SYRACUSE

CRB

CITIZEN REVIEW BOARD

Annual Report
2013

Joseph L. Lipari
Board Administrator

CITIZEN REVIEW BOARD

STEPHANIE A. MINER, MAYOR

March 31, 2014

Dear Fellow Syracusans:

The mission of the Syracuse Citizen Review Board (CRB) is to provide a civilian-administered process for receiving, investigating and reviewing complaints against members of the Syracuse Police Department. The Board's ultimate goal is to assist the city in providing the best police services possible. The CRB has many institutional partners in this effort including the Mayor, the SPD and the Chief of Police, the Common Council, Corporation Counsel and a host of community and non-profit organizations.

The Syracuse CRB was re-established by the Common Council in 2012 and has made steady and consistent progress both in terms of its internal operations as well as in its relationships with other stakeholders in the local criminal justice system. The CRB completes its investigations in a timely and impartial fashion. We hold hearings every month and promptly inform all involved parties of the outcome. We continue to keep the public informed through regular quarterly and annual reports. In addition, we conduct regular training for Board members and engage in community outreach events each month. In 2013, the CRB began to receive the required written responses and disciplinary explanations from the Chief of Police. Moreover, the CRB has a constructive working relationship with the County Legislature, the District Attorney's office and the administration of the Onondaga County Justice Center. Although the CRB has made substantial progress over the course of the past year, certain challenges remain. The CRB is committed to addressing these challenges by working cooperatively with policy makers and stakeholders.

The strength of the CRB lies in its ability to instill a culture of transparency and accountability both for its own process and for the disciplinary system of the SPD. By providing statistical data on its operations as well context for its decisions and recommendations, the CRB offers information to the public that nurtures a more informed discussion and raises the level of discourse around police policy and training. In a constitutional democracy like ours, the populace has a critical role to play in ensuring that the institutions it empowers to legitimately use force are properly monitored and that internal discipline is maintained. It is not an easy or simple task, but it is one that is vital to our society.

I invite the people of Syracuse to continue to engage in this ongoing effort by examining the information in this annual report. Make your concerns known to us by attending our monthly board meetings and outreach events or by contacting our office directly. Civilian oversight of law enforcement works best when an informed public can engage constructively with their elected officials and policy makers. The Syracuse CRB will continue in its efforts to facilitate this process and assist Mayor Miner, Chief Fowler, and the Council in making the city of Syracuse one of the best places in the country to live.

Respectfully yours,

Joseph L. Lipari
Administrator

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TABLE OF CONTENTS

Mission & Objectives 1

Board Members & Terms 2

Filing a Complaint with the CRB 2

Public Meetings 3

Outreach 3

Operations 3

Hearings & Disciplinary Recommendations 4

CRB Access to Information in Cases Involving a Potential Lawsuit 4

Patterns & Trends 4

Case Summaries of Sustained Findings 6

Annual Policy & Training Recommendations 14

Budget 18

Case Statistics 19

Appendix: Letters of Support 28

MISSION & OBJECTIVES

The purpose of the Citizen Review Board is to provide an open, independent, and impartial review of allegations of misconduct by members of the Syracuse Police Department; to assess the validity of those allegations through the investigation and hearing of cases; to recommend disciplinary sanctions where warranted; and to make recommendations on Syracuse police policies, practices and procedures.

In fulfillment of its legislative purpose and mission, the Board is committed to:

- Creating an institution that encourages citizens to feel welcome in filing a complaint when they believe that they have been a victim of police misconduct;
- Making the public aware of the CRB's existence and process through ongoing community outreach events and coverage by local media;
- Completing investigations and reviews of complaints in a thorough, yet timely fashion;
- Remaining unbiased, impartial, objective and fair in the investigation, evaluation, and hearing of complaints;
- Engaging in community dialog that encourages citizen input with the CRB;
- Respecting the rights of complainants and subject officers;
- Upholding the integrity and purpose of the CRB's enabling legislation;
- Reporting to the Mayor, the Common Council, the Chief of Police and the public any patterns or practices of police misconduct discovered during the course of investigation and review of complaints; and
- Operating in an open and transparent manner to the extent permitted by applicable municipal and state laws, regulations and ordinances.

BOARD MEMBERS & TERMS

The Board Members serve staggered three-year terms and are all unpaid volunteers. Board members devote an average of ten hours per month to CRB matters. This includes their attendance at monthly meetings, preparation for and participation in panel hearings, training, and community outreach. Biographies of each board member are available on the CRB website at www.syracuse.ny.us/CRB_Members.aspx.

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 2017

District Councilor Appointees

- Sarah McIlvain – 1st District - term expires December 2014
- Carole Horan - 2nd District - term expires December 2015
- Bill Barber - 3rd District - term expires December 2015
- Tafara Timmons - 4th District - term expires December 2014
- Louis Levine - 5th District - term expires December 2017

At-Large Councilor Appointees

- Mallory Livingston - term expires December 2015
- Raheem Mack, Board Vice Chair, - term expires December 2015
- Open seat to be filled

FILING A COMPLAINT WITH THE CRB

The Syracuse CRB accepts complaints against members of the Syracuse Police Department (SPD) involving allegations of misconduct that may violate SPD rules and regulations, as well as state, local and/or federal law. The CRB accepts complaints on active misconduct – such as excessive force, constitutional violations, harassment, racial or gender bias, poor demeanor, search & seizure violations, theft or damage to property, untruthfulness, and false arrest – as well as passive misconduct such as failure to respond or refusal to take a complaint.

Any member of the public can file a complaint with the Syracuse CRB; a complainant need not be a resident of the City of Syracuse. There are several ways a complaint can be filed. A complainant can walk in to the CRB office in City Hall Commons at 201 East Washington Street, Suite 705, to fill out a complaint, contact our office to have a complaint form mailed to their address, download the complaint form from the CRB website, or request a home visit if necessary. The form can be hand delivered or mailed to our office. The CRB website is www.syracuse.ny.us/CRB.aspx. The CRB office telephone number is 315-448-8750. The CRB can be reached by e-mail at crb@syrgov.net.

PUBLIC MEETINGS

The CRB meets on the first Thursday evening each month from 5:30 to 7:30 PM in Common Council chambers in City Hall. The meeting schedule is posted at area libraries, on the CRB website, and on the calendar on the City's main webpage. These meetings are open to the public and there is a public comment period that begins no later than 6:30 PM. The purpose of the public meeting is to develop and refine CRB policies and procedures in an open, transparent and accountable fashion and to conduct the ongoing business of the CRB. The Board meetings typically include a vote on items that require Board approval, a series of items presented by the Chairman for the Board's consideration, a report on the CRB's monthly activities by the Administrator, a variety of committee reports and an opportunity for public comment. After the conclusion of the public comment period, the Board continues its meeting in a confidential Executive Session to deliberate and vote on whether or not to send investigated complaints to a hearing. During the Executive Sessions, the Board processes on average ten complaints per month depending on current case load.

OUTREACH

During the last quarter of 2013, the CRB Administrator attended three outreach events. Each event provided an opportunity to introduce the CRB process to the public and respond to any questions. The outreach events included a TNT meeting at Levy Middle School on October 8th, a Westside Resident's Coalition at Brown Memorial Church on November 4th, and another TNT meeting at Nottingham High School on December 10. The TNT events are particularly constructive since a Syracuse police officer assigned to that area typically attends the meeting. This provides an opportunity for members of the police department to hear about the CRB process and engage in a public dialog with the Administrator about the role of the CRB.

The CRB legislation requires the agency to conduct at least five outreach events annually, one in each council district. Throughout the course of 2013, the CRB conducted a total of ten outreach events, surpassing the minimum requirement.

OPERATIONS

Between October 1 and December 31, 2013, the CRB membership held three monthly business meetings that were open to the public. Quorum was met for each meeting and all regular operating business was able to be conducted.

During this quarter, the CRB received a total of 18 new complaints and fully processed 22 new and existing cases. The CRB received a total of 111 complaints in 2013. In comparison, the CRB received a total of 69 complaints through the entire year of 2012. Thus, the CRB received 42 more complaints in 2013 as were received in 2012, the first year of operation for the new CRB. This likely indicates a growing public awareness of the CRB and its expanding operations as well as an increasing willingness among individuals to come forward to file a complaint. These are all indications that the CRB is gradually increasing its capacity for complaint intake and investigations.

HEARINGS & DISCIPLINARY RECOMMENDATIONS

Once the full CRB votes to send a case to a panel hearing, a panel is composed of three members of the CRB (one mayoral appointee, one district councilor appointee, and one at-large councilors' appointee) and the hearing is typically held within two to three weeks based on the availability of the complainant.

During the fourth quarter of 2013, the CRB held eleven hearings to examine a variety of complaints. Ten of those hearings resulted in a sustained finding against one or more officers. The CRB made disciplinary and training recommendations to the Chief of Police in those ten cases. The CRB's recommendations included five written reprimands, three instances of mandatory retraining, three suspensions without pay, and one termination.

During 2013 the CRB held thirty-five hearings. Twenty-six of the hearings resulted in sustained findings against one or more officers. For the year, the board made eight recommendations for retraining, six recommendations for verbal warnings, eleven recommendations for written reprimands, eight recommendations for suspensions, and one recommendation for termination.

A sustained finding means that the panel found that there was substantial evidence that the alleged misconduct did occur. **The CRB's sustain rate for 2013 was 23%**. The sustain rate is calculated by dividing the number of hearings that resulted in sustained findings (26) by the number of complaints fully processed during year (114).

The disciplinary action rate (or rate of agreement) is the rate at which the Chief of Police imposes discipline when the CRB recommends it. The CRB has so far received 18 of the Chief's disciplinary decisions for the 26 cases sustained by the CRB throughout the year. Of the 18 findings received from the Chief in 2013, the Chief imposed discipline in three of the cases. The CRB will provide the final disciplinary action rate for 2013 as soon as the remaining findings from the Chief are provided. The disciplinary action rate will thus fall somewhere between 11.5% and 42%.

CRB ACCESS TO INFORMATION IN CASES INVOLVING A POTENTIAL LAWSUIT AGAINST THE CITY

The CRB remains engaged in ongoing discussions with Corporation Counsel to identify a legally sound and mutually agreed upon policy in regards to the CRB's access to documents in cases involving Notices of Claim against the city.

PATTERNS & TRENDS

There were three important trends identified by the CRB in 2013, two of which are addressed in the board's 2013 policy recommendations. During the last quarter of 2013, there was a significant increase in the number of excessive force allegations sustained by CRB panels. This occurred even while there was a decrease in the number of complaints alleging excessive force. The number of excessive force complaints remained steady during the first three quarters of 2013 at thirteen, fourteen, and fourteen respectively. During the fourth quarter of 2013, the CRB received eight excessive force complaints. During the first three quarters of the year, the CRB sustained two, three, and one excessive force complaints respectively. However, during the last quarter of 2013 CRB

panels heard nine cases involving allegations of excessive force and came to sustained findings in six of those cases. Four of the six sustained excessive force findings occurred during the month of October, indicating that the majority of those cases were received in the two to three months preceding October during the more active summer months. Thus, the CRB was processing the excessive force complaints of the summer at a time when the rate of new excessive force complaints coming into the CRB was on a downward trend. In all, the CRB panels sustained twelve allegations of excessive force throughout 2013. The board has made a recommendation to initiate a review of the SPD's use of force policy in this year's report. The CRB will continue to closely monitor the number of excessive force complaints received and the rate at which CRB panels sustain such allegations.

Secondly, there were a total of four instances in which SPD officers appear to have violated the department's policy on conducting high-risk traffic stops, also known as felony stops. Prior to the third quarter of 2013, there had been only one case of this alleged violation which occurred during the first quarter of 2013. During the third quarter of 2013, there were three instances reported to the CRB. Departmental policies on conducting high risk traffic stops are designed to protect officers and reduce the likelihood that physical force will be used to remove someone from a vehicle. Such polices are intended to limit the extent to which officers expose themselves, their fellow officers, and the vehicle occupants to a greater risk of injury that could otherwise be avoided. Multiple different officers violated this policy over the course of several months. Therefore, the CRB has made a training recommendation in this report to address this pattern of violations.

Lastly, there was an increase in complaints from individuals with mental health and/or intellectual disabilities during the second half of 2013. During the second half of the year, the CRB received a total of eight complaints (out of 49) from individuals with mental or intellectual disabilities. This represents about 16% of the complaints filed with the CRB during that period. In recent previous quarters, the CRB typically had only one or two complaints from individuals with mental disabilities. The SPD has recently begun an effort to improve its policies and training with regards to interactions with persons experiencing a mental health crisis by adopting what is known as the "Memphis model." The CRB supports this renewed emphasis on crisis intervention training and encourages the department to continue to move forward in implementing the necessary training and organizational structures (policies, reporting requirements, post-incident evaluation, and organizational partnerships) to fully implement this approach in responding to mental health crises.

CASE SUMMARIES OF 4th QUARTER SUSTAINED FINDINGS

Out of the twenty-two complaints processed during the fourth quarter of 2013, ten resulted in a sustained finding against one or more officers. The CRB presents a brief summary of the sustained cases below in an effort to provide the public with an accurate understanding of the cases sustained by CRB panels. No identifying information is included in the summaries to protect the identity of the complainants and officers involved.

- **Excessive Force Sustained**
  Officers responded to a burglary call and spotted a man fitting the description running through the area. After a brief chase, the suspect ran into a patrol car that had intersected his path of flight. At that point, the individual claims he put his hands up and surrendered. He reported that an officer then grabbed him and slammed him to the ground despite the fact that he allegedly made no attempt to fight or resist the officer. He then reported feeling several blows to his head, face, and back with fists, batons, and feet. The man suffered a large abrasion to his left cheekbone, his right cheek and eye were swollen and bruised, and there was a cut under his right eye. He also had scrapes to his nose, scratches on his back, and the Taser electrode burns on his back. The victim of the robbery could not positively identify the individual as the suspect. The man was ultimately charged with resisting arrest and obstruction of government administration. While at the hospital with officers after the incident, the man reportedly asked an officer why they beat him up when he was not fighting with them. The officer reportedly replied, "why did you run?" The involved officers reported that the suspect resisted arrest by twisting his body back and forth, placing both his hands under his body, reaching his hands toward his waistband (he was later searched and had no weapon on him), tensing his arms, and jerking both elbows at police. One officer reported striking the man in the back of the head three to four times. Another officer reported punching him four times on the right side of his face. Another officer reported Tasing the man twice, first by firing the Taser prongs then by applying a drive stun.

  The CRB panel found the complainant's allegation that he surrendered and did not physically fight the officers to be credible and sustained the allegation of excessive force against two officers. The panel then made a disciplinary recommendation to the Chief of Police.

- **Excessive Force Sustained; Insufficient Evidence to Sustain Allegation of Improper Demeanor**
  The SPD Gang Violence Task Force was engaged in a surveillance and interdiction detail that included members of the state police, sheriff's office and US Marshalls. The complainant claimed that he was walking through the area when he saw people running and someone pointed a gun at him so he started running. Three officers pursued him through the backyards of nearby houses. The man reported that when he realized it was police chasing him he stopped running and put his hands up. He reports that he was then punched, slammed to the ground, and kicked both before and while he was being handcuffed. He also claims that he was punched, kicked, and that his head was stepped on after he was handcuffed and on the ground. He reports being kicked in the left side of his face which caused his mouth, nose and ear to begin bleeding. He reports that he asked the officers if he could be taken to a hospital but received no response. He was then transported to the Justice Center and lodged there. Two days later, the Justice Center sent him to Upstate hospital where he was diagnosed with a fracture to his left eye socket.

Officers provided a different account of the incident. Police reported that the man was observed amongst a group of five males who were actively selling narcotics. When the officers moved in to arrest the group it turned into a chaotic scene with some suspects running and others surrendering. Police reported seeing the man exit a nearby backyard and walk casually down the sidewalk though he appeared out of breath. An officer reported ordering him to get on the ground, but that he then began running. Three officers pursued, one reported seeing the man throw down a phone and a small bag of narcotics. Another officer drew his gun after allegedly seeing the man reach towards his waistband. Another officer reported tackling the man and alleges that he tucked his hands underneath his body and rolled onto his stomach. The officer alleged that the man tensed his muscles and refused additional orders to stop resisting. The officer then reported delivering several closed fists strikes to the man's upper back area. Another officer reported delivering one knee strike to the left side of his back. A third officer then reported striking the man in the face and head area with a closed fist. The officers then reported forcing the man's hands free and handcuffing him without further incident.

The CRB panel found the complainant's allegation that he surrendered and did not resist to be credible and therefore sustained the allegation of excessive force against two officers. The panel then made a disciplinary recommendation to the Chief of Police. An additional complaint of improper demeanor was filed against one of the officers by the man's mother, but the CRB panel found insufficient evidence to sustain that allegation.

- **Excessive Force & Violation of High Risk Traffic Stop Policy Sustained**
  A shooting occurred in which a 911 caller provided a general description of the vehicle in which the suspected shooter fled. Several minutes later, a man driving a vehicle that matched the general description was driving through the area of the shooting, which was now saturated with police and emergency vehicles. The man was met by officers two blocks away from the scene of the shooting. As he slowly approached the officers, the man reported hearing officers yelling "put your hands up." He reported that at first he did not realize the officers were talking to him. After numerous screams to put his hands up, the man reported that he looked to his right and saw an officer pointing a gun at him. The man halted his car and put his hands up. Because his vehicle was still in the drive position, he lowered his right hand in an attempt to put the vehicle in park. An officer yelled "put your hands up," and the man did so without putting the vehicle in park. As the officers began approaching his vehicle, the driver lowered his right hand again to put the transmission in park so that his vehicle would not lurch forward.

  Officers then approached his door yelling for him to get out. The man reached down with his right hand to unlatch his seatbelt so he could exit and one of the officers yelled, "he's reaching for something!" The officers then told him to exit the vehicle backwards. He did so. Once out of the vehicle, the officers told him to put his hands on the truck, which he did. He then turned around and asked the officers "What did I do? What's wrong? What's happening here?" The officers frisked him and told him to keep his hands on the vehicle. Then one officer allegedly screamed, "Put your hands behind your back." The man removed his right hand from the truck to put it behind his back then heard another officer say, "Take him down!" The man reported that he was then "slammed" to the ground "face first" with his right hand pinned under his torso. The man then reported that officers began punching and kicking him in his face, while another officer struck him in his side. The officers were yelling for him to put his hands behind

his back. The man reports that his left arm was being twisted behind his back as he struggled to get his trapped right arm from under himself. His right arm was then pulled out by the officers, put behind his back and both hands were cuffed. The man suffered two blackened, swollen shut eyes, multiple scrapes on his face, shoulders, and knees, bruised ribs and symptoms of a concussion. He was charged with resisting arrest and obstruction of governmental authority. It was determined that he was not involved in the shooting in any way.

Police reports of the incident were roughly consistent with the man's narrative in regards to the movement and placement of his hands and the verbal orders given by the officers. Given the preceding shooting, the officers viewed the movement of the man's hands with suspicion and heightened caution. After removing him from the vehicle, an officer reported that he could feel the man's body "tighten up" while his left hand moved toward his waistband. (The man was eventually searched and had no weapons on his person or near his waistband). The officer yelled to the other officers that the man was reaching for his waistband. That officer then wrapped his arms around the man's waist, picked him up and forced him to the ground. The officer then describes the man as "actively resisting" by kicking, turning his torso, and pulling his hands. (This is when the man has acknowledged squirming a bit as he was attempting to get his right arm out from under his body so he could put it behind his back.) This officer reported giving another warning that the man was again going for his waistband area. At that point, two other officers began striking the man in the face repeatedly. One officer indicated that he punched the man in the left rib cage area four times, then twice in the face. Officers also claimed that the man continued to struggle after being placed in handcuffs by attempting to grab officers' hands while being searched. The man denied ever attempting to grab any officer's hands.

The officers asked if he wanted to go to the hospital due to his injuries but the man replied that he just wanted to go home. He reports that the officers said "no, hospital or jail." He then overheard an officer say, "We can't take him to booking like that." The man attempted to look at this officer's name plate, but the officer allegedly said sarcastically, "You don't know who I am, you can't even see" (due to his eyes swelling). He was then taken to the hospital by ambulance. After his evaluation at the hospital, he was transported to the Justice Center for booking.

A CRB panel determined that the officers failed to follow departmental procedures for conducting a high risk felony stop and sustained the allegation of excessive force against three officers. The officers' suspicions were justified in light of the prior shooting and the involved vehicle description. It is also understandable how the man's innocuous hand movements could be misinterpreted in that context. However, precisely because of the danger inherent in stopping a vehicle in which the occupant(s) may be armed, the CRB panel found that the officers should have conducted the stop using the tactics outlined in the department's procedures for high-risk felony stops. One of the subject officers indicated in his report that due to the man's actions and the available dispatch information, "officers now proceeded to conduct a felony stop." However, according to the description provided in their own reports, the officers did not follow policy and procedure for a high-risk felony stop. By not following policy, the officers placed themselves and the suspect in greater and unnecessary danger which ultimately resulted in an allegation of unreasonable force and unnecessary injuries to an innocent person. This would likely have been avoided if the officers had followed SPD policy and procedure for high-risk traffic stops.

- **Improper Search & Excessive Force Sustained; Falsifying Report & Evidence Tampering Not Sustained**
  Two young men were standing near a bus stop and were approached by two officers who drove up to the curb in an unmarked police car. The officers knew the young men and had interacted with them in the past. The young men report that the officers immediately started searching them, finding a small bag of narcotics behind the zipper of one of the young men's pants. One of the officers grabbed the young man who had the narcotics and forced him to the ground. The officers contend that the young man taken to the ground attempted to flee, but the young men contend that the officer took him to the ground after the young man flinched and pulled his arm away from the officer as the officer searched him roughly. Both officers report punching the young man numerous times in the head and facial area as one of the officers pinned the young man to the ground with his knee and hand. This portion of the incident was video recorded by a bystander and witnessed by numerous individuals. In the police reports, the officer who initially forced the individual to the ground reported that he had just taken a large black folding knife off of the other individual and that when he forced the young man with the narcotics to the ground, the knife fell out of the officer's hand and under the young man's torso. The officers contend that during the struggle the young man was reaching for the knife which necessitated the officers' use of force. However, in an interview with the CRB the young man whose knife was discovered during the search indicated (without knowing what information was detailed in the police reports) that the officer who found his knife put it on the hood of the police car along with his wallet. This young man reports that when the use of force started on the other young man, he simply took his knife and wallet off the police car and walked away. He provided a description of the knife he had that night as a small switchblade style pocket knife. His description did not match the large folding knife the officers had entered into evidence. When shown a photo of the knife the officers entered into evidence, the young man indicated that was not the knife he had that night. However, the young man no longer possessed the knife and could not provide it as evidence.

  The CRB panel concluded that the force used by the officers was neither reasonable nor necessary based on the factors articulated in the Supreme Court decision Graham v. Connor (1989) which provides guidance on determining the objectively reasonable standard for uses of force. The CRB panel sustained the allegations of improper search and excessive force, but found insufficient evidence to sustain the charges of falsifying a report and evidence tampering. The panel made a disciplinary recommendation to the Chief of Police for the improper search and excessive force findings.

- **Theft Sustained**
  A road construction worker's wallet was stolen out of his car while he worked at a site near downtown. Not far away, the owner of a car wash interrupted a young man who was rifling through a wallet behind his shop. The youth dropped the wallet and ran off. The owner of the shop retrieved the wallet and discovered over a hundred dollars still in the wallet. He turned it into the Public Safety Building (PSB) and reported to the Community Service Officer at the front desk that there was still money in it. Several days later, the shop owner was introduced to the man whose wallet was stolen and informed him that he found the wallet with the money still in it and turned it in to the PSB. The man went to the PSB to retrieve his wallet, but there was no money in it.

The CRB panel concluded that the money was removed from the wallet while inside the PSB. Due to a notice of claim having been filed in the case, the CRB could not get access to records and evidence from inside the PSB that could have assisted in determining who exactly stole the money. Thus the panel sustained the allegation of theft, but had to defer to the SPD's Office of Professional Standards to determine who stole the money. The CRB panel recommended specific discipline for the employee responsible for the theft.

- **Improper Demeanor Sustained; Insufficient Evidence to Sustain Excessive Force**
  An angry but non-violent confrontation occurred at a facility that provides social services to mental health patients. Officers were dispatched to the scene and found a young man with schizophrenia upset about a misunderstanding with the office workers of one of the service providers. As an officer escorted the young man off the premises, an altercation occurred between the young man and the officer. The young man reported that the officer nudged him in the back with his hand to make him move faster. The man then stopped, faced the officer and told him he did not have to walk with him. At that point, he and the officer were standing face to face. He reported that the officer then pushed him with both hands in the chest, causing him to stumble back. He claims that as he stumbled backwards he put his arms and hands out to his sides to indicate that he was not fighting back. He reports that the other officers on scene hesitated a moment (as if surprised by the lead officer's actions) and then approached him and forced him to the ground where he was handcuffed and then taken into custody. The lead officer acknowledged pushing the young man but claims that the young man intentionally bumped his chest against the officer's chest justifying the officer's push. The officer reported that he then told the man that he was under arrest and attempted to grab the man's arms. The officer claimed that the man began swinging his arms in an attempt to prevent the officer from grabbing his arms. The officer claimed that he then placed the man in a head lock and brought him to the ground. The officer reported that he then directed the man to give him his hands and he did so, allowing the officer to handcuff him without further incident. The officer made no mention of any other officers being directly involved in the takedown and handcuffing of the man. The young man categorically denied ever bumping the officer in the chest or swinging his arms. He claimed that the officer initiated the physical contact by forcefully pushing him in the chest with both hands.

  Just after the arrest, the young man's mother interacted with the involved officers at a medical facility. A heated exchange ensued between the mother and some of the officers, with both sides allegedly demonstrating inappropriate demeanor.

  The CRB panel found insufficient evidence to sustain the allegation of excessive force against the officer who pushed the young man, but sustained an allegation of improper demeanor against another officer who interacted with the man's mother. The panel made a disciplinary recommendation to the Chief of Police regarding the demeanor complaint.

- **Excessive Force Sustained**
  Officers stopped a male driver for running a red light. Officers reported that the man's hands were in constant motion making the officers nervous. The officers requested that the man step out of the car. The officers report that the man was searched after giving consent. Large amounts of money were found in three of his pants pockets. While conducting the search, an officer felt a hard foreign object near the man's groin and reports that he thought it was a gun.

The officer reports that he then grabbed the man's right arm to place him in handcuffs. The officer reported that the man then broke hold of the officer's grasp and began to drag the officer toward the front of the vehicle in an attempt to flee. The officers report that a physical fight then ensued in the middle of the street as the man allegedly continued to resist arrest. One officer reported delivering two knee strikes to the man's left side and a closed fist strike to the left side of his face, while another officer reported striking the man in the ribs several times with his fist and flashlight and also striking the man several times in the head with his fist. Once handcuffed, the officers report retrieving a bag of narcotics from the man's groin region.

The complainant reported that he made no attempt to pull away, drag or fight the officers. The man reported that when the use of force began, he had his hands on the car with his back to the officer. He contended that when the officer felt the foreign object in his crotch, the officer punched him and immediately took him to the ground where the use of force continued. One witness reported that the man was not fighting and already handcuffed when he saw an officer deliver a knee strike to the man's rib area. The man was subsequently taken to the hospital where he was diagnosed with a broken nose, an intraorbital hemorrhage (bleeding inside the eye socket), and a scalp contusion. The man had two blackened eyes as well as multiple abrasions and contusions to his facial area.

The CRB panel concluded that the force used by the officers was neither reasonable nor necessary based on the factors articulated in the Supreme Court decision Graham v. Connor (1989) which provides guidance on determining the objectively reasonable standard for uses of force. The CRB panel sustained the allegation of excessive force against two officers and made a disciplinary recommendation to the Chief of Police.

- **Improper Pursuit, Harassment, and Improper Offer to Reduce or Eliminate Charges Sustained**

  Police drove past a man who allegedly stood in the middle of the street and stared at them as they passed. The officers turned around to approach and question the man. He ran from police when they approached him. One officer exited the police car and chased the man while the two other officers remained in the car and drove along the left side of the foot chase. The man reported that the police car bumped his left thigh as he was running causing him to lose his balance and fall. As he fell to the ground, he reports that he landed on his side and as the police car came to a stop his right knee got caught between the right front tire and the street causing a severe abrasion and laceration. The man reported that as he got back up to run an officer punched him in the ribs on his right side and then he surrendered.

  The officer driving the car reported that he drove in front of the man and pulled into a driveway in an attempt to block his path. The officer reported that the man ran into the vehicle's front passenger side panel which caused him to roll over the hood of the car and fall before getting back up to run. Officers reported that they then chased the man about twenty feet until he fell to the ground. Officers reported that they ordered him to put his hands behind his back to which the man complied and was handcuffed without further incident.

  Prior to and during the booking process at the Justice Center, two officers conversed with the man allegedly about providing assistance in implicating another man in illegal gun sales. The man indicated that the officers offered to reduce or eliminate his charges or get him released from the

Justice Center more quickly if he cooperated. The man reported that there was no indication during the discussion that the District Attorney's office would be involved in the deal.

Following his release, the man reported that multiple officers harassed him over a period of several weeks by driving near his home while jeering, making obscene gestures, and spitting in his direction.

The CRB panel sustained allegations of improper pursuit, harassment, and improper offer to reduce or eliminate charges. The SPD has a clear policy in regards to the use of police vehicles while in pursuit of a suspect in a vehicle, but the CRB could find no policy with regards to the use of police vehicles while in pursuit of a suspect on foot or on bike. Current policy only allows officers to use a police vehicle to hit or box-in another vehicle with the permission of a supervisor. The CRB panel thus recommended that the SPD develop a policy for the use of police vehicles when pursuing suspects on foot or bicycle. The panel made a disciplinary recommendation to the Chief for the harassment allegations and both a policy and training recommendation for the improper offer to reduce or eliminate charges without the involvement of the District Attorney's office.

- **Improper Search, Racial Bias Sustained; Insufficient Evidence to Sustain Excessive Force**

  Two officers conducted a traffic stop and reported smelling raw marijuana emanating from the vehicle. An officer searched the driver, found no contraband, and placed him in the rear of the patrol car. An officer then searched the passenger and did not find any contraband. The then searched him a second time. The man reported that while doing so the officer slammed his head against the roof of the car breaking two of his teeth. The man reports that the other officer then conducted an invasive search placing his gloved hand inside the man's pants and underwear where drugs were located and retrieved. The man further reported that he heard the officers refer to him as a "nigger" in a separate conversation among themselves. The driver who was seated in the rear of the patrol car had a direct line of site and was in close proximity to the incident. This witness gave a separate account of the incident that corroborated the account provided by the passenger.

  The officers deny using the term "nigger" in their discussion and reported that all searches were conducted on the outside of the man's clothing. One officer reported that the man admitted having drugs concealed in his underwear and that the top of the underwear were exposed. The officer reported that he pulled the front of the man's underwear upwards exposing the fly area. The officer reported that a portion of a plastic bag protruded from the fly area. The officer removed the bag which contained illegal drugs. The officers denied slamming the man's head into the car and described the man as cordial and cooperative throughout the encounter.

  The CRB panel found the complainant and the witness credible and sustained the allegations of improper search and racial bias. However, the panel found insufficient evidence to sustain the allegation of excessive force. The panel then made a disciplinary recommendation to the Chief of Police for the sustained allegations of improper search and racial bias.

- **Excessive Force Sustained**
  While driving a marked patrol car, an officer spotted a man who had a warrant out for several misdemeanors and who the officer recognized from prior encounters. The man reported that the officer pulled up to him and indicated that the police were looking for him. The man reported that the officer exited his vehicle and ran towards him. The man acknowledged that he then ran away from the officer. He reported that the officer knocked him to the ground, got on his back, put his forearm around his neck, and punched him repeatedly in the head and face. The man reported that another officer arrived and handcuffed him as the first officer allegedly still had his arm around the man's neck choking him. The man reported that he told the officer that he could not breathe and claims that the officer then stated, "I hope you die," as the other officer kicked him in the face.

  The officer reported that while running away from him the man tripped and fell face first into a chain link fence. The officer reported that he then jumped on top of the man who allegedly refused the officer's orders to put his hands behind his back. The officer reported that the man attempted to get back up so he struck the man several times in the face with his left fist. The officer reported that while straddling the man to hold him down the man arched his lower back pushing the officer's body weight forward which forced the officer into an awkward position. The officer then reported striking the man several more times in the face with his left fist. The officer reported that the man was successfully handcuffed after other officers arrived.

  A responding backup officer reported that when he arrived on scene he saw the officer and the man actively fighting. This officer reported kicking the man once in the upper right shoulder area. The officer reported attempting to control the man's right arm but that the man pulled it away. The officer reported that he then struck the man several more times with a closed right fist to the right side of the man's face and upper body area. The officer reported that he was then able to gain control of the man's right arm and place it behind his back where he was then put into handcuffs without further incident.

  The man suffered two blackened and swollen eyes, a bloody nose, a shoulder injury, and several loosened lower teeth. His glasses were also broken during the incident.

  The CRB panel concluded that the force used by the officers was neither reasonable nor necessary based on the factors articulated in the Supreme Court decision Graham v. Connor (1989) which provides guidance on determining the objectively reasonable standard for uses of force. The panel recommended specific discipline to the Chief of Police for the two involved officers.

ANNUAL POLICY & TRAINING RECOMMENDATIONS

In each year's Annual Report, the CRB makes 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 improve particular aspects of the Syracuse Police Department. 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.

In-service Training on High Risk Traffic Stops. Current SPD rules and regulations include a detailed policy on how to conduct a high risk traffic stop, also known as a "Felony Stop." A high risk traffic stop is any stop which poses a significant risk to the officer when dealing with the occupants of a motor vehicle. Situations that may fall into this category are vehicle stops involving known or suspected felons, an armed individual or any potentially dangerous person. Over the course of the past year, the CRB identified four separate instances where the high risk traffic stop policy should have been followed but was not. In each incident, the failure to follow policy led to a significant use of force resulting in injuries and allegations of excessive force. The current SPD felony stop policy instructs officers to stay back, use a commanding tone and give simple, clear, verbal orders one at a time. If multiple officers are present, one officer should be designated to give verbal orders to avoid confusion. This officer should order the suspect to keep his right hand against the windshield, turn off the ignition with his left hand, remove the keys and drop them out of the window. The officer should then give the suspect the verbal orders to extend his palms out the window and to open the door from the outside. The officer should then order the suspect to exit the vehicle, face forward, move away from the vehicle, kneel down with hands behind the head, and lay face down spread eagle. The suspect can then be handcuffed and safely taken into custody without risk of injury to officers, bystanders, or the suspect.

In each of the instances where the policy was not followed, the officers exposed themselves and their fellow officers to an unnecessary degree of risk, which could have resulted in serious injury or fatality if the occupant of the vehicle had been armed and intent on harming the officers. In each of these cases, the occupants of the vehicle were removed either by hand or at gun point in very close proximity. In some instances, multiple officers gave conflicting orders that likely caused confusion on the part of the suspect. For example, in one incident one officer ordered a suspect to place his hands on the vehicle while another ordered him to place his hands behind his back. When the suspect removed one of his hands from the vehicle to place behind his back, the other officer misinterpreted that as reaching for his waistband. The individual was then immediately taken to the ground and his right arm was pinned under his torso. He was thus unable to comply with the officers' ongoing demands to place his hands behind his back. He was then punched in the face multiple times, and kneed in the ribs several times until his trapped arm came loose and his hands were successfully cuffed. The individual had to be hospitalized with multiple injuries to his face and ultimately filed a notice of claim indicating his intent to file a lawsuit against the city, the officers, and the police department. The entire scenario, and others similar to it, may have been avoided had the officers followed the department's policy on conducting high risk traffic stops.

Since multiple different officers violated this policy on several different occasions, the CRB recommends that all SPD officers undergo in-service training on the department's procedures for

conducting felony stops and on identifying under what conditions the felony stop procedures should be followed.

In-service Training on Reducing or Eliminating Charges in Exchange for Information or Cooperation. During 2013, the CRB investigated five separate complaints involving officers making offers to suspects to reduce or eliminate criminal charges in exchange for cooperation leading to the seizure of an illegal gun, information on the local drug trade, or information on recent homicides. In most of these instances, the officers made no indication of involving the District Attorney's office in the informal deal. This is commonly known as "working off charges" and is contrary to departmental procedures, which require the involvement and approval of the District Attorney's office in any deals reached with cooperating suspects.

As indicated in our second quarter report for 2013, the CRB strongly supports the SPD's ongoing efforts to remove illegal guns and drugs from the streets and to vigorously pursue and solve the city's major crimes. There are often situations where a suspect arrested for a low level crime could very well be in a position to share valuable information with police and prosecutors that could lead to an arrest in a much more serious crime. The CRB recognizes that this is a valuable investigative tool to law enforcement. However, SPD policy requires officers to take enforcement action against a criminal offence. Moreover, the practice of making informal and unofficial offers can produce unintended consequences. When an officer or detective makes an informal offer on the spot, it can lead to baseless allegations by an individual desperate to avoid charges and it can leave criminal suspects vulnerable to acts of retribution.

The CRB discussed this practice with the DA's office. The CRB's understanding of the DA's position is that officers are allowed to ask suspects for information but cannot offer to ignore evidence of a crime in exchange for cooperation. Officers are allowed to tell a suspect that notice of their cooperation will be forwarded to the DA's office for the DA's consideration in the final disposition of their charges, but the authority to make that decision resides with the DA's office.

After the CRB identified this issue in its second quarter report of 2013 and recommended to the Chief of Police that the department conduct a review of its policies and practices on this matter, the board noticed a decline in the number of complainants making this allegation. The practice still appears to occur occasionally, but with less frequency than before. Therefore, the CRB recommends that the police department provide in-service training to all officers reminding them of the importance of coordinating such offers with the District Attorney's office.

Develop a Policy on the Use of Police Vehicles when Chasing a Suspect who is on Foot or Bicycle. In 2013 the CRB reviewed two different cases in which an individual alleged that police used their vehicle to bump or cut them off as they were either running or riding a bike. The SPD has a clear policy in regards to the use of police vehicles while in pursuit of a suspect in a vehicle, but the CRB could find no policy with regards to the use of police vehicles while in pursuit of a suspect on foot or on bike. Current policy only allows officers to use a police vehicle to hit or box-in another vehicle with the permission of a supervisor. The CRB panel thus recommends that the SPD develop a policy for the use of police vehicles when pursuing suspects on foot or bicycle.

Initiate a Review of SPD's Use of Force Policy. The CRB recommends that the police department conduct a review of the SPD's use of force policy to ensure that it meets current best practices encouraged by the U.S. Department of Justice and increasingly adopted by police departments throughout the country.[1] The current SPD use of force policy states, "It is the responsibility of each officer to be aware of the requirements of Article 35 [of the NYS Penal Law] and to guide their actions based on that law and department policy and training." Article 35 provides the legal justifications under which any citizen of New York can use force within the law, with a few additional qualifications for police and peace officers. It is not a law that provides any specialized guidance to officers for the fluid and fast moving situations they confront every day.

Lack of specific policy guidance on the appropriate use of force may lead officers and supervisors to believe that they are justified in using force in situations in which it would be unreasonable or unnecessary. Conversely, unclear or overly general policies may result in officers refraining from using necessary and appropriate force out of a fear of being accused of using excessive force.[2]

A comprehensive use of force policy would include all force techniques, technologies, and weapons, both lethal and less-lethal that are available to officers. It should clearly define and describe each force option and the circumstances under which use of such force is appropriate.[3] To ensure consistency in the application of the use of force, an effective use of force policy should among other things define key terms such as levels of resistance (passive, active, aggressive and aggravated aggressive resistance) and the appropriate force counter-responses available to officers (low level, intermediate level, and deadly force options).

The current SPD use of force policy was put in place prior to the present SPD and mayoral administrations and prior to the current efforts by the U.S. Department of Justice to improve police policies and procedures around the country. Syracuse officials presently have the opportunity to improve the city's use of force policy with little or no cost to taxpayers. Jurisdictions whose policies do not comport with the practices encouraged by the DOJ leave themselves vulnerable to the possible imposition of DOJ mandates that can include significant financial costs to area taxpayers.

In addition to protecting taxpayers' financial interests as well as constitutional rights, addressing this issue should lead to an increase in officer safety. Our police officers work under extremely difficult and stressful circumstances. A clearer set of rules for the use of force coupled with extensive training on those rules would give officers more confidence in reacting to a variety of different forms of subject resistance, expand their range of responses, and ultimately produce a more flexible and appropriate force response to a given situation. Officers need to be as prepared as possible for the multitude of situations that they face.

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[1] See DOJ finding letters to the cities of Austin, TX. (2008, pgs. 3-27), Seattle, WA. (2011, pgs. 23-34 and 37-38), and the territory of Puerto Rico (2012, pgs. 86-90). See also the DOJ's Consent Decree with the city of New Orleans, (2012, pgs. 14-23 and 33-34). All available online at www.justice.gov/publications. See also the DOJ COPS offices' Collaborate Reform Process for Las Vegas, NV. (2012, pgs. 24-25, 60 – 63, and 126-130), available online at www.cops.usdoj.gov.

[2] DOJ finding letter to the City of Austin, pg. 4.

[3] DOJ finding letter to the City of Austin, pg. 6.

REAFFIRMATION OF 2012 POLICY RECOMMENDATIONS

The CRB made a series of policy recommendations in its 2012 Annual Report. Those recommendations are restated here in an effort to encourage the SPD to consider the adoption of these policies:

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 2012, the CRB identified an instance in which an entryway was not sufficiently secured by an officer after the main door and lock was 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 possess 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 past 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.

BUDGET

2013-2014 Adopted
DETAIL ANALYSIS OBJECT OF EXPENDITURE

100 PERSONNEL SERVICES		
101	Salaries	$ 88,388.00
	Totals:	$ 88,388.00
200 EQUIPMENT		
202	Office Equipment & Furnishings	$ 6,000.00
	Totals:	$ 6,000.00
400 CONTRACTUAL EXPENSES		
403	Office Supplies	$ 1,000.00
407	Equipment Repair Supplies & Expenses	$ 400.00
415	Rental, Professional & Contractual Services	$ 27,500.00
416	Travel, Training & Development	$ 5,000.00
418	Postage and Freight	$ 0.00
	Totals:	$ 33,900.00
	TOTAL:	**$128,288.00**

Total Complaints Received during Fourth Quarter of 2013 (October 1 to December 31, 2013): 18

Categories of allegations as defined in CRB Ordinance (totals from all complaints received from October 1 to December 31, 2013; note that multiple allegations can be made in one complaint):

Active Misconduct: 19
Passive Misconduct (Failure to Act): 3
Damaged or lost Property: 0
Denial or Violation of Constitutional Rights: 0
Lack of Truthfulness in a Police Report or Falsifying a Report: 0

The number of cases fully processed and closed by the Board during third quarter of 2013: 22

The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during the fourth quarter of 2013: 10

The number of CRB cases where the Chief of Police or the SPD imposed sanctions or discipline when disciplinary recommendations were made by a CRB panel during the fourth quarter of 2013: TBA

The number of complaints processed and not sent to a panel hearing during the quarter: 9

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: 0

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

The number of complaints in which the Board recommended that the City provide restitution to the complainant and type of restitution recommended: 0

The number of complainants who filed a Notice of Claim against the City of Syracuse while their complaint was being considered by the Board: 6

<u>Hearing outcomes</u>

Panel hearings scheduled: 12
Panel hearings held: 11
Panel hearings resulting in disciplinary recommendations from CRB: 10
Panel hearings resulting in no disciplinary recommendations from CRB: 1

2013 Totals

Total Complaints Received during 2013: 111

Categories of allegations as defined in CRB Ordinance (totals from all complaints received in 2013; note that multiple allegations can be made in one complaint):

Active Misconduct: 96
Passive Misconduct (Failure to Act): 22
Damaged or lost Property: 2
Denial or Violation of Constitutional Rights: 1
Lack of Truthfulness in a Police Report or Falsifying a Report: 3

The number of cases fully processed and closed by the Board during 2013: 114

The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during 2013: 26

The number of CRB cases where the Chief of Police or the SPD imposed sanctions or discipline when disciplinary recommendations were made by a CRB panel during 2013: TBA

The number of complaints processed and not sent to a panel hearing during 2013: 68

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: 2

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

The number of complaints in which the Board recommended that the City provide restitution to the complainant and type of restitution recommended: 0

The number of complainants who filed a Notice of Claim against the City of Syracuse while their complaint was being considered by the Board: 33

Hearing outcomes

Panel hearings scheduled: 38
Panel hearings held: 35
Panel hearings resulting in disciplinary recommendations from CRB: 26
Panel hearings resulting in no disciplinary recommendations from CRB: 9

Categories of complaints received by the CRB between October 1 and December 31, 2013*

City Wide

Excessive Force	Demeanor	Failure to Act	Harassment	Racial Bias
8	6	3	0	0

False Arrest	Improper Search/Seizure	Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement or Falsifying a Report
1	3	1	2	0

Gender Bias	Evidence Tampering	Improper Offer to Eliminate Charges in Exchange for Incriminating Information	Constitutional Violation	Violation of SPD high-risk traffic stop policy
0	0	0	0	0

*Some individual complaints include multiple allegations

Categories of Complaints Received by the CRB during 2013

Number & Percent of Annual Intake

Excessive Force	Demeanor	Failure to Act	Harassment	Racial Bias
49	24	20	5	5
44%	21.6%	18%	4.5%	4.5%

False Arrest	Improper Search/Seizure	Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement or Falsifying a Report
9	13	6	5	3
8%	11.7%	5.4%	4.5%	2.7%

Gender Bias	Evidence Tampering	Improper Offer to Eliminate Charges in Exchange for Incriminating Information	Constitutional Violation	Violation of SPD high-risk traffic stop policy
0	3	4	1	4
0	2.7%	3.6%	0.9%	3.6%

Categories of Allegations Sustained by the CRB during 2013

Raw Number, Percent of All Sustained Allegations (34 total) & Percent of that Category that were Sustained

Excessive Force	Demeanor	Failure to Act	Harassment	Racial Bias
12	6	2	2	1
35%	17.6%	5.9%	5.9%	3%
24%	25%	10%	40%	20%

False Arrest	Improper Search/Seizure	Theft/Larceny	Untruthfulness in a Police Statement or Falsifying a Report
0	2	1	3
0	5.9%	3%	8.8%
0	15%	17%	100%

Gender Bias	Evidence Tampering	Improper Offer to Eliminate Charges in Exchange for Incriminating Information	Constitutional Violation	Violation of SPD high-risk traffic stop policy
0	0	3	0 (1 received in 2013; investigation ongoing)	2 (2 more sustained in early 2014 that occurred in 2013)
0	0	8.8%	0	11.7%
0	0	75%	0	100%

*Two Taser discharges included in the twelve sustained excessive force cases

Complaints Received per Common Council District during the 4th quarter of 2013 and Total for 2013

District 1:
Demeanor: 2/6
Excessive Force: 1/10
Failure to Act: 1/6
Harassment: 0/2
Racial Bias: 0/0
False Arrest: 0/1
Improper Search/Seizure: 2/3
Theft/Larceny: 0/1
Taser Discharge: 0/0
Untruthfulness in a Police Statement/Falsifying a Report: 0/1
Gender Bias: 0/0
Evidence Tampering: 0/2
Improper Offer to Eliminate Charges in Exchange for Incriminating Information: 0/0
Constitutional Violation: 0/0
Violation of SPD high-risk traffic stop policy: 0/1

District 2:
Demeanor: 2/4
Excessive Force: 1/16
Failure to Act: 2/8
Harassment: 0/2
Racial Bias: 0/2
False Arrest: 0/3
Improper Search/Seizure: 0/6
Theft/Larceny: 0/2
Taser Discharge: 0/1
Untruthfulness in a Police Statement/Falsifying a Report: 0/1
Gender Bias: 0/0
Evidence Tampering: 0/0
Improper Offer to Eliminate Charges in Exchange for Incriminating Information: 0/2
Constitutional Violation: 0/0
Violation of SPD high-risk traffic stop policy: 0/1

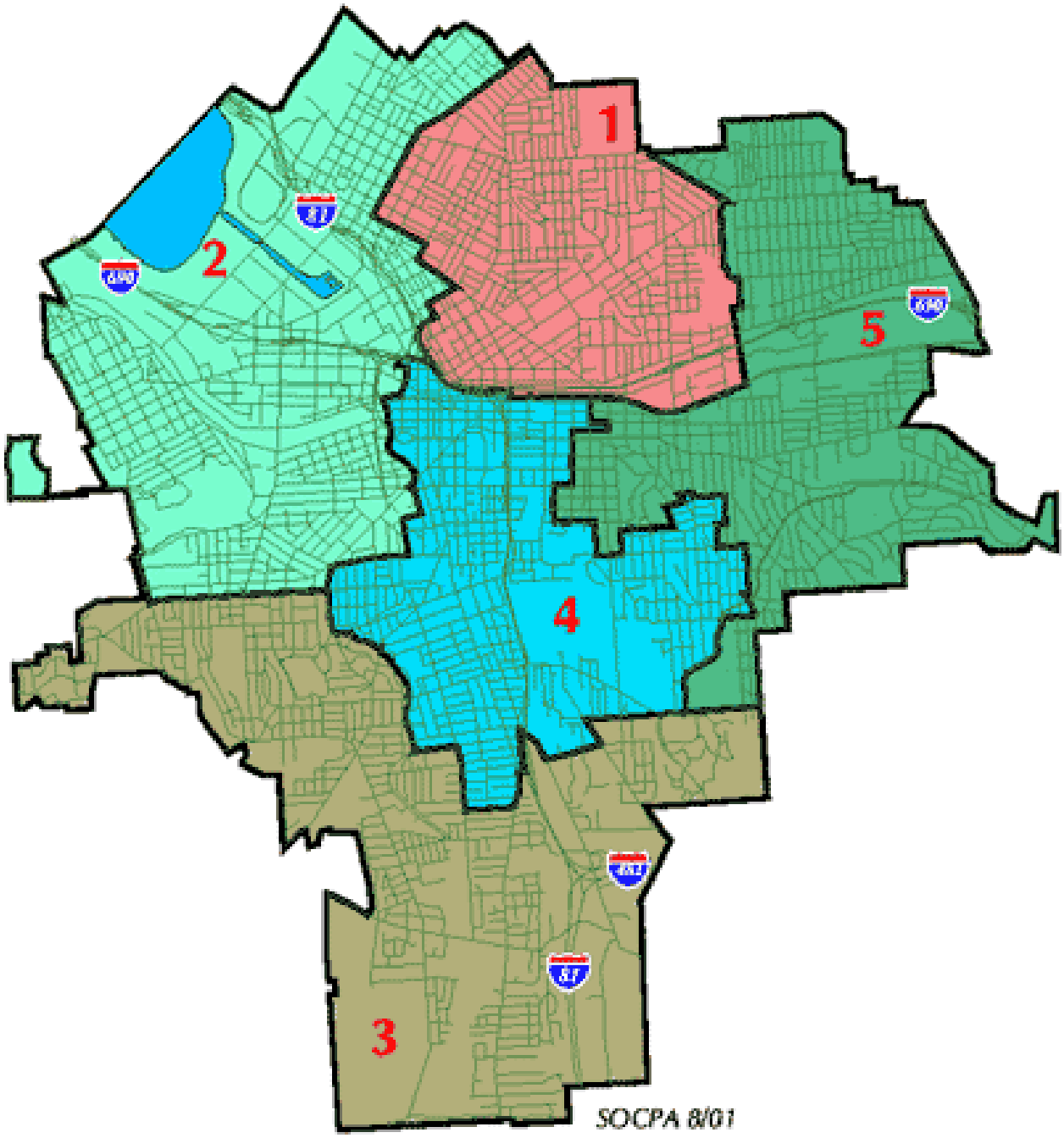
District 3:
Demeanor: 1/2
Excessive Force: 1/2
Failure to Act: 0/0
Harassment: 0/0
Racial Bias: 0/0
False Arrest: 0/0
Improper Search/Seizure: 0/1
Theft/Larceny: 0/0
Taser Discharge: 0/0
Untruthfulness in a Police Statement/Falsifying a Report: 0/0
Gender Bias: 0/0
Evidence Tampering: 0/0
Improper Offer to Eliminate Charges in Exchange for Incriminating Information: 0/0
Constitutional Violation: 0/0
Violation of SPD high-risk traffic stop policy: 0/0

District 4:
Demeanor: 1/7
Excessive Force: 2/9
Failure to Act: 0/5
Harassment: 0/0
Racial Bias: 1/2
False Arrest: 0/3
Improper Search/Seizure: 0/2
Theft/Larceny: 0/1
Taser Discharge: 0/0
Untruthfulness in a Police Statement/Falsifying a Report: 0/0
Gender Bias: 0/0
Evidence Tampering: 0/0
Improper Offer to Eliminate Charges in Exchange for Incriminating Information: 0/0
Constitutional Violation: 0/0
Violation of SPD high-risk traffic stop policy: 0/1

District 5:
Demeanor: 0/4
Excessive Force: 2/8
Failure to Act: 0/2
Harassment: 0/1
Racial Bias: 0/1
Gender Bias: 0/0
False Arrest: 1/1
Improper Search/Seizure: 1/1
Theft/Larceny: 0/1
Taser Discharge: 0/0
Untruthfulness in a Police Statement/Falsifying a Report: 1/1
Evidence Tampering: 0/0
Improper Offer to Eliminate Charges in Exchange for Incriminating Information: 0/2
Constitutional Violation: 0/0
Violation of SPD high-risk traffic stop policy: 0/0

***See the following page for a map of the Common Council Districts**

CITY OF SYRACUSE
COMMON COUNCIL DISTRICTS



Complainant Demographics for All Complaints Received in Fourth Quarter of 2013

Ethnicity		
Black	12	66.7%
White	5	27.7%
Latino	1	5.5%
Asian	0	0%
Native American	0	0%
Total	18	100%

Sex		
Male	12	66.7%
Female	6	33.3%

Sexual Identity of Complainant		
LGBTQ	1	5.5%

Age		
Under 18	0	0%
18-35	11	61.1%
36-50	6	33.3%
51+	1	5.5%

Disability		
Visual	0	0%
Hearing	0	0%
Physical	0	0%
Intellectual	3	17%

Language other than English		
Spanish	0	0%
Vietnamese	0	0%
Other	0	0%

Complainant Demographics for All Complaints Received in 2013

Ethnicity		
Black	63	56.7%
White	37	33.3%
Latino	10	9.0%
Asian	1	0.9%
Native American	2	1.8%
Other	2	1.8%
Total	115*	100%

*Three complaints were filed by two individuals

Sex		
Male	84	75.6%
Female	32	28.8%**

**Five complaints filed by both a male and a female

Sexual Identity of Complainant		
LGBTQ	3	2.7%

Age		
Under 18	5	4.5%
18-35	55	49.5%
36-50	40	36.0%
51+	15	13.5%

Disability		
Visual	0	0%
Hearing	0	0%
Physical	0	0%
Intellectual	10	9.0%

Language other than English		
Spanish	3	2.7%
Vietnamese	0	0%
Other	0	0%

APPENDIX:
LETTERS OF SUPPORT

The Syracuse CRB is a resource for information on police policies and practices for the public and elected officials. The CRB strives to work collaboratively with other agencies and organizations to ensure that the police services provided locally meet the highest standards of the law enforcement profession.

The following letters were provided as offers of general support for the overall mission and work of the CRB over the past year. The statements do not represent an endorsement by the authors of any of the disciplinary or policy recommendations contained in this report.

Common Council Office
314 City Hall
Syracuse, N.Y. 13202

238 Brattle Road
Syracuse, NY 13203
Office: (315) 448-8466
Fax: (315) 448-8423
jbarret@syrgov.net

CITY OF SYRACUSE COMMON COUNCIL

JAKE BARRETT
Councilor - 1st District
Majority Whip

Ref: Citizen Review Board (CRB)

Dear Sir/Madam:

Feb. 11, 2014

I have been asked to reflect on the workings of the CRB and its' impact within the City of Syracuse civic life.

As the previous Chair of the Public Safety Committee for the Syracuse Common Council, I believe that my position is uniquely qualified to judge the merits of this body. This organization investigates complaints of the SPD (Syracuse Police Dept.) in a fashion that is independent of influences and pressures of the government and media. The CRB members have performed these claimant examinations in a methodical and open fashion that symbolizes the finest efforts of citizens anywhere. In a short time frame, their Administrator, Joey Lipari has harnessed the efforts of a board that has made it one the finest volunteer panels in the City.

Our City Council passes financial measures that settle legal judgments against the SPD. These judgments are often resolved in out-of-court agreements. The CRB has been instrumental in reducing the claims against the City. Through attention to details of excessive police force and by instilling an atmosphere of impartiality in investigations of perceived unrestrained behavior, the CRB has made our City both financially more stable and a place of growing social equality.

Thank you for your attention and please know that I am available for further comments on this subject.

Warmly,

Jake Barrett

CENTER FOR COMMUNITY ALTERNATIVES

INNOVATIVE SOLUTIONS FOR JUSTICE

CELEBRATING THIRTY YEARS 1981-2011

Marsha Weissman, Ph.D.
Executive Director

Christine Abaté
Deputy Director

Josefina Bastidas, Esq.
Deputy Director

Alan Rosenthal, Esq.
Co-Director of Justice Strategies and Counsel

Patricia Warth, Esq.
Co-Director of Justice Strategies

Joseph G. Scro
Controller

Board of Directors

Bonnie Catone
President

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Kwame Johnson

Gretchen Purser

Sheila Rule

February 19, 2014

Joseph L. Lipari
Administrator, Citizen Review Board
City Hall Commons
201 E. Washington St., Suite 705
Syracuse, New York 13202

Re: Citizen Review Board

Dear Mr. Lipari:

I personally would like to extend my appreciation for the work of the Citizen Review Board during 2013. The Board has functioned in a fashion that has instilled confidence in the men and women that we have had the occasion to refer to the Board over the past year.

During the course of this year several of our staff members have received complaints about police misconduct from participants in our programs and other community members in general. Each time we have made a referral to the Citizen Review Board the feedback from the person that we have referred has been quite positive. Under the stress of such incidents, you have been able to calm raw nerves and establish a sense of confidence in the established process. People feel reassured knowing that their concerns are taken seriously and addressed professionally and timely.

It also makes our job working with clients both easier and more effective. Knowing that there is a place to refer individuals with complaints about police misconduct makes us feel confident in making the referral. We in turn pass the feeling of assurance on to our clients.

Police community relations are very difficult to manage and negotiate in a proactive way. The manner in which you and the Board have conducted business has been a real credit to the Syracuse community. I thank you for a job well done.

Very truly yours,

Marsha Weissman, PhD
Executive Director

Onondaga County Legislature

J. Ryan McMahon, II
Chairman

401 Montgomery Street • Court House • Room 407 • Syracuse, New York 13202
Phone 315.435.2070 • Fax 315.435.8434

February 24, 2014

Syracuse Citizen Review Board
Joseph Lipari, Administrator
City Hall Commons
201 E. Washington Street, Ste. 705
Syracuse, New York 13202

Dear Administrator Lipari:

Please accept this letter as support for the Syracuse Citizen Review Board. As a former member of the Common Council, I have seen first-hand the positive effect the Citizen Review Board has had on the accountability of the Syracuse Police Department. Per the quarterly reports that are available on city's website, citizens are exercising their right to file complaints against officers and the department, and I believe the board is doing an outstanding job of vetting the complaints and making the appropriate recommendations.

I am eager to see the implementation of a Citizen Review Board for the county's Justice Center. It is imperative that the county initiate a citizen-run board that can review issues fairly and impartially at the Justice Center to improve the accountability.

Furthermore, I want to extend my appreciation for the time dedicated by the members of the Syracuse Citizen Review Board.

Sincerely,

J. Ryan McMahon, II
Chairman, Onondaga County Legislature

Common Council Office
314 City Hall
Syracuse, N.Y. 13202

Council Office: (315) 448-8466
Fax: (315) 448-8423

CITY OF SYRACUSE COMMON COUNCIL

PAMELA J. HUNTER
Councilor-at-Large

March 3, 2014

Mr. Joseph Lipari
Administrator / CRB
City Hall Commons, Room 700
Syracuse, New York 13202

Dear Mr. Lipari:

In 2011 while serving on the Common Council as the Public Safety Committee Chair, I was asked to explore whether the original CRB ordinance could be updated and revised. The CRB's enforcement and administration had been an increasingly intractable problem for most of its 20 years' existence, with internal issues ranging from procedural impasses to long-term vacancies on the board to inadequate reporting and supervision to an untenable working relationship with both the SPD and the police union. Externally, there seemed little traction in the community to alter or address the CRB's shortcomings despite overall low confidence in its workability.

I worked with a diverse group of community participants whom I appointed to an ad hoc advisory committee to review this legislation over 9 months. This advisory committee included individuals who had the perspective of having worked closely on the original CRB and understanding two decades' worth of community context and history, as well as newer individuals who also brought particular insights and talents to the deliberations. Our process was to reach consensus on each point and we were fortunate in having a Corporation Counsel whose commitment was to crafting workable legislation that would give this concept a real chance.

The legislative process naturally included amendment and further compromise, and eventually yielded a unanimous vote on the Council to pass the new CRB with support from the Mayor. We believe that the new Citizen Review Board now has the tools necessary to carry out its function and purpose.

Since 2011, CRB operations have flourished under an experienced full time administrator and an active, fully functioning board. They have worked diligently to build long-term relationships both in the community and with the Syracuse Police Department so that citizens, officers and administration can all come to see them as a fair and honorable body with which to address complaints and monitor the overall system. I am confident that this approach of building long-term relationships in a steady way will bear fruit over time. I am honored to have had the opportunity to help in creating the vehicle that the board, with necessary substantive language and support, has been able to navigate. They have embraced the intent and spirit of the legislation effectively.

I look forward to continuing my support of the CRB again as Public Safety Committee Chair with our obligation to serve the public.

Sincerely,

Pamela J. Hunter
Councilor-at-Large

806 Demong Drive • Syracuse, N. Y. 13214 • phunter@syrgov.net

LEGAL SERVICES
OF CENTRAL NEW YORK

Making Justice Accessible

March 17, 2014

Joseph Lipari
Administrator
City Hall Commons
201 E. Washington Street, Suite 705
Syracuse, New York 13202

Dear Mr. Lipari:

This is a letter of support and appreciation for the work of the Syracuse Citizen Review Board. Since the reorganization of the Citizen Review Board, I am aware that the Board has conducted its work in a professional and expeditious manner, reaching resolutions and recommendations on a significant number of complaints. The Board's compilation and release of quarterly and annual reports has kept the public well-informed about the Board's work and the disposition of its cases.

In our work, we often interact with individuals who have complaints about the treatment that they have received from local law enforcement. We do not hesitate to refer such clients to the Syracuse Citizen Review Board, and appreciate the fact that the Board is there to perform this important function of oversight and review.

I also want to commend you for the way that you have represented the Board in public settings. At a staff training held in our office, you thoroughly explained the work and processes of the Board, and patiently answered staff members' questions regarding the Board and its activities. I have seen you do the same in other settings as well. Thank you for the important work that you and the Board perform in the Syracuse community.

Very truly yours,

Samuel C. Young, Esq.
Director of Advocacy

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