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Complaint process under review

By Richard A. Kiley
Staff writer

St. Monica's School Principal Gaynelle Wethers knows what it's like to be involved in a dispute with a law enforcement official.

She was waiting for her husband's plane to arrive at the Greater Rochester International Airport one day last July, when she was approached by a Monroe County sheriff's deputy.

Wethers, who recently was named to a task force charged with evaluating the process for resolving police-community disputes in Rochester, remembers well what happened in the moments that followed.

"She (the deputy) picked me up because — in her words — I 'looked suspicious,'" Wethers said. "She thought I was going for a gun."

Wethers was given a traffic violation and was charged with insubordination. "I chose to fight it," she said.

The Pittsford woman admits that she didn't feel very confident when she chose to take her case to court. The deputy was exonerated of any wrongdoing in the department's internal investigation, and Wethers said she became frustrated because she thought that no one would believe the word of a black woman against that of a sheriff's deputy.

She admits she was "pleasantly surprised" when the case against her was dismissed. "I had not expected that. It restored my faith in the system."

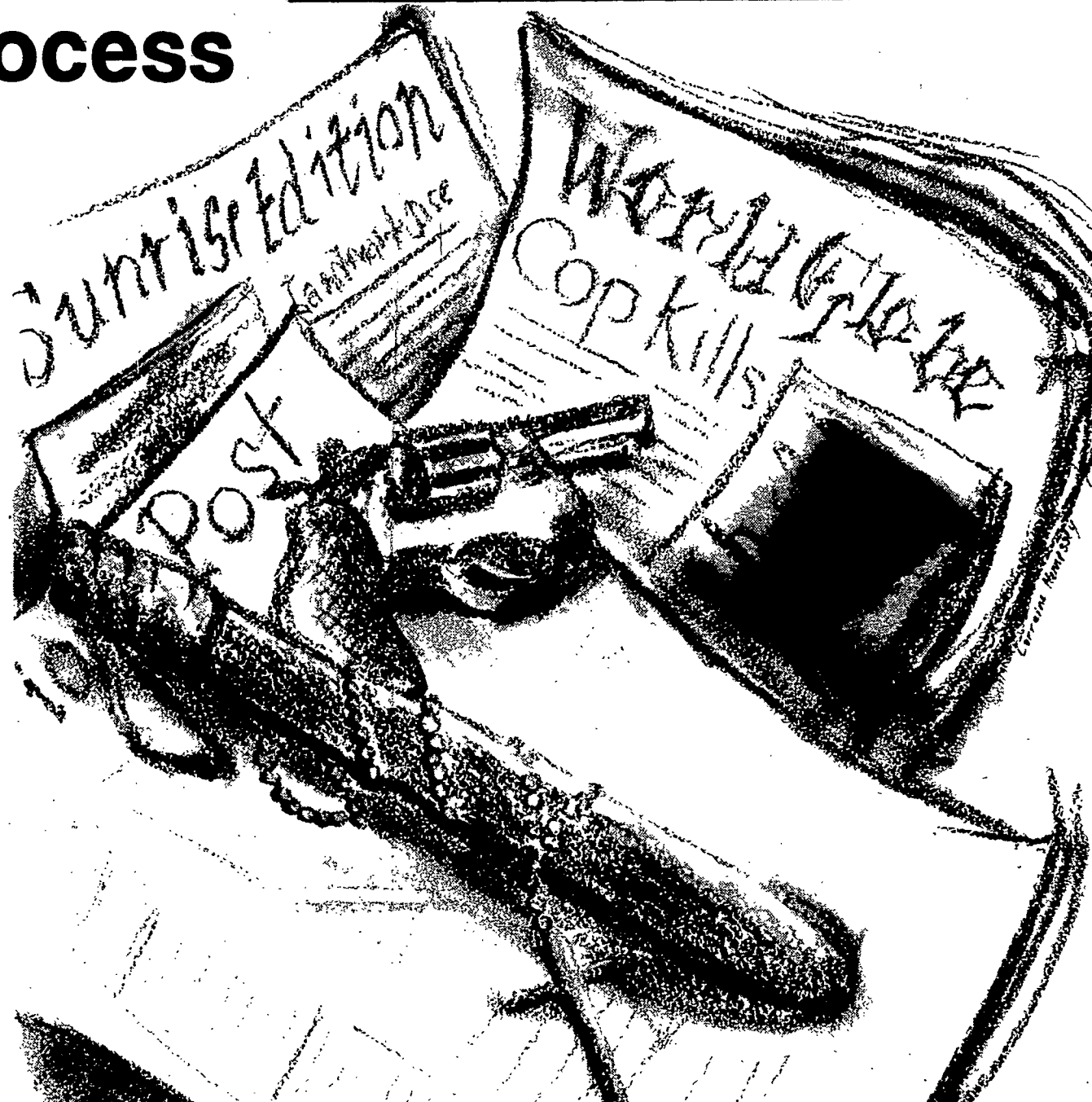
Wethers added quickly, however, that she "remains sensitive to the needs of the minority community."

"There have been times when complaints have not been responded to and needs have not been addressed," she said. "We're trying to address that ... although we know that the change process is slow."

Wethers, chairwoman of the Monroe County Human Relations Commission Task Force on Community-Police Relations, is one of three people named last month by Rochester Mayor Thomas P. Ryan Jr. to investigate the existing process by which citizen complaints against the Rochester Police Department are resolved. The other task force members are City-Councilwoman Joan M. Hensler, vice chairwoman of the National Commission on Accreditation for Law Enforcement Agencies and a member of the advisory board for the International Association of Chiefs of Police; and Charles Crimi, a defense attorney in Rochester.

The task force, which will have four months to report back to the mayor, was formed in response to a recommendation by the Monroe County Task Force on Community-Police Relations. That report was issued last June.

The city currently has a four-member Complaint Investigation Committee — consisting of two civilian mediators and two city police officers — that looks into investigations of police shootings and other alle-



gations of misconduct.

In a prepared release, Mayor Ryan, who did not return numerous calls made to his office last week, stated that the task force is being directed to: assess the effectiveness of existing citizen complaint procedures for settling grievances against police; document any deficiencies of the existing system that are revealed through a case-by-case analysis; and recommend remedial changes to the complaint process that are within the scope of the city's jurisdiction.

Ryan's statement said "it is now appropriate to review the complaint process thoughtfully and deliberately to determine if it is still meeting the needs of the community."

Although Wethers said there has been a history of rights violations by the police against the minority community in Rochester, tensions between the police and the black community came to a head a year ago, when Calvin Green, an unarmed black man, was shot to death by police officer Gary Smith.

Smith was subsequently cleared of criminal wrongdoing by a Monroe County grand jury. The jury's findings enraged members of the city's black community, who believed that Smith would have been charged with murder or negligent homicide had he not been a police officer.

Tensions increased further when leaders of the black community demanded that the testimony heard by the grand jury be made public. Led by the Rev. Raymond Graves, president of the United Church Ministry in Rochester, the group also asked police to release the files produced in the department's internal investigation of the incident. These demands were rejected.

"The process is too secretive," Wethers said. "And the system itself has not worked on behalf of the minority community. Primarily I speak of the black community ... but that is the case for everyone who is poor."

Wethers added that many people can't relate to the

inadequacies in the system because they haven't met up with them. "Some people can't relate to what is wrong with the system because they haven't experienced it," she said. "They haven't been on the receiving end of the system not working for them."

Since the formation of the task force, the Rev. Graves has reportedly called on Mayor Ryan to expand the panel from three to six members — with additional members being recommended by the United Church Ministry — and for the task force to report back to the mayor in two months rather than four.

Wethers would not comment specifically on the proposal by the Rev. Graves, but she did say that "we are very sensitive to the concerns of Rev. Graves and that segment of the community."

Although some civic and religious leaders are seeking an entirely new police-review process, Charles Crimi said it is important for those leaders to know that the task force's "work is really confined to review the (citizen complaint) process as it is today; to find out if it is working or not working."

Crimi brings long experience to bear in his task force membership, having taken an extensive look into the citizen complaint process — among other areas — 10 years ago in a report commonly referred to today as *The Crimi Commission Report*. Crimi said that the report contained broad-based recommendations for the Rochester Police Department.

"If the system is not working, we need to find out what has to be done," Crimi said.

Crimi said that in his work as an attorney he does not perceive a widespread tension between community and police in Rochester "although there could be tension in a neighborhood or a section of a neighborhood."

"There are many neighborhoods ... where people are seeking the police, and other neighborhoods where people think the police are being a little too

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