

SYRACUSE

CRB

CITIZEN REVIEW BOARD

Quarterly Report
January 1 to March 31, 2013

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MISSION & OBJECTIVES

The purpose of the Citizen Review Board is to provide an open, independent, and impartial review of allegations of police misconduct; 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 review 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; and
- 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.
- 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 volunteers. Board members have worked an average of eight to ten hours per month on 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 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 2013

District Councilor Appointees

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

OPERATIONS

Between January 1 and March 31, 2013, the full 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 32 new complaints and fully processed 26 existing cases.

During this same period, the CRB held seven hearings to examine a variety of complaints. Five of those hearings resulted in a sustained finding against one or more officers. The CRB made disciplinary recommendations to the Chief of Police in five cases with disciplinary sanctions recommended against six different officers. The Chief of Police imposed discipline in one of the five cases where the CRB provided disciplinary recommendations to him. The CRB was informed of the disciplinary decisions by the Chief of Police in a timely fashion; however, the Chief's reasons for not imposing discipline for the cases in which the CRB recommended discipline but none was imposed have not yet been provided to the CRB by the Chief as required by Section 7 (3) (g) of the CRB ordinance.

FILING A COMPLAINT WITH THE CRB

The Syracuse CRB accepts complaints against on-duty 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. 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 Administrator can be reached by e-mail at jlipari@syrgov.net and the CRB assistant at bpearson@syrgov.net.

CRB PUBLIC MEETINGS & OUTREACH

The CRB meets on the first Thursday evening each month from 6:00 to 8:00 PM in Common Council chambers in City Hall. This meeting is open to the public and there is a public comment period that begins at 7:00 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 recesses and reconvenes in an 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 to fifteen complaints per month depending on current case load.

During the first quarter of 2013, the CRB also took part in several events designed to increase public awareness of the CRB. The CRB Administrator attended two TNT community meetings in February and gave a presentation on the CRB to a group of students enrolled in a criminal justice course. The Syracuse Common Council also held a public hearing on the CRB on February 12 during which the CRB discussed its operations and answered questions about its reestablishment in 2012.

HEARINGS FOR INMATES AT THE JUSTICE CENTER

At the end of this quarter, the CRB entered into an arrangement with the administration of the Onondaga County Justice Center to allow individuals who are lodged at the Justice Center to attend a CRB hearing when the board holds a hearing for their case. The CRB appreciates the commitment to transparency and human rights demonstrated by the Justice Center administration. The CRB would particularly like to thank Chief Deputy Esteban Gonzalez and his dedicated staff at the Onondaga County Sheriff's Office for their flexibility and willingness to ensure inmate access to the CRB process.

HEARINGS & 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 first quarter of 2013, the CRB voted to send nine cases to a hearing and held seven hearings to determine whether the complaint should be sustained and discipline recommended to the Chief of Police (two hearings had to be postponed due to unavoidable delays). In five of the seven hearings that were held this quarter, the CRB panel sustained at least one allegation of misconduct against an officer. A sustained finding means that the panel concluded that the alleged misconduct did occur and was indeed a violation of either SPD policy or local, state, or federal law. **The CRB's sustain rate for the first quarter of 2013 was 19%.** The sustain rate is calculated by dividing the number of sustained cases from hearings held that quarter (5) by the number of complaints fully processed during that quarter (26).

SUSTAINED FINDINGS

In the five cases with sustained findings, the CRB made the following disciplinary recommendations:

- CRB case #12-029
Allegation: Harassment & Excessive Force
CRB finding: Harassment sustained; insufficient evidence for Excessive Force
CRB recommendation: Verbal warning
- CRB case #12-059
Allegation: Excessive Force & Conduct Unbecoming
CRB finding: Sustained on both counts
CRB recommendation: Fitness for duty evaluation & Retraining on use of force
- CRB case # 12-062
Allegation: Excessive Force & Violation of high risk traffic stop policy
CRB finding: Exonerated on Excessive Force; sustained violation of high risk traffic stop policy
CRB recommendation: Retraining on conducting high risk traffic stops
- CRB case #12-064
Allegation: Harassment & Intimidation
CRB finding: Exonerated on Harassment; Sustained on Intimidation
CRB recommendation: Verbal warning
- CRB case #12-066
Allegation: Excessive Force
CRB finding: Sustained
CRB recommendation: Retraining on use of force & written reprimand

Total Complaints Received during First Quarter of 2013 (January 1 – March 31, 2013): 32

Categories of complaints as defined in CRB Ordinance (totals from all complaints received from January 1 to March 31, 2013):

Active Misconduct: 22
Passive Misconduct (Failure to Act): 10
Damage to Property: 0
Denial or Violation of Constitutional Rights: 1
Lack of Truthfulness in a Police Report: 0

The number of cases fully processed and closed by the Board during first quarter of 2013: 26 (2 more cases have a hearing pending due to an unavoidable delay)

The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during the first quarter of 2013: 5

The number of CRB cases where the Chief of Police imposed sanctions or discipline when disciplinary recommendations were made by a CRB panel during the first quarter of 2013: 1

The number of complaints processed and not sent to a panel hearing during the quarter: 12

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: 5

Hearing outcomes

Panel hearings scheduled: 9
Panel hearings held: 7 (two hearings are pending due to unavoidable delay)
Panel hearings resulting in disciplinary recommendations from CRB: 5
Panel hearings resulting in no disciplinary recommendations from CRB: 2

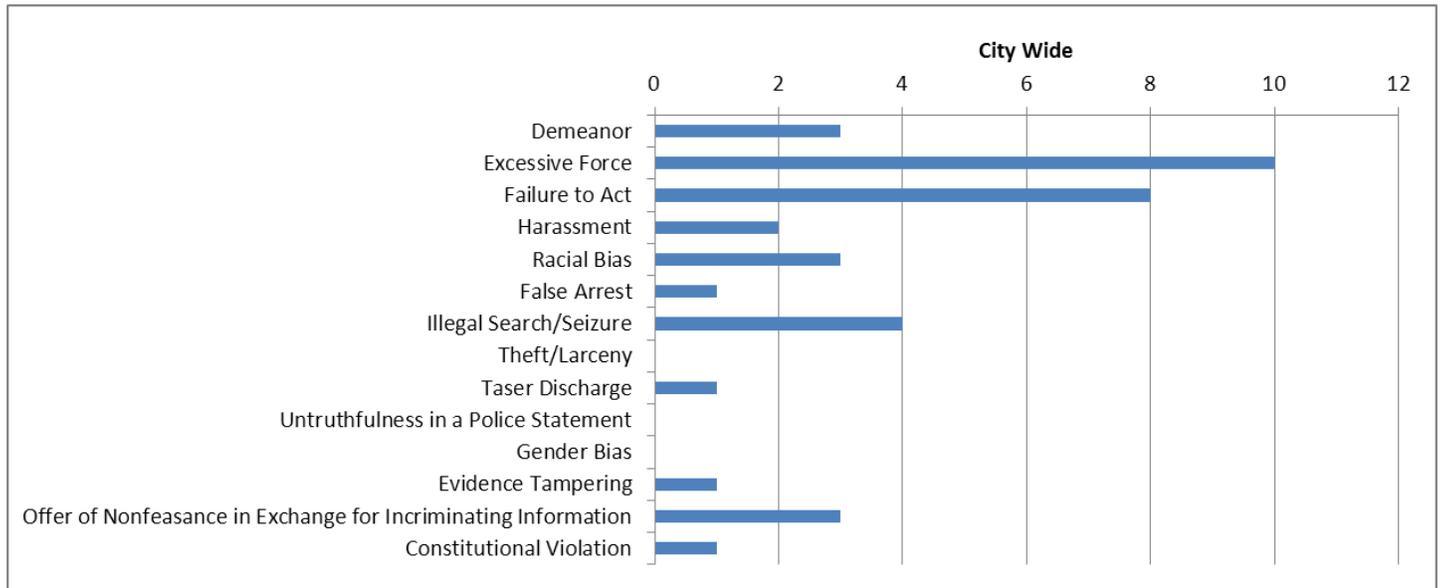
First Quarter of 2013 Sustain Rate: 19% (5 sustained cases out of 26 fully processed as of March 31, 2013)

Categories of complaints received by the CRB between January 1 and March 31, 2013

City Wide

Demeanor	Excessive Force	Failure to Act	Harassment	Racial Bias	False Arrest	Illegal Search/Seizure
3	10	8	2	3	1	4

Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement	Gender Bias	Evidence Tampering	Offer of Nonfeasance in Exchange for Incriminating Information	Constitutional Violation
0	1	0	0	1	3	1



Complaints per Common Council District during 1st quarter of 2013*

District 1:

Demeanor: 1
Excessive Force: 2
Failure to Act: 2
Harassment: 1
Racial Bias: 0
False Arrest: 0
Illegal Search/Seizure: 0
Theft/Larceny: 0
Taser Discharge: 0
Untruthfulness in a Police Statement: 0
Gender Bias: 0
Evidence Tampering: 0
Offer of Nonfeasance in Exchange for Incriminating Information: 0
Constitutional Violation: 0

District 2:

Demeanor: 1
Excessive Force: 3
Failure to Act: 2
Harassment: 1
Racial Bias: 2
False Arrest: 1
Illegal Search/Seizure: 3
Theft/Larceny: 0
Taser Discharge: 1
Untruthfulness in a Police Statement: 0
Gender Bias: 0
Evidence Tampering: 0
Offer of Nonfeasance in Exchange for Incriminating Information: 1
Constitutional Violation: 0

District 3:

Demeanor: 1
Excessive Force: 1
Failure to Act: 0
Harassment: 0
Racial Bias: 0
False Arrest: 0
Illegal Search/Seizure: 0
Theft/Larceny: 0
Taser Discharge: 0
Untruthfulness in a Police Statement: 0
Gender Bias: 0
Evidence Tampering: 0
Offer of Nonfeasance in Exchange for Incriminating Information: 0
Constitutional Violation: 0

District 4:

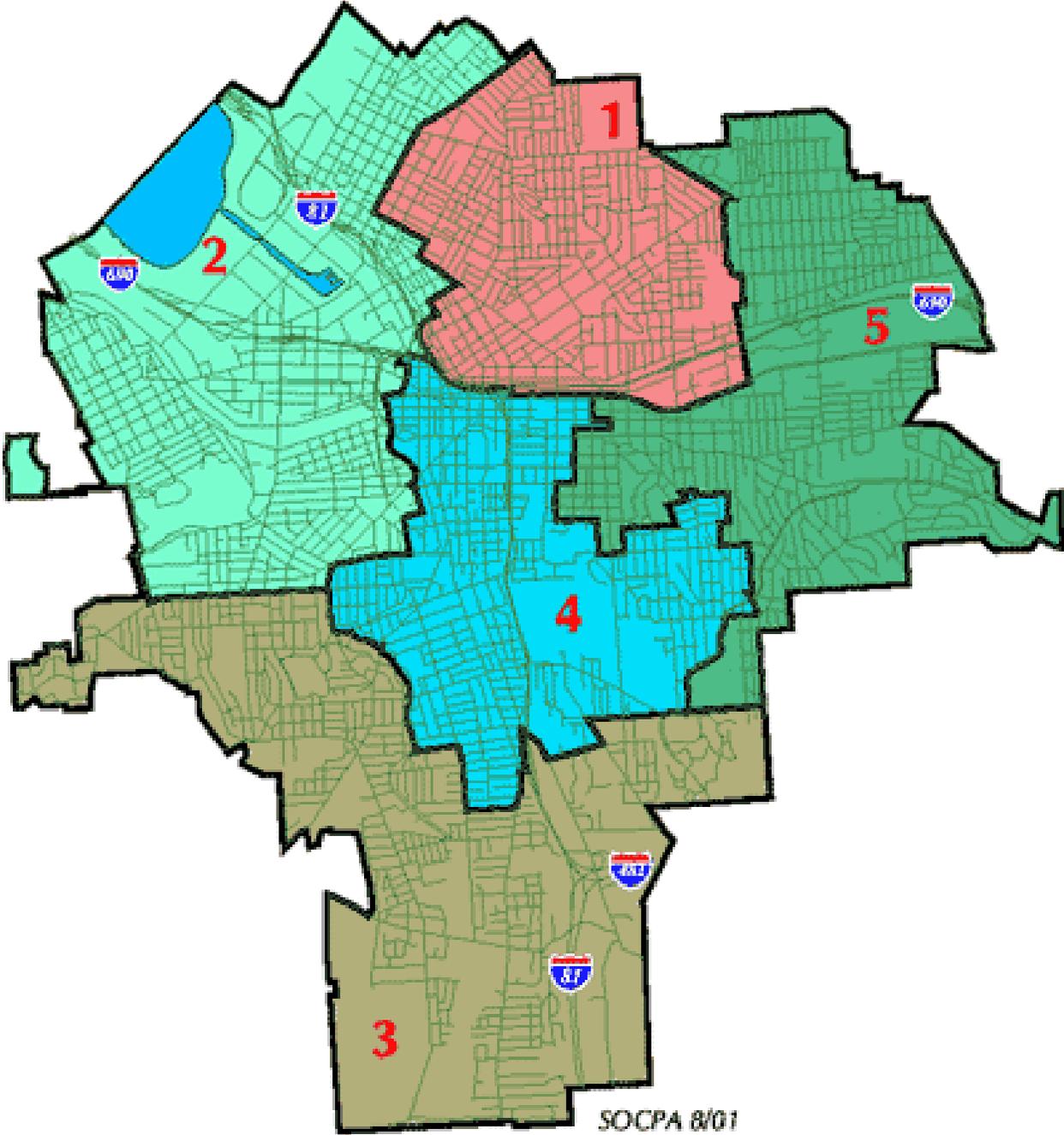
Demeanor: 0
Excessive Force: 3
Failure to Act: 3
Harassment: 0
Racial Bias: 0
False Arrest: 0
Illegal Search/Seizure: 1
Theft/Larceny: 0
Taser Discharge: 0
Untruthfulness in a Police Statement: 0
Gender Bias: 0
Evidence Tampering: 1
Offer of Nonfeasance in Exchange for Incriminating Information: 0
Constitutional Violation: 1

District 5:

Demeanor: 0
Excessive Force: 1
Failure to Act: 1
Harassment: 0
Racial Bias: 1
Gender Bias: 0
False Arrest: 0
Illegal Search/Seizure: 0
Theft/Larceny: 0
Taser Discharge: 0
Untruthfulness in a Police Statement: 0
Evidence Tampering: 0
Offer of Nonfeasance in Exchange for Incriminating Information: 2
Constitutional Violation: 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 First Quarter of 2013

Ethnicity		
Black	17	53%
White	11	34%
Latino	4	13%
Asian	0	0
Other	0	0
Total	32	100%

Sex		
Male	25	78%
Female	7	22%

Sexual Identity of Complainant		
LGBTQ	2	6%

Age		
Under 18	1	3%
18-35	14	44%
36-50	12	38%
51+	5	15%

Disability		
Visual	2	6%
Hearing	0	0
Physical	1	3%
Developmental	2	6%

Language other than English		
Spanish	1	3%
Vietnamese	0	0
Other	0	0