

SYRACUSE

CRB

CITIZEN REVIEW BOARD

Quarterly Report
April 1 to June 30, 2014

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STATISTICAL SUMMARY OF 2014 2ND QUARTER CRB OPERATIONS

Number of New Cases Received:	32
Number of Existing Cases Processed:	25
Number of Hearings Held:	8
Number of Hearings with Sustained Findings:	6
Number of Officers with Sustained Findings:	11
Types of Allegations Sustained:	5 Excessive Force 3 Untruthfulness 2 Violations of High Risk Traffic Stop Policy 1 Racial Bias 1 Theft 1 Demeanor 1 Failure to Secure Property
CRB Sustain Rate:	24% (6 sustained cases out of 25 processed)

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 “Noble” Jennings-Bey – term expires December 2014
- Joseph Masella, Board Chair – term expires December 2015
- Diane Turner – term expires December 2016

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 2016

At-Large Councilor Appointees

- Mallory Livingston – term expires December 2015
- Haji Adan – term expires December 2016
- Raheem Mack – term expires December 2015

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@syr.gov.

OPERATIONS

Between April 1 and June 30, 2014, 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 second quarter of 2014, the CRB received a total of 32 new complaints and fully processed 25 existing cases. In comparison, the CRB received a total of 24 new complaints and fully processed 17 existing cases during the first quarter of 2014 and received 35 new complaints and fully processed 33 existing cases during the second quarter of 2013.

During the second quarter of 2014, the CRB held eight hearings to examine a variety of complaints. Six of those hearings resulted in a sustained finding against one or more officers. The CRB made disciplinary recommendations to the Chief of Police in those six cases with disciplinary sanctions recommended against 11 different officers. Notices of Claim (a prerequisite to filing a lawsuit) were filed in two of the six cases sustained by the CRB during this quarter.

HEARINGS & RECOMMENDATIONS

Once the full CRB votes to send a case to a panel hearing, a panel is appointed, 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 second quarter of 2014, the CRB held eight hearings to determine whether the complaint should be sustained and recommendations made to the Chief of Police. In six of the eight 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 found that there was substantial evidence that the alleged misconduct did occur. **The CRB's sustain rate for the second quarter of 2014 was 24%.** The sustain rate is calculated by dividing the number of hearings that resulted in sustained findings that quarter (6) by the number of complaints fully processed during that quarter (25).

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

In July of 2013, a new policy was implemented that barred the release of investigatory documents and the Chief's disciplinary findings from being provided to the CRB once a Notice of Claim was filed. Over the past year, the CRB has engaged in an ongoing discussion with Corporation Counsel and outside legal counsel regarding the city's policy towards cases involving Notices of Claim against the police department. After considerable research was conducted and legal analysis exchanged between all sides, it appears that the CRB shall now receive the investigatory documents and the Chief's disciplinary decisions even when a Notice of Claim is filed.

PUBLIC MEETINGS & OUTREACH

The CRB typically 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 to twelve complaints per month depending on current case load.

During the second quarter of 2014, the CRB participated in a number of outreach events with the general public, elected officials, and police officers. In April, the CRB Administrator met with County Legislator and Chair of the Public Safety Committee Brian May to discuss the CRB's 2013 Annual Report. On April 4th, the CRB Administrator discussed the Annual Report in an interview on WAER radio. On April 11th, members of the CRB attended the *Honor the Badge* ceremony at Foreman Park to memorialize Syracuse officers killed in the line of duty. The CRB Administrator also conducted outreach at the city's Juneteenth celebration in the Spirit of Jubilee Park on June 14. The Administrator also manned an outreach booth at the CNY Pride Festival on June 21. All of the events provided an opportunity to raise public awareness about the operations of the CRB and build rapport with both police and member of the public.

BOARD TRAINING & EDUCATION

On June 13-14, the CRB Administrator participated in a ride-along with a Syracuse police officer in the Valley and South Side territories. The ride along proved to be a valuable experience in both understanding the perspectives of Syracuse police officers and building rapport between the CRB and members of the SPD. The Administrator discussed his experience with the full CRB at the board's July meeting, prompting four board members to request participation in a ride along. More rides-along for CRB members and the Administrator are currently being planned by the SPD's Community Relations Section.

CASE SUMMARIES OF SUSTAINED FINDINGS

Out of the eight panel hearings held during the second quarter of 2014, six resulted in a sustained finding against one or more officers. For the two hearings that did not result in sustained findings, CRB panels exonerated one officer of excessive force and found insufficient evidence to sustain a demeanor allegation against another officer. The CRB provides a summary of the sustained cases below in an effort to provide the public with an accurate understanding of the cases sustained by CRB panels.

- **Excessive Force Sustained against Two Officers, Insufficient Evidence to Sustain Excessive Force against Two Other Officers, Insufficient Evidence to Sustain Racial Bias against Four Officers, and Insufficient Evidence to Sustain Theft against Two Officers**

Police attempted to stop a vehicle for failure to signal. After police approached the vehicle, the occupants drove off and fled from the police. A vehicle pursuit involving multiple police units then occurred through the city, ending on I-81 Southbound about a quarter of a mile north of Exit 17. The driver and passenger fled from the vehicle towards a wooded area where a fence separates the interstate from the adjoining neighborhood. The driver reached the fence and attempted to scale it, but was apprehended by police after being Tasered. The passenger was tackled by an officer near the vehicle. Both the fleeing driver and passenger reported that the arresting officers struck them about the head and body unnecessarily while being taken into custody.

One of the officers who arrested the passenger reported that the individual tucked his hands under his body, appeared to be attempting to get up, and refused to surrender his hands. One officer reported delivering two rounds of closed fist strikes to the right face and upper back of the individual to gain his compliance. Another officer reports that he held the back of the individual's legs down and delivered two open hand palm strikes to the left side of his face. The passenger reported that once on the ground he put his hands behind his back and interlaced his fingers, but the two officers kept yelling at him to put his hands behind his back and repeatedly struck him in the face. The passenger reported that when he asked why he was being beaten, that an officer stated, "any nigger runs gets beat." The passenger sustained bruising and swelling to his head and ribs and damage to his glasses.

The officers who arrested the driver report that after Tasing him the individual refused to surrender his hands. One officer reported striking the driver with a closed fist two to three times on the right side of his face, while another officer reported delivering two kicks to the driver's right shoulder.

The driver reported that after being Tasered, he was immediately placed in handcuffs. He reports that he then heard an officer say, "Why'd you run?" and then reported feeling "a barrage of punches and kicks to the face, head, body and privates." The driver reported that as one officer held his foot on the driver's neck, another officer repeatedly kicked and punched him in the face. The driver reported sustaining lumps and sore spots on his scalp, rib pain, a right upper tooth knocked out, left upper tooth pain/cracked, swelling under his right eye and a scrape above the same, a laceration on his wrist, a scrape to his right shin, and Taser burn marks on his lower right back area. The laceration to his wrist required stitches to close. Evidence photos and medical records were acquired

by the CRB which indicated that the driver's teeth were not necessarily damaged by the police actions. The driver also reported that a large sum of money was taken from him by police.

A third party witness stopped to observe the incident. She reported to the CRB that she saw an individual kneeling down by the door of a police car with his hands behind his back. She reported that she saw several officers "beating" someone before an officer directed her to move along. She indicated that she saw an officer strike the man with a fist, and another officer kick the individual in the back while his hands were behind his back.

Based on the testimony of the corroborating witness, the CRB panel sustained the allegation of excessive force against the officers who arrested the passenger. The panel concluded that insufficient evidence existed to sustain the allegations of excessive force against the officers who arrested the driver. Likewise, the panel found insufficient evidence to sustain the allegations of racial bias and theft. The panel provided a specific disciplinary recommendation to the Chief of Police for the officers who arrested the passenger.

- **Violation of High Risk Traffic Stop Policy, Excessive Force, Untruthfulness, Theft, Racial Bias Sustained**

Officers attempted to stop a vehicle that reportedly had a missing headlight. The driver of the vehicle, who one of the officers recognized, did not pull over and a pursuit ensued through the city. Items were thrown out of the fleeing vehicle during the pursuit, including what was later discovered to be a pistol grip shotgun. A passenger in the fleeing vehicle jumped out of the vehicle while it was still moving and fled. The driver pulled over and stopped the vehicle four blocks later.

The pursuing officers exited their vehicles and rapidly approached the suspect's vehicle. One officer reported that he ordered the driver at gun point to get on the ground but he refused and attempted to "push through" the officer. The officer reported that he then punched the suspect in the face as the individual came towards the officer with his "fists up like a boxer." Police reported that each officer delivered four to five strikes to the driver's upper torso and that the individual then lowered his torso and pushed his arms into both officers. One officer reported then striking the individual twice in the back, while the other officer struck him twice in the right leg. An officer reported that he then kicked the individual in the lower torso after the individual grabbed the officers' leg. Another officer reportedly that he then struck the individual twice more in the lower abdomen as the individual allegedly continued to twist and pull his arms away from the officers.

The complainant reported that as the officers approached his vehicle, he identified himself to one of the approaching officers who he recognized from previous interactions, and complied with the officer's order to put his hands above his head. At a pre-trial hearing, the officer provided testimony that confirmed this account of the initial interaction. The driver reported that an officer then struck him in the head with a flashlight and then more officers began kicking him and hitting him with flashlights. He reported that he was then handcuffed and that the officers continued to strike him as he lay on his stomach. The driver reported that officers then struck him with their elbows/forearms near each eye and another officer kicked him in the jaw. The driver reported that an officer referred to him as a "fat ass" and a "fucking nigger." The driver reported that an officer then stated to him "the next time you don't pull over when I tell you to stop I'm gonna put a bullet in your fucking head." Lastly, the driver reported that a sum of money was taken from him by the officers.

The driver sustained two lacerations to his face (one next to each eye) and soreness to his head and legs. One of the officers broke his wrist during the incident.

The CRB investigation and panel hearing identified inconsistencies in both the complainant's account and the officers' accounts of the incident. While the panel concluded that it did not deem credible everything that the complainant alleged, the officers' accounts were also deemed to be not fully credible in light of the fact that their described use of force did not correspond to the injuries sustained by the complainant. Moreover, one officer's description of the initial moments of the interaction where the driver allegedly balled his fists and raised them at the officer, did not correspond with the pre-trial hearing testimony provided by the other officer who corroborated the driver's account of his initial compliance. This discrepancy resulted in a sustained finding of untruthfulness against one of the officers.

The CRB panel also sustained a violation of the department's high risk traffic stop policy against both officers. Had the officers followed department policy on conducting a high risk traffic stop, the altercation that resulted in the allegations of excessive use of force would have been less likely to occur. The panel further concluded that the complainant's allegations of theft and that an officer referred to the complainant as a "nigger" were credible. The panel provided a specific set of disciplinary recommendation to the Chief of Police for the sustained findings against the officers.

- **Violation of High Risk Traffic Stop Policy and Failure to Secure Property Sustained, Insufficient Evidence for Excessive Force**

Police attempted to pull over a vehicle whose driver was being sought for a recent domestic related altercation. When officers stopped him and requested that he exit the vehicle, the driver drove off and a pursuit ensued through the city. The driver was eventually forced to stop when officers successfully deployed stop sticks on the roadway to deflate the vehicle's tires. A pursuing officer exited his vehicle, approached the suspect with his gun drawn, and ordered the suspect to exit the car. The driver complied and put his hands up as he exited the vehicle. The officer ordered him to lie on the ground and the driver complied by lying on the ground in a prone position. The officer then got on top of the prone individual to affect the arrest.

The officer reported that as he did so, the driver pulled his arms underneath his head and chest, refusing to place them behind his back. The officer reported giving the driver multiple commands to place his hands behind his back, but the driver continued to refuse. The officer reports that he then struck the individual several times in the left shoulder area with a closed fist.

Another officer approached and reported observing an unknown item in the suspect's left hand and a large pocket knife hanging out of the suspect's right front pants pocket. This officer reported ordering the suspect to drop the item in his hand but that the suspect refused. This officer reported striking the suspect in the right shoulder area and the right side of the suspect's torso and then pulling the suspect's right arm behind him and placing it in a handcuff. The officer was then able to identify the item in the suspect's hand as a black cell phone. The officer removed the cell phone from the suspect's hand and tossed it aside, then removed the pocket knife from the suspect's pocket and tossed it aside as well. The cell phone was lost and never recovered despite multiple attempts by the officer to search the area for the phone.

A third officer arrived on scene and also reported that the suspect refused officers' orders to place his hands behind his back. This officer reported kicking the suspect twice in his left shoulder. The officer reported then kneeling down, grabbing the suspect's left elbow to pull it out from under him, and assisting the other officers in placing the suspect's left hand in cuffs. The suspect was then fully handcuffed and searched.

The complainant reported that he exited his vehicle with his cell phone in his left hand and his wallet in his right hand. The complainant reported that he had activated the video and audio recording function on his phone for his own protection. After he went down to the ground in a prone position, he reported that officers "jumped on him" and started hitting him in the head and neck area. He reported that he tried to cover his head as the officers were hitting him. The complainant reported that it felt like 10 – 15 strikes to his head and neck area. The individual reported sustaining a lump on the rear right portion of his head and soreness to his neck and left temple area. However, no injuries were observable to the naked eye.

Two witnesses were identified by the CRB and interviewed, but neither witness was able to provide relevant corroborating information.

The CRB panel sustained a violation of the department's high risk traffic stop policy against the officer who made the initial physical contact with the suspect. The panel also concluded that the officer who tossed aside the cell phone was responsible for securing the phone as property. The panel did not conclude that the officer intentionally misplaced the phone to destroy evidence, only that he failed to secure it properly. The panel found insufficient evidence to sustain the allegation of excessive force against the officers. The panel recommended retraining for the officer who was found to have violated the department's policy on high risk traffic stops and a mild disciplinary measure for the officer who misplaced the driver's phone. The panel further recommended that the city reimburse the individual for his lost phone.

- **Excessive Force, Untruthfulness Sustained**

An officer approached a parked vehicle in a city park after curfew. A group of five young people occupied the car. The officer asked the driver to roll down the window to which the driver replied, "I don't have to." The officer reports that he then smelled marijuana, told the driver he was in violation of park curfew, and that he needed to provide the officer with identification. The driver again refused and stated that he did not know he was in violation of the curfew. Citing his difficulty in seeing inside the vehicle due to condensation on the windows and "aggressive movements" inside the car making him concerned for his safety, the officer then drew his gun, pointed it at the driver, and ordered him out of the vehicle. The driver again refused, saying he was afraid for his life. The officer informed him that if he did not open the door the officer would break the window and force him out of the car. The officer then used his ASP baton to strike the window multiple times in an unsuccessful attempt to break the window. Another officer, who by then had arrived on scene, then attempted to use a window punch tool several times which also failed to break the window. After multiple strikes to the window failed to break it, the driver decided to open the door.

The driver reported that when he exited the car, three officers grabbed him, placed him against the car, and put him in handcuffs. He reported that one of the officers then tried to trip him and take him to the ground. As he fell forward, one of his wrists slipped out of the cuffs as he brought his

hands to the front to break his fall. The driver reported that he caught himself from falling by placing both hands on the car. He reported that he then put his hands in the air and told the officers that he is not resisting and that he will get on the ground. He reported that the officers told him “ok” and to go down to the ground. The driver reported that once he was on the ground, four officers got on top of him with each officer grabbing a different limb. The driver reported then feeling a blow to the back of his head and knee strikes to his lower back and ribs. He reported that he then heard an officer yelling to put his hands behind his back but that his hands were still being restrained by the other officers. He reports that an officer then hit his left hand with what he thought was a baton. He was then Tasered for approximately 15 seconds in drive stun mode with the device making contact on his left leg. The officers then pulled his hands behind his back and handcuffed them.

The officers provided a different account of the incident. The initial officer on scene reported that once the driver exited the vehicle, he told the driver he was under arrest and to place his hands behind his back. The officer reported that the driver refused by “tensing his upper body and pulling his arms in front.” The officer reported that he then grabbed the driver’s left arm as another officer grabbed his right arm. The officer reported that after a few moments they had the driver in handcuffs. Police reported that as two officers escorted the driver to the back of the vehicle, he began to struggle with the officers. One officer reported that the driver “lunged” towards him, slipped out of the handcuffs, and “immediately grabbed me by the collar of my jacket and began attempting to pull me.” This officer reported that after a short struggle they got the driver to the ground and while on the ground the driver attempted to turn on his back and continue fighting. The officer reported that the driver’s right hand was under his chest and that he refused to give the officer his left hand as the driver grabbed at the officer’s left hand. The officer reported that he then struck the driver in the hand three times with his flashlight and then Tased him in the left leg using the devices drive stun mode. Another officer reported delivering one knee strike to the driver’s right side, while the driver was being tasered. Officers reported they were then able to handcuff the driver again. The officer who struck the driver’s left hand with his flashlight reported that while striking the driver’s hand, he inadvertently hit the back of the driver’s head which caused a “minor abrasion.”

The driver sustained a one inch laceration to the back of his head and bruising and lacerations to his left hand. Following the incident, he reported ongoing pain throughout his head continuing down into his spine.

The driver denied ever lunging or grabbing at any officer.

Two witnesses reported seeing the driver make a movement that appeared to be an attempt to pull away from the officers before he was taken down, but they did not report seeing the driver lunge at or grab any officer.

A combination of audio and video recordings captured the entire incident on record. One of the occupants of the vehicle called 911 so much of the audio of the incident was recorded by the E911 call center. Another portion of the incident was captured on video by another occupant of the vehicle. In the 911 recording, the driver can be heard exiting the vehicle. About one minute later, an officer can be heard saying “hands behind your back” and then a thud can be heard followed by the driver screaming, “He punched me in my head, he punched me in my head! I’m not resisting, Ahhhhhh! Ahhhhhh! He tased me!” The driver’s scream is in response to the Taser deployment

and lasts about 15-20 seconds. Throughout the screaming, the high-pitched buzzing of the Taser can be heard in the background.

The CRB panel found the complainant's version of events more credible than the officers' accounts. The panel concluded that the decision to take the driver down to the ground and the strikes to the head and body to be neither reasonable nor necessary to affect the arrest. The panel further concluded that two of the officers provided description of the incident that were not completely truthful. Thus, the panel sustained one count of excessive force and two counts of untruthfulness. The panel recommended to the Chief of Police specific disciplinary measures for the violations sustained against the two officers.

- **Excessive Force and Untruthfulness Sustained, Insufficient Evidence to Sustain Demeanor Allegation**

Officers stopped a vehicle whose passenger was the subject of an active drug investigation involving a lawfully obtained search warrant. An officer reported that he opened the passenger door and asked the passenger to exit. The officer reported that he saw a brown paper bag in the passenger's left hand and ordered him to drop it. The officer reported that the passenger quickly turned away from him and he grabbed the passenger's left hand in an attempt to get the bag which then ripped apart spilling multiple smaller bags of crack cocaine into the vehicle and out onto the curb. The officer reported that the passenger then attempted to push past him and flee, but that the officer pushed the passenger back into the vehicle. The officer reported that he then tried to grab the bag but the passenger pushed him and attempted to knee the officer. Another officer came to the passenger side and both officers struck the passenger in the face and head multiple times. The officers report that they then pulled the passenger out of the vehicle onto the ground where he was handcuffed after continuing to resist. A sergeant who responded to the scene to investigate the use of force reported that the driver stated to him, "That boy must be crazy, trying to fight with all of you."

The passenger and driver provided a different account of the incident. The passenger reported that an officer opened the passenger side door, attempted to pull him out, and then started punching him in the face and head. The driver reported that the officers attempted to pull the passenger out of the vehicle while asking him "where's the dope?" He reports that an officer then saw the bag on the passenger's lap and grabbed it. The driver reported that the passenger was attempting to unbuckle his seat belt as the officers grabbed him and then the officers started punching the passenger in the face until he fell out of the vehicle. The driver further reported that he asked the officers why they kept hitting the passenger and told the officers that they were "dead ass wrong" for treating the passenger that way. The driver reported that no officer ever interviewed him about the alleged resistance and use of force and denied ever stating to the sergeant the quote that the sergeant attributed to him. The driver reported that the passenger did not attempt to flee or strike the officers in any way. The passenger sustained swelling and soreness to the right side of his face and to the top right side of his head, a small laceration near his right nostril, and a black eye.

The passenger further claimed some of the officers made inappropriate remarks about an unrelated case connected to the passenger's domestic partner.

The CRB panel thoroughly questioned the complainant and witness and found their version of events to be more credible than the officers' account of the incident. The panel sustained the allegation of excessive force against the two officers who struck the complainant and sustained an untruthfulness allegation against the sergeant who appeared to have falsely attributed a quote to a witness in an effort to clear the officers of any allegations of excessive force. The panel found insufficient evidence to sustain the allegation that officers made inappropriate remarks directed at the complainant's domestic partner. The panel provided specific disciplinary recommendations to the Chief of Police for the sustained findings of excessive force and untruthfulness.

- **Officer Exonerated on One Allegation of Excessive Force, Second Allegation of Excessive Force Sustained**

Officers stopped a vehicle that failed to stop at a stop sign. The officers reported that they instructed the driver to turn off the ignition, which he did. The driver could only provide a learner's permit and did not have a valid license to drive alone. An officer reported that the driver appeared intoxicated and his eyes were "glazed over." Further, the officer reported that the driver appeared to be reaching between his legs in an attempt to conceal something. An officer instructed the driver to exit the car, but the driver restarted the ignition and appeared to be attempting to flee. One officer attempted to stop the driver from fleeing by grabbing him and trying to pull him out of the vehicle but the driver's seatbelt was still fastened and the officer reported that the driver was able to fight him off by pushing away the officer's hands and swinging his elbow at the officer. The other officer deployed his Taser from the passenger side, striking the driver in his bicep and causing the driver's muscles to lock up momentarily. The officer on the driver's side then struck the driver in the face three times with a closed fist while gripping a small flashlight in his fist. The officer on the passenger side cycled his Taser again, but with no effect. The officer on the driver's side reported striking the driver in the face three to four more times as the driver reached for the shifter, but the driver was able to put the car in gear and drive off. A vehicle pursuit through the city ensued as the driver discarded a package of cocaine out of the vehicle that were later recovered by police.

The driver eventually came to a stop and attempted to continue fleeing from police on foot. An officer pursued him on foot through a backyard, over a short fence and into a front yard where the officer tackled him to the ground. The officer reported that the suspect swung his elbows and fists as the officer wrapped his arms around the suspect's upper body. The officer reported that the man opened his mouth and attempted to bite the officer on the arm. The officer reported that he released his grip on the man and then struck him in the face several times. More officers arrived on scene, one deployed his Taser with no effect. One officer placed his knee on the suspect and reported that he observed the man reaching for his waistband. This officer reported that he announced to the other officers that the suspect was reaching toward his waistband. The officer who had originally struck the driver at the scene of the vehicle stop reported that he saw the suspect's hand clenched near his waistband. This officer then struck the man in his face two more times. The man was then rolled over and placed in handcuffs. A small bag of marijuana was found in the man's pocket, but no weapons were found and no officer reported ever observing a weapon in the man's possession.

The driver's account of the initial altercation paralleled the officers' description and the driver acknowledged that he fled from police. The driver reported that after he fled from the police on foot, he was thrown to the ground and beaten until he was unconscious. He reported that he was

punched in the face, hit on the head with an unknown object, and struck in the ribs and back. The driver sustained a fractured left eye orbit, a rupture of the choroid coat of his left eye, multiple broken front teeth, lacerations above and below his left eye, a swollen upper lip, as well as contusions and bleeding around his mouth, nose, and forehead.

Because the driver appeared severely intoxicated and attempted to get back onto the roadway, stopping the driver from getting back onto the road was a public safety priority. Therefore the CRB panel did not sustain the allegation of excessive force for the Taser deployment and strikes to the face that occurred while the driver was still in the car and attempting to drive off. Likewise, the panel did not sustain any excessive force allegations against the officer who struck the suspect after the suspect allegedly attempted to bite the officer on the arm. However, the panel did find the last two strikes to the suspect's face to be excessive. The panel concluded that the final two head strikes upon the unarmed man were unnecessary to successfully bring him into custody. The panel recommended specific discipline to the Chief of Police for the one officer who delivered the last two strikes to the suspect's face.

BUDGET

2014-2015 Adopted
DETAIL ANALYSIS OBJECT OF EXPENDITURE

100 PERSONNEL SERVICES

101	Salaries	\$ 95,900.00
	Totals:	\$ 95,900.00

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	\$ 500.00
	Totals:	\$ <u>33,900.00</u>

	TOTAL:	\$136,300.00
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Total Complaints Received during Second Quarter of 2014 (April 1 to June 30, 2014): 32

Categories of complaints as defined in CRB Ordinance (totals from all complaints received from April 1 to June 30, 2014):

Active Misconduct: 32

Passive Misconduct (Failure to Act): 8

Damaged or lost Property: 0

Denial or Violation of Constitutional Rights: 0

Lack of Truthfulness in a Police Report or Falsifying a Report: 1

The number of cases fully processed and closed by the Board during first quarter of 2014: 25

The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during second quarter of 2014: 6

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 second quarter of 2014: 0 (five of six findings have been received from the Chief, the sixth should be received shortly and this report will then be updated).

The number of complaints processed and not sent to a panel hearing during the quarter: 17

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: 3

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: 1, reimbursement for personal cell phone that was lost by an officer during an arrest.

The number of complainants who filed a Notice of Claim against the City of Syracuse while their complaint was being considered by the Board: 3 (a fourth one was submitted after the CRB processed the case in March).

Hearing outcomes

Panel hearings scheduled: 8

Panel hearings held: 8

Panel hearings resulting in disciplinary recommendations from CRB: 6

Panel hearings resulting in no disciplinary recommendations from CRB: 2

Second Quarter of 2014 CRB Sustain Rate: 24% (6 hearings resulting in sustained findings out of 25 fully processed cases)

Categories of complaints received by the CRB between April 1 and June 30, 2014*

City Wide

Excessive Force	Demeanor	Failure to Act	False Arrest	Racial Bias
7	6	8	6	1
22%	19%	25%	19%	3%

Harassment	Improper Search/Seizure	Constitutional Violation	Gender Bias	Theft/Larceny
6	3	0	0	1
19%	9%	0%	0%	3%

Evidence Tampering	Improper Offer to Reduce Charges	Destruction of Property	Untruthfulness in a Police Statement
0	1	0	1
0%	3%	0%	3%

*Note that a single complaint can involve multiple allegations and the final disposition of a case may include allegations that were unknown or unreported when the complaint was initially received by the CRB.

Complaints Received per Common Council District during the Second quarter of 2014*

District 1:

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

District 2:

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

District 3:

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

District 4:

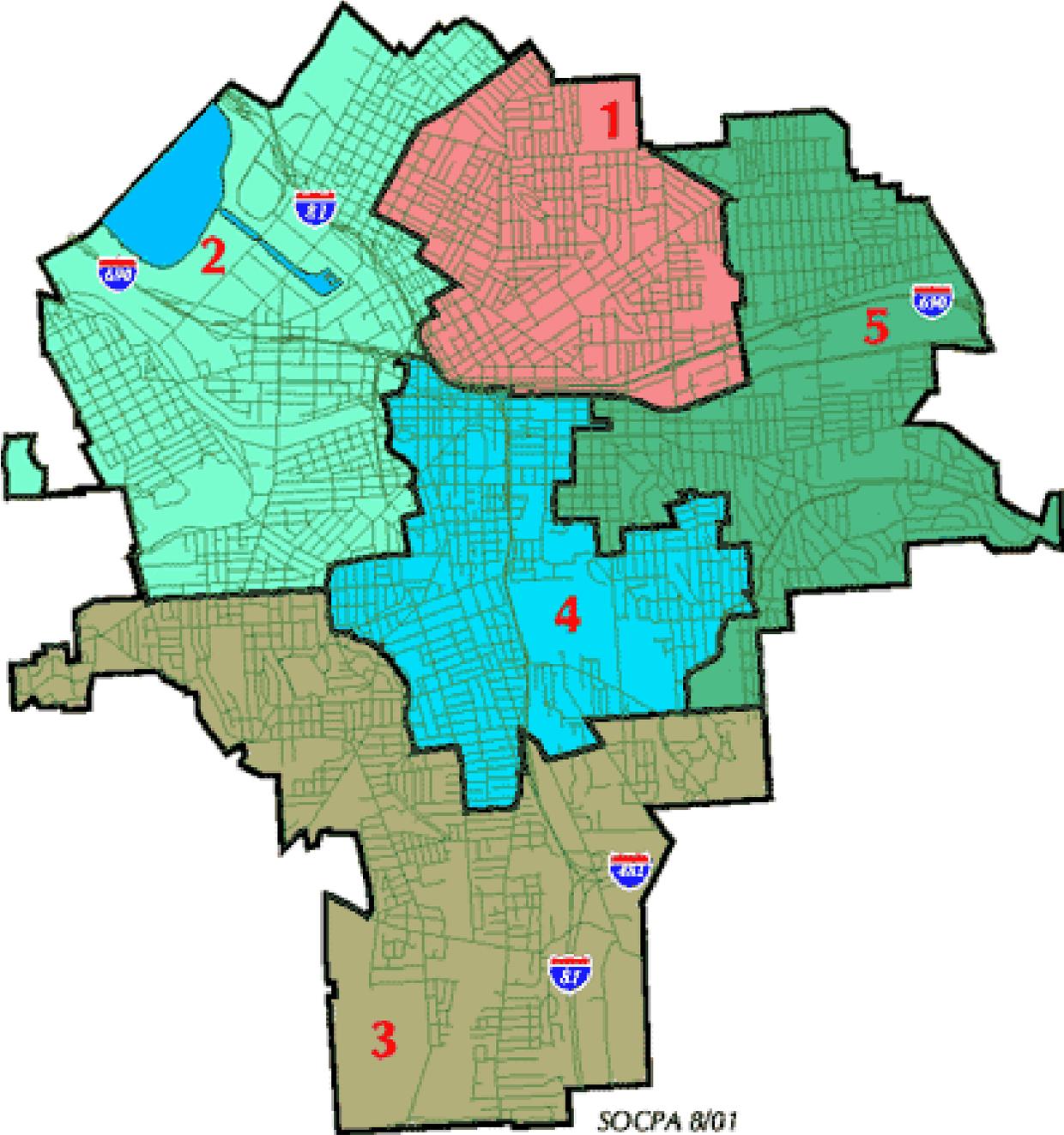
Excessive Force: 4
Demeanor: 3
Failure to Act: 0
Harassment: 2
Racial Bias: 1
False Arrest: 3
Improper Search/Seizure: 0
Theft/Larceny: 1
Taser Discharge: 0
Untruthfulness in a Police Statement/Falsifying a Report: 1
Gender Bias: 0
Evidence Tampering: 0
Improper Offer to Eliminate Charges in Exchange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

District 5:

Excessive Force: 2
Demeanor: 1
Failure to Act: 1
Harassment: 0
Racial Bias: 0
Gender Bias: 0
False Arrest: 0
Improper Search/Seizure: 0
Theft/Larceny: 0
Taser Discharge: 0
Untruthfulness in a Police Statement/Falsifying a Report: 0
Evidence Tampering: 0
Improper Offer to Eliminate Charges in Exchange for Incriminating Information: 0
Constitutional Violation: 0
Violation of SPD high-risk traffic stop policy: 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 Second Quarter of 2014

Ethnicity		
Black	21	66%
White	7	22%
Latino	2	6%
Asian	0	0%
Native American	0	0%
Other	2	6%
Total	32	100%

Sex		
Male	24	75%
Female	9	28%

*one complaint was filed by both a male and female

Sexual Identity of Complainant		
LGBTQ	0	0%

Age		
Under 18	0	0%
18-35	18	56%
36-50	14	44%
51+	1	3%

*one complaint was filed by two people

Disability		
Visual	0	0%
Hearing	0	0%
Physical	0	0%
Speech	1	4%
Intellectual	0	0%

Language other than English		
Spanish	0	0%
Vietnamese	0	0%
Other	2	6%