

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF MONROE**

----- X

In the matter of the Application of :

COUNCIL OF THE CITY OF ROCHESTER : Index No.

Petitioner, :

For an Order, Pursuant to Article 23 of the CPLR, :

to Compel Compliance with Legislative :

Subpoena, :

-against- :

**AFFIRMATION OF  
ANDREW G. CELLI, JR.**

LA'RON SINGLETARY, :

Respondent. :

----- X

ANDREW G. CELLI, JR., an attorney admitted to practice before the courts of the State of New York, affirms under penalty of perjury:

1. I am a partner in the law firm of Emery Celli Brinckerhoff Abady Ward & Maazel LLP ("ECBAWM"), attorneys for the Petitioner, Council of the City of Rochester ("City Council"). I submit this affirmation in support of Petitioner's application for an order, pursuant to CPLR § 2308(b), compelling Respondent La'Ron Singletary, former Chief of Police of the Rochester Police Department ("RPD") to comply with a legislative subpoena duly issued to him by the City Council on September 24, 2020, requiring his testimony under oath and his production of certain documents.

2. On September 2, 2020, the public learned that Daniel Prude, an unarmed Black man, had died in March 2020, following his arrest and restraint by the RPD. Almost immediately, Petitioner City Council passed legislation authorizing an investigation into the

City's handling of Mr. Prude's death. This investigation was to be conducted by an independent law firm retained for this purpose by Petitioner City Council. Petitioner City Council also passed a resolution explicitly authorizing its President to issue subpoenas for records and witness testimony in aid of the investigation, a power conferred on City Council by the Rochester City Charter. Petitioner subsequently issued a subpoena to former Chief Singletary for records and witness testimony about the Prude incident. These records and testimony are of central importance to this investigation. Now, former Chief Singletary refuses to comply with the subpoena for documents and testimony that Petitioner lawfully issued to him. Petitioner City Council, by its President Loretta C. Scott, therefore seeks an order, pursuant to CPLR § 2308(b), compelling former Chief Singletary to comply with this subpoena.

3. On September 15, 2020, the City Council unanimously passed Ordinance No. 2020-283, authorizing City Council President Loretta C. Scott to retain this law firm "to conduct an investigation into the City's communications, processes, and procedures that took place related to the death of Daniel Prude in police custody" (the "Investigation"). City of Rochester Ordinance No. 2020-283 § 2. The ordinance directs this law firm to "produce an investigation report that addresses the three goals of the investigation, which are: to establish a comprehensive timeline of events; to assess the nature of non-public internal statements made by City of Rochester officials and employees relating to the death of Daniel Prude; and to evaluate the public statements of City officials and employees relating to the death of Daniel Prude." *Id.* Mayor Lovely Warren signed this ordinance into law on September 16, 2020. **Attached as Exhibit A is a true and correct copy of City of Rochester Ordinance No. 2020-283.**

4. In authorizing the Investigation, Ordinance No. 2020-283 invokes Rochester City Charter § 5-21(G), which confers upon the City Council “the power to . . . compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of the Council or of any committee thereof and, for that purpose, to issue subpoenas signed by the President of the Council.” Rochester City Charter § 5-21(G).

5. On September 18, 2020, City Council adopted Resolution No. 2020-29, authorizing the City Council President to issue subpoenas for records and attendance of witnesses, pursuant to Rochester City Charter § 5-21(G) and Ordinance No. 2020-283, “as are appropriate for the investigation as authorized by Council on September 15, 2020 relative to the interaction between Daniel Prude and the Rochester Police Department as well as all subsequent and related activities.” Res. No. 2020-29 § 1. **Attached as Exhibit B is a true and correct copy of Resolution No. 2020-29.**

6. Resolution No. 2020-29 also authorized that the subpoenas be made returnable to Petitioner’s legal counsel, ECBAWM, which the Council had “retained for purposes of conducting this investigation,” *id.* § 3, and authorized ECBAWM to “adjust the time, location and manner of production of documents or testimony pursuant to subpoena as they deem necessary,” *id.* § 4.

7. On September 18, 2020, City Council President Loretta Scott appointed a special committee, the Investigation Special Committee, to serve as the conduit between the full City Council and ECBAWM in the course of the Investigation.

8. On September 29, 2020, the Special Committee authorized ECBAWM to proceed with depositions in support of the Investigation in the manner that the firm deemed best “from the viewpoint of investigative necessity and administrative convenience.”

9. As part of the Investigation, City Council has issued over a dozen subpoenas to City officers and employees as well as to Rochester city government departments.

10. On September 24, 2020, the City Council issued a duly authorized “Subpoena to Produce Books, Papers Or Other Evidence And For Witness Testimony” to former RPD Chief La’Ron Singletary. The subpoena was signed by City Council President Loretta C. Scott.

**Attached as Exhibit C is a true and correct copy of this subpoena (“the Subpoena”).**

11. The Subpoena commanded that former Chief Singletary produce four categories of documents as described in the attachment to the subpoena: (1) All documents concerning the Incident (as defined in the Subpoena); (2) All documents concerning Daniel Prude; (3) All communications concerning the Incident including but not limited to electronic mail, instant messages, social media, or other forms of communication, and (4) All documents containing certain “search terms” set forth in the subpoena. *See* Ex. C. The Subpoena was limited in timeframe to the period of March 23, 2020 to the present and provided a limited set of “search terms” for use in conducting searches for electronically stored information.

12. The Subpoena also commanded that former Chief Singletary appear to provide testimony on November 6, 2020 at 9:30am under oath in connection with the Investigation. The Subpoena provided that former Chief Singletary’s testimony would be conducted remotely via videoconference software in light of the COVID-19 social distancing restrictions currently in place.

13. Former Chief Singletary was served with the Subpoena on October 5, 2020.

**Attached as Exhibit D is a true and correct copy of proof of service.**



14. From October 8, 2020 through the present, I exchanged emails and letters with Michael Tallon Esq., counsel for former Chief Singletary, in an effort to secure former Chief Singletary's compliance with the Subpoena. To date these efforts have been unsuccessful.

15. Most recently, in a letter dated December 10, 2020, former Chief Singletary, through his counsel, communicated that he will only comply with the Subpoena subject to numerous preconditions, including most recently that he will appear to testify in this Investigation only as part of a "global deposition" that also involves former Chief Singletary simultaneously giving testimony to the City of Rochester Office of Public Integrity and the City of Rochester in connection with a Notice of Claim that he has filed. **Attached as Exhibit E is a true and correct copy of the December 10, 2020 letter from Mr. Tallon.** While Petitioner has attempted as a courtesy to accommodate former Chief Singletary's request for a "global deposition," the other entities have ignored or rejected this request. Former Chief Singletary is therefore refusing to comply with the Subpoena in the Investigation.

16. Former Chief Singletary's testimony and production of documents in response to the Subpoena are necessary for Petitioner to complete the full and thorough investigation that Ordinance 2020-283 requires. Former Chief Singletary possesses unique information about the aftermath of Mr. Prude's death, since he was the commanding officer of the RPD at the time of the relevant events. One of the main issues of the inquiry is whether the RPD provided complete and accurate information to the Mayor and other City leaders at the time of Mr. Prude's mental health arrest and death, which was deemed a homicide.

17. Evidence suggests that there were one or more occasions on which Mayor Lovely Warren and Chief Singletary spoke privately and alone about the Prude incident, both in person and on the telephone. Evidence further suggests that their respective versions of those

discussions may differ in material ways. Among other things, former Chief Singletary has filed a Notice of Claim, 27 pages in length, setting forth his version of events. **Attached as Exhibit F is a true and correct copy of the Notice of Claim filed by former Chief Singletary.** In order to develop the evidence relevant to the Investigation, a full under-oath examination of former Chief Singletary is necessary.

18. Only Mayor Warren and former Chief Singletary can testify about the specific content of these discussions. Similarly, former Chief Singletary alone can testify about what orders and instructions he gave to his command staff and investigators following Mr. Prude's death on critical issues such as public disclosure, coordination with the New York State Attorney General's Office, dissemination of the body-worn camera footage depicting Mr. Prude's restraint by RPD's officers, and the RPD's internal investigations. In the Managerial Review of the Death of Daniel Prude issued by Deputy Mayor James Smith on September 14, 2020, former Chief Singletary's role in the events at issue is analyzed and discussed, but without the benefit of the former Chief's own testimony as to the facts and explanations of why certain decisions were made. **Attached as Exhibit G is a true and correct copy of Deputy Mayor James Smith's Managerial Report.** Respondent's testimony is therefore material, necessary, and cannot be obtained from other witnesses or through other means.

19. The Subpoena is valid and enforceable as to former Chief Singletary. To enforce a non-judicial subpoena, pursuant to CPLR § 2308(b), a petitioner must show that it has the authority to issue the subpoena, that the materials sought "bear a reasonable relation to the subject matter under investigation and the public purpose to be served," and that there is a factual basis for the subpoena. *Myerson v. Lentini Bros. Moving & Storage Co.*, 33 N.Y.2d 250, 256 (1973) (citation omitted). While subpoenas issued by legislative bodies also must comply with

these requirements, because they are issued not only to investigate “the uncovering of wrongdoing respecting current law” but also “for the purpose of determining the necessity for new laws,” they are often considered of “a higher order than those involving mere executive governmental agencies. . . .” *Kalkstein v. DiNapoli*, 170 Misc. 2d 165, 171 (Sup. Ct. Albany Cnty. 1996), *aff’d as modified*, 228 A.D.2d 28 (3d Dept. 1997). “The law-making power given to the Legislature authorizes it, by inquiry, to ascertain facts which affect public welfare and the affairs of government. Such power of inquiry, with process to enforce it, is an essential auxiliary to the legislative function.” *Brodsky v. New York Yankees*, 26 Misc. 3d 874, 884 (Sup. Ct. Albany Cnty., 2009) (citation omitted).

20. City Council issued the Subpoena to Respondent pursuant to the legal authority conferred upon it by the Rochester City Charter. Rochester City Charter § 5-21(G), pursuant to which the Investigation is being conducted, expressly confers upon the Council the authority “to compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of the Council or of any committee thereof and, for that purpose, to issue subpoenas signed by the President of the Council.” Rochester City Charter § 5-21(G); *see also id.* § 5-21(D) (authorizing the Council to appoint “independent legal counsel”). Resolution No. 2020-29 further authorizes the City Council President to issue subpoenas for records and attendance of witnesses, pursuant to Rochester City Charter § 5-21(G) and Ordinance No. 2020-283, “as are appropriate for the investigation as authorized by Council on September 15, 2020 relative to the interaction between Daniel Prude and the Rochester Police Department as well as all subsequent and related activities.” Rochester Res. No. 2020-29 § 1. The Subpoena issued to former Chief Singletary invokes Rochester City Charter § 5-21(G) and Resolution No. 2020-29, was signed by

City Council President Loretta Scott, and compels production of records and attendance at a meeting of the City Council Prude Investigation Committee. *See* Ex. C (Subpoena).

21. Respondent's status as a former employee of the City of Rochester has no bearing on this application. The plain language of Rochester City Charter § 5-21(G) provides that the City Council has the power to issue subpoenas to "witnesses," regardless of their status as a City employee. "In order to obtain facts to enable it to legislate for all of its citizens, the [City] Council should not be restricted in the use of a subpoena to municipal employees. No such limitation can be found in the section under consideration which provides that it may" issue subpoenas to compel the attendance of witnesses. *Frank v. Balog*, 189 Misc. 1016, 1019 (Sup. Ct. Westchester Cnty.), *aff'd*, 272 A.D. 941 (2d Dept. 1947) (enforcing subpoena issued by city's common council against non-city employee) (internal quotation marks omitted); Rochester City Charter § 5-21(G). And, of course, former Chief Singletary has been subpoenaed to testify about, and for records relating to, his work as not just an employee of the City but the highest ranking police officer in the City structure.

22. The records and testimony sought from former Chief Singletary are integral to the Investigation, which is a matter of great public importance to the City of Rochester. The Subpoena seeks documents and communications in former Chief Singletary's possession concerning the government actions that followed the death of an unarmed man in police custody, Daniel Prude. *See* Ex. C (Subpoena). This is precisely the subject matter of the Investigation pursuant to which and in furtherance of which the Subpoena was issued. Petitioner has thus satisfied the requirement of "a preliminary showing that the information sought is reasonably related to the proper subject of inquiry." *Citizens Helping Achieve New Growth & Emp.-N.Y., Inc. v. New York State Bd. of Elections*, 201 A.D.2d 245, 247 (1994) (citation omitted).

23. Former Chief Singletary's testimony and records are also important to carrying out the goals of the Investigation. Ordinance No. 2020-283 provides that two of the goals of the Investigation are to (1) "assess the nature of non-public internal statements made by City of Rochester officials and employees relating to the death of Daniel Prude[.]" and (2) "evaluate the public statements of City officials and employees relating to the death of Daniel Prude." Ordinance No. 2020-283 § 2. Non-public internal communications between former Chief Singletary and other city officials are of great importance to the Investigation. Former Chief Singletary's actions and statements are also the subject of numerous public statements concerning the death of Daniel Prude, and his testimony will be central to evaluating those statements, as the ordinance requires.

24. The issuance of the Subpoena to former Chief Singletary is also "sufficiently justified." *Citizens Helping Achieve New Growth & Emp.-N.Y., Inc.*, 201 A.D.2d at 246. Former Chief Singletary's involvement in the handling of Mr. Prude's death is indicated by public statements that he and other City officials have made,<sup>1</sup> his communications with other City employees about Mr. Prude, *see* Ex. G (Managerial Report), and his own Notice of Claim, *see* Ex. E, recently filed with the City of Rochester. As the head of the RPD when Mr. Prude died following an RPD encounter, former Chief Singletary is uniquely knowledgeable about the subject of the Investigation and the Subpoena is clearly justified. *See Myerson*, 33 N.Y.2d at 258 ("all that is required is that the scope of the subpoena and the basis for its issuance be more than isolated or rare complaints by disgruntled customers").

---

<sup>1</sup> *See e.g.*, Michael Wilson et al., *Daniel Prude's Death: Police Silence and Accusations of a Cover-Up*, N.Y. Times (Sept. 4, 2020) <https://www.nytimes.com/2020/09/04/nyregion/rochester-police-daniel-prude.html>.

25. The Subpoena at issue in this proceeding was issued pursuant to the City Council's authority under the Rochester City Charter and Resolution No. 2020-29, seeks documents and testimony that are directly relevant to the Investigation, and is sought based on Petitioner's well-supported belief that former Chief Singletary is uniquely placed to provide important information to the Investigation.

26. For the foregoing reasons, Petitioner respectfully requests that the court issue an order under CPLR § 2808(b) compelling Respondent La'Ron Singletary's compliance with the subpoena dated September 24, 2020.

27. Former Chief Singletary's 27-page Notice of Claim makes clear that he is willing to make sworn statements about the subject matter of the Investigation when doing so is in furtherance of his personal interests. *See* Ex. E. It is not unreasonable for Petitioner City Council to demand that he do the same for the public benefit.

28. On December 16, 2020, I informed Mr. Tallon, counsel for former Chief Singletary, by email that Petitioner intended to file an Order to Show Cause seeking compliance with the Subpoena the same day. Mr. Tallon agreed to accept service of the Order to Show Cause on behalf of former Chief Singletary.

29. Petitioner has made no prior requests for this relief.

Dated: December 16, 2020  
New York, New York

  
\_\_\_\_\_  
ANDREW G. CELLI, JR.

# Exhibit A

**City of Rochester****City Clerks Office****Certified Ordinance**

---

**Rochester, N.Y.,** \_\_\_\_\_**TO WHOM IT MAY CONCERN:**

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **September 15, 2020** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **September 16, 2020** in accordance with the applicable provisions of law.

Ordinance No. 2020-283

**Authorizing funding and agreements to retain independent legal counsel  
for the City Council**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended by transferring \$100,000 from the Budget of Contingency to the Budget of City Council and Clerk.

Section 2. Pursuant to City Charter § 5-21(D), the Council President is hereby authorized to enter into a professional services agreement with the law firm of Emery, Celli, Brinkerhoff, Abady, Ward & Maazel LLP to conduct an independent investigation into the City's communications, processes, and procedures that took place related to the death of Daniel Prude in police custody. The law firm shall produce an investigation report that addresses the three goals of the investigation, which are: to establish a comprehensive timeline of events; to assess the nature of non-public internal statements made by City of Rochester officials and employees relating to the death of Daniel Prude; and to evaluate the public statements of City officials and employees relating to the death of Daniel Prude. The maximum compensation for the agreement shall be \$100,000, which shall be reimbursed from the funds transferred to the 2020-21 Budget of City Council and Clerk in Section 1 herein. The term of the agreement shall continue until the law firm submits its final report.



Section 3. The Council President is hereby authorized to enter into a professional services agreement with Linda Kingsley, Esq. to provide temporary *pro-bono* counsel and advice to the Rochester City Council relating to the legislative duties of the Council in accordance with Rochester City Charter Section 5-21(D). This engagement shall require no compensation, and the term of the agreement shall expire at a time or event agreed upon by the parties.

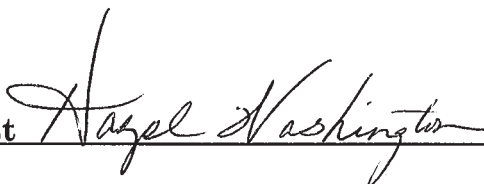
Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Lupien, Patterson, Peo - 8.

Nays - None - 0.

Attest



City Clerk

# Exhibit B



City of Rochester

City Clerk's Office

## Certified Resolution

---

Rochester, N.Y., \_\_\_\_\_

### TO WHOM IT MAY CONCERN:

I hereby certify that at a meeting of the Council of the City of Rochester, held in the City Hall, on **September 18, 2020**, a resolution was **Adopted**, of which the following is a true copy; and at the time said resolution was adopted, the Council consisted of eight (8) members.

Resolution No. 2020-29

**Resolution authorizing the issuance of subpoenas to various City Departments, and to others, in furtherance of an independent investigation into the internal communications, processes, and procedures that took place related to the death of Daniel Prude after an interaction with members of the Rochester Police Department.**

**WHEREAS**, Daniel Prude died after an interaction with the Rochester Police Department on March 23, 2020; and

**WHEREAS**, the Council of the City of Rochester at a Meeting on September 15, 2020 authorized the initiation of an investigation into circumstances surrounding that interaction and all subsequent related actions; and

**WHEREAS**, Section 5-21 (G) of the Charter of the City of Rochester authorizes the issuance of subpoenas in connection with such an investigation; and

**WHEREAS**, legal counsel retained by City Council for the purposes of completing this investigation has requested that City Council issue subpoenas in order to facilitate their investigation.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 5-21 (G) of the City Charter the City Council hereby authorizes the Council President or Vice President to issue subpoenas for records, papers, and other evidence in any form and for the attendance of witnesses as are appropriate for the investigation as authorized by Council on September 15, 2020 relative to the interaction between Daniel Prude and the Rochester Police Department as well as all subsequent and related activities.

Section 2. The Council President or Vice President is so authorized without need of further action by the Council, and upon the request of legal counsel retained by the City Council to conduct the investigation described immediately above.

Section 3. The subpoenas authorized herein may be made returnable to legal counsel Emery, Celli, Brinkerhoff, Abady, Ward & Maazel LLP (principal: Andrew G. Celli, Jr.) retained for purposes of conducting this investigation.

Section 4. Council further authorizes the aforementioned legal counsel to adjust the time, location and manner of production of documents or testimony pursuant to subpoena as they deem necessary.

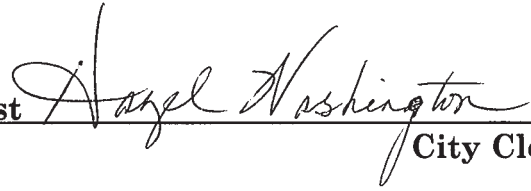
Section 5. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Lupien, Patterson, Peo - 8.

Nays - None - 0.

Attest

  
City Clerk

# Exhibit C

**ROCHESTER CITY COUNCIL**

*IN RE INDEPENDENT INVESTIGATION INTO  
THE CITY OF ROCHESTER'S RESPONSE TO AND  
HANDLING OF THE RPD'S MARCH 23, 2020 USE  
OF FORCE AGAINST DANIEL PRUDE*

**SUBPOENA TO PRODUCE BOOKS, PAPERS OR OTHER EVIDENCE  
AND FOR WITNESS TESTIMONY**

**To:**

La'Ron Singletary  
2103 East Avenue, Apt M  
Rochester, NY 14610

**YOU ARE COMMANDED**, pursuant to Rochester City Charter § 5-21(G), and pursuant to Resolution No. 2020-29 of the Council of the City Rochester, to produce at the time, date, and place set forth below the documents, electronically stored information, objects, or other evidence described in the attachment to this subpoena.

**Place:**

Andrew G. Celli, Jr.  
Emery Celli Brinckerhoff Abady Ward & Maazel LLP  
600 Fifth Ave., 10<sup>th</sup> Fl.  
New York, NY 10020  
acelli@ecbawm.com

**Date and Time:**

October 8, 2020, 5:00 PM

**YOU ARE FURTHER COMMANDED**, pursuant to Rochester City Charter § 5-21(G), and pursuant to Resolution No. 2020-29 of the Council of the City Rochester Sections 1 *et seq.*, to appear at a meeting of the City Council Prude Independent Investigation Committee at the place, date, and time specified below to testify under oath in the above-captioned investigation. Your testimony will be recorded by stenographic, audio, and/or audiovisual means. In the event

that the parties are unable to convene in person due to COVID-19 social distancing restrictions,  
your testimony will be taken remotely over videoconference software.

**Place:**

City Council Prude Independent Investigation Committee  
City Hall, Room 301A  
30 Church Street  
Rochester, New York 14614-1265

**Date and Time:**

November 6, 2020 at 9:30 AM

Dated: Rochester, New York  
September 24, 2020

By:



LORETTA C. SCOTT

President, Rochester City Council

## DEFINITIONS

1. You and Your: The terms “You” and “Your” mean La’Ron Singletary and, where appropriate, all officers, employees, or agents.
2. Rochester Police Department, RPD, Department: The terms “Rochester Police Department,” “RPD,” or “Department” mean the Rochester Police Department and its officers, employees, and agents.
3. Mayor’s Office: The term “Mayor’s Office” means Mayor Lovely A. Warren, and all offices, bureaus, officers, and employees within the office of Mayor, as that term is used in the Rochester City Charter.
4. Law Department: The term “Law Department” means the Law Department of the City of Rochester, the Rochester Corporation Counsel, and all Law Department employees, officers, and agents.
5. Locust Club: The term “Locust Club” means the Rochester Police Locust Club and all its officers, employees, or agents.
6. Incident: The term “Incident” means the events that commenced on March 23, 2020 with the RPD's contact with Daniel Prude, and that followed March 23, 2020, including Mr. Prude’s death, the analysis of the cause(s) or possible cause(s) of Mr. Prude’s death, the investigations into the circumstances of the RPD’s contact with Mr. Prude by any City, State or Federal entity (including but not limited to the Rochester City Law Department, the Monroe County Office of the Medical Examiner, the Monroe County District Attorney’s Office, and the Office of the New York Attorney General), the public disclosures of the RPD’s contact with Daniel Prude, the review and release of the Body-Worn Camera footage, the contemplated litigation arising from the RPD’s contact with Mr. Prude, and all actions by the City of



Rochester, its agents, officers, and employees, that relate in any manner to the RPD's contact with Mr. Prude and his subsequent death, or the investigation and the public disclosure thereof.

7. Prude: The term "Prude" means Daniel Prude.

8. FOIL Request: The term "FOIL Request" means any Freedom of Information Law Request submitted by Elliot Shields concerning the Incident, including but not limited to the requests submitted on April 6, 2020 (RR20-1479) and June 18, 2020 (RR20-02514), and any appeals thereof.

9. Communication: The term "Communication" means any correspondence, discussion, or transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

10. Concerning: The term "Concerning" means, in addition to its customary and usual meaning, relating to, pertaining to, regarding, referring to, alluding to, discussing, describing, evidencing, identifying, in connection with, involving, setting forth, stating, showing, touching upon, dealing with, bearing upon, in respect of, about, and having anything to do with.

11. Document: The term "Document" means, without limitation, the following items which are in Your possession, custody, or control, including located on any cell phone, computer, or other device and whether printed or recorded or reproduced by any other mechanical or electronic process, or written or produced by hand: agreements; communications; reports; correspondence; telegrams; electronic mail; electronic/cellular messages/texts; memoranda, summaries or records of telephone conversations; summaries or records of in-person conversations or interviews; drawings; sketches; maps; summaries or records of meetings or conferences; summaries of or records of interviews conducted by investigators; electronic or physical calendar entries concerning meetings, conferences, or interviews; summaries or reports of investigations or negotiations; opinions or reports of consultants; photographs; motion picture

films; body worn camera footage; digital or physical audio tape recordings; all material contained in any internal affairs file; brochures; pamphlets; advertisements; circulars; press releases; drafts; letters; recordings; any marginal comments appearing on any Document; Mobile Data Terminal communications; and all other writings.

### **INSTRUCTIONS**

1. If any Document responsive to the requests has been lost, destroyed or is otherwise unavailable, describe and identify each such Document by stating in writing: (i) the name(s) of the authors(s), the name(s) of the person(s) who received or viewed the original and all copies, and the date and subject matter, (ii) the last known custodian of the Document, (iii) the incident, event, or occurrence during which such Document was lost, destroyed, or otherwise became unavailable, (iv) each person having knowledge of the circumstances of it being lost, discarded or destroyed and (v) your efforts to locate each such Document.

2. If, in answering these requests, you claim any vagueness, confusion, or ambiguity in either the request or a definition or instruction applicable thereto, such claim shall not be utilized by you as a basis for refusing to respond, rather you shall set forth in a part of your response to such a request the language deemed to be vague or confusing or ambiguous, select a reasonable interpretation that you believe resolves the ambiguity, respond to the request using that interpretation, and explain with particularity the construction or interpretation selected by you in responding to the request.

3. Questions regarding the interpretation of these requests should be resolved in favor of the broadest possible construction.

4. These requests seek production of all Documents, in their entirety, along with any attachments, drafts, and non-identical copies. A Document with handwritten, typewritten, or

other recorded notes, editing marks, etc., is not and shall not be deemed identical to one without such modifications, additions, or deletions.

5. Responsive Documents should be produced as they are kept in the usual course of business or organized and labeled to correspond with the categories in the requests, and identifying the name of the person from whose files the Documents were produced.

6. Wherever possible, all electronic Documents should be produced in their native format and/or as TIFs or PDFs and include all metadata. Do not convert the data to a form that is more burdensome and/or less searchable. If You convert data to TIFs or PDFs from native format, You must retain all metadata—including but not limited to the OCR database, Document demarcations, the date of the Documents, file name, the author of the Documents, the recipients of the Documents, the type of Documents, etc.—in a usable load file (Relativity or Concordance preferred with an option for images), together with links to text and native formats.

7. Wherever possible, the following fields of metadata should be produced, if available:

| <i>Field</i> | <i>Data Type</i>    | <i>Paper</i>                             | <i>Loose Native Files &amp; Attachments</i>      | <i>Email</i>  |
|--------------|---------------------|--|--|---|
| BegDoc       | TEXT                | Start Bates                              | Start Bates                                      | Start Bates   |
| EndDoc       | TEXT                | End Bates                                | End Bates  | End Bates   |
| BegAttach    | TEXT                | Starting bates number of document family | Starting bates number of document family         | Starting bates number of document family  |
| EndAttach    | TEXT                | Ending bates number of document family   | Ending bates number of document family           | Ending bates number of document family  |
| Custodian    | TEXT – single entry | Custodian of the document                | Custodian of the document                        | Custodian of the document   |
| Folder       | Text                |  | File path where original file was collected from | Folder where email was collected from. Includes folder locations within email container files such as PST and NSF |

| <i>Field</i>  | <i>Data Type</i>                    | <i>Paper</i> | <i>Loose Native Files &amp; Attachments</i> | <i>Email</i>               |
|---------------|-------------------------------------|--------------|---|----------------------------|
| From          | Text                                |              |   | Sender of message          |
| To            | TEXT – separate entries with “,”    |              |   | Recipients of message      |
| CC            | TEXT – separate entries with “,”    |              |   | Copied recipients          |
| BCC           | TEXT – separate entries with “,”    |              |   | Blind copied recipients    |
| Subject       | TEXT or MEMO if over 255 characters |              |   | Subject of message         |
| DateSent      | Date (dd-mmm-yyyy) – eg 03-Mar-2012 |              |   | Date message sent          |
| TimeSent      | Text (hh:mm:ss)                     |              |   | Time message sent          |
| DateReceived  | Date (dd-mmm-yyyy) – eg 03-Mar-2012 |              |   | Date message received      |
| TimeRecv      | TEXT (hh:mm:ss)                     |              |   | Time message received      |
| FileName      | Text (hh:mm:ss)                     |              | Name of original file                       | Name of original file      |
| FileExtension | Text                                |              | Extension of original file                  | Extension of original file |
| DateCreated   | Date (dd-mmm-yyyy) – eg 03-Mar-2012 |              | Date file was created                       |                            |
| DateModified  | Date (dd-mmm-yyyy) – eg 03-Mar-2012 |              | Date file was last modified                 |                            |
| Title         | TEXT or MEMO if over 255            |              | Title from document metadata                |                            |

| <i>Field</i> | <i>Data Type</i>   | <i>Paper</i>  | <i>Loose Native Files &amp; Attachments</i>    | <i>Email</i>   |
|--------------|--|---|--|----------------|
|              | characters   |   |  |                |
| Author       | Text   |   | Document author from metadata                  |                |
| Company      | Text   |   | Document company or organization from metadata |                |
| Hash         | Text   |   | MD5 Hash Value                                 | MD5 Hash Value |
| Text Files   | Txt files should be named the same as the beg doc and delivered in the same folder as the images (eg, ABC0000001.txt)    | Txt files should be named the same as the beg doc and delivered in the same folder as the images (eg, ABC0000001.txt) |  |                |
| Native Files | Native files should be named the same as the beg doc and delivered in the same folder as the images (eg, ABC0000001.xls) |   |  |                |

8. Reference to any natural person shall be deemed to include that natural person's agents, servants, representatives, current and former employees, and successors.

9. The singular includes the plural and vice versa, except as the context may otherwise require; any request propounded in the present tense shall also be read as if propounded in the past tense and vice versa; whenever a term is used herein in the present, past, future, subjunctive, or other tense, voice, or mood, it shall also be construed to include all other tenses, voices, or moods; reference to any gender includes the other gender; the words "any" and

“or” shall be construed as either conjunctive or disjunctive in such manner as will broaden as widely as possibly the scope of any request for production; the word “all” means “any and all”; the word “any” means “any and all”; the word “including” means “including but not limited to.” Any ambiguity in a discovery request shall be construed to bring within the scope of the discovery request all responses that otherwise could be construed to be outside of its scope.

10. If you object to the production of a Document in relation to a specific request, state with particularity the basis for all objections with respect to such request. You should respond to all portions of that request that do not fall within the scope of your objection.

11. This request is a continuing one. If, after producing the requested Documents, you obtain or become aware of any further Documents responsive to this request or if additional information you or any persons acting on your behalf obtain would augment, clarify, or otherwise modify your responses, you are required to supplement your responses and produce such additional Documents.

12. Unless otherwise specified, the period of time covered by this subpoena is from March 23, 2020 to the date the requested Documents are returned.

### **DOCUMENTS TO BE PRODUCED**

1. All documents concerning the Incident.
2. All documents concerning Daniel Prude.
3. All communications concerning the Incident, including but not limited to electronic mail, instant messages, text messages, social media, or other forms of communication, and including but not limited to:

- a. All communications with Lovely Warren, including those on August 6, 2020;
  - b. All communications on or around March 23, 2020;
  - c. All communications on or around April 3, 2020 concerning the preservation letter sent by Elliot Shields on behalf of the Prude family;
  - d. All communications on or around April 6, 2020 concerning the FOIL Request;
  - e. All communications on or around April 10, 2020 with Justin Roj or other Mayor's Office officers or employees concerning the Incident, including drafts thereof;
  - f. All communications on or around April 14, 2020 concerning the Major Crimes Unit Investigative Summary concerning "435 Jefferson Ave";
  - g. All communications on or around June 4, 2020 concerning the FOIL Request; and
  - h. All communications concerning Your decision to resign as Chief of the RPD.
4. All documents, including but not limited to word documents, pdfs, electronic mail, instant messages, text messages, social media, or any other forms of communication, which contain one or more of the following search terms:
- a. Prude
  - b. Overdose
  - c. OD
  - d. PCP

- e. phencyclidine
- f. BWC
- g. “Body worn camera”
- h. Restraint
- i. Asphyxia
- j. Homicide
- k. “Jefferson Avenue”
- l. “Jefferson Ave”
- m. DP
- n. EDP
- o. “Excited delirium”
- p. “Resisting arrest”
- q. MHA
- r. “Mental Hygiene Arrest”
- s. Elliot
- t. Shields
- u. “Elliot Dolby-Shields”
- v. 061280
- w. Vaughn
- x. Taladay
- y. Santiago
- z. spit



# Exhibit D

*From:* Katie Rosenfeld  
*Sent:* Mon 12/14/2020 12:50 PM  
*Rcvd:* Mon 12/14/2020 12:50 PM  
*To:* Katie Rosenfeld  
*CC:*  
*BCC:*  
*Subject:* Nail and Mail completion for La'Ron Singletary

=====

**This Message originated outside your organization.**

---

Nail and Mail service completed

Date Completed: 10/05/2020

Time Completed: 15:01

**PREVIOUS ATTEMPTS:**

09/29/2020, 2:00 PM, No answer at buzzer for the door. Defendants last name on buzzer for the Apartment.

09/30/2020, 6:11 PM, No answer at buzzer for the door. The deponent attempted obtain information about the occupants of the property but did not receive an answer at buzzer for Apartments K and L.

10/01/2020, 8:46 AM, No answer at buzzer for the door. The deponent attempted obtain information about the occupants of the property but did not receive an answer at buzzer for Apartment L.

**COMMENTS:** The deponent was informed by the client that they possessed confirmation of the defendant's residency at this location. The deponent was unable to confirm the military status of the defendant. Documents affixed to outside security door.

Our Job Number: 124976

Reference Number(s):

In Re:

v

Independent Investigation into the City of Rochester's Response to and handling of the RPD's March 23, 2020 Use of Force against Daniel Prude

Index:

Person to serve: La'Ron Singletary

Address:

2103 East Ave

Apt. M

Rochester, NY 14610

Name of Server: Michael Mason

County of Notary: County of Monroe

Mailing Date: 10/05/2020

Mailings completed by Kara Palladino

County of Notary: Steuben

The Chase Agency

**(585) 747-5402**

12 South Main St, PO Box 2, **Avoca**, NY 14809

69 Delaware Ave, Suite 1101, **Buffalo**, NY 14202

16 East Main St, Suite 265, **Rochester**, NY 14614

224 Harrison St, Suite 218, **Syracuse**, NY 13202

<https://i.imgur.com/DrPzRXf.gif>

[www.TheChaseAgency.com](http://www.TheChaseAgency.com)

# Exhibit E

# Michael J. Tallon

## Attorney and Counselor of Law

mtallon@tallonlaw.com  
www.tallonlaw.com

45 Exchange Boulevard  
Times Square Building ~ Suite 500  
Rochester, New York 14614-2006

Office: (585) 319-4170  
Cell: (585) 329-8139

December 10, 2020

### VIA E-MAIL ONLY

Timothy R. Curtin, Corporation Counsel  
City of Rochester ~ Law Department  
400A City Hall  
30 Church St.  
Rochester, NY 14614-122

Landline: 585428-7741

E-mail: [Tim.Curtin@CityofRochester.Gov](mailto:Tim.Curtin@CityofRochester.Gov)

City of Rochester  
Timothy R. Weir, Director  
Office of Public Integrity  
85 Allen St. – Suite 100  
Rochester, NY 14608

Landline: 585-428-6001

E-mail: [Timothy.Weir@CityofRochester.Gov](mailto:Timothy.Weir@CityofRochester.Gov)

### **RE: La’Ron D. Singletary: Proposed Global Deposition and Production**

Dear Corporation Counsel Curtin and Director Weir:

I have been in communication this week with Attorney Celli who, as you know, is responsible for conducting the investigation authorized by City Council. I advise you that Mr. Singletary will make himself available for what I have described to Mr. Celli as a global deposition where Mr. Celli, Director Weir through his office’s counsel, and Corporation Counsel’s Law Department depose Mr. Singletary. By way of background, Director Weir has requested that Mr. Singletary consent to be interviewed, Mr. Celli has served Mr. Singletary with a subpoena for testimony and the production of documents pursuant to City Council Introductory Number 349 authorized on September 14, 2020 and Corporation Counsel can conduct a General Municipal Law §50 (h) hearing based on the December 3<sup>rd</sup> filing of Mr. Singletary’s Notice of Claim against the City of Rochester. Because of the relevancy of Mr. Singletary’s Claim to their respective investigations, Director Weir and Mr. Celli have been provided copies of this Claim on December 3, 2020. Counsel for Mr. Singletary and Mr. Singletary have not disseminated the Notice of Claim to the media, instead treating it confidentially for reasons including our appreciation of your ongoing investigations. If Corporation Counsel is agreeable to the global deposition and would prefer outside counsel to act on its behalf, that is certainly agreeable and understandable to us.



Mr. Singletary, I, and co-counsel Jon P. Getz have cleared our respective calendars for this possible global deposition during the week beginning Monday, January 4 and concluding on Friday, January 8.

At this global deposition, each of the three parties would have the opportunity to ask any questions within the scope of their respective investigations. Most but not all subject matters are common to all the investigations. Each attorney would be able to hear all the questions by all attorneys representing the parties and Mr. Singletary's answers and then follow up any of those questions and answers by any of the parties.

In other words, the global deposition is comprehensive, open, clear for all, transparent for all and efficient. This format will optimize Mr. Singletary's complete cooperation in all investigations, avoid a series of potential depositions and/or statements which I shall not permit because they have the high potential of generating confusion over clarity and will succumb to inefficiency at the expense of concision. This proposal for a global deposition recognizes the long and challenging winter that will challenge us in ways we have yet to perceive.

I request your most expedited reply but certainly no later than the close of business on Monday, December 14<sup>th</sup>. This deadline will permit clarity for Mr. Celli and permit him the time to seek judicial enforcement of the subpoena served on Mr. Singletary.

Concerning production, if this proposed global deposition is agreeable, I will provide all counsel with a thumb drive of the forensic extraction of cell phone data from Mr. Singletary's personal cell phone responsive to the production demands in the subpoena duces tecum addressed to Mr. Singletary by Mr. Celli.

Please also be advised that communications with me on this subject be conducted by email with copies to all parties. My intention is to create and maintain a documented record of communication during our representation of Mr. Singletary.

Very truly yours,



Michael J. Tallon

MJT/jgd

xc: La'Ron D. Singletary  
Jon P. Getz, Attorney

Andrew G. Celli, Jr., Attorney

# Exhibit F

STATE OF NEW YORK  
SUPREME COURT COUNTY OF MONROE

---

LA'RON D. SINGLETARY,

Claimant,

vs.

**NOTICE OF CLAIM**

CITY OF ROCHESTER and  
LOVELY A. WARREN, MAYOR,

Respondents.

---

**TO:** CITY OF ROCHESTER  
Corporation Counsel  
City Hall  
30 Church Street  
Rochester, New York 14614

**PLEASE TAKE NOTICE** that Attorneys Michael J. Tallon and Jon P. Getz, pursuant to General Municipal Law 50-e, hereby make a claim against the City of Rochester and Mayor Lovely A. Warren ("Respondents") on behalf of La'Ron D. Singletary ("Claimant") for defamation of character, and the creation of a hostile work environment preventing his fulfilling the duties of Chief of Police and his wrongful and retaliatory termination, and state:

1. The names and post office addresses of the Claimant and his attorneys are:

Claimant:

La'Ron D. Singletary  
c/o Michael J. Tallon, Attorney  
45 Exchange Blvd. – Suite 500  
Rochester, New York 14614

Attorneys:

Michael J. Tallon, Attorney  
45 Exchange Blvd. – Suite 500  
Rochester, New York 14614

Jon P. Getz, Partner  
Vahey Getz LLP



144 Exchange Blvd. – Suite 400  
Rochester, New York 14614

**Summary of Claim**

2. This is a Notice of Claim against the City of Rochester and Mayor Lovely A. Warren for damages sustained and continued to be sustained by La’Ron D. Singletary, including but not limited to, defamation of character, the creation of a hostile work environment preventing his fulfilling the duties of Chief of Police and his wrongful and retaliatory termination that all occurred beginning on or about September 3, 2020 and continuing thereafter.
3. My sworn statement of facts supporting these claims, allege that the Mayor of the City of Rochester, and others acting on the Mayor’s behalf, impugned my performance as Chief of Police of the City of Rochester by making false statements and material omissions about my performance and discharge of duties in the matter of the treatment of Daniel Prude in the custody of the Rochester Police, his subsequent death, the internal investigations conducted by the Rochester Police Department and my communication with Mayor Warren and other city officials. These false statements and material omissions of fact have damaged my reputation for honesty, integrity, and truthfulness.
4. On September 7<sup>th</sup>, Mayor Warren asked me to withhold full and truthful information from the City Council investigation into the matter of Daniel Prude. Mayor Warren asked me instead, to provide false information and to omit material information to support the Mayor’s public narrative concerning her knowledge of the events in the matter of Daniel Prude. I repeatedly refused to lie for Mayor Warren. Pressure to support Mayor Warren’s narrative also came from other city officials.
5. The attacks on my reputation by false statements about my job performance, material

omissions about my job performance and the ongoing pressure to support Mayor Warren's false narrative about the Prude matter created a hostile work environment that prevented me from performing my duties as Chief of Police. Therefore, on September 8, 2020, I announced my retirement as Chief of the Rochester Police Department effective September 29, 2020. During a press conference on September 14, 2020 and without notice to me, Mayor Warren announced to the public that "today is Chief Singletary's last day." I allege that this termination by Mayor Warren was in retaliation and retribution because of my continued refusal to agree to parrot Mayor Warren's false narrative during my anticipated testimony during City Council's investigation of the Prude matter.

#### **Sworn Statement of Facts**

6. These claims arise from false statements and material omissions by Mayor Lovely A. Warren that I failed to faithfully discharge of the duties of the Office of Police Chief for the City of Rochester. I attach as **Exhibit A** to this Notice of Claim my Oath of Office subscribed and sworn to on June 26, 2019 when I solemnly swore that I would support the Constitution of the United States, the Constitution of the State of New York, and that I will faithfully discharge the duties of the Office of Police Chief according to the best of my ability.

7. I attach as **Exhibit B** to this Notice of Claim is my Pledge and Subscription to the values of the Rochester Police Department. The first of the five pledges is titled *Human Life and the Dignity of the Person*. I pledged "the value of human life is immeasurable. I will actively preserve, protect, and respect human life and the dignity of all people." The fourth of the five pledges is titled *Leadership and Personal Character* I pledged "I represent the Rochester Police Department and accept my leadership position and understand it is built on the public trust. I am



strongly committed to honesty, integrity, and truthfulness in both my personal and professional life.”

8. I attach as **Exhibit C** to this Notice of Claim is my appointment as Chief of Police on June 26, 2019 witnessed by Mayor Lovely A. Warren.

9. During my tenure as Chief of Police, I have faithfully discharged my oath of office and fulfilled the five pledges of the Rochester Police Department including my actively preserving, protecting, respecting human life, and the dignity of all people and my commitment to honesty and integrity and truthfulness in both my personal and professional life.

10. I have been pressured to abandon these principles by the Mayor of the City of Rochester aided by other agents of the City of Rochester. They created an enduring hostile working environment damaging my ability to discharge my duties as Chief of the Rochester Police Department by assailing my honesty, integrity and truthfulness. This hostile working environment and its continuing existence is a substantial factor in my deciding to announce my retirement on September 8, 2020 effective September 29, 2020.

11. I had been asked by the Mayor of the City of Rochester on September 7, 2020 to withhold truthful information from the City Council investigation in the matter of Daniel Prude. Instead I was asked by the Mayor of the City of Rochester to provide false information to support the Mayor’s public narrative concerning her knowledge of the events in the matter of Daniel Prude.

12. My reputation for honesty, integrity and truthfulness has been defamed by the public statements the Mayor of the City of Rochester who has falsely and publicly declared that I withheld information concerning the circumstances leading to the death of Daniel Prude, that I failed to provide information concerning the Medical Examiner’s report and its conclusions including the determination that Mr. Prude’s death was a homicide and, Mayor Warren, most

broadly defames my reputation by falsely claiming that I intentionally deceived the Mayor, the City of Rochester, and the community of Rochester.

In interview with Channel 8 Reporter Adam Chodak, [Mayor Warren on RPD's handling of Daniel Prude death: 'Clear deception,' done purposefully | RochesterFirst](#)

the Mayor publicly and falsely claimed on September 16, 2020 that I participated *in clear deception along the way and information that could've been shared and should've been shared and was not shared, and I could only surmise that it was purposefully done that way.*"

In that same interview with Channel 8 Reporter Adam Chodak, the Mayor publicly and falsely claimed on September 16, 2020 that I intentionally withheld information *all of the things were done I can only surmise that it was done on purpose so that I would not know so it's not about what was said here it's about what wasn't said so that I could take decisive action as the Mayor of this City.*"

13. I allege and believe that my announcing my retirement on September 8<sup>th</sup> after I had been asked directly to lie by the Mayor on September 7<sup>th</sup> and refused to lie, was a clear indication to Mayor Warren that if I publicly commented or testified in the course of any investigation including the City Council's investigation concerning the matter of Daniel Prude that my truthful testimony would inevitably reveal the Mayor's false public narrative. For this reason and possibly others, I allege and believe I was terminated on September 14<sup>th</sup>. This wrongful termination financially damage med by eliminating my lifetime health care benefits that I would have received upon my September 29, 2020 retirement. This wrongful termination financially damaged me by foreclosing my ability to pursue any career in law enforcement. This wrongful termination could be used to provide a false motive to undermine my truthful testimony concerning the Prude matter



that contradicted the Mayor's public narrative. These actions by Mayor Warren have caused and continue to cause me anguish in my day-to-day living.

### Factual Timeline

14. On March 23, 2020 I received preliminary information from Deputy Chief Morabito concerning the Daniel Prude matter. I provided Mayor Warren with a preliminary assessment of what I knew. I informed Mayor Warren that I had not watched the body worn camera (BWC) video of the officers, and I would advise her of further information when I did watch the BWC video. Subsequently, after I had reviewed the BWC video, during a phone conference with Mayor Warren at 1:30 PM that day, I further discussed the Prude matter and police officers' involvement advising Mayor Warren that there was no punching or kicking from the officer, just stabilization techniques and the application of the spit sock. I attach as **Exhibit D** to this Notice of Claim is the March 23, 2020 email thread from Deputy Chief Morabito which I utilized in my briefing of Mayor Warren at 1:30 PM. I made the Mayor aware that investigations by the Professional Standard Section and the Major Crimes Unit had begun. There was further conversation and I answered the few questions the Mayor asked who concluded this conversation asking to keep me in the loop by saying "Okay, keep me in the loop, Chief."

15. After contacting District Attorney Sandra Doorley on March 23<sup>rd</sup>, I spoke with District Attorney Doorley on March 24<sup>th</sup> concerning the ongoing criminal and internal investigations being conducted by the Rochester Police Department.

16. On March 30<sup>th</sup> at 10:55 PM, Deputy Chief Morabito communicated via text to me that Mr. Prude had just died. I texted Mayor Warren the following morning at 8:28 AM on March 31<sup>st</sup>, "morning Mayor, the individual I gave you a briefing about last Monday (gentleman likely

high on PCP from Chicago), doctors pronounced him last night. The cause of death will be determined by the ME's office at some point." The Mayor replied "okay."

17. On April 10<sup>th</sup> at approximately 1:49 PM, Deputy Chief Morabito advised me about the details of the Medical Examiner's ruling. On April 10<sup>th</sup> at 2:14 PM, I texted Mayor Warren "Mayor, when you have a moment can you give me a call. Want to fill you in on ME's ruling for Daniel Prude, the gentleman from Jefferson Avenue who was on PCP." After texting Mayor Warren, I also texted Corporation Counsel Curtin and Deputy Corporation Counsel Beath concerning the Medical Examiner's ruling of death from homicide and noting that I was waiting to hear from the Mayor to provide her the latest information. I also emailed Communications Director Justin Roj about the Medical Examiner's Office report.

18. Mayor Warren did not call me back in response to my April 10<sup>th</sup> request. On April 13<sup>th</sup> at approximately 11:00 AM, there was a virtual press conference in the basement of City Hall attended by myself, my Chief of Staff, Mayor Warren, members of the Communication Team, Wanda Ridgeway, and Council Vice President Willie Lightfoot. At the conclusion of this press conference, I spoke with Mayor Warren for approximately 5 minutes at the door of the basement elevator then informing the Mayor of the details of Medical Examiner's ruling concerning the cause of death of Daniel Prude, including that his death was determined to be a homicide. There is a witness to my meeting with Mayor Warren.

19. On April 16<sup>th</sup> I learned from the Office of the Monroe Country District Attorney that the New York State Attorney General's Office had assumed jurisdiction over the investigation. On April 17<sup>th</sup>, Assistant Attorney General Sommers was sent all reports from the RPD investigation by email including documents, BWC video and pictures provided on a hard drive by Major Crimes Unit. During a one-on-one meeting with Mayor Warren on April 27<sup>th</sup> by conference



call, I advised the Mayor that the Attorney General's Office had assumed responsibility of the investigation from the Monroe County District Attorney's Office.

20. Based upon a June 4<sup>th</sup> email from Deputy Chief Simmons concerning a Freedom of Information Law request concerning the ongoing criminal investigation by the Attorney General's Office, a Microsoft Team meeting discussing these subjects occurred on June 5<sup>th</sup> participated in by Corporation Counsel Curtin, Deputy Corporation Counsel Beath, myself and Deputy Chief Simmons.

21. On June 11<sup>th</sup>, Communications Director Roj requested that I suspend the production of the BWC video in the Prude matter and instead first produce the BWC video of a 10-year-old being handcuffed on the side of the expressway.

22. On August 4<sup>th</sup> at approximately 12:19 PM, I received the following text from Corporation Counsel Curtin "chief - did Mayor see Daniel Prude BWC footage? - they served notice of claim - \$75 mil, we should show her if she has not seen it yet. Thanks." I replied "I don't believe she has. I agree. Wow \$75 million." Around 4:00 PM, I received a phone call from Mayor Warren asking a few questions about the Prude matter and responded to a request to come to her office where Mayor Warren, Corporation Counsel Curtin and Deputy Mayor Smith were present. I was asked questions about the BWC video in the Daniel Prude matter. This conference lasted approximately 45 minutes.

23. On August 6<sup>th</sup> at approximately 12:11 AM, I received "confidential correspondence from Mayor Warren." I replied to Mayor Warren's email reiterating my actions and conduct throughout the Prude investigation. Attached as **Exhibit E** to this Notice of Claim is Mayor Warren's email and my reply both dated August 6, 2020 with the subject line: Confidential Correspondence re Prude Legal Matter.

24. At approximately 11:54 AM on September 3rd, Mayor Warren directed me to suspend all police officers involved in the Daniel Prude matter on March 23<sup>rd</sup> and to drop all charges against those arrested at the Public Safety Building on September 2<sup>nd</sup>. At approximately 1:27 PM, City Official Dr. Cephas Archie advised me, in sum and substance, that Mayor Warren would be doing a press conference that afternoon, that she was going to “beat you up a little bit, it’s not going to be pretty.” Dr. Archie suggested that “I remain quiet, humble and take it on the chin.”

25. During that press conference on September 3rd, Mayor Warren stated publicly that she had addressed with me how deeply, personally and professionally, disappointed she was for failing to inform her [Mayor Warren] fully and accurately about what occurred with Mr. Prude. Mayor Warren is inaccurate because the Mayor had not addressed with me what she claimed she had addressed with me in her public statement unless the brief conversation with Dr. Cephas Archie was intended to serve that purpose.

26. During that press conference on September 3rd, Mayor Warren stated publicly that I had never informed her of the actions of Rochester Police Officers including actions to forcibly restrain Mr. Prude. Mayor Warren’s statement is false.

27. After that press conference, City Official Dr. Cephas Archie texted me twice “you okay?” (at 4:46 PM) And “Chief...?” (at 4:49 PM) At 7:37 PM, Mayor Warren called to ask me “how you doing Chief?” I advised the Mayor that I was displeased with her statements. Mayor Warren pleaded with me stating in sum and substance “she was sorry, but that we needed to move forward and that we are married, that she and I are married in this together, attached at the hip and that she needs me.” I told Mayor Warren that she had ruined my character, integrity, and reputation.



28. I was distraught by what Mayor Warren had stated about me at the press conference, I recognized that my state of mind would distract me from fully discharging my duties as Chief of Police that evening. For these reasons, I transferred my command at 9:00 PM to Deputy Chief Simmons. City Official Dr. Cephas Archie and others took me out to dinner in attempt to calm me down. Subsequently, at 10:29 PM, I received another text from Mayor Warren stating, "are you okay?" I did not respond to Mayor Warren's text.

29. At approximately 10:58 AM on September 4<sup>th</sup>, Mayor Warren phoned me stating "how you doing Chief? I know you and I have a disagreement as to how the events unfolded but that we need to move past this for the both of us." I replied: "I am good, Mayor. What's up?" We then discussed the protests for a few minutes and ended the call.

30. Subsequently, acting at the suggestion of Deputy Chief Simmons, a meeting concerning the protests on September 3<sup>rd</sup> occurred at the Public Safety Building. After that meeting concluded, Mayor Warren and I discussed the press conference the day before. Mayor Warren stated, "you have to smile Chief." In response, I talked about my disappointment, the loss of my credibility, integrity, and reputation. I told her I was blindsided. She indicated she thought that City Official Dr. Cephas Archie had "explained everything to me." Subsequently, Mayor Warren sent myself and Deputy Chief Simmons a text message at 9:29 PM stating "I trust you both with my life, my future. I believe in you both and love you like brothers. Good luck tonight. God will help us save our city. You know what you're up against, but you were built and called to serve for such a time as this. I ask God to put his hedge of protection around you. You got this."

31. On Sunday, September 6<sup>th</sup> at approximately 10:00 AM, there was a meeting in the Mayor's conference room. It was agreed there would be a 2:00 PM press conference at City Hall. Speaking to the media at the press conference was Mayor Warren, Rev. Myra Brown and myself.

When the press conference concluded, the parties returned to the Mayor's conference room. Communications Director Roj was visibly upset about the press conference. He began to recite a narrative --- including that I never told the Mayor that police officers were physically involved -- - that was inaccurate, to which he said I should agree so he could then "clarify" with the media. I did not respond. I, along with my three Deputy Chiefs, then returned to the Public Safety Building.

32. At approximately 3:33 PM, Communications Director Roj called and asked if he could come to my office and have a conversation. During that meeting in my office, I was advised, in sum and substance, that the press conference was not ideal, that "the Chief and Mayor needed to be on the same page, that the Mayor chose to keep you on board, that she's the boss and if she has an idea, we are her subordinates and have to roll with it whether we like it or not." He went on to state that he had spoken with Mayor Warren and "she recalls one thing and she's sticking to her story and that you and the Mayor need to speak with one another because you're putting me in a bad spot when it comes to the media and that without Mayor Warren, there is no Chief Singletary and without Mayor Warren and Chief Singletary, there is no all of us, so that you and Mayor Warren need to talk and hash it out." I advised Communications Director Roj that "I am not going to lie for anyone" and that my integrity had been called into question at the press conference conducted by the Mayor. I stated that I will always tell the truth and will make my concerns known publicly when I have reservations when it comes to public safety, in this case, placing elders and community members in potential harm's way during protests. Communications Director Roj then asked if I would have a discussion with Mayor Warren. I agreed.

33. At approximately 4:33 PM, the Mayor contacted me and stated "Chief, Justin said you wanted to talk to me." I indicated to Mayor Warren that I did not expect to have a conversation that day and there were duties that required my participation concerning that evening's protest and



a recent homicide that occurred earlier in the day. I indicated to the Mayor that we could meet sometime later in the week because tomorrow, Labor Day, is a holiday. Mayor Warren replied “No, we can meet tomorrow as we need to discuss this matter sooner than later.”

34. On September 7<sup>th</sup>, Mayor Warren contacted me at approximately 12:19 PM. The Mayor suggested we meet at one of her relative’s house, and she texted me that address at 12:20 PM. I had a conversation with Mayor Warren from approximately 2:20 until approximately 3:50. At 12:20 p.m., I phoned my friend to advise where I would be meeting. At 2:07 PM, my Deputy Chief, Mark Simmons called me to offer his support, thoughts, and prayers because he knew I would be meeting with Mayor Warren that day. At 5:30 p.m., I did call my friend to advise about the substance of the conversation I had with the Mayor.

35. Later in the evening, I did have an opportunity to speak with Deputy Chief Simmons alone in the Chief’s conference room as we were preparing for the night’s protests. I had the opportunity to share, in sum and substance, the conversation I had with Mayor Warren earlier that afternoon. In sum and substance, I shared with Deputy Chief Simmons that the Mayor wanted me to portray a story that just was not true and asking that I omit certain relevant facts when I testified before the City Council investigation of the Daniel Prude matter

**September 7<sup>th</sup> Conversation with Mayor Warren**

36. I now recount pertinent portions of my September 7<sup>th</sup> meeting and conversation with Mayor Warren as they are relevant to my claims. I first expressed concern that a ranking City Official was not being candid. I asked Mayor Warren what was behind that lack of candor? Mayor Warren stated “Chief, I am so sorry. My intent was not to destroy your character, integrity, or reputation. I shouldn’t have listened to them fools.” I told Mayor Warren that she was letting

them run with this and “you all are throwing me under the bus for no reason.” Mayor Warren replied, “I am so sorry Chief.”

37. I advised the Mayor that to make me the scapegoat in this was wrong and I would not lie for anyone. I stated that both my command staff and I acted by the book and to insinuate that I did not act properly as she did, publicly, is wrong.

38. I recounted events dating back to March 23<sup>rd</sup>, including my initial notification to the Mayor including officers’ physical involvement and that I described the findings in the Medical Examiner’s report including the determination that the cause of death was homicide immediately after the April 13<sup>th</sup> press conference and as well as my informing Mayor Warren that the New York State Attorney General’s Office had assumed responsibility from the Monroe County District Attorney’s Office of its criminal investigation.

39. After further discussion, I again told Mayor Warren that I was not going to lie for anyone. She asked, “Where do we go from here?” And again, the Mayor misstated that I failed to disclose to her the officer’s use of force, nor did I disclose to her the results of the Medical Examiner’s report. I told the Mayor “that’s not accurate” and again recounted my previous conversations with the Mayor on these subjects.

40. In response, Mayor Warren stated she would “never ask me to lie.” However, she nonetheless requested that during my testimony in the City Council’s investigation that the Mayor did not want me to mention her knowledge of the police officers’ physical involvement with Daniel Prude on March 23<sup>rd</sup> on Jefferson Avenue. The Mayor further asked me to omit the specifics of our conversation when I discussed the details of the Medical Examiner’s report and instead testify that the Medical Examiner’s report was mentioned only in passing and to further testify that, in hindsight, I should not have told the Mayor “in passing by the elevator.”



41. The Mayor then asked me to recite what I would say in my testimony. I began to do that and stopped. I told the Mayor that no one would believe that neither I nor anyone in the City administration had no conversation with Mayor Warren about the Prude matter from April to August. I further told the Mayor that I had text messages and emails indicating there have been conversations and communications with the Mayor and her administration. I repeated that my integrity means too much to me and that I would never lie for anyone.

42. When then we discussed the City Council investigation. The Mayor stated that the investigation would involve responding to questions from an investigator and that no personal phone records would be subpoenaed “similar to the process in the Ricky Bryant probe.” I replied, “I have nothing to hide.”

43. Towards the end of this conversation, City Council President Loretta Scott phoned the Mayor and, from what I heard and understood, first advised the Mayor of City Council’s intent to have briefings on the protests and how the briefings would be conducted. Mayor Warren then asked City Council President Scott questions concerning the process of City Council’s investigation of the Daniel Prude matter. When Mayor Warren concluded her conversation with City Council President Scott, the Mayor reiterated that City Council’s investigation would be asking questions only and not require production of personal cell phones and text messages. I told the Mayor that I would not lie. Upon departing from my meeting with Mayor Warren, I contacted my friend and recounted the conversation during which the Mayor asked me to testify untruthfully.

44. On Tuesday afternoon, September 8<sup>th</sup>, there was a virtual Senior Management Team meeting. The meetings are conducted weekly with the entire Senior Management Team. After the Senior Management Team meeting, the Mayor asked me to stay behind on the Zoom.

The meeting consisted of Mayor Warren, the Deputy Mayor, Corporation Counsel and me to discuss the protests the evening before. In the late morning / early afternoon on September 8<sup>th</sup>, I met with my command staff and advised them of my decision to retire due to major concerns I had with the city administration. Some command staff were aware of my reasons for deciding to retire as Chief of Police.

45. On Tuesday, September 8<sup>th</sup>, I announced my retirement as Chief of the Rochester Police Department effective September 29, 2020. My announcement stated:

*After 20 years of dedicated service to the Rochester Police Department and the Rochester Community, I announce my retirement from the Rochester Police Department. For the past two decades, I have served this community with honor, pride, and the highest integrity.*

*As a man of integrity, I will not sit idly by while outside entities attempt to destroy my character. The events over the past week are an attempt to destroy my character and integrity. The members of the Rochester Police Department and the Greater Rochester Community know my reputation and know what I stand for.*

*The mischaracterization and the politicization of the actions that I took after being informed of Mr. Prude's death is not based on facts and is not what I stand for.*

*I would like to thank the men and women of the Rochester Police Department, as well as the Rochester Community for allowing me the honor of serving as your Chief and fulfilling a lifelong dream. I look forward to continuing to serve our community in my next chapter.*

*La'Ron D. Singletary, Chief of Police, Rochester Police Department*



46. City Council Hearing on September 8<sup>th</sup>: <https://youtu.be/ICunYxU-UpU>

At this meeting the Mayor stated (2:47 mark): “The Chief was not asked to give his resignation because I do believe that he’s given his very best and there was some information that was brought to light today that I had not previously seen before. And I think that the Chief has felt that his career and integrity has been challenged. He has dedicated 20 years to this City and to the citizens of Rochester and feels that the events that have happened were not done in a way that could have been handled differently but he didn’t in any way try to cover this up. He will be joining this call, but I just wanted to be up front with Council.” During the press conference on September 14<sup>th</sup>, Mayor Warren advised the public that “today is Chief Singletary’s last day.” I attach as **Exhibit F** to this Notice of Claim the September 14, 2020 letter of termination signed by Mayor Warren and presented to me at the Public Safety Building on the afternoon of September 14, 2020.

47. 9/15 Mayor Warren Interview with Channel 10’s Lynette Adams  
<https://www.facebook.com/News10NBC/videos/322324205516175/?vh=e&extid=CeNyCcq2pxjwJ1F5&d=n>

1:45 “So on March 30<sup>th</sup> I received a text from the Chief that said that the gentleman that he told me about on PCP that they had pronounced him dead and that the M.E.’s would be investigating and that was it. This incident and unfortunately and/or tragic situation was downplayed from the very beginning and I should have known. I should have questioned and did more questioning on it and when it was said that it was an in-custody death.”

3:13 “*On Good Friday I went back and I looked the Chief sent a text and he did say I want to inform you about the M.E. report on the guy Daniel Prude and PCP and so I didn’t I for the life of me we didn’t have a conversation about it. And I don’t know why, but that is one*

of the failures that I see. I admit that there are things that fall solely on my shoulders as the Mayor of this city. And I should have known this situation what transpired, I should have been fully aware, *but I can tell you from the very beginning that this has been played to me or said to me that this was a PCP overdose and an in custody death due to that*, not due to what I saw on that video and I think that the documents yesterday showed, when I finally saw the video I was outraged.”

5:41 “*Lynette I have no idea that the M.E. ruled this a homicide until August 4 when I saw the video and that I should have known.* Everyone is right I should have known. But this incident, an unfortunate and tragic situation, had been downplayed from the very beginning as a PCP overdose.”

9:19 “we had many systematic failures, when the chief originally told me about this that it was an in-custody death I should have said let me see the video, that is my failing.”

10:52 reporter / cover- up “I can tell you that the information that was provided was downplayed by our police department and it was played through the eyes of the badge.”

**9/16 Mayor Warren Interview with Channel 8’s Adam Chodak**

48. [Mayor Warren on RPD’s handling of Daniel Prude death: ‘Clear deception,’ done purposefully | RochesterFirst https://www.rochesterfirst.com/daniel-prude](https://www.rochesterfirst.com/daniel-prude)

00:24 Chodak questions Mayor about notification “*It talked about PCP and to be honest Adam, this is not about what was said, it’s about what wasn’t said.* This was characterized from the very beginning as a person that was in a mental health distress on PCP and had an overdose and in-custody death and up until I saw the video that is the way it was characterized.



And if you look at all of the information it clearly showed that from the beginning of this this was to be characterized and downplayed as a PCP overdose.”

1:58 “Supposedly somebody told me that he allegedly told me in an elevator, this is not something you tell the Mayor, the leader of the city, in an elevator, I’ve met with him 50 times since then, the M.E.’s report hasn’t been provided, was never emailed to me.”

3:40 Chodak asks the Mayor: “Do you remember the word ‘homicide’ before Aug 4<sup>th</sup>? The Mayor replies: “I can assure you Adam this whole situation I was not given the correct information.”

13:50 The interview discusses Council President Scott and Mayor Warren differing accounts. Council President indicates Mayor mentions no use of force.

16:08: Adam asks about conversation with President Scott as to whether the conversation didn’t sink in as the Council President would’ve remembered the word “homicide.”

17:18 Chodak asks if the Mayor knew Chief Singletary downplayed the incident, then why come out and say he is the right man for the job? “Adam I am a black women, and Chief Singletary is an African American man, both of us born and raised in this city, family members in this city, I did not want to fire a black man and knowing the struggles that we have and to really believe that we could get it right, that working together we could get this right, we could repair the police department. But when this report came out and I saw all the things along the way, all the times I could have been contacted, all the times that even his own people said, “tell the Mayor.” And knowing what I knew and was told that this was a PCP overdose I just couldn’t let it stand because it was *clear deception along the way and information that could’ve been shared and should’ve been shared and was not shared, and I could only surmise that it was purposefully done that way.*”

19:33 The Mayor furthers states: "all of the things were done I can only surmise that it was done on purpose so that I would not know so it's not about what was said here it's about what wasn't said so that I could take decisive action as the Mayor of this City."

**Conclusion**

49. This Notice of Claim is timely filed pursuant to General Municipal Law Section 50 e(1)(a) as it has been filed within 90 days of the conduct, events, and statements giving rise to these claims.

The undersigned presents these claims and demand for adjustment of payment and notifies you that unless adjusted and paid within 90 days from this date of presentation, it is the intention of the undersigned to commence an action in New York Supreme Court demanding damages.

**WHEREFORE**, Claimant respectfully demands that these claims be allowed and paid by the City of Rochester and Mayor Lovely A. Warren.

DATED: December 3, 2020  
Rochester, New York

MICHAEL J. TALLON, P.C.

By: 

Michael J. Tallon, Attorney  
45 Exchange Blvd. – Suite 500  
Rochester, New York 14614

VAHEY GETZ LLP

By: 

Jon P. Getz, Partner  
144 Exchange Blvd. – Suite 400  
Rochester, New York 14614

  
\_\_\_\_\_  
La'Ron D. Singletary

~~~~~

**VERIFICATION**

STATE OF NEW YORK)  
COUNTY OF MONROE) ss:

La'Ron D. Singletary being duly sworn, says: I am the Claimant in this matter; I have read the foregoing Notice of Claim and know its contents; the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

  
\_\_\_\_\_  
La'Ron D. Singletary

Sworn to before me this  
3<sup>rd</sup> day of December 2020

  
\_\_\_\_\_  
Notary Public

**MICHAEL J. TALLON**  
Notary Public, State of New York  
Monroe County #4712012  
Commission Expires May 31, 2022

~~~~~

**VERIFICATION**

STATE OF NEW YORK)  
COUNTY OF MONROE) ss:

Michael J. Tallon, states he is the attorney for the Claimant herein; has read the foregoing Notice of Claim and knows its contents; and that they are true to deponent's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.



Sworn to before me this  
3<sup>rd</sup> day of December 2020



Notary Public

JUDITH G. DEATSCH  
Notary Public, State of New York  
No. 01DE6170299  
Qualified in Monroe County  
Commission Expires July 9, 2023

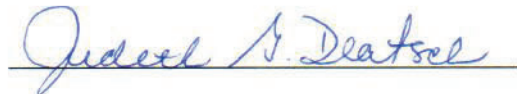
~~~~~

### VERIFICATION

STATE OF NEW YORK)  
COUNTY OF MONROE) ss:

Jon P. Getz, states he is the attorney for the Claimant herein; has read the foregoing Notice of Claim and knows its contents; and that they are true to deponent's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Sworn to before me this  
3<sup>rd</sup> day of December 2020



Notary Public

JUDITH G. DEATSCH  
Notary Public, State of New York  
No. 01DE6170299  
Qualified in Monroe County  
Commission Expires July 9, 2023

STATE OF NEW YORK  
SUPREME COURT      COUNTY OF MONROE

---

LA'RON D. SINGLETARY,

Claimant,

**NOTICE OF CLAIM**

vs.

CITY OF ROCHESTER and  
LOVELY A. WARREN, MAYOR,

Respondents.

---

**EXHIBIT A**

**OATH OF OFFICE**  
**BY LA'RON D. SINGLETARY**  
**DATED JUNE 26, 2019**

**CONSISTING OF 1 PAGE**

---

**OATH OF OFFICE**

STATE OF NEW YORK  
COUNTY OF MONROE } SS.  
CITY OF ROCHESTER

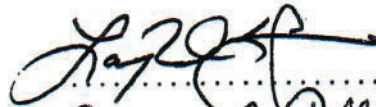
I, La'Ron D. Singletary..... do  
solemnly swear (or affirm) that I will support the Constitution of the United States,  
and the Constitution of the State of New York, and that I will faithfully discharge the  
duties of the office of Police Chief.....  
according to the best of my ability.

Subscribed and sworn to before me this

26th day of June ..... 20 19

See Art. XIII constitution of the State of New York,  
Chapter 574, Laws of 1917.

CR-622

  
.....  
Carmen J. Pellegrino  
Notary Public, Commissioner of Deeds

CARMEN J. PELLEGRINO  
Notary Public, State of New York  
Qualified in Monroe County  
Commission Expires Jan. 14, 2023

STATE OF NEW YORK  
SUPREME COURT      COUNTY OF MONROE

---

LA'RON D. SINGLETARY,

Claimant,

**NOTICE OF CLAIM**

vs.

CITY OF ROCHESTER and  
LOVELY A. WARREN, MAYOR,

.

Respondents.

---

**EXHIBIT B**

**PLEDGE AND SUBSCRIPTION TO THE**  
**VALUES OF THE ROCHESTER POLICE DEPARTMENT**  
**DATED JUNE 26, 2019**

**CONSISTING OF 1 PAGE**



**City of Rochester**

Rochester Police Department  
185 Exchange Boulevard, Suite 630  
Rochester, New York 14614-2124  
[www.cityofrochester.gov/publicsafety/police/](http://www.cityofrochester.gov/publicsafety/police/)

**La'Ron D. Singletary**  
Chief of Police

I, LA'RON D. SINGLETARY, PLEDGE AND SUBSCRIBE TO THE VALUES OF THE ROCHESTER POLICE DEPARTMENT:

HUMAN LIFE AND THE DIGNITY OF THE PERSON

The value of human life is immeasurable. I will actively preserve, protect and respect human life and the dignity of all people.

CONSTITUTION AND LAWS

I am committed to uphold and defend the rights afforded to individuals by the United States Constitution. I will abide by and enforce the laws of the Nation, State, and city in a fair and equitable manner.

OUR COMMUNITY

I value the partnership and communication the Rochester Police Department enjoys with the community. I will respond to the priorities established in cooperation with our community directed at the safety of all and the enhancement of the quality of life in our neighborhoods.

LEADERSHIP AND PERSONAL CHARACTER

I represent the Rochester Police Department and accept my leadership position and understand that it is built on the public trust. I am strongly committed to honesty, integrity and truthfulness in both my personal and professional life.

COMMITMENT TO ORGANIZATIONAL EXCELLENCE

As the Rochester Police Department's most valuable asset, I will strive to improve myself and my Department using every available resource. I will accomplish this through teamwork, sensitivity to others in the organization and accountability to my Department's mission and principles of excellence.

SIGNED: \_\_\_\_\_

DATE: June 26, 2019



STATE OF NEW YORK  
SUPREME COURT      COUNTY OF MONROE

---

LA'RON D. SINGLETARY,

Claimant,

**NOTICE OF CLAIM**

vs.

CITY OF ROCHESTER and  
LOVELY A. WARREN, MAYOR,

Respondents.

---

**EXHIBIT C**

**APPOINTMENT OF LA'RON D. SINGLETARY AS**  
**CHIEF OF POLICE OF THE**  
**ROCHESTER POLICE DEPARTMENT**  
**DATED June 26, 2019**

**CONSISTING OF 1 PAGE**



# The People of the City of Rochester

By the Grace of God, Free and Independent  
To all to whom these Presents shall come, Greeting:

Now Ye that We have nominated, constituted, and appointed and by these Presents do nominate, constitute, and appoint:

**Li Ron Singletary**  
**Chief of Police**

Hereby giving and granting unto him/her all and singular powers, and authorities to the said office by law belonging or appertaining, to have and to hold the said office together with the fees, profits, and advantages to the same belonging for and during the time limited by the Charter of our City.

In Testimony Whereof, We have caused these our letters to be made  
patent and the great Seal of our said City to be hereunto affixed

Witness: Lonely A. Warren, Mayor of the City of Rochester on the  
twenty-sixth day of June in the Year of our Lord two thousand and nineteen.

Attest: 

STATE OF NEW YORK  
SUPREME COURT      COUNTY OF MONROE

---

LA'RON D. SINGLETARY,

Claimant,

**NOTICE OF CLAIM**

vs.

CITY OF ROCHESTER and  
LOVELY A. WARREN, MAYOR,

Respondents.

---

**EXHIBIT D**

**EMAIL THREAD FROM DEPUTY CHIEF MORABITO**  
**TO LA'RON D. SINGLETARY AND OTHERS**  
**DATED MARCH 23, 2020**

**CONSISTING OF 2 PAGES**



*In Custody Incident.*

**Singletary, La'Ron D.**

---

**From:** Morabito II, Joseph M.  
**Sent:** Monday, March 23, 2020 11:51 AM  
**To:** Singletary, La'Ron D.; Simmons, Mark L.; Rivera, Fabian; Favor Jr., Henry C.; Correia, Elena A.; Mura, Mark S.  
**Cc:** Swetman, Steven D.  
**Subject:** FW: Jefferson Ave incident

FYI

**From:** Umbrino, Frank  
**Sent:** Monday, March 23, 2020 7:27 AM  
**To:** Morabito II, Joseph M. <Joseph.Morabito@CityofRochester.Gov>; Favor Jr., Henry C. <Henry.FavorJr@CityofRochester.Gov>; Jones, Michael P. <Michael.Jones@CityofRochester.Gov>  
**Subject:** Jefferson Ave incident

Vic - Daniel Prude 9-20-78 / CR#20-061280 41 yoa

Victim was shipped to Rochester via bus yesterday from Chicago by his family because he was using PCP. He got kicked off the bus in Buffalo and the family picked him up there around noon yesterday. At 1628 hrs yesterday he was mha's because he was acting crazy wiggling out. That time is according to the family. Hospital says it was around 1900 so we don't know who is right.....He was dropped off by Medicab around 2100 hrs after being released from the MHA and dropped off on Child St. At about 0300 hrs. victims brother called 911 because he took off from the house. While Off. Specksgoor was at Child St, a call came in from glass break alarm at 767 W. Main St the phone store. There was a cinderblock thrown thru the window. As officers were on scene for that, Vaughn was flagged down by a tow truck driver there was a guy running naked down Jefferson Ave. Sure enough they found the victim completely naked in the street. He was ordered to the ground and complied without resistance or force and was handcuffed. While sitting up he began spitting and a spit sock was applied from the rear, again with no force used. After a brief period of time he began to try and get up. Vaughn applied the Segment technique to the victims head, Talliday had his knee on the victims lower back and Santiago held his feet. Note the knee on the back did not look like much and most of the time he was actually squatting holding the victims arms in an arm bar. Victim continued to yell stuff that made no sense. He vomits and eventually stops moving. The officers recognize this, don't feel a pulse and roll him over. AMR was on scene already. AMR began CPR and called it a 500. Victim was ultimately revived. He is currently in critical condition, but death is not imminent at this time. They do not know how much brain damage from the lack of oxygen.

PSI deposed the brother on child St. The video at the phone store is only interior. Techs will be going back in the am to grab other video in the plaza.

Santiago and Vaughns BWC is in the Chiefs drive. Perkowski will put the others in their later this afternoon. Santiagos gives a good view of everything. Vaughn, Talliday and Santiago were the only ones hands on. Others present were Magri, Specksgoor, Ricotta and Harris.

The only ones at the scene from MCU were Perkowski and I. We went because the vic was thought to be dead and were called as we were about to leave St. Paul St. homicide. Section has the lead and is collecting the paperwork.

Cpt. Frank Umbrino  
Central Investigations Sections



**Singletary, La'Ron D.**

---

**From:** Morabito II, Joseph M.  
**Sent:** Monday, March 23, 2020 12:00 PM  
**To:** Singletary, La'Ron D.; Simmons, Mark L.; Mura, Mark S.; Favor Jr., Henry C.; Correia, Elena A.  
**Cc:** Swetman, Steven D.  
**Subject:** FW: Serious Incident

**Additional information**

**From:** Tordai, Laszlo  
**Sent:** Monday, March 23, 2020 7:16 AM  
**To:** Morabito II, Joseph M. <Joseph.Morabito@CityofRochester.Gov>; Rivera, Fabian <Fabian.Rivera@CityofRochester.Gov>  
**Subject:** Serious Incident

CR 20-061280  
435 Jefferson Av (233) 0314 hrs  
MHA 9.41  
S-Prude, Daniel m/b, 9/20/78 Temp. Address 50 Child St  
RP-Prude, Joe m/b 10/1/75, 50 Child St  
PK-Justin, Jonathan 545-1040

Officers Involved: Mark Vaughn, Troy Taladay, Francisco Santiago, Sgt. Michael Magri

On 3/23/20, at about 0301 hrs, Genesee Section officers responded to 50 Child St for a missing person report. RP, the suspect's brother, told officers that his brother ran out the door with wearing long johns and a tank top. He also told officers that earlier during the evening S, who just arrived from Chicago, took some PCP. As a result, he became suicidal and make statements that he wanted to die and he wished someone would just kill him. He was MHA'd on 3/22 about 1900 hrs. He was released a few hours later and returned to 50 Child St. As RP was talking with officers, a call for a glass break alarm was dispatched for 767 W. Main, with S being most likely the culprit. At this time, a tow truck driver employed by Gates Towing saw S running southbound on Jefferson Av from W. Main St, wearing only blue pants.

S was also seen attempting to enter a parked van and acting irrational. Officers Vaughn, Taladay, and K-9 officer Santiago responded to the area and encountered S in the area of 435 Jefferson Av. S who was naked, was bleeding from his arms and legs, most likely from breaking the glass at 767 W. Main St. S complied with the officers' orders and was handcuffed. After being handcuffed and while lying on the ground, S became resistive by means of moving around uncontrollably and stating that he wanted to die and asked the officers to shoot him. Officers performed ground stabilization techniques and segmenting. S threw up and then became unresponsive. AMR was on scene and observed some of the SRR. S was revived about 15-20 min later while still on scene and was transported to SMH where he is listed in critical condition and possibly has brain damage. His long term prognosis is not good.

Sgt. Weigel from PSI and Capt. Umbrino and Lt. Perkowski, who just left a homicide scene, responded. The involved officers were paired up with supervisors and brought to the 4<sup>th</sup> floor. Their BWCs were downloaded. RP was deposed and PSI spoke via phone to PK regarding his observations. A technician was sent to the hospital, the scene and 767 W. Main St. After the suspect's condition was stabilized, the involved officers were released without interviews and the scene was "released." Officers are completing all paperwork. As of this writing, the responding AMR staff have been identified but not deposed. Currently working on locating the tow truck driver.

STATE OF NEW YORK  
SUPREME COURT      COUNTY OF MONROE

---

LA'RON D. SINGLETARY,

Claimant,

**NOTICE OF CLAIM**

vs.

CITY OF ROCHESTER and  
LOVELY A. WARREN, MAYOR,

Respondents.

---

**EXHIBIT E**

**MAYOR WARREN'S EMAIL AND**  
**LA'RON D. SINGLETARY'S RESPONSE**  
**DATED AUGUST 6, 2020**

**CONSISTING OF 4 PAGES**



**Singletary, La'Ron D.**

---

**From:** Singletary, La'Ron D.  
**Sent:** Thursday, August 6, 2020 7:08 PM  
**To:** Warren, Lovely A.  
**Subject:** RE: Confidential Correspondence re: Prude Legal Matter

Mayor Warren,

I am in receipt of your email and will adhere to the expectations set forth within. I understand the frustration of the current criminal review and internal investigation process the Rochester Police Department has in place for in-custody deaths and officer-involved shootings. Upon any force complaint coming into the office of the Professional Standards Section, the current policy is they provide me with a summary after looking at all the video within 2 business days unless directed by the chief, to do so sooner. Typically, the summary and initial review is done within the day depending on the time received. As you request, I will look into the means of possibly improving/revising the procedure for criminal/internal reviews.

For clarification, the following is a list of steps that were directed by me upon notification of the March 23<sup>rd</sup>, 2020 Mental Hygiene Arrest of Mr. Prude and Mr. Prude being listed in critical condition at the University of Rochester Medical Center (URMC), and him being pronounced at URMC on March 30<sup>th</sup>, 2020. I immediately ordered an internal investigation and criminal review of the matter. I contacted District Attorney Sandra Doorley and advised her of the event and requested that she conduct an independent criminal review of the matter, based on the evidence collected by the Major Crimes Unit (i.e., witness statements, video evidence, M.E. report, etc.).

The criminal review consisted of the following:

- The Major Crimes Unit responded to the scene that night (as they were investigating another incident the morning of March 23, 2020). Mr. Prude at this point and time was not deceased, and was admitted into the intensive care unit, where he remained until he was pronounced on March 30, 2020.
- As part of the criminal review, investigators from the Major Crimes Unit took statements from Officer Vaughn on April 13, 2020. Officer Talladay on April 13, 2020. Officer Santiago on April 14, 2020. The scheduling of the interviews were difficult as scheduling issues needed to be worked out with the officers' attorneys and such was during the COVID period.
- Investigators from the Major Crimes Unit sent subpoenas for medical/metro records via First Assistant District Attorney Perry Duckles on March 23, 2020.
- The investigative summary was sent over to Perry Duckles on March 25<sup>th</sup>, 2020. Additional reports were sent over to First Assistant District Attorney Perry Duckles on March 25, 2020.
- On April 16, 2020 the Rochester Police Department was advised by First Assistant District Attorney Duckles that the New York State Attorney General's Office took over jurisdiction of the case under Executive Order Number 147.
- On April 16, 2020 Jen Summers (AG Office) advised that she would be assigning an investigator and all the reports were sent via email to the New York State Attorney General's Office.
- On April 17, 2020 investigators sent Jen Summers additional items to include all documents (depositions of ambulance personnel, neighborhood checks, video, and pictures on a hard drive).

Once the New York State Attorney General's Office took jurisdiction over the case, the District Attorney's Office relinquished authority over the investigation. I personally reached out to District Attorney Sandra Doorley to advise her of the criminal review I was conducting in relation to the Prude case and that I would like her office to review such. As such, two independent outside agencies (DA's Office and AG's Office) were afforded an opportunity to conduct a criminal review in this matter, and were provided all the collected evidence.

In this instance, RPD did not deviate from the same process we follow for all in-custody deaths and/or officer-involved shooting investigations, namely a criminal review and an internal review. Both processes were initiated immediately at my direction. The Major Crimes Unit began the criminal review and proceeded to turn such over to the District



Attorney's Office, and the Professional Standards Section began the initiation of the internal review, short of calling officers in for statements and conducting a review of their actions. Officer Vaughn's actions were never meant to be ignored and would be handled as part of the internal investigation. In every case, the criminal review takes precedent over the internal review as to not jeopardize the criminal review due to the potential of criminal charges being filed against the officers involved.

Directing officers to give a compelled statement during the internal investigation prior to the officers giving a criminal statement may jeopardize the case. The defense attorney could use any compelled statement to call into question the admissibility of evidence collected, based on the pretext that found evidence should be viewed as "fruits of the poisonous tree" specially derived from the compelled statement. As a result of this potential misapplication of the exclusionary rule, the criminal review takes precedence over the internal investigation. As mentioned earlier, I will look into this process to see how it can be refined, while protecting our ability to successfully prosecute officers for criminal misconduct. Additionally, it should be noted that part of the delay, I presume, was due to the pandemic and the AG's Office adjusting to such.

The Attorney General's Office did reach out to the union last week to have the involved officers come in for a statement. It is the union's position to not have the officers go in without legal representation for a statement during a criminal review.

Mayor, please advise if you have any questions.

Upon my return from vacation, I would like to respectfully request a meeting with you to discuss further. I can reach out to Jessica to schedule.

Thank you Mayor.

*La'Ron D. Singletary, Chief of Police*  
*Rochester Police Department*

From: Warren, Lovely A.

Sent: Thursday, August 6, 2020 12:11 AM

To: Singletary, La'Ron D. <LaRon.Singletary@CityofRochester.Gov>

Subject: Confidential Correspondence re: Prude Legal Matter

Chief Singletary:

After meeting with you, the Deputy Mayor and Corporation Counsel this afternoon regarding the case of Mr. Prude.

I am outraged at the conduct and the attitude of Officer Vaughn during this mental hygiene arrest. His demeanor and his disregard for a citizen in distress can not be explained. The joking, antagonizing and laughing was outrageous.

I understand that this arrest was a 'mental hygiene matter' involving a man under the influence of the drug PCP who ultimately succumbed to the actions sometime after he was taken to the hospital.



I understand that under normal circumstances and in keeping with departmental policy we do not initiate an internal disciplinary investigation into such matters until the criminal investigation is complete, however, I am not satisfied that this continues to make sense in these types of cases. This incident took place in March it is now August. The District Attorney's Office has completed its investigation and the Attorney General's Office must be near completion of their criminal review of the matter by now. I do not see a reason for any further delay as to why the department cannot initiate a disciplinary investigation immediately.

I strongly believe that Officer Vaughn's actions should be reviewed immediately his actions and attitude are unacceptable. Had I been made aware of or seen the video footage of his actions, by you or your Command Staff, I would have asked for this to be immediately reviewed.

I am greatly concerned that these body worn cameras are not just viewed through the lens of the badge but through the eyes of the people we serve. I was not given a clearer picture of the nature of this arrest until today, when the Corporation Counsel showed me the body-worn camera video from officers at the scene and also from Officer Vaughn.

Going forward, I insist that it be the official policy of the Rochester Police Department and the City of Rochester that any body-worn or other camera footage from an arrest or altercation with police that results in use of force be reviewed with the Mayor or my designee within 48 hours.

I want to be very clear that Officer Vaughn's conduct is unacceptable. I also ask for the continued full and complete cooperation of the entire Rochester Police Department with the criminal investigation being conducted by the New York State Attorney General's Office. I expect to be updated on this matter.

Lovely A. Warren, Mayor  
City of Rochester  
30 Church Street  
Rochester, NY 14614  
[lovely.warren@cityofrochester.gov](mailto:lovely.warren@cityofrochester.gov)  
(585) 428-7045 phone  
(585) 428-6347 fax

STATE OF NEW YORK  
SUPREME COURT      COUNTY OF MONROE

---

LA'RON D. SINGLETARY,

Claimant,

vs.

**NOTICE OF CLAIM**

CITY OF ROCHESTER and  
LOVELY A. WARREN, MAYOR,

Respondents.

---

**EXHIBIT F**

**LETTER OF TERMINATION**  
**PRESENTED TO LA'RON D. SINGLETARY**  
**AT THE PUBLIC SAFETY BUILDING ON THE**  
**AFTERNOON OF SEPTEMBER 14, 2020**

**CONSISTING OF 1 PAGE**



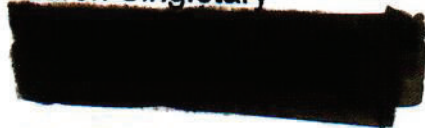
**City of Rochester**

City Hall Room 308A, 30 Church Street  
Rochester, New York 14614-1290  
[www.cityofrochester.gov](http://www.cityofrochester.gov)

**Lovely A. Warren**  
Mayor

SEPTEMBER 14, 2020

Laron Singletary



Mr. Singletary:

Effective immediately, your employment as Police Chief for the City of Rochester is terminated. Your final pay check will be issued October 8, 2020 and will include any unused time in your vacation and compensatory time banks.

Your health, dental, and vision insurance coverage through the City of Rochester will end on September 30, 2020 at which time you will be eligible for COBRA continuation coverage. Information regarding COBRA continuation coverage will be mailed to your home address.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lovely A. Warren'.

Lovely A. Warren  
Mayor

xc: Personnel File





# Exhibit G



City of Rochester

## Inter-Departmental Correspondence

To: Lovely A. Warren, Mayor  
From: James P. Smith, Deputy Mayor  
Date: September 14, 2020  
Subject: Managerial Review of the Death of Daniel Prude  
Revised: September 16, 2020

**September 16 Revision:** An earlier version of this memo misattributed a statement regarding the “politics” of a Freedom of Information Law request to Municipal Attorney Shani Curry-Mitchell. In fact, Deputy Corporation Counsel Patrick Beath used the word politics in a September 8 email encouraging Attorney Curry-Mitchell to expedite a related FOIL. The attribution has been omitted and Curry Mitchell’s role in the FOIL process has been clarified.

Per your instruction, I have conducted a cursory management review of the handling of the March 23, 2020 Mental Hygiene Arrest (MHA) of Daniel Prude and the subsequent actions by members of the Rochester Police Department (RPD) and other City employees -- to begin determining ‘who knew what and when’ as I was directed.

It should be noted, that this review was conducted almost exclusively using digital files obtained from the Department of Information Technology and I have included some notes at the end of this document regarding the methodology used to compile and search them.

The information in this memorandum is certainly not complete and I recommend that this matter be subjected to a more robust, thorough and complete review/investigation – one that would include these documents and any others that exist, as well as other communications and interviews with those involved. While this review certainly paints the outlines of the picture and begins to tell the narrative of this incident, there are many details and facts that are undoubtedly available and must be pursued.

From this review, I am offering recommendations for immediate action, observations that brought me to make these recommendations, as well as a timeline from the March 23 incident through September 9 -- along with the corresponding records and emails that I was able to review over these past few days.

Based upon my initial and, as I have noted, somewhat limited review, I am able to provide the following recommendations for your immediate action:

1. **Direct** the City Office of Public Integrity (OPI) to initiate a thorough investigation to determine if any employees – including you and me – violated City or Departmental policies or ethical standards. OPI should be instructed to refer any and all criminal or civil violations it may find to the appropriate authority, including an independent law enforcement agency. OPI should be as transparent as possible with the public, City Council and your Office as they move forward with this investigation. The investigation should not preclude you from taking any immediate disciplinary action you deem appropriate.
2. **Request** the U.S. Attorney General’s Office to conduct an investigation into possible violations of Mr. Prude’s civil rights and bring appropriate charges if warranted.

3. **Engage** an outside agency or agencies to review all training manuals, regulations and general orders that govern the conduct of Rochester police officers. This should include a specific review of areas outside the traditional realm of law enforcement, such as the accreditation standards for mental health professionals.
4. **Request** all that the U.S. Department of Justice conduct a thorough review of the of the Rochester Police Department, including a review of all Body Worn Camera (BWC) footage for use-of-force arrests conducted over the past three years. The findings must be made public.
5. **Engage** an outside agency to review the City's Freedom of Information Law (FOIL) process and possibly other functions, with an objective of greater transparency and openness.
6. **Seek** formal clarification and written guidance on the release of public information during criminal investigations conducted by the New York State Attorney General's Office. Going forward, we must ensure that our policies are legal and fair while also maintaining complete public confidence that the City is acting in the interest of transparency and in keeping with the pursuit of justice.
7. **Enact** a policy that the Mayor and Chief of Police will immediately announce to the public all criminal investigation of an RPD officer or arrest that has been initiated – including but not limited to those that are opened by the U.S. Attorney General, the New York State Attorney General's Office (NYSAG), the Monroe County District Attorney or the RPD Major Crimes Unit.
8. **Adopt** and embrace a robust process driven by an engaged public to bring systemic reform to the Rochester Police Department, City Hall and beyond to remove the pervasive culture of insularity and acceptance from law enforcement. This work must be coordinated and complement the work of the Commission on Race and Structural Equity. While, I realize this recommendation may be the most obvious and words of this nature have been expressed and repeated so often they now seem hollow. Somehow it has to be made clear this time is different and there will be the appropriate follow through on this critical undertaking. Simply put, this has to happen and it **MUST** involve citizens.

In undertaking this review, I cannot recall another moment in my professional career when my personal feelings or emotions have been so provoked. I cannot express strongly enough we can NEVER return to "business as usual."

Below, please find the initial observations gleaned from this review, which formed the basis for my recommendations.

#### **Observation 1: "The Lens of the Badge"**

Review of the attached documentation corroborates an impression articulated in your Aug. 6 letter to Chief Singletary: "I am concerned that these body worn camera videos are not just viewed through the lens of the badge, but through the eyes of the people we serve."

The records reveal a culture of insularity, acceptance and, quite frankly, callousness that permeates the Rochester Police Department: From the cavalier and unsympathetic attitude displayed by the officers present at the MHA; to the investigators in the Major Crimes Unit and the Professional Standards Section who seemingly saw nothing wrong after reviewing the Body Worn Camera (BWC) footage; to the Police Chief and his command staff who continued to describe the death of Mr. Prude as the result of an overdose and “resisting arrest,” even after the Medical Examiner ruled it a homicide and the video showed Mr. Prude did NOT resist his arrest.

Equally disturbing, the “lens of the badge” is not limited to law enforcement. The AMR technician on scene at the arrest displayed the same indifference to Mr. Prude’s welfare, according to the BWC footage; and the municipal attorneys who processed the Freedom of Information Law (FOIL) requests and appeals discuss the BWC footage in terms of data to be redacted or included rather than as a human life lost.

Finally, it appears that the RPD attempted to extend the “lens of the badge” to others. A day after Mr. Prude’s death, an RPD lieutenant sent two emails to the Monroe County Medical Examiner’s Office (ME) - subject line “Please Call Me” – offering to provide background he describes as “sensitive” on the arrest prior to the start, much less the completion, of the autopsy.

This certainly could leave one with the appearance of an attempt to influence the outcome of the ME’s ruling on the manner of death and raises the question of whether such strategies to influence other agencies are used in other circumstances and how often they are successful.

In another email discussing the FOIL, the lieutenant discusses strategies to “buy some more time” and “hold back for a little while” before releasing the information in the FOIL.

## **Observation 2: Questions of Training and Career Guidance**

Two preliminary investigations of the officers’ encounter that included review of the BWC footage concluded there was no immediate evidence of wrongdoing on the part of the officers. The criminal investigation concluded that the officers acted in a manner consistent with their training; while the professional standards investigator found no evidence of excessive force or misconduct. Those conclusions were validated by the subsequent response of other officers, including the command staff and the Chief of Police, who concurred that the behavior of the officers as justified. The officers were not suspended or placed on administrative duty following the MHA, the death of Mr. Prude, or even at the commencement of a criminal investigation by the NYSAG.

None of the officers offered Mr. Prude a blanket or covering, and there is no evidence that this thought occurred to any of them or anyone at RPD who subsequently reviewed videos of the incident. The simple concepts of human decency and dignity appeared to be woefully lacking or non-existent. It is reminiscent of the incident involving Christopher Pate, and one can ask the same question now that was asked then: Is this exceptional behavior or “business as usual” in the Police Department?



These issues raise serious questions about the initial training and career development that guide the standards of conduct and quality of service provided by Rochester's police officers.

Law enforcement agencies are especially insular organizations, with police academy recruits often being trained by former and current officers of the same department, and professional development opportunities fostered by supervisors who spend their entire careers in the same agency. The 24/7 work cycle creates shift schedules that cover nights and weekends, often limiting social interaction outside of work to other police officers. Meanwhile, the unique stressors of the job and the daily exposure to often violent and disturbing activity has the potential to create an "us-versus-them" mindset and a worldview shared by few others.

Social and professional behaviors, customs and habits are bound to become calcified and institutionalized in this environment, leading to both good and bad outcomes.

This administration has attempted to alter the accepted standards of police conduct through several strategies, including an increased focus on improving the diversity of the Department. However, this incident shows us that diversity alone will not correct the pervasive culture of insularity and acceptance in the Police Department. Much, much more needs to be done.

This all should be examined by an outside agency that can recommend systemic changes, as this system has failed the public and officers alike.

**Observation 3: RPD Command's Failure to Fully or Properly Disclose the Nature of Mr. Prude's MHA and Death.**

I could find no written record that the Chief of Police informed you or anyone in the Office of the Mayor of the MHA and subsequent death of Mr. Prude until April 10 – the day the death was ruled a homicide.

The Locust Club was afforded more deference on this matter than the Mayor. On April 2, Deputy Chief Mark Simmons directed an employee to send the BWC footage and related records to the Locust Club. No direction was given to include the Mayor or anyone in City Hall on that email.

I could find no documentation of the Chief's communications with the Mayor as would be expected in a situation of this magnitude; and in this absence must conclude they were limited to informal, oral conversations. It should be noted that from March 23 to Aug. 4 you and Chief Singletary met more than 50 times in one-on-one, Senior Management Team (SMT) or other meetings. Ultimately, it was the Corporation Counsel who brought the BWC footage to the Mayor's attention on Aug. 4.

It is not uncommon for a Department leader to ask the Mayor or Deputy Mayor for additional private time at the end of an SMT meeting to discuss a potential crisis in their Department – such as when DRYS employees tested positive for COVID-19, raising concern that the food-distribution sites might be contaminated. Likewise, all Department heads know how to schedule a private meeting with the Mayor, and the culture within City Hall has always made that access fairly easy.

Chief Singletary's actions regarding this incident are at odds with these practices and it is also dramatically inconsistent with the standard practices during past instances of police brutality or in-custody deaths, such as the fatal TASER death of Richard Gregory or the use-of-force in the arrest of Christopher Pate.

In these cases, and others, the previous Chief provided the Mayor, Deputy Mayor and Corporation Counsel a review of the BWC footage and provided a full account of the arrest and subsequent internal investigations. That did not happen in this case, prompting a new policy directive that had never been necessary before this case: That BWC footage on all use-of-force arrests now be promptly delivered to the Mayor.

Additionally, in response to the Mayor's oral reprimand and her Aug. 6 email in which it was written that the Chief had not been forthright in this matter, Chief Singletary wrote a lengthy email in response, but never offered a defense or rebuttal that this matter had been characterized differently by the Mayor.

This raises questions regarding the reporting of other such arrests, which is why I am recommending that someone outside the Department review past footage related to use of force arrests by RPD and all criminal investigations of RPD activity be immediately announced to the public.

**Observation 4: RPD Does Not Immediately Recognize the Significance of Mr. Prude's Death or Seek Outside Guidance**

I found no record that Chief Singletary sought the opinion or judgment of someone outside of the RPD to review the handling of Mr. Prude; and he instead relied solely on judgments of other police officers.

The first proactive email I found from the Chief to anyone outside of RPD was sent April 10 to Communications Director Justin Roj with the subject line "FYI." In it, the Chief informs Director Roj of the death and the ME's ruling, along with a note that the Mayor and the Corporation Counsel have been 'in the loop' since March 23. The email was sent 8+ hours after the ME's Office notified the RPD of their ruling.

Chief Singletary's benign subject line suggests he may not have fully grasped the significance of the situation, or that he attempted to downplay the event. It is altogether possible that Chief Singletary by this point fully believed Mr. Prude's death was ultimately caused by a drug overdose, which colored his subsequent responses and discussions. But his deviations from normal procedures and practices in such matters is difficult to understand.

As noted in Observation 3, this email is decidedly inconsistent with interactions between previous Chiefs and the Communications Director, and could be seen as less than forthright. It must be asked why Chief Singletary presented Director Roj with such a limited view of the situation.

For instance, the email includes attachments of investigative summaries that found no officer wrongdoing, but does not include the ME's report or BWC footage.

The email text actually reverses the order and changes the wording of the factors listed for the cause of death. The autopsy lists those factors as “complications of asphyxia in the setting of physical restraint,” followed by excited delirium and drug intoxication. In his email to Director Roj, Chief Singletary moves drug intoxication to the top line and changes the line about physical restraint to “resisting arrest” – even though the BWC footage clearly shows Mr. Prude NEVER resisted arrest. This improper characterization is also listed last in this email and not first as its correct description is listed in the ME’s report.

Again, unlike past practices, no suggestion is made to meet to discuss the incident further or view the BWC footage beyond an offer to answer additional questions. Chief Singletary also states he was waiting for a call back from the Mayor, but the Chief should be asked why he did not cc either the Mayor or Deputy Mayor on this significant communication.

Indeed, the Chief’s own subordinates seemed to recognize what he did not – that the Mayor should be notified of the situation.

In a June 4 email to their supervisors, RPD Lt. Mike Perkowski and Capt. Frank Umbrino suggest that the Mayor should be informed of the Freedom of Information Law (FOIL) request that was submitted by the Prude family’s attorney. Deputy Chief Simmons forwarded this thread to the Chief, adding citations from federal FOIL law noting the release of information could compromise a criminal investigation.

Deputy Chief Simmons also mentions the protests taking place across the nation and in Rochester and presciently warns the release of the BWC footage would cause similarly violent protest in Rochester.

These suggestions were sent up the chain of command, and eventually to Corporation Counsel Tim Curtin; but the recommendation to notify the Mayor was never acted upon.

It should be noted that the RPD conversations on this topic continue to reveal a Department wide belief that the Prude incident was justified and the officers’ concerns appear to be focused on a premature release of BWC footage without full context. Tellingly, Deputy Chief Simmons said equating Mr. Prude’s arrest with the causes of protests in other cities would be a “false narrative.”

Nevertheless and regardless of the motivation, those concerns were never fully considered or forwarded to the Mayor as suggested. This observation further supports your policy changes on in-custody deaths and use of force incidents and the announcement of criminal investigations of RPD. To this point RPD was not alone in this failure. As I will note below, the Corporation Counsel and Communications Director did not act either.

#### **Observation 5: Failure of the Corporation Counsel and Communications Director to Recognize the Significance of Mr. Prude’s Death or Inform You**

As stated above, the Corporation Counsel was eventually forwarded a lengthy email thread on June 4 describing the significance of the BWC footage, and did not act upon the suggestion buried within it to notify the Mayor. He also did not review the footage personally

until Aug. 4 – at which point he pulled you out of a meeting to make sure you saw it immediately.

To his credit, the Corporation Counsel appears to be the first person to view the video who had an instinctual or visceral reaction to its content – but that reaction came at least two, and arguably five, months too late.

This FOIL was handled by Municipal Attorney Stephanie Prince who also appear to completely miss the significance of the subject matter. I found no evidence that she ever pushed for Mr. Curtin to look at the BWC footage himself, or suggest that he notify you of its content. In one email, Municipal Attorney Prince discussed the professional appearance of the redaction log with colleague Shani Curry-Mitchell, rather than the treatment of Mr. Prude on the video.

As stated in Observation 1, none of the documents reviewed shows that these attorneys ever displayed a concern for Mr. Prude's treatment.

As stated above, Communications Director Justin Roj was first informed of Mr. Prude's "death in-custody" and the ME's ruling of homicide on April 10.

In his reply to Chief Singletary, Director Roj reports that he had not received any media requests on the incident and will coordinate with the RPD Public Information Officer if he does. Director Roj notably does not request the ME's report or ask to view the BWC footage.

In his role as the Records Access Officer, Director Roj was also copied in on a June 11 email from Municipal Attorney Prince to the attorney for Mr. Prude's family outlining the information that would soon be provided in the FOIL response, and still did not ask to see the BWC footage.

In the considerable volume of records and emails related to this case it is inconsistent with standard Administration practices that the Director of Communications was presented only two opportunities to weigh in on this case.

Nevertheless, it has to be noted that Director Roj missed these opportunities and did not review the BWC footage and notify the Mayor of his findings.

#### **Observation 6: Questions Regarding the City's Handling of the FOIL and Appeal**

The City handling of the initial FOIL and appeal filed by the attorneys for Mr. Prude's family seemed disorganized.

The remote work environment during the Coronavirus pandemic almost certainly made this task more difficult; but given the nature of the content on the BWC footage, this request should have been prioritized.

The initial FOIL was filed on April 3 and was appealed on constructive denial on May 28 because the Communications Bureau failed to respond within the legal deadline of 20 days. It was ultimately fulfilled on June 11, and the BWC footage provided by U.S. Mail on Aug.12.



I found no written records or emails that explain the decision to fulfill the FOIL request during an active criminal investigation while not informing the public.

This decision revealed a significant gap the City's standard practice of providing the public with information released under FOIL by placing it a publicly accessible, virtual reading room (established in December of 2017). The Law Department has not been in the practice of placing FOIL information released on appeal in the reading room. This gap, and holes in the FOIL process must be corrected – perhaps by moving the entire FOIL process to Law to eliminate procedural “silos.”

On June 4, as Attorney Prince begins collecting information to fulfill the FOIL request, it is at this time that RPD Capt. Frank Umbrino raises his concern that the criminal investigation is still underway and that the Chief and Mayor should provide input on the FOIL request.

This email thread is eventually forwarded to Corporation Counsel Curtin, who forwards it back to Attorney Prince – with the instruction to determine if she can comply with the RPD's request to deny or delay the FOIL.

In her own reply, Ms. Prince provides a summation of her June 4 telephone conversation with Assistant Attorney General Jennifer Sommers, which is now at the center of a dispute between the City and the NYSAG's Office:

*“The request is now a FOIL appeal filed by Elliot Shields for constructive denial of his request. Our response deadline is next Thursday, 6/11. I spoke with Jenn Sommers this morning – what her office typically does and what she's suggested for this matter is to invite Don Thompson (the attorney representing Daniel Prude's family) to come to her office to review the case file (including BWC) in person, provided he agrees to sign an agreement that he cannot scan/copy/otherwise attempt to reproduce the information. This way, the AG is making the file available to the family's attorney, but we are not releasing anything to the public. If Don agrees to the AG's offer, I would contact Elliot and let him know that the matter is being investigated by the AG, but that the AG is making the case file available for Don T. to review in person. We would ask Elliot to agree to adjourn the appeal deadline until after the AG's investigation is complete. This way, the City is not releasing anything pertaining to the case for at least a month (more like 2), and it will not be publicly available. Ultimately, anything we do release would be heavily, heavily redacted as the decedent is naked in the BWC footage, we have to redact his medical treatment, and the reports all discuss his mental health and condition.”*

As you can see, this conversation appears to be about whether the City can provide the Prude family attorney with the FOIled information during the ongoing investigation. A compromise solution is reached to let the attorneys view the BWC footage in Sommers' office without providing them access to it.

Given that this viewing did take place, Attorney Prince's summation appears to be accurate and Assistant AG Sommers seems to have supported the delay of a full release of the information to the Prude family attorney – and by extension the public at large.

In a subsequent email on Aug. 4, Attorney Sommers confirms that the viewing with the Prude family attorneys took place, but notes that she did not release it to them.

The Law Department began providing the information on June 11 and the video was sent by U.S. Mail on Aug. 12.

It should be noted this criminal investigation is being conducted by the NYS Attorney General's Office, which is a departure from the Law Department's normal process of interacting with the District Attorney's Office during a FOIL request.

That may have been a complicating factor, which RPD Lt. Perkowski attempted to clarify in an email when he said the AG and the District Attorney's Office are fulfilling the same role and should be treated the same way.

This confusion of roles between prosecutors raises questions about what rules the Law Department should follow, which is why I am recommending an outside review. This review should include a particular emphasis on interactions with the Attorney General Office during criminal investigations.

As recommended, the City should seek formal and written clarification on the release of public information during criminal investigations conducted by the NYSAG.

It is further recommended that the City adopt a hard-and-fast policy that all investigations of RPD officers, arrests or other actions be treated like any other noteworthy arrest of a private citizen, and immediately announced to the public. While the release of details, such as BWC footage and other evidence, may not be immediately or legally available, the public still has a right to know the process has been initiated; and once notified the public should rightfully be kept abreast of its progress by all of the agencies involved. This is the surest way to ensure accountability and transparency.

#### **Observation 7: Failure to Recognize National Events**

George Floyd was killed by police in Minneapolis on May 26. The FOIL for the information regarding Mr. Prude's death was processed and discussed at length between May 28 and June 11, a period of time in which an estimated 25 million people in 2,000 cities in 60 countries engaged in protest to bring renewed attention to the plight of African Americans who are killed or experience violence at the hands of police.

It is hard to rationalize how anyone who saw the video of Mr. Prude's encounter with the RPD did not fully equate these events beyond a few mentions of bad publicity, politics, process or a "false narrative."

Rochester is in desperate need of healing. We lost almost six months of opportunity to begin that process and also have done considerable damage to the good work this City has undertaken to improve the relationships between the police and the public they serve.

I should note, this observation is not limited to the RPD or the other employees mentioned in this memorandum.

As noted in other observations, the lens of the badge and culture of acceptance appears to extend to City Hall and the highest reaches of the Administration.

The words “homicide” and “in custody” death should have stopped anyone who heard them in their tracks and prompted an immediate quest for more information. That did not happen and it begs the question “why” if there is any hope to make sure it NEVER happens again.

Put another way, the Christopher Pate incident gave this Administration ample reason to question the actions of the RPD. The response at the time – the termination and arrest of the officers with the full cooperation of the command staff – offered assurance that this was an exceptional action rather than business as usual. Now, the Daniel Prude video has us asking these same questions again. Taken together, these incidents reveal that the culture of acceptance and insularity is more pervasive than we realized, which is why I am recommending the U.S. Department of Justice conduct its investigation.

### **Notes on Methodology**

1. In order to honor your request that this review be completed as soon as possible, it is limited in scope. As a result, it does not include information that could be garnered through interviews or subpoenas, including 911 calls and dispatch recordings, cell phone records, or Mobile Data Terminal communications, which further supports my recommendation for a more thorough investigation.
2. This review is based largely on email trails obtained quickly through the Department of Information Technology (IT). I cannot at this time definitively verify if this record is complete or if other pertinent emails were or were not included in the data I could review.
3. IT was requested to provide email from the following employees that contained the keyword “Prude:” Lovely Warren, James Smith, Alex Yudelson, Tim Curtin, Stephanie Prince, Shani Curry Mitchell, Patrick Beath, Justin Roj, Ted Capuano, Laron Singletary, Mark Simmons, Mark Mura, Joseph Morabito, Henry Favor, Fabian Rivera, Elena Correia, Frank Camp, Jacqueline Schuman, Michael Magri, Josiah Harris, Paul Ricotta, Francisco Santiago, Andrew Specksgoor, Troy Taladay, Mark Vaughn, Margarita Perez-Dunham, Michael Perkowski and Matt Ehlers. The resultant emails were provided in several .pst files on a portable storage drive. They were sorted and searched using standard built-in Microsoft Outlook tools. These program tools are limited in functionality and a more thorough evaluation with more advanced search and indexing capabilities would be ideal. As such, the evaluation of the emails for this report should by no means be interpreted as comprehensive, definitive, scientific or exhaustive.
4. Some of information provided in this report may be covered by Attorney Client Privilege, which is a determination beyond my purview. However, in the interest of transparency and restoring public confidence, the broader community should be given the opportunity to review the documentation associated with this incident. I personally would err on the side of disclosing versus withholding information.
5. Minor redactions, largely limited to telephone numbers, addresses and personal emails, were made to the attached documents.

