

**SYRACUSE**

**CRB**

**CITIZEN REVIEW BOARD**

**Annual Report**  
**January 1 to December 31, 2012**

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## MESSAGE FROM THE ADMINISTRATOR

The Syracuse Citizen Review Board (CRB) has completed its first year of operations after being reestablished in 2012 following the Common Council's effort to amend and improve the municipal ordinance that governs the CRB. The CRB's mission remains to conduct fair, thorough and timely investigations of complaints against members of the Syracuse Police Department (SPD). The CRB appreciates the assistance it has received from all City departments since its reestablishment – particularly Corporation Counsel's office and the Common Council. The CRB has made significant strides in its first year of reactivation. The CRB's primary focus in 2012 was to reestablish the operations and procedures of the CRB including complaint intake, investigations, and panel hearings. The CRB is also committed to public transparency of its process and to communicating its findings to the complainant and subject officers because the CRB understands that each of these is necessary to maintain trust in the CRB and SPD disciplinary processes. In addition to these improvements, the CRB has increased the efficiency of our operations by developing internal procedures that facilitate the timely presentation of cases to the Board at our monthly meetings. With this first Annual Report, the CRB continues to provide transparency of its operations along with the necessary data to the public so that all observers can evaluate the effectiveness of the CRB and the disciplinary process of the Syracuse Police Department. The CRB remains committed to encouraging productive dialogue to improve the CRB process and its service to the people of Syracuse.

As the CRB continues its transformation over the next year, it will remain focused on how best to provide fair, thorough, and timely investigations. The CRB must continually improve its process through training, education and outreach to the public. In addition, the CRB must continue to focus on communicating with all stakeholders to provide information to them and to receive their constructive feedback.

At the end of 2012, CRB chairperson Crystal Collette had to resign from the Board due to a host of prior responsibilities and a significant set of new commitments. Ms. Collette helped guide the CRB through its first year with a steady hand and a compassionate heart. The CRB and the people of Syracuse are indebted to Ms. Collette for her tireless efforts on behalf of the CRB during its early formative period. Fortunately, Board member Joe Masella stepped into the Chairman's position with the same commitment and dedication that Ms. Collette demonstrated. Mr. Masella has an extensive background in management, risk assessment and government relations that have served the CRB especially well. Mr. Masella has devoted himself to the work of the CRB with an exceptional level of interest and commitment. His care and attention to detail have contributed greatly to the Board's growing credibility and effectiveness. In addition, the CRB elected a Vice-Chairman to ensure continuity of operations in the event that the Chairman is ever absent or unavailable. As an outreach specialist who works in the field of domestic violence, Vice-Chairman Raheem Mack brings to the CRB a set of skills, knowledge of the issues, and a strong understanding of the various Syracuse communities that is absolutely essential to the fulfillment of the CRB's mission.

Finally, the people of Syracuse can be especially proud of the entire membership of the new CRB. The eleven members of the Board all agreed to take part in a process that was known to be difficult, contentious and at times thankless. The CRB could not function properly without an active and engaged Board at full capacity. The hard work and long, late hours that the Board members are routinely asked to contribute are especially appreciated. Indeed, it is the people of Syracuse that ultimately make the CRB possible.

Joseph L. Lipari, Administrator

## **BOARD MEMBERS & TERMS**

The Board Members serve staggered three-year terms and are all volunteers. Board members work an average of ten to twelve hours per month on CRB matters. This includes their attendance at monthly meetings, preparation for and participation in panel hearings, training, and community outreach.

### **Current Members of the Syracuse Citizen Review Board**

#### **Mayoral Appointees**

- Timothy Jennings-Bey - term expires December 2014
- Joseph Masella, Board Chair - term expires December 2015
- Diane Turner - term expires December 2013

#### **District Councilor Appointees**

- Sarah McIlvain - 1<sup>st</sup> District - term expires December 2014
- Carole Horan - 2<sup>nd</sup> District - term expires December 2015
- Demetria Gammage - 3<sup>rd</sup> District - term expires December 2015
- Tafara Timmons - 4<sup>th</sup> District - term expires December 2014
- Louis Levine - 5<sup>th</sup> District - term expires December 2013

#### **At-Large Councilor Appointees**

- Mallory Livingston - term expires December 2015
- Raheem Mack, Board Vice Chair, - term expires December 2015
- Donna Oppedisano - term expires December 2013

## **POLICY RECOMMENDATIONS**

In each year's Annual Report, the CRB will make a series of recommendations on police policy and procedure. The recommendations are provided to the Mayor's office, the Common Council, and the Chief of Police in an effort to spur constructive dialog about how to address particular concerns of the CRB. The CRB identified the issues described below not because there is any indication of a widespread problem in these areas, but rather because in the course of handling individual complaints, the Board felt they warranted the SPD's attention. We believe that these recommendations, if adopted, will serve the interests of the public as well as our City's police officers. The CRB offers the following recommendations under the authority granted the Board by Section Three, Paragraph (6) of the CRB legislation.

***Securing Entryways following a Forced Entry.*** Current SPD policy states that subsequent to a forced entry in which an entryway is damaged, an officer must ensure that the building is physically secured before leaving the scene. It states that officers *can* contact the Department of Public Works (DPW) for assistance in securing the premise. In the course of the past year's investigations, the CRB identified an instance in which an entryway was not sufficiently secured by an officer after the main door and lock were damaged during a legally warranted forced entry by police that resulted in the arrest and removal of the occupants of the residence. An officer did attempt to secure the door but only used two nails to affix the damaged door to the door frame. The nails were subsequently removed by burglars and the residence was burglarized. The CRB discussed the issue with personnel from DPW who are responsible for boarding up structures. The board-up crews from DPW use at least five *screws* on each side of a damaged entryway to fully secure the premise. The CRB recommends that the SPD adopt a similar policy and has suggested language that requires the officers to use a similar number of *screws* (as opposed to nails) or *requires* officers to request the assistance of DPW if no officer on scene possesses the required tools or hardware.

***Provision of Property Receipts for Seized Currency.*** Current SPD policy details the process by which seized currency shall be entered into the Property Division, but it provides little guidance to officers on the provision of property receipts to the individual whose money was seized. Property receipts (Form 5.4) are typically provided to individuals from whom police officers seize money due to the presence of other illegal contraband (such as drugs). Occasionally, an officer may not have in his or her possession the required Form 5.4. In the course of the past year's investigations, the CRB identified an instance in which an officer failed to provide a property receipt to an individual after seizing a substantial sum of money during a traffic stop in which drug paraphernalia was also discovered. The officer did not have a copy of Form 5.4 and did not request one from police dispatch. No property receipt was issued at the point of seizure to document the amount seized. Subsequently, the officer was accused of stealing a portion of the money. To protect officers from false accusations of theft and to ensure that the public's interest is fully protected, the CRB recommends that the SPD make the provision of property receipts (Form 5.4) mandatory at the point of seizure, provided doing so does not jeopardize the safety or security of the officer or any other person. If the officer does not have a property receipt at the point of seizure, then the officer should request one through dispatch and the officer's supervisor should ensure that the necessary form is delivered to the scene without delay.

***Inclusion of a Non-Retaliation Clause in the SPD's Complaint Procedures.*** Current SPD policy for accepting complaints against police officers contains no non-retaliation clause. The CRB recommends the inclusion of an unambiguous clause that restricts any manner of retaliation or intimidation against any individual who files a complaint, seeks to file a complaint, or cooperates with the investigation into a complaint against a member of the SPD.

## OPERATIONS

### Processes and Procedures

The reestablished CRB now has in place all processes and procedures to conduct the necessary work of external oversight of the Syracuse Police Department. While there are still individual aspects of the CRB-SPD investigative and disciplinary processes that need to be refined or more effectively coordinated, the basic operations of the CRB processes are soundly in place. The CRB is currently accepting complaints from individuals in a variety of ways. Individuals can file a complaint by calling the CRB office and requesting a complaint form, by walking in to the CRB office, by downloading and completing a CRB complaint form from the agency's website, or by requesting a home visit by the CRB Administrator if necessary. The CRB Administrator also makes frequent visits to the Onondaga County Justice Center to accept complaints from inmates.

The CRB investigates and processes on average approximately ten cases a month, depending on current case load. The CRB acquires all police reports, police and witness statements, and any physical evidence that is available. The CRB Administrator then produces an investigative report that is provided to the Board members. Each case is then presented to the full Board during the executive session of the monthly CRB meetings. The Board members vote on whether to send each case to a hearing based on the reasonable cause standard. The hearings are then scheduled over the course of the following weeks at a time that is convenient for both the panel members and the complainant. Subject officers are invited to participate in the hearings; however, no officer has yet taken advantage of the opportunity to do so. The panel hears all testimony and examines all evidence before making a finding of fact based on the substantial evidence standard of proof. The panel members deliberate in private and then vote to sustain the allegation(s), exonerate the officer, declare that there is insufficient evidence, or find the complaint unfounded. If the complaint is sustained, the panel members can then decide what kind of discipline, counseling or re-training to recommend to the Chief of Police. The CRB Administrator then informs the complainant, the subject officer(s), the Chief of Police, and Corporation Counsel of the CRB panel's finding and recommendation in writing. The Chief of Police then makes the final determination on the complaint and the discipline to be imposed, if any. The Chief of Police is then required to communicate that decision in writing to the CRB and to provide the reason(s) if no discipline was imposed. A complete description of the CRB's policies and procedures can be found on our [website](#).

An important component to the CRB process is what is known as *procedural justice*. This is the notion that the process that resolves a dispute (or in this case, a complaint) is fair and transparent. One of the benefits of the CRB hearing process is that complainants (whether their complaint is sustained or not) typically report feeling that the process that they took part in – the CRB process – was just and fair. By the conclusion of the CRB hearing process, the complainant has had multiple opportunities to describe their perspective of the incident that resulted in the complaint. Moreover, the laws and policies that determine whether a particular police action is allowed or not have been described to them and a full explanation of the CRB decision is provided. After the hearing's conclusion, the vast majority of participants have indicated that they felt like they had ample opportunity to explain their side of the story and report feeling that the CRB panel members treated them with fairness, professionalism, and impartiality.

## **Increased Efficiencies**

Since hiring Syracuse resident Betty L. Pearson as the CRB assistant, the agency has increased its operational efficiency considerably. Ms. Pearson's experience and training in the responsibilities and skills of office administration along with the close working relationship between the Administrator and the assistant allows Ms. Pearson to anticipate the needs of the agency and produce solutions before any problems or complications arise.

The CRB office will continue to increase its operational efficiency in 2013 with the anticipated adoption of two additional technologies. The City's Information Technology Bureau is currently in the final stages of constructing a **SharePoint** page for the CRB. This web-based file sharing system will allow the CRB office to share case files and documents with Board members in the most secure and efficient way possible. In addition, the CRB is on the verge of purchasing an extension of the Syracuse Police Department's license for the software package IA Pro. This software package will allow the CRB to more efficiently track and monitor complaints against officers. IA Pro is the industry leader in the provision of specialty software for oversight, both internal and external, of law enforcement agencies. Additionally, the software allows for the more efficient production of reports, data charts, and letters to officers and complainants. Because the CRB has been granted permission by the company and the SPD to purchase an extension of the SPD's license agreement with IA Pro, the City's taxpayers will realize significant savings on the purchase of this necessary technology that will further contribute to the effectiveness of the CRB.

## **Commitment to Increased Transparency**

Public access to information and quantifiable data on the operations of government agencies is the very foundation of accountability in a democratic system. As the imminent jurist and Supreme Court Justice Louis Brandeis observed, "Sunlight is said to be the best of disinfectants." Without transparency of government operations and decision-making the citizenry have no way to hold their officials accountable or influence the operations of government. As such, the CRB seeks to adhere to the highest standards of government transparency. To accomplish this task, the CRB has and will continue to provide timely and thorough quarterly and annual reports that are as informative as the law allows. The CRB has made extensive use of the CRB website provided by the City by posting our quarterly and annual reports, policies and procedures, member bios, meeting dates and times, the enabling legislation, and a host of community resources related to civilian oversight of law enforcement. Moreover, when the CRB completes the investigation of a complaint all parties concerned are promptly informed of the outcome or finding through individual letters that explain the reasoning behind the CRB's decision. While the CRB is limited by law to a role of making recommendations, the information it provides to the public can be the basis for empowering citizens and communities to play a more direct role in self-government and institutional accountability.

## **CRB Training Regimen at the Central New York Police Academy**

The Board members appointed to the CRB are by intention civilians with no current employment in law enforcement. As such, it is imperative that the Board members of the CRB have access to ongoing training and education in the ever-evolving field of law enforcement. In conjunction with Onondaga Community College (OCC) the CRB has recently established an ongoing training regimen for its Board members at OCC's Central New York Police Academy. The CNY Police Academy is one of the largest and most respected police academies in the State of New York. The Academy provides training and instruction to over 125 law enforcement agencies. The administrators and instructors at the Academy

have graciously worked with the CRB to develop a core set of modules that train the CRB members in the basics of law enforcement as well as the laws, legal decisions, and regulations which govern policing in the State of New York. While it is also imperative that the CRB have access to the training policies and procedures specific to the SPD, the depth and breadth of instruction that is available to the CRB at the CNY Police Academy is critical to the development of a credible and effective civilian controlled process for oversight of law enforcement. The CNY Police Academy provides the CRB with education and training in issues such as constitutional law, observation and patrol, traffic stops, arrest techniques, interview and interrogation methods, standards of proof, laws of arrest, physical evidence, use of force, police discretion, search and seizure, stop-question-and-frisk, and community oriented policing. The CRB is especially grateful to Director Dave Wall and Training Coordinator Mike Asmolik for their efforts in developing a specialized educational and training program for the Syracuse CRB.

## **COORDINATION WITH OTHER AGENCIES**

The CRB has begun a series of discussions with a variety of County agencies to coordinate solutions to a lack of collaboration in cross-jurisdictional encounters. Due to the recent revival of the CRB's effective operations, many County agencies are unaware of the CRB's jurisdictional prerogatives and are inexperienced in dealing with an external police oversight agency. The CRB Administrator is actively working on coordinating the agency's legally mandated responsibilities with County agencies such as the Sheriff's Office (including the Justice Center), the District Attorney's office, the County (and City) courts, and County Emergency Communications 911. The CRB anticipates significant progress on these fronts in the coming year.

## **BUDGET**

### 2012-2013 Adopted DETAIL ANALYSIS OBJECT OF EXPENDITURE

100 PERSONNEL SERVICES	
101 Salaries	\$ 92,100
Totals:	\$ 92,100
200 EQUIPMENT	
202 Office Equipment & Furnishings	\$ 6,000
Totals:	\$ 6,000
400 CONTRACTUAL EXPENSES	
403 Office Supplies	\$ 1,000
407 Equipment Repair Supplies & Expenses	\$ 400
415 Rental, Professional & Contractual Services	\$ 17,500
416 Travel, Training & Development	\$ 1,500
418 Postage and Freight	\$ 500
Totals:	\$ 20,900
<b>TOTAL:</b>	<b>\$119,000</b>

## **INTAKE & DISPOSITION OF CASES**

**Totals are from all complaints received from January 1 to December 31, 2012**

Active Misconduct: 57  
Passive Misconduct (Failure to Act): 12  
Damage to Property: 2  
Denial or Violation of Constitutional Rights: 2  
Lack of Truthfulness in a Police Report: 2

**The number of cases fully processed and closed by the Board as December 31, 2012: 52**

**The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police: 9\***

**CRB sustain rate (the rate at which the CRB sustained the complainant's allegations against an officer): 17.3% (9 sustained cases out of 52 fully processed as of December 31, 2012)**

**The number of CRB cases where the Chief of Police imposed sanctions or discipline when disciplinary recommendations were made by a CRB panel: 1**

**The number of complaints not sent to panel hearing during the year: 36**

**The number of cases that successfully were routed to conciliation: 0**

**The number of complainants who initiated extended contact with the CRB but did not follow through with a formal signed complaint: 5**

**The length of time each case was pending before the Board: 2 months on average (but some occasionally take longer due to unavoidable complications)**

**The number of complaints in which the Board recommended that the City provide restitution to the complainant and type of restitution recommended: 1 – monetary restitution recommended**

**The number of complainants who filed a Notice of Claim against the City of Syracuse while their complaint was being considered by the Board: 2**

### **Hearing outcomes**

Panel hearings scheduled: 16  
Panel hearings held: 15\* (one hearing was postponed indefinitely by the complainant)  
Panel hearings resulting in disciplinary recommendations from CRB: 8  
Panel hearings resulting in no disciplinary recommendations from CRB: 7  
Panel hearings resulting in complimentary recommendation for subject officer: 1  
Panel hearings resulting in a referral to the District Attorney's office for criminal investigation of subject officer: 1  
Panel hearings resulting in a policy recommendation: 1

**\*One hearing was held for two complaints regarding the same incident**

## CASE STATISTICS

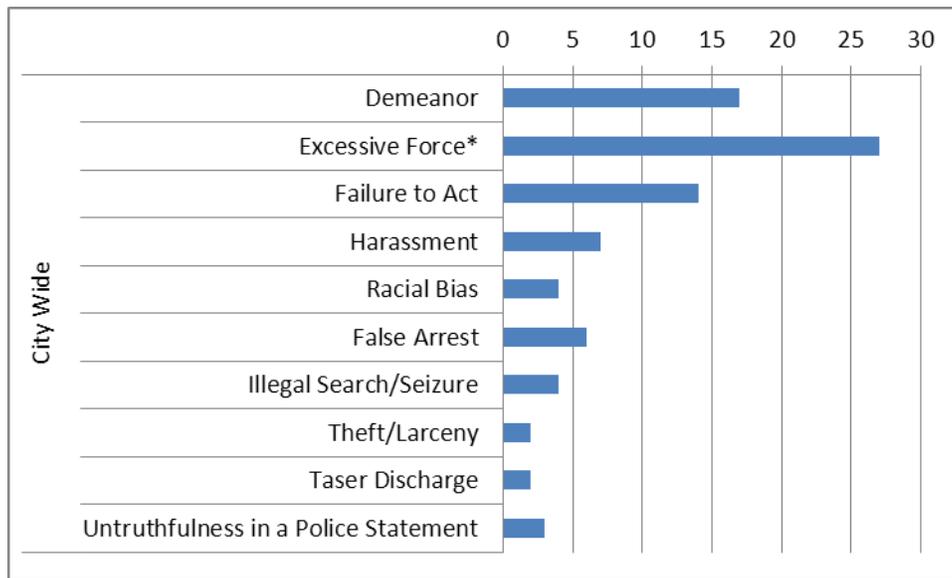
All CRB Cases received between January 1 and December 31, 2012

### Categories

#### City Wide

Demeanor	Excessive Force	Failure to Act	Harassment	Racial Bias	False Arrest	Illegal Search/Seizure	Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement
17	27*	14	7	4	6	4	2	2	3

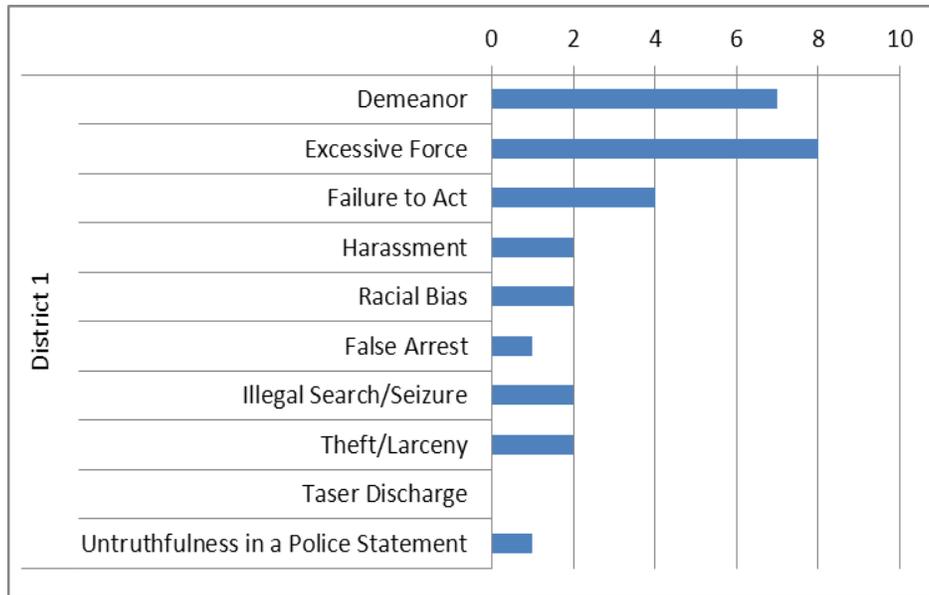
\*Includes one complaint from an incident at Syracuse Hancock International Airport not included in breakdown by Common Council District.



## Number and type of complaints in each Common Council District during 2012

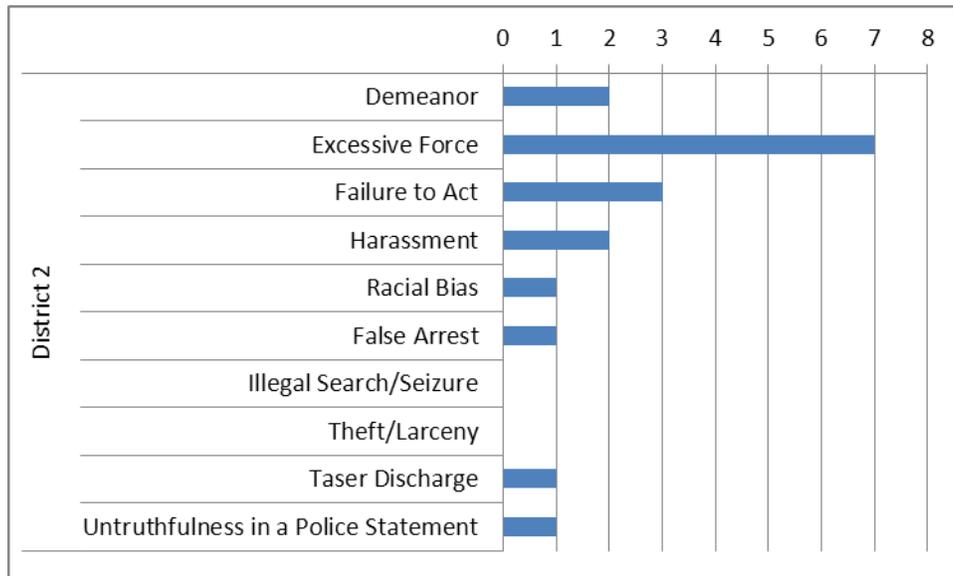
### District 1

Demeanor	Excessive Force	Failure to Act	Harassment	Racial Bias	False Arrest	Illegal Search/Seizure	Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement
7	8	4	2	2	1	2	2	0	1



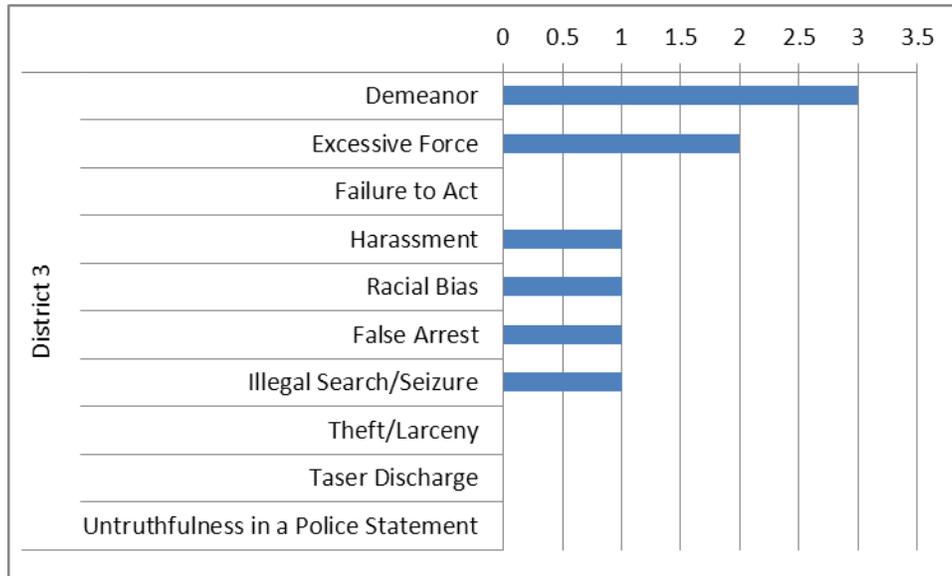
## District 2

Demeanor	Excessive Force	Failure to Act	Harassment	Racial Bias	False Arrest	Illegal Search/Seizure	Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement
2	7	3	2	1	1	0	0	1	1



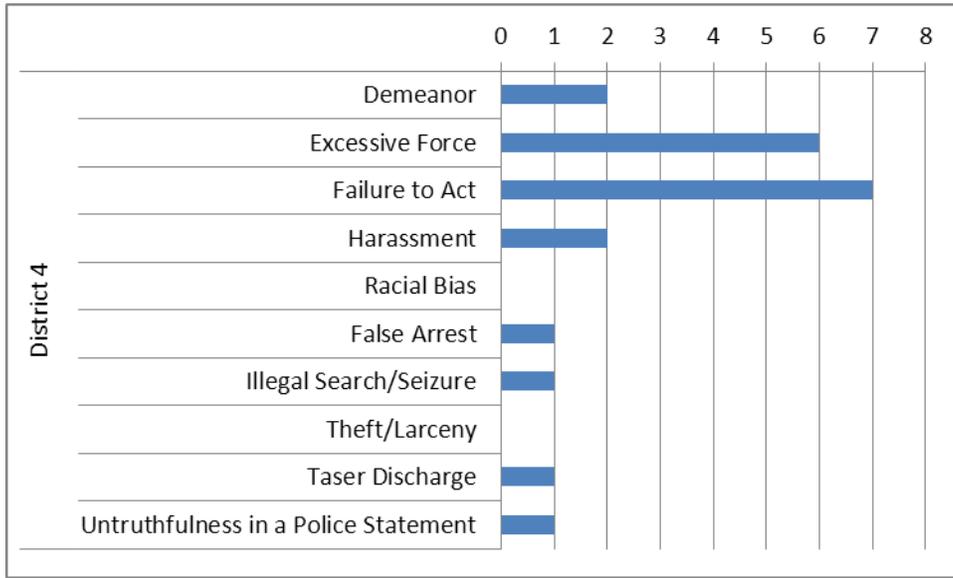
### District 3

Demeanor	Excessive Force	Failure to Act	Harassment	Racial Bias	False Arrest	Illegal Search/Seizure	Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement
3	2	0	1	1	1	1	0	0	0



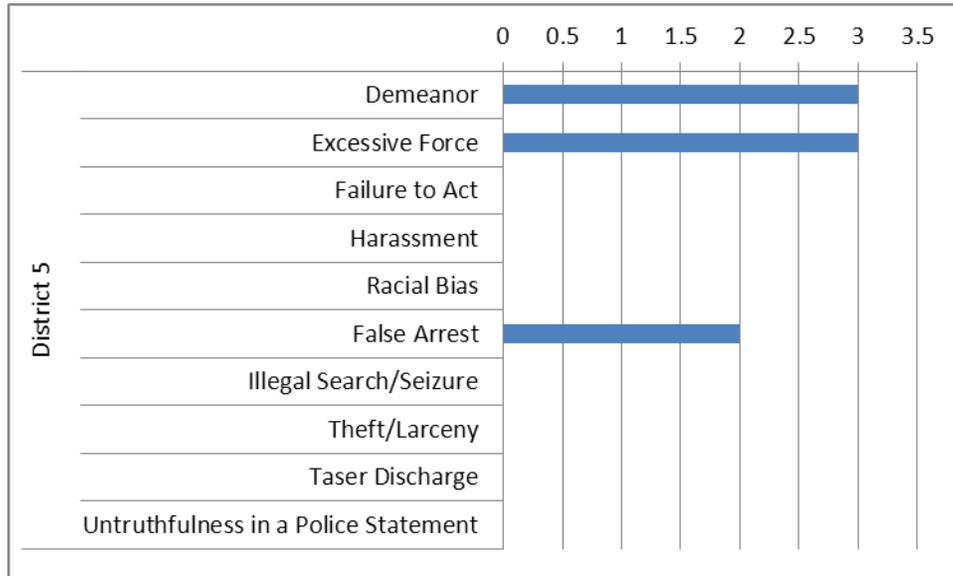
## District 4

Demeanor	Excessive Force	Failure to Act	Harassment	Racial Bias	False Arrest	Illegal Search/Seizure	Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement
2	6	7	2	0	1	1	0	1	1



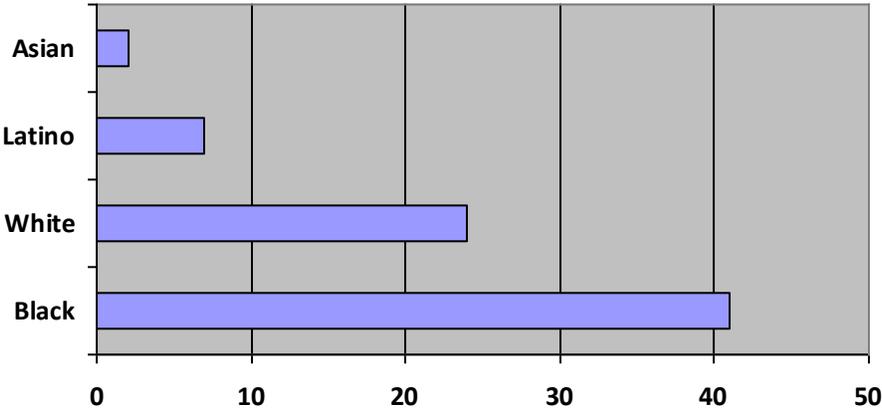
## District 5

Demeanor	Excessive Force	Failure to Act	Harassment	Racial Bias	False Arrest	Illegal Search/Seizure	Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement
3	3	0	0	0	2	0	0	0	0

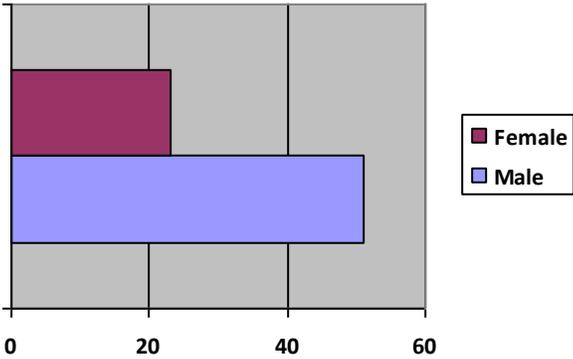


# Complainant Demographics for All Complaints Received in 2012

Black	White	Latino	Asian	Total
41	24	7	2	74
55.4%	32.4%	9.4%	2.7%	100%



Sex		
Male	51	69%
Female	23	31%



Age		
Under 18	3	4%
18-35	21	28.4%
36-50	32	43.2%
51+	18	24.3%

