

**SYRACUSE**

**CRB**

**CITIZEN REVIEW BOARD**

**Quarterly Report**  
**July 1 to September 30, 2015**



# TABLE OF CONTENTS

Statistical Summary of 3 <sup>rd</sup> Quarter Operations .....	1
Mission & Objectives .....	2
Board Members & Terms .....	3
Filing a Complaint with the CRB .....	3
Operations.....	4
Hearings & Recommendations .....	4
Public Meetings & Outreach .....	4
Board Training & Education .....	5
New Board Member Joins the CRB .....	6
Case Summaries of Sustained Findings.....	6
Budget.....	13
Case Statistics.....	14

**STATISTICAL SUMMARY OF 2015 3<sup>RD</sup> QUARTER CRB OPERATIONS**  
**July to September 2015**

<b>Number of New Cases Received:</b>	<b>20</b>
<b>Number of Existing and New Cases Processed:</b>	<b>14</b>
<b>Number of Hearings Held:</b>	<b>4</b>
<b>Number of Hearings with Sustained Findings:</b>	<b>4</b>
<b>Number of Officers with Sustained Findings:</b>	<b>9</b>
<b>Types of Allegations Sustained:</b>	<b>Excessive Force (5 Officers)</b> <b>Untruthfulness (4 Officers)</b> <b>Failure to Complete a Report (2 Officers)</b> <b>Demeanor (2 Officers)</b> <b>Nonfeasance (2 Officers)</b> <b>Failure to Secure Evidence (1 Officer)</b>
<b>CRB Sustain Rate:</b>	<b>28% (4 sustained cases out of 14 processed)</b>
<b>SPD Imposed Discipline/Retraining:</b>	<b>?*</b>
<b>SPD Disciplinary Action Rate:</b>	<b>?*</b>

\*The Chief of Police failed to provide the department's disciplinary findings and rational for each of the four cases in which the CRB sustained allegations.

## **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 competent and 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 attendance at monthly meetings, preparation for and participation in panel hearings, training, attendance at Common Council meetings and community outreach. Biographies of each Board member are available on the CRB website at [www.syracuse.ny.us/CRB\\_Members.aspx](http://www.syracuse.ny.us/CRB_Members.aspx).

### **Members of the Syracuse Citizen Review Board (as of August 15, 2015)**

#### **Mayoral Appointees**

- Open Seat– term expires December 2017
- Joseph Masella– term expires December 2015
- Diane Turner – term expires December 2016

#### **District Councilor Appointees**

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

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

- Mallory Livingston – term expires December 2015
- Leah Moser – term expires December 2016
- Douglas Bullock – 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](http://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](mailto:crb@syr.gov).

## OPERATIONS

Between July 1 and September 30, 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 third quarter of 2015, the CRB received a total of 20 new complaints and fully processed 14 existing and new cases. In comparison, the CRB received a total of 17 new complaints and fully processed 18 existing and new cases during the second quarter of 2015 and received 31 new complaints and fully processed 25 existing and new cases during the third quarter of 2014.

During the third quarter of 2015, the CRB held four hearings to examine a variety of complaints. Each 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 four cases with disciplinary sanctions recommended against nine different officers. Notices of Claim (a prerequisite to filing a lawsuit) were filed in two of the four 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 third quarter of 2015, the CRB held four hearings to determine whether the complaint should be sustained and recommendations made to the Chief of Police. In each of the four 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 2015 was 28%.** The sustain rate is calculated by dividing the number of hearings that resulted in sustained findings that quarter (four) by the number of complaints fully processed during that quarter (14).

## PUBLIC MEETINGS & OUTREACH

The CRB typically meets on the first Thursday evening each month at 5:30 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 five to ten complaints per month depending on current case load.

During the third quarter of 2015, the CRB participated in several outreach events with the public and the local youth:

- On July 30, Board member Diane Turner provided information on the CRB to community members who attended a concert in McKinley Park.
- On August 13, CRB Administrator Joseph Lipari and Board member Carole Horan staffed an information table at the Near West Side Block Party in Skiddy Park.
- On September 17, the CRB Administrator held a community outreach event at the Southwest Community Center.
- On September 18, the CRB Administrator participated in a conversation with Pastor Daren Jaime on the Power Perspectives radio program on 620 AM.
- On September 19, the CRB Administrator held a community outreach event with the local youth chapter of NAACP at the Syracuse Academy of Science High School.
- On September 23, the CRB Administrator held a community outreach event at the Boys and Girls Club on East Fayette Street.

The events provided an opportunity to raise public awareness about the operations of the CRB and answer questions from members of the community. Some of the outreach events included a discussion about how best to safely interact with police officers to ensure that the interaction goes as smoothly as possible.

## **BOARD TRAINING & EDUCATION**

During the third quarter, the CRB Administrator and Administrative Assistant participated in several free online webinars directly related to their job requirements. On July 2, the Administrator participated in a webinar hosted by the Daigle Law Group focusing on Body Worn Cameras. Then on September 10, the Daigle Law Group hosted another webinar to examine best practices regarding law enforcement tactical policies and operations. Police chiefs and law enforcement executives from around the country participated in both of the webinars hosted by the Daigle Law Group.

Throughout the third quarter, the CRB Administrative Assistant participated in multiple free webinars on a variety of topics related to the office's administrative responsibilities.

On July 23 the CRB participated in a tour of the Onondaga County Emergency 911 Call Center conducted by Commissioner William Bleyle. The tour provided the CRB with the opportunity to observe the call intake and dispatch process and to better understand the coordinated efforts of all first responders in the county. The CRB would like to express its appreciation to Commissioner Bleyle for facilitating the tour and providing answers to the questions posed by the Board members.

## **NEW BOARD MEMBER JOINS THE CRB**

In August, the CRB welcomed a new Board member appointed by the At-large councilors. Leah Moser was sworn in on August 6, 2015. Ms. Moser is the Program Coordinator at the Lerner Center for Public Health Promotion at Syracuse University's Maxwell School of Citizenship and Public Affairs. She has a Master's degree in Public Health from Syracuse University and SUNY Upstate Medical University. She also serves as the Diabetes Prevention Program Facilitator for the

YMCA of Greater Syracuse. Leah has also previously worked as a pharmacy technician in Missouri and a health educator in Indiana.

## **CASE SUMMARIES OF SUSTAINED FINDINGS**

Out of the four panel hearings held during the third quarter of 2015, each resulted in a sustained finding against one or more officers. 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.

- **Poor Demeanor Sustained, Racial Profiling Not Sustained against One Officer**

A male complainant was stopped by the same officer twice within two weeks. The first incident occurred at 2 am in a downtown parking lot. The complainant reported that he was parked there with a friend in the passenger seat for approximately 5 minutes while waiting to meet a young woman when the officer pulled up behind him with his lights on. The officer asked for the complainant's license and registration. The complainant provided them and asked why he was being questioned when he was simply parked with his car turned off. The complainant reported that the officer did not respond. When the officer returned from his vehicle the complainant again asked "what was the purpose of this?" The complainant reported that the officer responded, "just shut up and get the fuck out of the parking lot." The complainant's friend in the passenger seat then stated that the officer was being racist. The complainant reported that the officer then sped out of the parking lot.

Two and a half weeks later, the complainant was pulled over by the same officer. The complainant reported that the officer immediately recognized him and said, "Now your friend isn't here and you have nothing to say." The complainant reported that he asked the officer why he was being pulled over and was told by the officer, "don't worry about it." The complainant reported that the officer remembered his full name and asked for his registration but not his license. The officer then issued four tickets: disobeying a traffic device, speeding, moving from a lane unsafely, and failure to notify DMV of a change of address. The complainant reported that the officer "was filled with anger" and did not answer any of his questions. The complainant reported that the officer got into his patrol car as the complainant exited his vehicle to ask more questions. The complainant reported that the officer told him to "get back in your fucking car and take it up in court." The complainant indicated that he felt harassed and prejudged because of his skin color (the complainant was black, the officer was white).

In a response to the complaint, the officer indicated that he "may have used the word fuck to tell [the complainant] to get into the car."

The CRB panel found the complainant's allegation of the officer's poor demeanor to be credible and sustained the Demeanor complaint against the officer. The CRB panel further concluded that the officer stopped the complainant based on reasonable suspicion in both instances and did not engage in racial profiling. Thus, the CRB panel did not sustain the allegation of racial bias or profiling against the officer. The CRB panel recommended a verbal warning for the officer for the sustained allegation of poor demeanor.

- **Excessive Force Sustained against Three Officers, Untruthfulness Sustained against Four Officers, Failure to Complete a Report Sustained against Two Officers, and Nonfeasance Sustained against One Officer**

A male complainant reported that a police car pulled behind him and followed him for about five blocks before the lights were activated. The complainant pulled over and reported that two officers exited their vehicle in a “very aggressive manner.” He reported that the officers told him they pulled him over for an insufficient passenger side brake and signal light. The complainant reported that he was suspicious of this because he did not use or have cause to use a right turn signal the entire time the police were following him. The complainant reported that while attempting to provide his ID and registration, one of the officers accused him of having marijuana on the seat of his vehicle. The complainant reported that he told the officer that he did not have marijuana on his seat and the officer stated, “yeah, because you threw it all over the van.” The complainant reported that he and the officers “exchanged a few words back and forth” and then “all of a sudden one of the officers tried to snatch my car door open as if to grab me.” The complainant reported that because of their aggressive manner, he became afraid and drove off. He reported that he wanted to get to an area where other people could see him for his own safety. He fled from the vehicle at an intersection and ran through a backyard ending up on another street on the other side of the yard where there were people out and more police. He reported that he was then ordered by police to stop and get down on the ground to which he complied by lying on his stomach and stretching his arms out in front of him. Once on the ground, he reported that officers ran up to him and immediately started punching and kneeling him in the face and head. The complainant reported that Officer #1 jumped on his back and struck him multiple times in the face and head, that another officer kicked him in his left eye, and that he was kneeed in the face and head. He reported that three to four officers were striking him and identified Officer #2 as the officer who kneeed him in the head.

After the foot pursuit ensued, Officer #1 reported ordering the complainant to stop running several times but that the commands were ignored. Officer #1 reported that he then tackled the complainant in an attempt to place him into custody and that the complainant violently resisted as he was informed that he was under arrest. Officer #1 reported that the complainant shoved him off and tried to get back to his feet but that the officer pushed the complainant to the ground with the complainant landing on his back. Officer #1 reported that Officer #3 grabbed the complainant’s legs while Officer #1 grabbed the complainant’s right arm and attempted to roll him onto his stomach to place him into handcuffs. Officer #1 reported that he and Officer #2 yelled to the complainant to stop resisting but that the complainant attempted to strike the officers with his right elbow multiple times. Officer #1 reported that they were then able to roll the complainant onto his stomach and attempted to force his arms behind his back but the complainant was able to force his right arm away. Officer #1 reported that Officers #2 and #3 were able to secure the complainant’s left hand but that the complainant continued to try to strike Officer #1 with his right arm. Officer #1 reported that he then punched the complainant multiple times on the left side of his face with a closed fist which momentarily stunned the complainant enough to allow Officer #1 to secure his right hand in cuffs. The complainant was then transported to booking at the Justice Center.

Based on video obtained by the CRB, Officers #2 and #1 are in the room throughout the booking process. After the complainant leaves the booking vestibule, Officer #2 makes a phone call and can be heard saying, “They took him, boss! Yeah...that cut was on the side, like a sliver” (referring to

the Justice Center accepting the complainant into custody without sending him to the hospital). The complainant was later taken to the hospital where he learned that he suffered a fractured eye socket.

In a supervisory Use of Force report, Officer #4 reported that he interviewed Officers #2 and #1 who provided him with “extremely similar” accounts of the incident. Officer #4 reported interviewing the complainant who reportedly told Officer #4 that he fled because police found weed in the car and that he did 20 years in prison for murder and did not want to return. Officer #4 reported that the complainant told him that he “let” the officers catch him and that he did not resist arrest. Officer #4 found the officers’ use of force “not only reasonable but necessary.” The Use of Force report documents two facial strikes by Officer #1 and no force by Officer #2.

In a report provided six weeks after the incident, Officer #2 reported that Officer #1 caught and tackled the complainant, that the complainant refused orders to place his hands behind his back, and attempted to violently free himself from Officer #1. Officer #2 reported that the complainant twisted and shook his lower body and that Officer #3 then secured the complainant’s legs. Officer #2 reported that he and Officer #3 were able to place the complainant’s left hand into cuffs despite the complainant’s attempts to twist his arm away. Officer #2 reported that the complainant “continued his fit of rage” and attempted to strike Officer #1 with his right hand which was still free. Officer #2 reported that due to the complainant’s “forceful and violent attempts to free himself, Officer #1 was “compelled to subdue the complainant.” Officer #2 did not provide a description of Officer #1’s use of force on the complainant.

In a report provided six weeks after the incident, Officer #3 reported that upon arrival at the scene, he observed Officer #1 and the complainant on the ground in the street. Officer #3 reported that he observed the complainant attempt to get up from the ground by pushing Officer #1 off of him. Officer #3 reported that he then observed Officer #1 push the complainant to the ground causing the complainant to land on his back. Officer #3 reported that he then exited his car and attempted to assist Officer #1 by controlling the complainant’s legs. Officer #3 reported that the complainant continued to try to get back to his feet despite multiple police commands to stop resisting and that the complainant attempted to strike officers with his elbow. Officer #3 reported that he and Officer #2 were able to place the complainant’s left hand into cuffs. Officer #3 reported that the complainant continued to resist and that Officer #1 then struck the complainant on the left side of his face which appeared to stun the complainant sufficiently to allow Officer #1 to place the complainant’s right hand into cuffs.

An independent witness reported that she observed the police use of force on the complainant. The witness reported that she heard a commotion outside her home and went to the window to observe. She reported that she saw the complainant running and climbing over a fence so she went outside to see what was going on. She reported that when she got outside, she saw an officer in front of the complainant and that the complainant put his hands above his head and went down to the ground to surrender. She reported that Officer #1 then straddled the complainant’s back and struck the complainant 3-4 times in the head. She reported that two other officers arrived and that one kicked the complainant and another kned him. She reported that there were many more officers in the area with their guns drawn. She reported that Officer #1 did not draw his gun, but that one of the two officers who reached the complainant after Officer #1 did draw his gun and was pointing it at the complainant. She reported that she was standing about 5-10 feet away from the incident when the use of force occurred and that there were no obstructions blocking her view of the incident.

The complainant suffered multiple fractures to his left eye socket, a laceration to his left cheek, and swelling on the rear of his head. Medical records indicated that the complainant described the incident as an assault and appeared to have facial swelling and bruising in addition to a 1cm laceration to his left cheek and blurry vision. The complainant received one suture to close the wound. A scan confirmed that the complainant suffered a left orbital floor displaced fracture with bony fragments and blood in the left maxillary sinus and a posterior left maxillary sinus wall minimally displaced fracture.

The CRB panel found the complainant and witness' testimony credible and concluded that Officers #1, #2, #3, and #4 knowingly provided false information in their reports of the incident. The CRB panel sustained Excessive Force against Officers #1, #2, and #3; Untruthfulness against Officers #1, #2, #3, and #4; Failure to Report against Officers #2 and #3 for initially not providing their account in a police report despite using force; and Nonfeasance against Officer #4 for conducting a deficient use of force investigation after the incident.

The CRB panel recommended to the Chief of Police that Officer #1 be terminated as an employee of the Syracuse Police Department, that Officers #2 and #3 receive a 60 day suspension without pay, and that Officer #4 receive a 60 day suspension without pay and undergo supervisory training on conducting post use of force investigations. It should be noted that this was the third pair of Excessive Force and Untruthfulness findings by the CRB against Officer #1, and the second time that a CRB panel has recommended termination for Officer #1.

- **Poor Demeanor Sustained against One Officer and Excessive Force Sustained against an Unknown Officer**

A male complainant was arrested after officers responded to a call for a physical domestic dispute. The complainant and his female partner had engaged in a verbal dispute that became physical and included pushing and wrestling. When police responded to the area, the complainant began running away. He was eventually taken into custody without incident. The female partner declined prosecution and requested that the officers bring the complainant to St. Joseph's Hospital for a psychiatric evaluation because he was intoxicated and suffering from depression. The complainant's partner reported that one of the responding officers agreed to send the complainant to St. Joseph's, but that another responding officer whom they had dealt with in the past told her that he was "sick of the calls" involving the pair and was "going to make her suffer." The officer then arrested the complainant under the department's policy regarding mandatory arrests for domestic violence incidents.

The complainant was transported to the Justice Center where two sheriff's deputies forcefully escorted the complainant into booking as he physically resisted by bracing his legs against the ground and leaning backwards. Once inside the booking vestibule, the Sheriff's deputies performed a takedown of the complainant which resulted in his face striking the floor. As a result, he suffered swelling and a laceration to his left eyebrow and a blackened left eye. Justice Center staff determined that he had to be transported to the hospital for treatment. A deputy placed a spit hood on the complainant to contain the flow of blood from his eyebrow. He was then placed in a transport van and taken to University Hospital.

The complainant reported that he passed in and out of consciousness during the trip to the hospital, but that he remembered hearing the van stop and an officer's voice ask, "Is he dead?" The complainant reported that he then heard the sound of the expansion of an ASP baton (a retractable metal baton) and felt a blow to his back side. He reports that he flinched and moaned from the blow and then heard an officer say, "No," in response to the question of whether he was dead. He was then brought to the hospital and treated for his injuries.

The officer whom it was alleged told the complainant and his partner that he was "sick of the calls" involving them and was "going to make her suffer" denied saying this. All officers involved denied striking the complainant at any point. In addition to the damage to the left side of the complainant's face which occurred at the Justice Center, the complainant was diagnosed with symptoms consistent with a concussion and had a contusion and soreness to his rear lower back where he alleged that he was struck while in the transport van.

At the CRB hearing, the CRB panel found the account by the complainant and witness that an officer told them he was "sick of their calls" and was "going to make her suffer" to be credible. The panel thus sustained the allegation of poor demeanor against this officer and recommended a three day suspension without pay. The CRB panel also found the allegation that the complainant was struck by an officer while in the rear of the transport van to be credible. However, the CRB investigation could not determine which of the involved officers had struck the complainant. The CRB panel thus sustained the allegation of excessive force against an unknown officer and recommended that the SPD conduct further inquiries to determine which officer struck the complainant. The CRB panel also recommended to the department that video cameras be installed in the rear of the transport vans to monitor the safety of detainees being transported and to discourage the use of unjustified force against detainees in the rear of the transport vans.

- **Excessive Force Sustained against One Officer, Nonfeasance and Failure to Secure Evidence Sustained against Another Officer**

A male complainant reported that he was in the lobby of a hotel charging his phone and attempting to determine whether he would be able to afford a room for the night when he went outside to smoke a cigarette. An officer patrolling the area reported that his attention was drawn to the complainant who appeared disheveled and was carrying multiple plastic grocery bags. The complainant had a leashed dog and a sheathed hunting knife attached to his left hip. The officer reported that he concluded that the complainant was likely not a patron of the hotel so the officer entered the lobby and spoke with the desk clerk who indicated that the complainant had said he wanted to get a room but had no money and had been loitering for approximately 45 minutes. After a brief verbal exchange, the officer informed the complainant that he should leave the premises if he could not afford a room and that he could not loiter in the lobby. The complainant refused to leave, but went outside to have a cigarette. While outside, the complainant made hand gestures towards the officer which the officer interpreted as a threat of violence. The complainant then reentered the building. The officer reported that while reentering the building, the complainant shoved the officer in the chest. The officer requested back up. After an additional officer responded, the first officer reported that he informed the complainant that he was under arrest for trespassing and harassment. The officer reported that the complainant refused to place his hands behind his back and that when the officer grabbed the complainant's left arm the complainant pulled it away and placed it in the vicinity of the sheathed knife attached to his belt. The officer reported

that he grabbed the complainant on the rear of his neck and forced him into the hotel foyer with the assistance of another officer and attempted to handcuff him. The officer reported that he tripped over the foyer rug while doing so and the complainant, now on the ground, grabbed the officer's ankles and locked his arms around them. The officer reported that he held the complainant's head between his knees and told the complainant to place his hands behind his back, which the complainant refused to do. The officer reported that he then struck the complainant in the rear of his head with his right fist three times with negative effect, and then two more times until the complainant complied by unlocking his arms and was handcuffed by another assisting officer.

The complainant provided a different account of the use of force. He denied pushing the officer while reentering the hotel and reported that the officer became angry when he refused to leave. The complainant reported that the officer began throwing the man's belongings on the ground and that he told the officer that he had no right to do that. The complainant reported that the officer started pulling on him and that when he went to reach for his cell phone (not the sheathed knife as the officer reported) the officer grabbed his hair and started striking him in the back of the head with a closed fist. The complainant reported that the officer took the leash to his dog out of his hands and told another officer on scene to shoot the dog. The complainant reported that he kept yelling not to shoot his dog and every time he did so the officer would strike him again on the back of his head. After being handcuffed, the man complained of head pain, was evaluated by EMT's, and taken to Crouse Hospital. He reported head, neck, and back injuries and that his glasses and dentures were broken during the struggle. The complainant further indicated that his dog was taken and placed in the pound. He reported that he was told that he could get the dog back when he got out of jail but the dog was euthanized before he was able to retrieve it.

As part of its investigation, the CRB issued a subpoena to the hotel for a copy of the security camera footage from the incident and for the contact information of the desk receptionist. The hotel administration informed the CRB that the camera footage from the incident had not been saved. However, in an interview with the hotel's desk receptionist, she indicated that a supervising officer had responded to the scene after the arrest and viewed the video footage. She reported that this officer did not request a copy of the footage. As per the hotel's policy, the video footage was reportedly deleted after 30 days.

The supervising officer who viewed the video conducted a Use of Force investigation. In his report, he did not indicate that he viewed the video or what was captured in the video.

After questioning during the CRB hearing, the panel found the complainant's denial that he pushed and grabbed the officer to be credible. Thus, the CRB panel sustained the allegation of Excessive Force against the officer and recommended a two week suspension without pay for the sustained violation.

Moreover, the CRB panel found the supervising officer's failure to acquire a copy of the video footage and his failure to indicate in his Use of Force report what he observed on the video to be a significant dereliction of supervisory responsibilities. Thus, the CRB panel sustained against the supervising officer the allegations of Failure to Secure Evidence and Nonfeasance. The panel recommended that this officer be demoted for the sustained violations.

## **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	\$ <u>5,000.00</u>
	<b>TOTAL:</b>	<b>\$132,000.00</b>

**Total Complaints Received during Third Quarter of 2015 (July 1 to September 30, 2015): 20**

**Categories of complaint allegations as defined in CRB Ordinance (totals from all complaints received from July 1 to September 30, 2015):\***

Active Misconduct: 24

Passive Misconduct (Failure to Act): 4

Damaged or lost Property: 0

Denial or Violation of Constitutional Rights: 0

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

\*note that a single complaint may contain multiple allegations

**The number of cases fully processed and closed by the Board during third quarter of 2015:**

14

**The number of cases in which a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during third quarter of 2015: 4**

**The number of CRB cases in which the Chief of Police or the SPD imposed sanctions or discipline when disciplinary recommendations were made by a CRB panel during the third quarter of 2015:** The Chief of Police failed to provide the department's disciplinary findings and rationale for each of the four cases in which the CRB sustained allegations.

**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 CRB complainants who filed a Notice of Claim against the City of Syracuse during the third quarter: 0**

### **Hearing outcomes**

Panel hearings scheduled: 4

Panel hearings held: 4

Panel hearings resulting in disciplinary recommendations from CRB: 4

Panel hearings resulting in no disciplinary recommendations from CRB: 0

**Third Quarter of 2015 CRB Sustain Rate:** 28% (4 hearings resulting in sustained findings out of 14 fully processed cases)

**Categories of allegations received by the CRB between July 1 and September 30, 2015\***

**City Wide**

<b>Excessive Force</b>	<b>Demeanor</b>	<b>Failure to Act</b>	<b>False Arrest</b>	<b>Racial Bias</b>
<b>6</b>	<b>10</b>	<b>4</b>	<b>3</b>	<b>0</b>
<b>30%</b>	<b>50%</b>	<b>20%</b>	<b>15%</b>	<b>0%</b>

<b>Harassment</b>	<b>Improper Search/Seizure</b>	<b>Constitutional Violation</b>	<b>Gender Bias</b>	<b>Theft/Larceny</b>
<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>10%</b>	<b>10%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

<b>Evidence Tampering</b>	<b>Improper Offer to Reduce Charges</b>	<b>Destruction of Property</b>	<b>Untruthfulness in a Police Statement/False Report</b>
<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>5%</b>

\*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.

## **Allegations Received per Common Council District during the Third quarter of 2015\***

### **District 1:**

Excessive Force: 1  
Demeanor: 2  
Failure to Act: 1  
Harassment: 0  
Racial Bias: 0  
False Arrest: 0  
Improper Search/Seizure: 1  
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 2:**

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

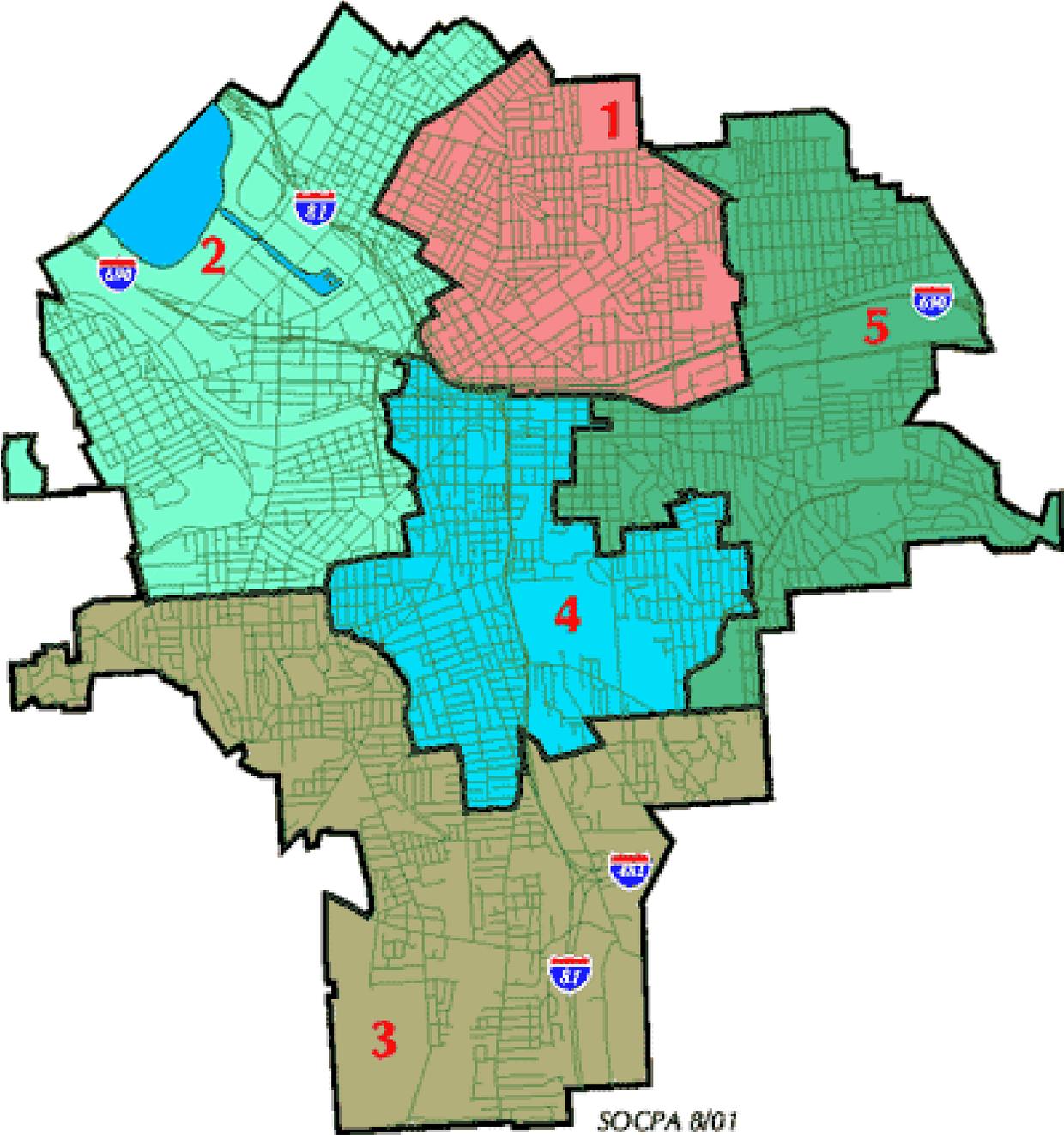
Excessive Force: 0  
Demeanor: 2  
Failure to Act: 2  
Harassment: 0  
Racial Bias: 0  
False Arrest: 1  
Improper Search/Seizure: 1  
Theft/Larceny: 0  
Taser Discharge: 0  
Untruthfulness in a Police Statement/Falsifying a Report: 0  
Gender Bias: 0  
Evidence Tampering: 0  
Improper Offer to Eliminate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

**District 5:**

Excessive Force: 2  
Demeanor: 2  
Failure to Act: 1  
Harassment: 1  
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 Third Quarter of 2015**

<b>Ethnicity</b>		
<b>Black</b>	9	45%
<b>White</b>	10	50%
<b>Latino</b>	1	5%
<b>Asian</b>	0	0%
<b>Native American</b>	0	0%
<b>Other</b>	0	0%
<b>Total</b>	20	100%

<b>Sex</b>		
<b>Male</b>	12	60%
<b>Female</b>	8	40%

<b>Sexual Identity of Complainant</b>		
<b>LGBTQ</b>	1	5%

<b>Age</b>		
<b>Under 18</b>	1	5%
<b>18-35</b>	10	50%
<b>36-50</b>	5	25%
<b>51+</b>	4	20%

<b>Disability</b>		
<b>Visual</b>	1	5%
<b>Hearing</b>	0	0%
<b>Physical</b>	1	5%
<b>Speech</b>	0	0%
<b>Intellectual</b>	4	20%

<b>Language other than English</b>		
<b>Spanish</b>	0	0%
<b>Vietnamese</b>	0	0%
<b>Other</b>	0	0%