

POLICE VIOLENCE IN ROCHESTER AREA

13 KILLED SINCE DANIEL PRUDE



In 2023, 1 in 5 people in NY killed by police were in the Rochester area. What's behind the 'relatively drastic' local increase?

Kayla Canne Rochester Democrat and Chronicle | USA TODAY NETWORK

A gust of bitter wind met a crowd of four dozen strangers in a vacant lot on Murray Street just after the new year. The crowd huddled closer, all gathered here with a common purpose: To mourn a man they didn't know, killed by Rochester police. "I know it's cold," someone said over a speaker. "We'll get started in a minute."

Those who showed up on this blustery night had been through this before. They came prepared with bouquets of flowers and electric tea light candles. They held still for a somber moment of reflection and shook their heads in collective contempt at familiar descriptions of fatal encounters with police.

See **POLICE**, Page 4A

Almost two weeks after a community vigil was held for Todd Novick, a small memorial remains. Novick was killed by police Christmas Eve.

KAYLA CANNE/
ROCHESTER
DEMOCRAT AND
CHRONICLE

Police

Continued from Page 1A

They had done this for Daniel Prude, whose death by Rochester police in March 2020 rattled the city's core. The medical examiner ruled Prude's death to be a homicide. The state Attorney General's Office later cleared the Rochester police officers who restrained Prude of criminal wrongdoing.

This crowd that showed up to mourn has done this many times since Daniel Prude died. In the four years since, cops in the Greater Rochester area have killed 13 people.

In 2023, one-fifth of all the people fatally shot by police in the entire state of New York were killed by Rochester area forces.

Did Todd Novick ever really have a chance to live? they wondered out loud about the man who had brought them together that night.

A Rochester police officer fatally shot Novick on Christmas Eve morning.

"For those of us who was able to sit through the body-cam footage, we see at no point on Christmas Eve was Todd given a chance to live," said Shay Herbert, an organizer with Free The People Roc. "... As soon as those words left his mouth, that officer shot his gun at least five times.

"Where was the chance to stop running? Where was the chance to drop the replica (gun) in his hands?"

Cases raise questions

Conversations about the state of policing in Rochester spin like a broken record.

Law enforcement officials say that officers only fire their weapons as a last resort. They say they are committed to finding less lethal ways to get people to comply with their commands.

Community advocates gather time and time again to denounce policing tactics. They've asked, with little success yet, for city and county officials to pull funding from police agencies and reinvest it in resources that will help people find food, housing and meaningful jobs.

Cases like the Christmas Eve killing raise the type of questions from both sides that are rarely answered.

Why did Todd Novick run? Why did he pull a BB gun from his pocket, knowing an officer was close behind him?

Why did the officer shoot? What if they had tried something else?

The Monroe County Sheriff's Office will soon replace its entire reserve of Tasers with a newer model that has twice the range, allowing them to deploy the device from a safer distance. After Canandaigua police shot two people last year — one of whom died — the department bought pepper ball launchers and a tactical shield to give officers more tools when someone is threatening them.

"Nobody wants to take a life," said MCSO Chief Deputy Michael Fowler. "That changes the officer's or deputy's life also and I don't think people quite understand that. We're human too, and that's not how we want that situation to end."

Local increase 'relatively drastic'

Police officers in New York state killed 25 people last year, shooting all but one person; five of those deaths were in the greater Rochester area.

The total number is consistent with fatal police shootings statewide in recent years, but the local share is a "relatively drastic" increase, said Jason Silva, a professor at William Paterson University who studied fatal police shootings in New York from 2013 to 2020. In that seven-year period he studied, the Finger Lakes region — which extends beyond Greater Rochester — had nine fatal police shootings total.

Silva said context is key in understanding the increase.

The other fatal encounters from last year were:

- An unarmed minor in East Bloomfield, shot by a New York State Police trooper after he allegedly lunged at the trooper with a knife.

- Daniel Legler in Gates, shot by a NYSF trooper after Legler allegedly fired one round from his gun during a struggle with the trooper.

- Brendon Burns in Rochester, shot by Rochester police and Monroe County sheriff's deputies during a foot chase. Burns was first shot while running away after police believed he pulled a weapon from his pocket. He was shot again, this time fatally, after assembling a shotgun while surrounded by police.

- Brandon Zurkan in Canandaigua, shot by Canandaigua police and Ontario County sheriff's deputies after pointing his gun at police during a nine-minute standoff.

In all four cases, the individual killed pointed a weapon at police — introducing an "immediate threat ... which inher-



People hold a vigil for Todd Novick, who was fatally shot by a Rochester police officer on Christmas Eve. In the last four years, police in the greater Rochester area have killed 13 people. KAYLA CANNE/ROCHESTER DEMOCRAT AND CHRONICLE



Todd Novick, stands on Murray Street near Lyell Avenue on Christmas Eve 2023, answering questions from a police officer. Police shot him in the back as he ran away from this sidewalk after they say he pulled a BB gun from his pocket.

SCREENSHOT FROM POLICE BODY-CAM FOOTAGE



Members of FUA Krew completed this tribute to Daniel Prude near 52 Child St. in October 2020. WILL CLEVELAND/ROCHESTER DEMOCRAT AND CHRONICLE

ently justified the use of force," Silva said.

State law permits officers to use deadly force when their life is at risk.

What else could police do during a crisis?

Silva said some fatal police shootings — including cases where the individual has threatened officers with a weapon — could be avoided if police intentionally keep distance and barriers between themselves and the individual and reach for non-lethal options, like a Taser, first.

To the Rev. Dwight Fowler of Rochester, these cases present a troubling paradox.

He's been working on local police reforms for nearly a decade with the United Christian Leadership Ministry. Whenever he hears that a person has been killed by police, Fowler said he is filled with skepticism and despair.

But he said he also understands that when the individual has a weapon, it puts the case into a different category. "The law enforcement officer has a job to do," he said.

City Council member Stanley Martin accepts fewer excuses for police shootings. She stood by as law enforcement agencies across the region committed to making changes after Prude's death in 2020.

Then, Martin said, she watched police budgets rise, fueled by what she calls over-sensationalism of crime and a failure to address the root causes that could lift people from desperate acts.

Hearing that 20% of fatal police

shootings statewide last year took place here left Martin angry.

"There's no accountability and they're essentially rewarded with higher budgets," she said. "... The contradiction is just so shocking. It's devastating."

What happens after killing?

The state Attorney General's Office is responsible for investigating every time a police officer is involved in a civilian's death.

Those investigations can take up to a year to complete, and often include a review of body-worn camera and surveillance footage, interviews with police and witnesses, and an analysis of ballistics and other evidence collected at the scene.

There have been no criminal charges filed against police in any of the 13 local killings since 2020, though four cases are still under investigation.

Internally, police agencies say they conduct their own investigations to weed out potential misconduct and look for areas where training or policies need to be improved.

Canandaigua Police Chief Mathew Nielsen said he looks at these investigations as a learning opportunity, even in cases where the use of force was ruled as justified and within policy.

After an investigation into a non-fatal shooting last year found an officer's Taser had failed during the confrontation, Nielsen sought funding for additional non-lethal tools like pepper ball guns and a tactical shield.

In the Zurkan case, Nielsen said the

internal investigation confirmed for him the value in the department's de-escalation training — despite the fatal outcome.

Body-worn camera footage shows officers kept their distance from Zurkan and spent nearly nine minutes trying to convince him to drop his gun, offering help and at times using softer commands and calling him "pal" and "bud."

"They were running through the Rolodex of things that they have been taught to do," Nielsen said.

Ontario County Sheriff David Cirencone also pointed to the value in training, noting that while his deputies handle about 70,000 calls per year, the last time an OCSO deputy shot a civilian prior to Zurkan was 14 years ago.

About half of his patrol officers have gone through a specialized crisis intervention workshop hosted by the state Division of Criminal Justice Services and the Office of Mental Health. Cirencone said he sends additional deputies to the training each year and will continue to do so until all members have sat through the course.

Many of the changes implemented following these incidents aren't publicly shared with residents, which contributes to skepticism around whether police take internal investigations seriously. In many cases, it appears to the public that after a fatal shooting, police business goes on as usual.

A duty to remember those killed

Four years after he was killed by police, there are traces of Daniel Prude all around this city.

His eyes keep watch over Child Street, painted in a mural shortly after his death became public. An amphitheater in Martin Luther King Jr. Memorial Park, where people regularly gather in protest, now bears his name.

And what happened to him is often invoked in impassioned speeches everywhere from City Hall to city sidewalks. Sometimes, in just two words: Daniel Prude.

His name is enough to describe what has become a legacy of mistrust between the community and its police force.

"We might not have known Todd Novick personally, or Daniel Prude personally ... but we know someone that looks like them," Herbert said at the vigil for Novick in January. "We know someone who struggled like them. We know someone loved them. It's our responsibility to show up for these folks who couldn't defend themselves. Because if not us, then who will?"

A few weeks after the community gathered in his name, what was left of a memorial for Novick on Murray Street was covered in a blanket of snow. Wilted roses froze together. A lantern decorated with fake pine and holly tipped over into the earth.

At least one person is grasping for permanence. They came by with a pen, etching Novick's name into a wooden beam that helps outline the barren lot — turning the post into a gravestone of sorts.

The thin red ink fades into the coarse grain of the wood. *RIP my love, it reads.*

— *Kayla Canne reports on community justice and safety efforts for the Democrat and Chronicle. Get in touch at kcanne@gannett.com or on Twitter @kaylacanne.*