

SYRACUSE

CRB

CITIZEN REVIEW BOARD

Quarterly Report
January 1 to March 31, 2015

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STATISTICAL SUMMARY OF 2015 1ST QUARTER CRB OPERATIONS
January to March 2015

Number of New Cases Received:	18
Number of Existing Cases Processed:	19
Number of Hearings Held:	3
Number of Hearings with Sustained Findings:	2
Number of Officers with Sustained Findings:	3
Types of Allegations Sustained:	Failure to Act (2 officers) Demeanor (1 officer) Failure to Identify (1 officer)
CRB Sustain Rate:	10.5% (2 sustained cases out of 19 processed)
SPD Imposed Discipline/Retraining:	0
SPD Disciplinary Action Rate:	0%

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, some considerably more. This includes their preparation for and attendance at monthly Board 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

- Carol Milliken - term expires December 2017
- Joseph Masella - term expires December 2015
- Diane Turner - term expires December 2016

District Councilor Appointees

- Peter Christiana, Board Vice Chair, – 1st District - term expires December 2017
- Carole Horan - 2nd District - term expires December 2015
- Bill Barber, Board Chair - 3rd District - term expires December 2015
- Tafara Timmons - 4th District - term expires December 2017
- Louis Levine - 5th District - term expires December 2016

At-Large Councilor Appointees

- Mallory Livingston - term expires December 2015
- Open seat to be filled
- Haji Adan - term expires December 2016

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 come 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 January 1 and March 31, 2015, 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 19 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.

During this first quarter of 2015, the CRB held three hearings to examine a variety of complaints. Two 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 two cases with disciplinary sanctions recommended against three different officers. No Notices of Claim (a prerequisite to filing a lawsuit) were filed in any of the cases sustained by the CRB during this quarter. In both of the cases sustained by the CRB, the SPD came to a different finding and the Chief of Police imposed no discipline.

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 first quarter of 2015, the CRB held three hearings to determine whether the complaint should be sustained and recommendations made to the Chief of Police. In two of the three 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 first quarter of 2015 was 10.5%.** The sustain rate is calculated by dividing the number of hearings that resulted in sustained findings that quarter (two) by the number of complaints fully processed during that quarter (19).

MARCH 2015 HEARINGS POSTPONED

In March of 2015, the CRB received a notice from Corporation Counsel's office that any hearing held after the 60 day timeframe indicated in the CRB ordinance would be unauthorized and unlawful. Since cases that ultimately reach a CRB hearing sometimes take more than 60 days to get to the hearing stage, Corporation Counsel's notice represented a significant challenge to the ongoing operations of the CRB. The CRB postponed four hearings that were scheduled in March while awaiting a legal opinion from its outside legal counsel as to whether or not CRB hearings could go forward once the 60 day time frame had been reached. The CRB's outside counsel prepared a legal memorandum addressing the issue which concluded that the language in the CRB ordinance regarding the 60 day time frame was directory, but not mandatory. Moreover, the notion that complainants would have to forfeit the ability to bring their concerns before the CRB at a hearing because the case could not be resolved within 60 days through no fault of the complainant appeared contrary to the overall intent of the CRB ordinance. Thus, the determination was made by outside

counsel and the CRB that hearings should still go forward for cases in which the 60 day time frame had elapsed. The CRB then rescheduled the hearings from March that had been postponed.

CRB HOSTED RUSSIAN TRANSPARENCY ADVOCATE AS PART OF SOCIAL EXPERTISE EXCHANGE PROGRAM

In February 2015, the Syracuse CRB was asked by the National Association for Civilian Oversight of Law Enforcement (NACOLE) to participate in the Eurasia Foundation's Social Expertise Exchange (SEE) program. The SEE program sponsors an exchange of professionals between the US and Russia in a variety of fields including rule of law, women's rights, higher education, child protection services, and environmental conservation. From February 23 to 27, the CRB was pleased to host Transparency International's Denis Primakov of the Russian Federation. Mr. Primakov's work involves establishing financial transparency and accountability measures in both government and civil society. The CRB arranged for Mr. Primakov to meet with local representatives from the New York State Attorney General's Office, the US Attorney's Office, a CEO and Chief Compliance Officer of a local capital investment firm and a local attorney whose work includes international anti-corruption efforts. In April 2015, CRB Administrator Joseph Lipari travelled to St. Petersburg, Russia to share civilian oversight practices in the US with Russian counterparts in civil society. More information on the Administrator's trip to St. Petersburg will be available in the CRB's 2nd Quarterly report for 2015.

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.

On January 14, 2015, the CRB Police Liaison committee met to discuss a number of matters relevant to the CRB-SPD relationship. The committee consists of two members of the CRB, the CRB Administrator, a representative from the SPD's Office of Professional Standards, the head of the SPD's Training Division, and a representative from the Police Benevolent Association. The committee met for approximately two hours and discussed the aggregate statistics for CRB findings from 2014 and the CRB's policy and training recommendations for the 2014 Annual Report.

BOARD TRAINING & EDUCATION

During the first quarter of 2015, the CRB continued to provide training for its Board members and staff.

On January 21, the CRB Chairman and Administrator attended specialized training on media relations and the art of interviewing with a consultant from LPM Advertising, a local communications and public relations firm.

On February 28, 2015, the CRB held a training and strategic planning seminar for its Board members from 9:00 AM to 5:00 PM. The CRB brought in several speakers who are experts on topics relevant to the work of the CRB, including: Dr. Dave Karam who spoke on effective responses to crisis behavior; Assistant District Attorney Geoff Ciereck who presented on New York State Search & Seizure laws; and retired Sheriff's Deputy Toby Shelley who discussed the role of sergeants as first line supervisors. CRB chair and former police officer William Barber reviewed strategies and tactics for evaluating a witness' credibility, and CRB Administrator Joseph Lipari provided an overview of emerging issues regarding body worn cameras.

Throughout the first quarter of 2015, the CRB's administrative assistant, Betty L. Pearson, participated in six training webinars covering a range of topics related to professional development for administrative assistants. Ms. Pearson is an active member of the Syracuse Chapter of the International Association of Administrative Professionals and served as the chair of the chapter's nominating committee for two years.

CASE SUMMARIES OF SUSTAINED FINDINGS

Out of the three panel hearings held during the first quarter of 2015, two resulted in a sustained finding against one or more officers. The CRB offers 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.

- **Failure to Act Sustained against Two Officers**

The male complainant called 911 to report that he was assaulted by a neighbor. The complainant sustained multiple injuries including a broken and bloody nose, a sore left jaw, two black eyes, scrapes on his knees, and bruising to his left arm. The complainant alleged that the responding officers did not complete a police report and did not sufficiently investigate the incident. The call was cleared as “Code 6,” settled, with no police report written. The responding officers subsequently reported that they concluded that the complainant had tripped and fallen on a tea cup while arguing with the neighbor. The officers reported that witnesses on scene indicated that no physical confrontation occurred between the complainant and his neighbor. The complainant reported that the witnesses were all friends of the neighbor and that they told him prior to police arrival that they were going to lie to the police. The responding officers were later unable to provide names and contact information for the witnesses. The complainant denied that he fell on a tea cup or that his injuries were caused by him tripping and falling to the ground. EMT records listed the cause of injury as “Struck by Blunt/Thrown Object” with the note “punched in face.” SPD policy requires officers to complete a report on every incident “where a crime is reported to have occurred or may have occurred.” The policy as written requires officers to complete a report any time a crime is *reported* and does not allow officers to choose to not complete a report if they believe the allegation is unfounded. The failure of the officers to complete a report that documented the allegations and witness information was determined by a CRB panel to be a violation of SPD Rules and Regulations. The CRB panel thus sustained a Failure to Act allegation against the two responding officers and recommended that a written reprimand be placed in their personnel file for 90 days. The panel also recommended retraining for the officers on the existing SPD policy that requires the completion of a police report when a crime is reported.

- **Demeanor and Failure to Identify Sustained against One Officer**

The male complainant, who a police officer believed was wanted on a warrant, was pulled over by officers while driving. The complainant had recently satisfied one warrant by appearing before a judge to resolve the matter. The complainant was unaware that a new allegation had been made against him and that a new warrant had been applied for by police. While the new warrant application had been applied for already, the additional warrant had not yet been approved by a judge. When the officer stopped the complainant and informed him that he was wanted on a warrant, the complainant responded that he had just satisfied the warrant by appearing before the issuing judge. The complainant alleged that one of the officers then repeatedly called him a “liar,” cursed at him, and that the officer refused to provide his name when requested. The complainant reported that the second officer remained professional and politely provided the names of both officers. A witness corroborated the complainant’s account. The CRB panel sustained the allegations of Demeanor and Failure to Identify against the officer and recommended that a written reprimand be placed in his personnel file for 45 days.

BUDGET

2014-2015 Adopted DETAIL ANALYSIS OBJECTS OF EXPENDITURE

100 PERSONNEL SERVICES		
101	Salaries	\$ 92,100.00
200 EQUIPMENT		
202	Office Equipment & Furnishings	\$ 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
	TOTAL:	\$132,000.00

Total Complaints Received during First Quarter of 2015 (January 1 to March 31, 2015): 18

Categories of complaints as defined in CRB Ordinance (totals from all complaints received from January 1 to March 31, 2015):

Active Misconduct: 12

Passive Misconduct (Failure to Act): 6

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 2015: 19

The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during first quarter of 2015: 2

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 2013: 0

The number of complaints processed and not sent to a panel hearing during the quarter: 14

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: 1

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: 7

Hearing outcomes

Panel hearings scheduled: 7

Panel hearings held: 3 (Four hearings in March had to be postponed and rescheduled for May/June)

Panel hearings resulting in disciplinary recommendations from CRB: 2

Panel hearings resulting in no disciplinary recommendations from CRB: 1

First Quarter of 2015 CRB Sustain Rate: 10.5% (2 hearings resulting in sustained findings out of 19 fully processed cases)

Categories of complaints received by the CRB between January 1 and March 31, 2015*

City Wide

Excessive Force	Demeanor	Failure to Act	False Arrest	Racial Bias
7	4	5	1	1
39%	22%	28%	5.5%	5.5%

Harassment	Improper Search/Seizure	Constitutional Violation	Gender Bias	Theft/Larceny
1	0	0	0	0
5.5%	0%	0%	0%	0%

Evidence Tampering	Improper Offer to Reduce Charges	Destruction of Property	Untruthfulness in a Police Statement
0	0	0	1
0%	0%	0%	5.5%

*Note that a single complaint can involve multiple allegations

Complaints Received per Common Council District during the 1st quarter of 2015*

District 1:

Demeanor: 2
Excessive Force: 2
Failure to Act: 1
Harassment: 0
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 2:

Demeanor: 2
Excessive Force: 2
Failure to Act: 3
Harassment: 1
Racial Bias: 0
False Arrest: 1
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:

Demeanor: 0
Excessive Force: 1
Failure to Act: 1
Harassment: 0
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:

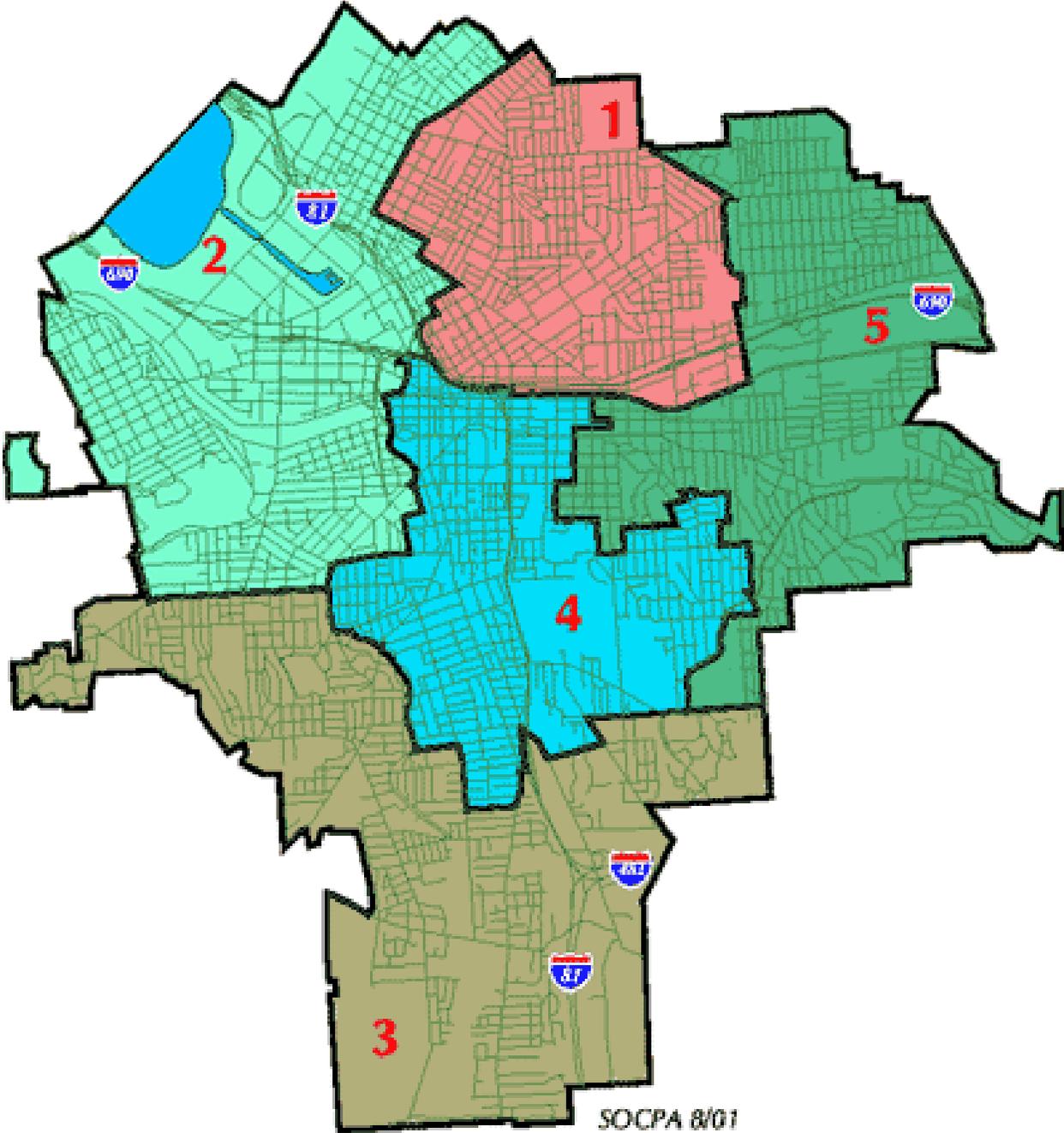
Demeanor: 0
Excessive Force: 1
Failure to Act: 1
Harassment: 0
Racial Bias: 1
False Arrest: 0
Improper Search/Seizure: 0
Theft/Larceny: 0
Taser Discharge: 0
Untruthfulness in a Police Statement/Falsifying a Report: 1
Gender Bias: 0
Evidence Tampering: 0
Improper Offer to Eliminate Charges in Exchange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

District 5:

Demeanor: 0
Excessive Force: 1
Failure to Act: 0
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 First Quarter of 2015

Ethnicity			% of city population*
Black	11	61%	29.5%
White	3	16%	52.8%
Latino	2	11%	8.3%
Asian	0	0%	5.5%
Native American	1	5.5%	1.1%
Other	1	5.5%	2.8%
Total	18	100%	100%

*based on 2010 census

Sex		
Male	12	66%
Female	6	33%

Sexual Identity of Complainant		
LGBTQ	0	0%

Age		
Under 18	0	0%
18-35	4	22%
36-50	10	55.5%
51+	4	22%

Disability		
Visual	0	0%
Hearing	0	0%
Physical	0	0%
Intellectual	0	0%

Language other than English		
Spanish	0	0%
Vietnamese	0	0%
Other	1	5.5%