

To: File **From:** Cadhla McBride / Transparent Law Enforcement

Re: Body-Worn Camera Analysis – Interpreter Refusal Case (PSS 2024-0084)

Date: July 2025

Overview

This memorandum documents observations and conclusions drawn from the review of body-worn camera (BWC) footage associated with Rochester Police Department (RPD) Professional Standards Section (PSS) Case No. 2024-0084. The incident in question involved a traffic stop and subsequent complaint by Lan, a Deaf motorist.

The footage serves as key evidence in evaluating the adequacy of RPD's response, particularly in terms of compliance with the Americans with Disabilities Act (ADA) and broader procedural accountability.

Communication Failures

The BWC footage clearly shows that RPD failed to provide effective communication for a Deaf motorist. No qualified interpreter was present at the scene. Although a family member (identified as the complainant's daughter) was present, the officer relied entirely on this individual for communication.

- The officer spoke **directly to the family member**, not the motorist.
- The family member relayed officer instructions but did not function as an impartial, trained interpreter.
- **No questions were posed to the Deaf motorist**, nor was there any effort to facilitate a two-way exchange.

These actions represent a breakdown in communication that undermined the complainant's ability to understand or participate in her own legal encounter.

Complainant's Account Confirmed

The complainant's written statement in the PSS file is strongly supported by the footage:

"I did not get a chance to explain or ask anything. The officer just spoke to my daughter and not to me. I felt ignored."

This statement aligns precisely with the officer's conduct as seen on the BWC footage.

Policy Contradiction

The officer's conduct directly contradicts RPD's own established procedures under General Order 517 (Americans with Disabilities Act). Multiple specific policy violations occurred:

- **Prohibited Use of Family Members:** GO 517, Section III.E.1.b explicitly states that during interactions with deaf individuals, "The officer may NOT ask a family member or friend of the driver to interpret." Officer Fantigrossi relied entirely on the complainant's daughter for communication, directly violating this prohibition.
- **Failure to Provide Required Communication:** GO 517, Section II.A.3 mandates "rapid access to interpreters for people with hearing and/or speech disabilities who have a need to communicate with police personnel." The policy further requires in Section III.E.1.a that officers "use appropriate auxiliary aids and services whenever necessary to ensure effective communication with the individual."
- **Primary Consideration Requirement:** GO 517, Section III.E.2.b requires that "the RPD must provide an opportunity for individuals who are deaf or hard of hearing to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individuals." No such opportunity was provided to Ms. Nguyen-Santiago.

This violation is particularly egregious because it represents not merely a failure to comply with federal ADA requirements, but a direct breach of RPD's own written standards that acknowledge Rochester's "very large

population of individuals who are deaf or hard of hearing." The department cannot claim ignorance of proper procedures when those procedures are explicitly codified in General Order 517, which has been in effect since 2015.

Conclusion

The BWC footage does not mitigate or complicate the complaint. It confirms a procedural and legal failure by RPD. The department failed to ensure effective communication, relied inappropriately on an unqualified family member, and conducted an incomplete internal review devoid of officer accountability.

This memo is intended for inclusion in the public handoff packet and may be cited in future legal, journalistic, or advocacy work.

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