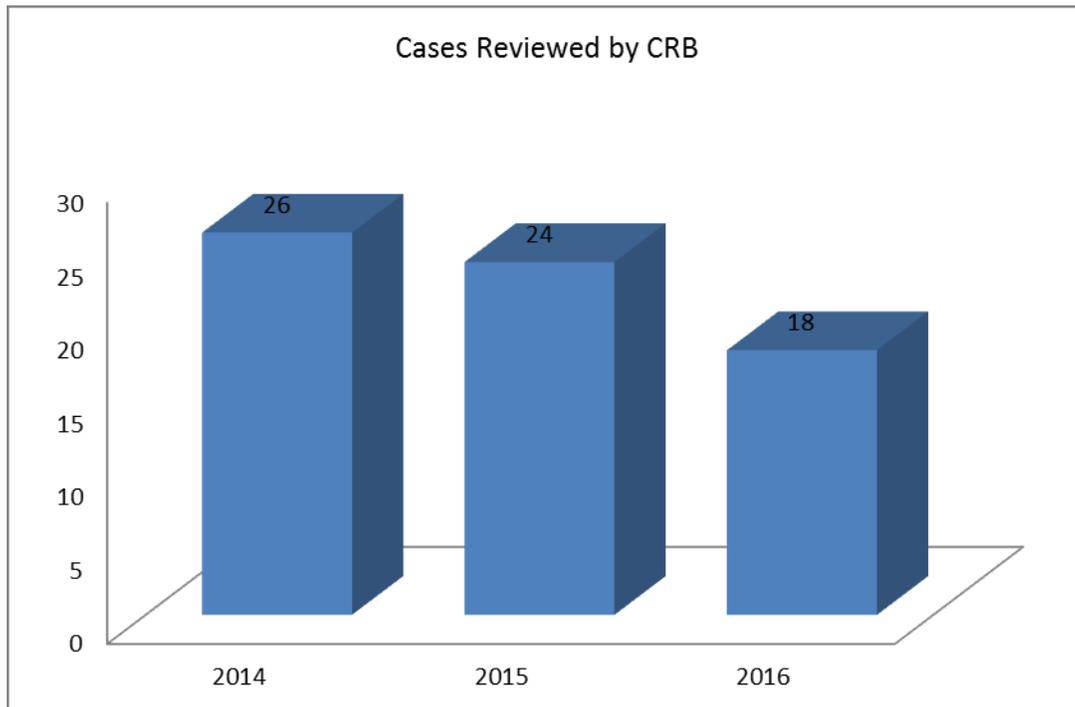
It is appropriate to evaluate the CRB statistical findings over the 3-year period from 2014-2016 as this is the period following the mid-2013 introduction of the Community Advocate position and the use of only city resident certified neutral panelists that developed out of City Council's Public Safety Committee 16-month evaluation of the police oversight program. These program enhancements began to bear fruit for complaint investigations completed and reviewed beginning in 2014.

The average number of CRB cases reviewed annually for the last three years by the CRB is twenty three (23). The number of complaint investigations reviewed by the CRB during 2016 was eighteen (18). The vast majority of complaints filed contain more than one allegation. The average number of allegations per case over the 3 year period was 93 allegations per year; averaging 4.0 allegations per case. The numbers of allegations contained in the eighteen (18) CRB reviews during 2016 was sixty-three (63) averaging 3.50 allegations per case; this again represents consistency in the average number of complaint allegations per case. The CRB panel must review and issue an individual finding for each allegation and articulate their decision making rationale.

The Center also provides citizens with an alternative means of filing a police complaint. Citizens are less likely to feel intimidated or hesitate to file a police complaint initiated through the Center an independent, non-police agency. There were forty-two (42) complaint inquiries fielded by The Center and, in turn, a significant percentage of formal citizen complaints referred to the RPD Professional Standards Section (PSS) for investigation. Complaints taken at The Center are covered by confidentiality based on Judiciary Law 21-A, and a contractual agreement consistent with current City Legislation. During 2016, the Center referred twelve (12) formal complaints to PSS representing 35% of the thirty-four (34) citizen complaint investigations received by PSS throughout 2016.

Complaint allegations are divided into four (4) categories; Investigations of Force, Procedural, Discourtesy and Conduct (newly added in 2016). For 2016 the numbers of complaints for each category were: Force: 30, Procedure: 17, Courtesy: 8 Conduct: 8 totaling 63 allegations. While the 2016 number of complaint allegations are down from the 3-year average of 93 allegations, the percentage of Force and Procedure allegations are very consistent: Force allegations average 52% (2016 Force allegation percentage was 48%) and Procedure allegations average 27% over this period (2016 Procedure allegations average 27%). Courtesy allegations in 2016 accounted for 13% of the allegations while the 3-year average was 22%, however this is likely due to the addition of the newly added Conduct allegation category that could encompass previously categorized allegations of discourteous behavior.

A growing trend is seen in the increased number of internally generated complaint investigations beginning in 2014. Internally generated investigations are those investigations not directly prompted by a citizen complaint but based on citizen/police encounters without a specific complainant coming forward or that arise from a high profile incident, or are otherwise brought to the attention of the police command staff with what are considered questionable police/citizen encounters warranting a full investigation. In 2014 12% of the complaint investigations were internally generated, in 2015 38% of the investigations were internal and in 2016 56% of the investigations arose internally. This increase in *internally generated* complaints can be interpreted as reflection of a higher level of scrutiny of questionable police/citizen encounters by RPD Command staff regardless of whether a complainant comes forward or not. Police officers are entrusted to serve as public guardians serving the community, and as such must be held to a higher standard; this applies to an officer's behavior in all situations. The heightened scrutiny of police officer behavior, both on and off the job, is a positive step toward meeting the public's expectations for overall police behavior.



REVIEWS FOR REPORT PERIOD:

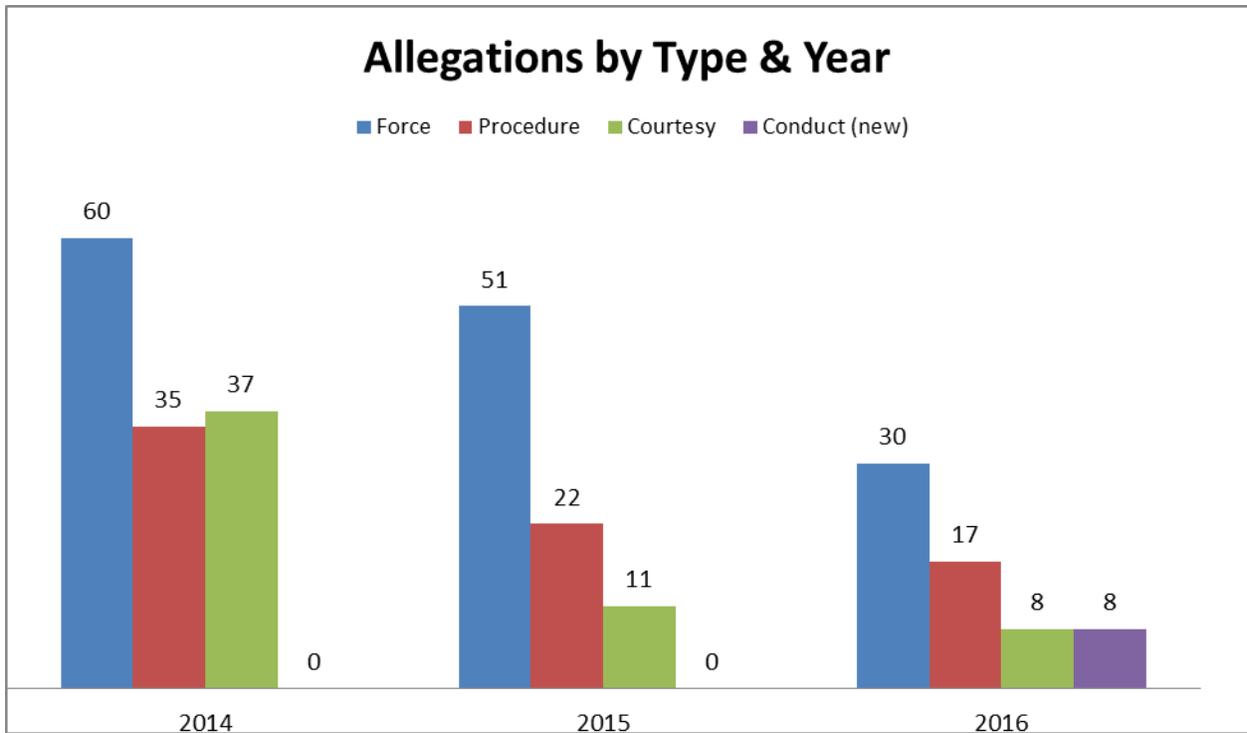
Thirty-nine (39) officers were the focus of CRB reviews during this report period. Of the thirty-nine (39) officers, thirty-eight (38) were male and one (1) was female. Zero (0) officers were the subject of four (4) reviews; zero (0) officers were the subject of three (3) reviews; two (2) officers were the subject of two (2) reviews; and thirty-seven (37) officers were the subject of one (1) review. The one non-sworn civilian employee was female.

Number of Annual Reviews	Number of Officers
4	0
3	0
2	2
1	37
Total:	39
	Comprised of 38 male & 1 Female Officer

SUMMARY OF FINDINGS AND FINAL DETERMINATIONS:

The following is a statistical breakdown of the sixty-three (63) allegations of police misconduct. Allegations are listed according to the recommended findings of the Professional Standards Section, the Civilian Review Board and the final decision by the Chief of Police. The Chief of Police renders the final findings for all allegations.

ALLEGATION	NUMBER
Investigation of Force	30
Investigation of Procedure	17
Investigation of Courtesy	8
Investigation of Conduct	8
TOTAL:	63



OVERALL *SUSTAINED* COMPLAINT FINDINGS BY CRB:

2014 Overall <i>Sustained</i> findings	19.7%
2015 Overall <i>Sustained</i> findings	20.2%
2016 Overall <i>Sustained</i> findings	19.0%

The overall percentage of Sustained findings recorded by CRB panelists in 2016 was 19.0%. This was very consistent with the 3-year average of 19.6% Sustained findings.

The number of allegations found as Unprovable by the CRB, meaning there was not enough evidence to prove or disprove misconduct, continues to represent the greatest percentage among finding totals; 50% for 2016. This percentage shows a consistency with the 3- year average for this category of findings which is 48%. The CRB review process is designed to ensure that each investigation is fair to both citizens and police officers. In ensuring fairness the standard which CRB panelists use to reach their findings on the individual allegations is *preponderance of evidence*, meaning greater than 50% of the weight of evidence is needed for a panelist to conclude a Sustained, Exonerated or Unfounded finding. The absence of persuasive evidence to support a Sustained, Exonerated or Unfounded finding often leads to the Unprovable holding. However, as of the end of 2016, we are beginning to see the impact of police Body Worn Camera video evidence related to some of the investigated allegations of misconduct which is expected to have a significant impact on panelist’s ability to be able to render a finding based on this independent evidence.

TOTAL BREAKDOWN OF FINDINGS BY ALLEGATIONS AND OFFICE

Investigation of Force:

	PSS	CRB	CHIEF
Exonerated	16	15	15
Sustained	0	1	0
Unprovable	9	12	10
Unfounded	5	2	5
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	30	30	30

Investigation of Procedure:

	PSS	CRB	CHIEF
Exonerated	4	3	4
Sustained	5	7	4
Unprovable	6	6	6
Unfounded	1	0	2
*No Decision	1	1	1
Pending	0	0	0
TOTAL:	17	17	17

Investigation of Courtesy:

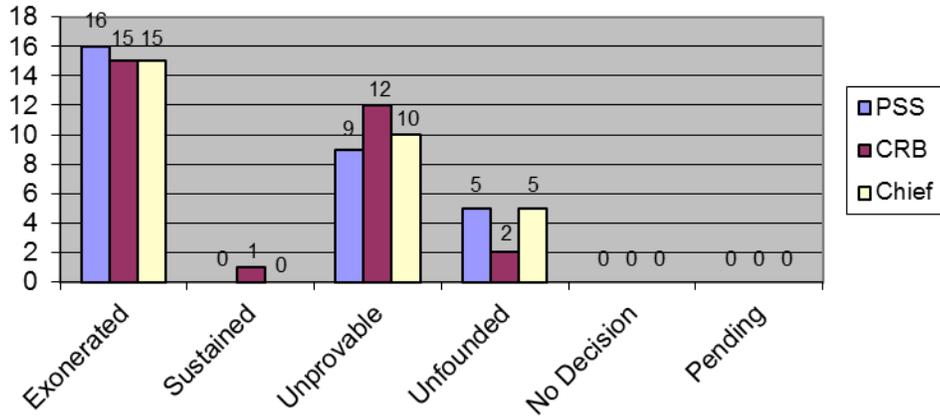
	PSS	CRB	CHIEF
Exonerated	0	0	0
Sustained	1	1	1
Unprovable	7	7	7
Unfounded	0	0	0
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	8	8	8

Investigation of Conduct:

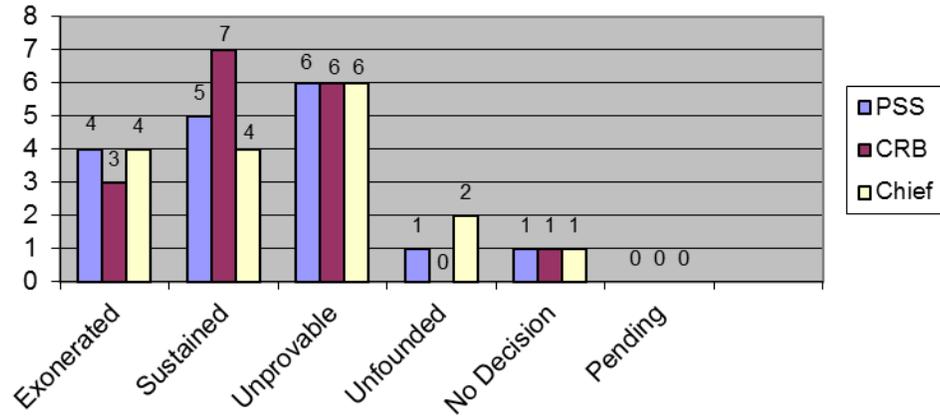
	PSS	CRB	CHIEF
Exonerated	0	0	0
Sustained	2	3	2
Unprovable	5	4	5
Unfounded	1	1	1
*No Decision	0	0	0
Pending	0	0	6
TOTAL:	8	8	8

***No Decision – Additional allegation brought forward after PSS rendered findings. These are allegations added by CRB panelists as satellite allegations or by CRB separating one allegation into 2 or more separate allegations; therefore PSS did not render a finding for these subsequently added allegations**

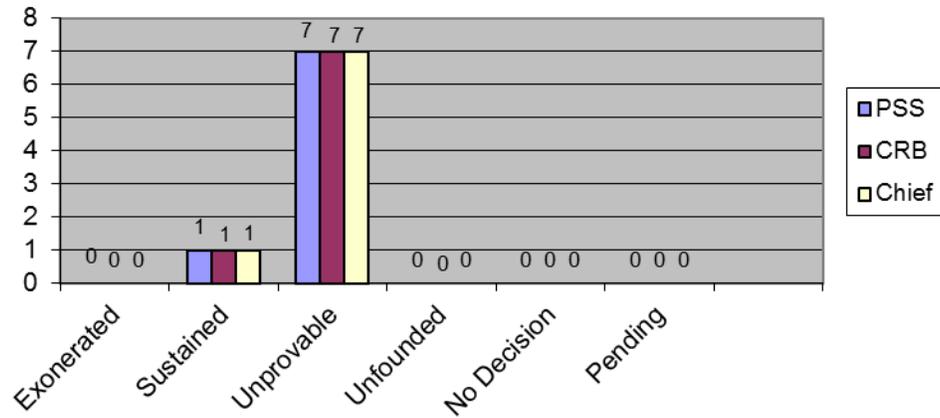
Investigation of Force

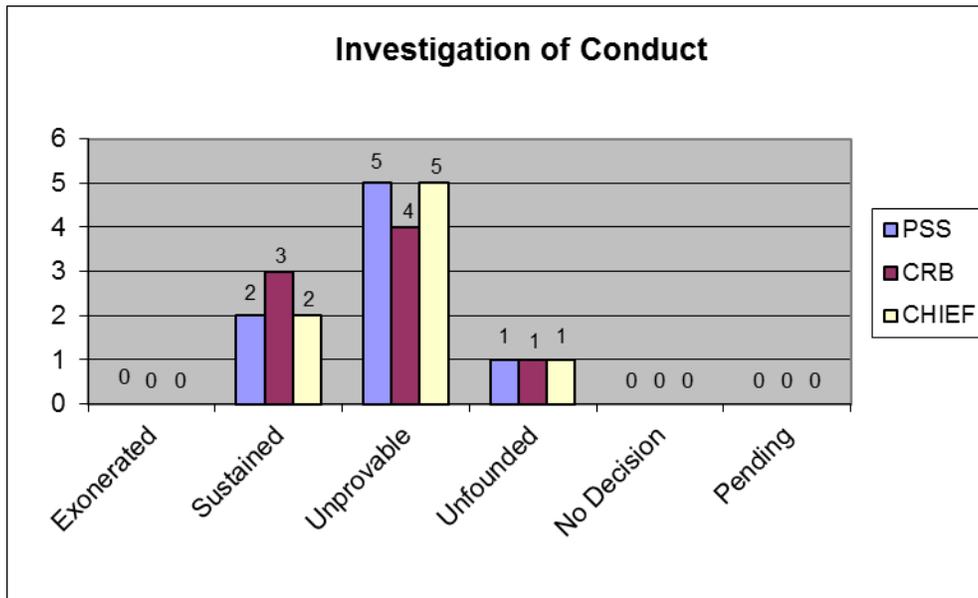


Investigation of Procedure

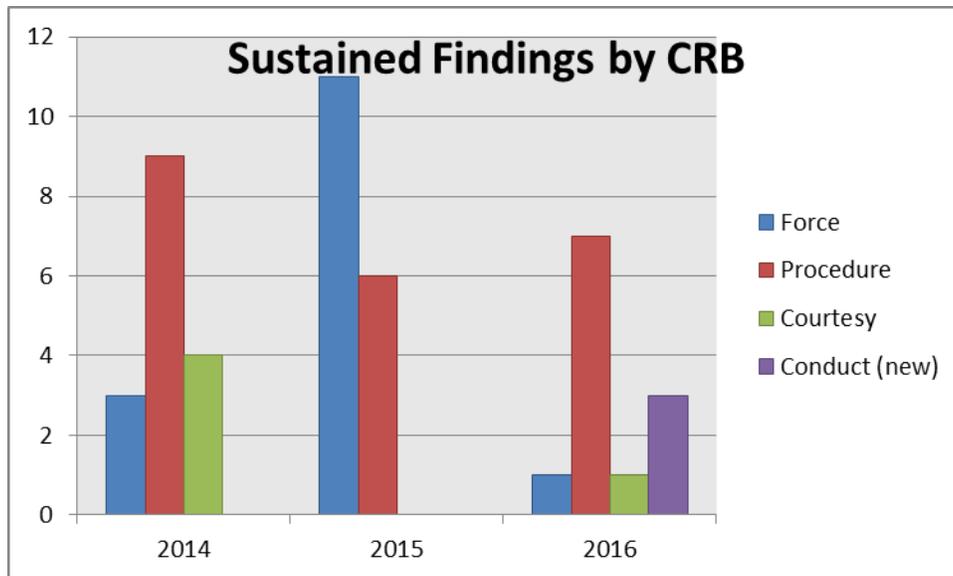


Investigation of Courtesy





GRAPHIC REPRESENTATION OF CRB SUSTAINED FINDINGS BY YEAR:



GRAND TOTAL OF CRB FINDINGS:

The CRB's review resulted in a total of sixty-three (63) findings for allegations of misconduct.

18 were EXONERATED;
 12 were SUSTAINED;
 29 were UNPROVABLE;
 3 were UNFOUNDED; and
 1 3 Way Split
 0 are PENDING.

Total: 63 total

BREAKDOWN OF CITIZEN INITIATED COMPLAINT FINDINGS

Investigation of Force:

	PSS	CRB	CHIEF
Exonerated	9	10	9
Sustained	0	1	0
Unprovable	10	11	10
Unfounded	5	2	5
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	24	24	24

Investigation of Procedure:

	PSS	CRB	CHIEF
Exonerated	4	3	4
Sustained	2	3	1
Unprovable	6	6	2
Unfounded	1	0	1
*No Decision	0	1	0
Pending	0	0	0
TOTAL:	13	13	8

Investigation of Courtesy:

	PSS	CRB	CHIEF
Exonerated	0	0	0
Sustained	0	0	0
Unprovable	7	7	7
Unfounded	0	0	0
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	7	7	7

Investigation of Conduct:

	PSS	CRB	CHIEF
Exonerated	0	0	0
Sustained	0	0	0
Unprovable	0	0	0
Unfounded	0	0	0
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	0	0	0

BREAKDOWN OF INTERNALLY INITIATED COMPLAINT FINDINGS

Investigation of Force:

	PSS	CRB	CHIEF
Exonerated	6	6	6
Sustained	0	0	0
Unprovable	0	0	0
Unfounded	0	0	0
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	6	6	6

Investigation of Procedure:

	PSS	CRB	CHIEF
Exonerated	0	0	0
Sustained	3	4	3
Unprovable	0	0	0
Unfounded	0	0	0
*No Decision	1	0	1
Pending	0	0	0
TOTAL:	4	4	4

Investigation of Courtesy:

	PSS	CRB	CHIEF
Exonerated	0	0	0
Sustained	1	1	1
Unprovable	0	0	0
Unfounded	0	0	0
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	1	1	1

Investigation of Conduct:

	PSS	CRB	CHIEF
Exonerated	0	0	0
Sustained	2	3	2
Unprovable	5	4	5
Unfounded	1	1	1
*No Decision	0	0	0
Pending	0	0	0
TOTAL:	8	8	8

SPLIT DECISIONS:

A "split decision" occurs when a CRB panel is not unanimous in its recommended finding(s). A "Final Determination" decision rests with the Chief of Police, which is the official reported "finding" for the record. In addition, if the recommended finding of PSS differs from the recommended finding of a CRB panel, the Chief's decision is the official reported finding. During this report period there were six (6) split decisions by the Civilian Review Board.

NUMBER OF CIVILIAN REVIEWS CONDUCTED, LISTED BY MONTH:

January: Two (2)	April: One (1)	July: Two (2)	October: Two (2)
February: Zero (0)	May: Three (3)	Aug: One (1)	November: One (1)
March: Two (2)	June: Two (2)	Sept: Zero (0)	December: Two (2)

CIVILIAN REVIEW BOARD RECOMMENDATIONS:

CRB recommendations evolve from the panelists processing of cases. CRB panelists are encouraged to make recommendations to address concerns that have arisen during an investigative review. These concerns are reviewed by the Professional Standard Section, and by the Chief of Police who will determine any actions to be taken. CRB recommendations are classified in one of three categories:

- 1. POLICY RECOMMENDATION:** A change in Departmental policy is recommended.
- 2. INVESTIGATIVE RECOMMENDATION:** Recommendation for attention to some aspect of the investigation itself. For example, if potential witnesses were overlooked.
- 3. TRAINING; REMEDIAL COUNSELING/MEMO/ RECOMMENDATION:** Officer recommended for a refresher course or additional training to deter problems from recurring; officer recommended for either oral or remedial instruction, or officer recommended for a memorandum of record drawn up and placed in file.

During this report period, the Civilian Review Board generated a total of five (5) recommendations.

They are classified as follows:

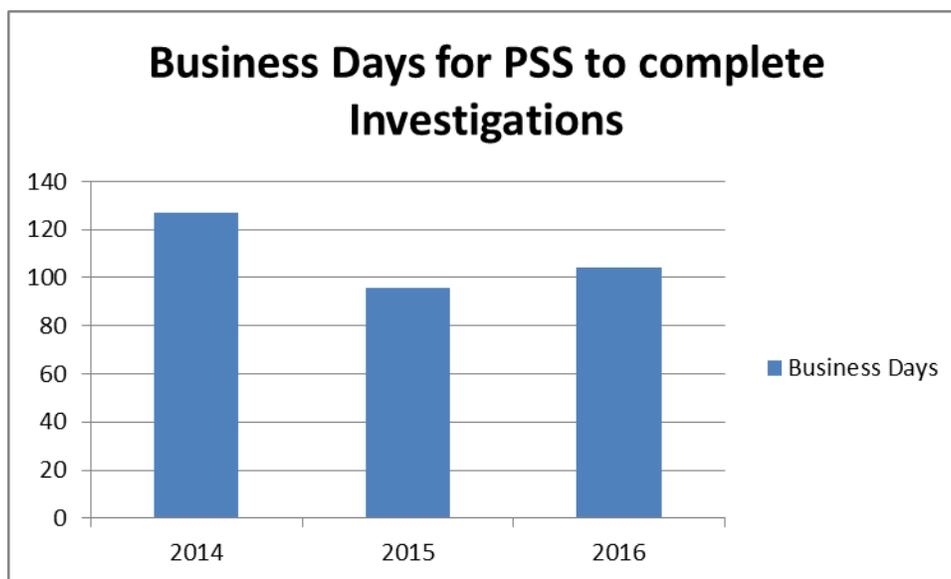
POLICY:	One	(1)
REMEDIAL/TRAINING:	Three	(3)
INVESTIGATIVE:	One	(1)

TIMELINESS:

The timeliness of an investigation is measured from the filing date of a complaint to the time it is given to a Civilian Review Board. The measurement is based on business days. *Twelve (12) cases took longer than the average; eleven (11) cases took less than the average.*

SHORTEST CASE:	28 DAYS
LONGEST CASE:	361 DAYS
AVERAGE:	104 DAYS

Reduced investigation time serves to enhance the credibility and integrity of the complaint process allowing for more quick resolution to these issues which is a critical element for improving Police/Community confidence and trust.



POLICE COMPLAINT INTAKE (PCI):

In addition to conducting civilian reviews of appropriate PSS investigations, the Center for Dispute Settlement serves as a community complaint information resource and an alternative site where citizen(s) complaints against police personnel may be registered. During this report period, January 1, 2016 through December 31, 2016, forty-two (42) potential formal complaints were logged. Twelve (12) citizens filed formal complaints through the Center for Dispute Settlement. With a formal Police Complaint Intake, the Center for Dispute Settlement assists citizens as necessary with initiating a complaint. The citizen is encouraged to work with staff to finalize and sign a complaint so the original can be sent to PSS with a copy provided to the complainant. If the citizen will not come in to the office or an alternative site, a Center for Dispute Settlement staff person will take the individual's complaint by telephone and forward it to the Professional Standards Section. If a citizen's complaint form is not completed, signed and sent to PSS, a full investigation cannot begin. Therefore, it is the citizen's responsibility for following through with the filing of the initial complaint so that it may be appropriately processed.

POLICE CONCILIATIONS (PCON):

Police Conciliation is a voluntary process that brings the citizen and the Officer together in a neutral forum to resolve possible misunderstandings or miscommunications. The meeting, conducted by a CDS mediator, is private and confidential. Mediators acting as Conciliators are professionally trained and highly skilled in conflict resolution techniques. If a PCON results in the issues being resolved, no PSS investigation is initiated and the case is closed. During this report period there was one PCON referred to CDS that resulted in resolution of the complaint.

YTD Total number of PCONs conducted by CDS: Zero (0)

SECTION 75 HEARINGS:

If the Police Chief finds that a complaint is Sustained against an officer, that officer may be directed to receive remedial training in those situations where there were minor violations of the General Order or Rules and Regulations. If necessary, the Chief may order that departmental charges be prepared. Pursuant to the New York State Civil Service Law, Section 75, a charged officer has the right to an Administrative Adjudication. An Administrative Adjudication is a formal hearing to determinate the police officer's guilt or innocence.

The Hearing Board consists of three (03) command officers appointed by the Chief of Police; if the complainant so desires, one (01) officer can be replaced by a CDS appointed civilian from the CRB pool of panelists. This hearing takes place in the City Public Safety Building. During this report period, the Center for Dispute Settlement was not involved in any Section 75 hearings.

OFFICE REVIEWS AND AUDITS:

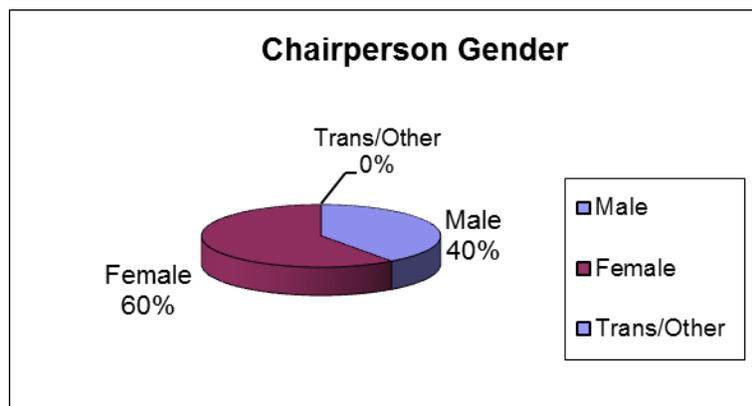
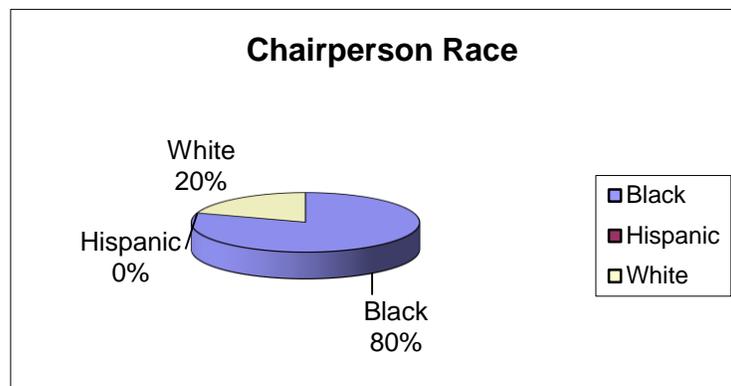
An Office Review involves the reclassification of a case that has been initiated in response to a complaint. When this happens, the status of the case is changed from an Active Investigation to an Office Investigation. The investigation may be reclassified for a lack of sufficient information to render a finding or because the complainant refuses to (or cannot) cooperate further with the investigation. A CRB chairperson reviews these cases for their thoroughness, timeliness and fairness, and to ensure that all diligent efforts were made to contact the Complainant. PSS then recommends to the Chief that these cases be closed; the Complainant may reopen the case at any time. The City Council amendment to the Resolution (95-8) requires that CRB Chairs conduct Office Reviews as well as random audits of all cases filed with PSS. During this report period, one (1) audit was conducted.

BREAKDOWN OF CHAIRPERSON PANELISTS BY RACE AND GENDER:

Sherry Walker-Cowart	B/F	William Daniels	B/M
Patricia Mason-Williams	B/F	Cheryl Hayward	B/F
Frank Liberti	W/M		

Black Males	Black Females	Hispanic Males	Hispanic Females	White Males	White Females	TOTAL
1	3	0	0	1	0	5

Black Males	1	20.0%	Black	4	80.00%
Black Females	3	60.0%	White	1	20.00%
Hispanic Males	0	0.0%	Hispanic	0	0.00%
Hispanic Females	0	0.0%	Total:	5	100.00%
White Males	1	20.0%			
Total:	5	100.00%			



BREAKDOWN OF PANELISTS BY RACE AND GENDER:

Black Males	Black Females	Hispanic Males	Hispanic Females	White Males	White Females	TOTAL
1	3	0	0	5	1	10

CRB PANELIST MAKE UP:

Black Males	1	10.00%	Black	4	40.00%
Black Females	3	30.00%	White	6	60.00%
Hispanic Males	0	0%	Hispanic	0	0.00%
Hispanic Females	0	0%	Total:	10	100.00%
White Males	5	50.00%	Male	6	75.00%
White Females	1	10.00%	Female	4	25.00%
Total:	10	100.00%	Trans/Other	0	00.00%
			Total:	10	100.00%

