

**SYRACUSE**

**CRB**

**CITIZEN REVIEW BOARD**

**Quarterly Report  
January 1 to March 31, 2018**



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**STATISTICAL SUMMARY OF 2018 1<sup>ST</sup> QUARTER CRB OPERATIONS**  
**January to March 2018**

Number of New Cases Received:	20
Number of Existing Cases Processed:	32
Number of Hearings Held:	6
Number of Hearings with Sustained Findings:	4
Number of Officers with Sustained Findings:	5
Types of Allegations Sustained:	Excessive Force (1 officer) Demeanor (3 officers) Improper Stop (2 officers) Racial Profiling/Bias (2 officers)
CRB Sustain Rate:	12.5% (4 sustained cases out of 32 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](http://www.syracuse.ny.us/CRB_Members.aspx).

### **Current Members of the Syracuse Citizen Review Board**

#### **Mayoral Appointees**

- Mr. Peter McCarthy, Board Chair - term expires December 31, 2020\*\*
- Ms. Mae Carter - term expires December 31, 2018\*\*
- Mary Nelson - term expires December 2019

#### **District Councilor Appointees**

- Ms. Dana Natale - 1st District - term expires December 31, 2020\*\*
- Open Seat to be Filled- 2<sup>nd</sup> District - term expires December 2018
- Lori Nilsson - 3<sup>rd</sup> District - term expires December 2018
- Ruth Kutz - 4<sup>th</sup> District - term expires December 2020 \*\*
- Herve Comeau - 5<sup>th</sup> District - term expires December 2019

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

- R. Daniel Grinnals-Term Expires December 2018
- Hatisha Holmes, Board Vice Chair - term expires December 2018
- Clifford Ryan- term expires December 2019\*\*

\*\* Indicates a second term

## **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](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 January 1 and March 31, 2018, 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 20 new complaints and fully processed 32 existing cases. In comparison, the CRB received a total of 33 new complaints and fully processed 3 existing cases during the first quarter of 2017.

During this first quarter of 2018, the CRB held six (6) hearings to examine a variety of complaints. Four 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 (4) cases with disciplinary sanctions recommended against each officer. One Notice of Claim (a prerequisite to filing a lawsuit) was filed on the cases sustained by the CRB during this quarter. In all 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 2018, the CRB held six (6) hearings to determine whether the complaint should be sustained and recommendations made to the Chief of Police. In four of the six 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 2018 was 12.5%.** 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 (32).

## 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 five to fifteen complaints per month depending on current case load.

On January 30, 2018, the CRB Police Liaison committee met to discuss a number of matters relevant to the CRB-SPD relationship. The committee consists of three members of the CRB, the CRB Administrator, representatives from the SPD's Office of Professional Standards, the heads of the SPD's Training Division, and a representative from the Police Benevolent Association. A representative from the Police Benevolent Association was unavailable to attend this meeting. Councilor Steve Thompson also attended the meeting as the Public Safety Chair to assist with a fluid discussion between the CRB and SPD. The committee met for approximately one and half hours and discussed the aggregate statistics for CRB findings from 2017, CRB's hearing process, SPD's training, Findings letters, interviewing officers during the Administrators investigation of the complaints, the sworn statement of the police officers received by the CRB from the Office of Professional Standards and their report to the Chief, complainants trustworthiness in filing a complaint, CRB members participating in ride-along's with the SPD, and the request for consistent open dialogue between the CRB/SPD and SPD/CRB.

## **BOARD TRAINING & EDUCATION**

During the first quarter of 2018, the CRB did provide training for its board members and staff.

## **CASE SUMMARIES OF SUSTAINED FINDINGS**

Out of the six panel hearings held during the first quarter of 2018, four 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.

- **Excessive Force, Withholding personal information from medical staff, and Denial of Next-of-Kin Notification in a timely manner Sustained against One Officer**

A female complainant states that the SPD and SIU conducted a drug raid and a male suffered severe police brutality. The male sustained numerous punches, kicks, knees in back, racial slurs, and derogatory remarks. The male was denied immediate medical attention, entry was denied by The Onondaga County Justice Center due to his injuries prompting the Syracuse Police officers to transport the male to University Hospital. He was declared a John Doe at the time of death which denied his rights to have a next of kin notification made upon death. The Officers conducted several raids and arrests due to racial profiling/bias prior to this incident and used racial slurs such as "Blackey 1500."

In a their meeting on Thursday, January 9, 2014, the Citizen Review Board voted on new bylaws for reopening old cases that were never resolved – upon the request of the original complainant, a complaint that was left unresolved by the previous CRB may be reopened, fully investigated and presented to the Board to determine if a hearing should be held. Based on the foregoing, the CRB held a panel hearing and reviewed the evidence available and heard the testimony of complainant in this matter. The Panel realizes that some of the Officers in this matter have since retired and/or are no longer employed by Syracuse Police Department, therefore, the one remaining officer is mentioned above.

The CRB sustained the finding of excessive force, withholding personal information from medical staff, and denial of Next-of-Kin Notification in a timely manner and recommended retraining related to all sustained findings.

- **Excessive Force Sustained against One Officer**

A female complainant filed on behalf of her son after he was arrested at a local high school for resisting arrest and criminal trespass. Her son suspended, asked to leave school grounds, and he refused. Her son and the officers had an altercation “pushing match,” “he was pushed down by the officers to the ground and his left arm twisted underneath his body, the police officer got on top of him and was pinning his arm underneath him in that position.” Her son was initially asked by VP to leave school as he was not going to class; he was escorted out of the building and then returned. Upon re-entry he was given verbal commands to leave the building and he refused and the school vice principal called upon the school resource officer (SRO) to assist him in removing the student from the school. The CRB sustained the findings of excessive force against one officer and recommended the officer be suspended without pay for a period of one (1) week. A written reprimand should be placed in his personnel file indicating he was suspended without pay for one (1) week due to the excessive force that occurred against a student. After suspension the officer should be reassigned from his duties as an SRO for a period of one (1) year at which time a re-evaluation should be conducted to determine his ability to resume his duties as an SRO.

- **Demeanor, Improper Stop, and Racial Bias/Profiling sustained against two officers**

A female complainant filed a complaint related to a traffic stop. The parties were proceeding down a local street when they stopped at sign, turned right and the cop was sitting near the stop sign. Shortly thereafter they saw lights behind them and they were pulled over in the furniture warehouse parking lot. The Officer approached the vehicle and stated “you know your lights are not on” and her husband responded the lights come on automatically. The officer explained when it was raining lights and wipers required and asked for license and registration and went to his vehicle for a few minutes then officer came back he stated “did you know you were speeding?” They had exited the vehicle and attempted to see what was going on with the lights. The female then asked so were we pulled over for the lights not being on or because we were speeding?” We could not have been speeding. The Officer then asked for her identification as well. She requested the badge number of the officer that was driving and he responded “if you want me to write him a ticket, I’ll write him a ticket.” She had her badge on from work and the officers verified her identity with that document rather than her license. The front license plate was crooked and the officers wanted to know what happened to the front of the car and the officer asked “did you hit something recently.” She states she never refused to give her identification but she did inquire “why he needed it.”

The CRB sustained the findings of demeanor, improper stop, and racial bias/profiling against two officers and recommended a written reprimand in the officer personnel file for 90 days for demeanor, written reprimand for improper stop and racial bias/profiling be placed in the officers personnel files for 90 days.

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

A female complainant filed a complaint regarding an officer's demeanor and failure to act. Officers were called to the scene regarding a vehicle dispute between several parties. A relative of one of the parties had been given permission to drive a vehicle that was now part of a divorce. The family threatened to do something to the car so she wanted to get the car back. They were outside attempting to get the vehicle and a dispute occurred between the families. The complainant called 911 and shortly thereafter two officers arrived on the scene. One of the officers who responded to the scene appeared to immediately take the side of her husband and became upset when she could not pronounce his name. The officer told the complainant to "shut the fuck up, shut your fucking mouth, you are trying to steal from ex-husband." She attempted to say the officer's name and he corrected her and then she stated "I don't give a fuck about how to say your name." He then says "what the fuck did you just say." He grabbed her by right shoulder and turned me around then stated "what did you say, you are going to fucking respect me." He put on his gloves before he started racing towards her and she thought he was going to punch her. His partner told him to calm down and that's when the officer let her go. She felt like he was "womanizing me." She informed the officers she had a restraining order against my ex-husband he told me "I would go to jail and my ex-husband would get an appearance ticket."

The CRB sustained the finding of demeanor against one officer and recommended a verbal reprimand regarding the importance of maintaining professionalism at all times especially in response to a domestic dispute call.

## **BUDGET**

2017-2018 Adopted  
DETAIL ANALYSIS OBJECTS OF EXPENDITURE

### PERSONNEL SERVICES

510100	Salaries	\$ 99,942.00
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### CONTRACTUAL & OTHER SERVICES

540300	Office Supplies (Contractual & Other Expenses)	\$ 3,300.00
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540500	Operating Supplies & Expenses	\$ 9,310.00
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541500	Professional Services	\$ 25,050.00
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541600	Travel, Training & Development	\$ <u>2,475.00</u>
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<b>TOTAL:</b>		<b>\$140,077.00</b>
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**Total Complaints Received during First Quarter of 2018 (January 1 to March 31, 2018): 20**

**Categories of complaints as defined in CRB Ordinance (totals from all complaints received from January 1 to March 31, 2018):**

Active Misconduct: 11

Passive Misconduct (Failure to Act): 4

Damaged or lost Property: 6

Denial or Violation of Constitutional Rights: 2

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 2018: 32**

**The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during first quarter of 2018: 4**

**The number of complaints processed and not sent to a panel hearing during the quarter: 26**

**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: 15**

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

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

**The number of complainants who filed a Notice of Claim against the City of Syracuse while their complaint was being considered by the Board: 5**

### **Hearing outcomes**

Panel hearings scheduled: 6

Panel hearings held: 6

Panel hearings resulting in disciplinary recommendations from CRB: 4

Panel hearings resulting in no disciplinary recommendations from CRB: 2

**First Quarter of 2018 CRB Sustain Rate: 12.5% (4 hearings resulting in sustained findings out of 32 fully processed cases)**

**Categories of complaints received by the CRB between January 1 and March 31, 2018\***

**City Wide**

<b>Excessive Force</b>	<b>Demeanor</b>	<b>Failure to Act</b>	<b>False Arrest</b>	<b>Racial Bias</b>
7	17	4	3	9
21%	53%	12%	9%	28%

<b>Harassment</b>	<b>Improper Search/Seizure</b>	<b>Constitutional Violation</b>	<b>Gender Bias</b>	<b>Theft/Larceny</b>
10	6	2	0	1
31%	18%	6%	0%	3%

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

\*Note that a single complaint can involve multiple allegations

## Complaints Received per Common Council District during the 1st quarter of 2018\*

### **District 1:**

Demeanor: 2  
Excessive Force: 1  
Failure to Act: 0  
Harassment: 2  
Racial Bias: 2  
False Arrest: 0  
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: 1  
Violation of SPD high-risk traffic stop policy: 0

### **District 2:**

Demeanor: 5  
Excessive Force: 0  
Failure to Act: 2  
Harassment: 1  
Racial Bias: 2  
False Arrest: 2  
Improper Search/Seizure: 2  
Theft/Larceny: 1  
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: 1  
Violation of SPD high-risk traffic stop policy: 0

### **District 3:**

Demeanor: 4  
Excessive Force: 1  
Failure to Act: 1  
Harassment: 2  
Racial Bias: 2  
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 4:**

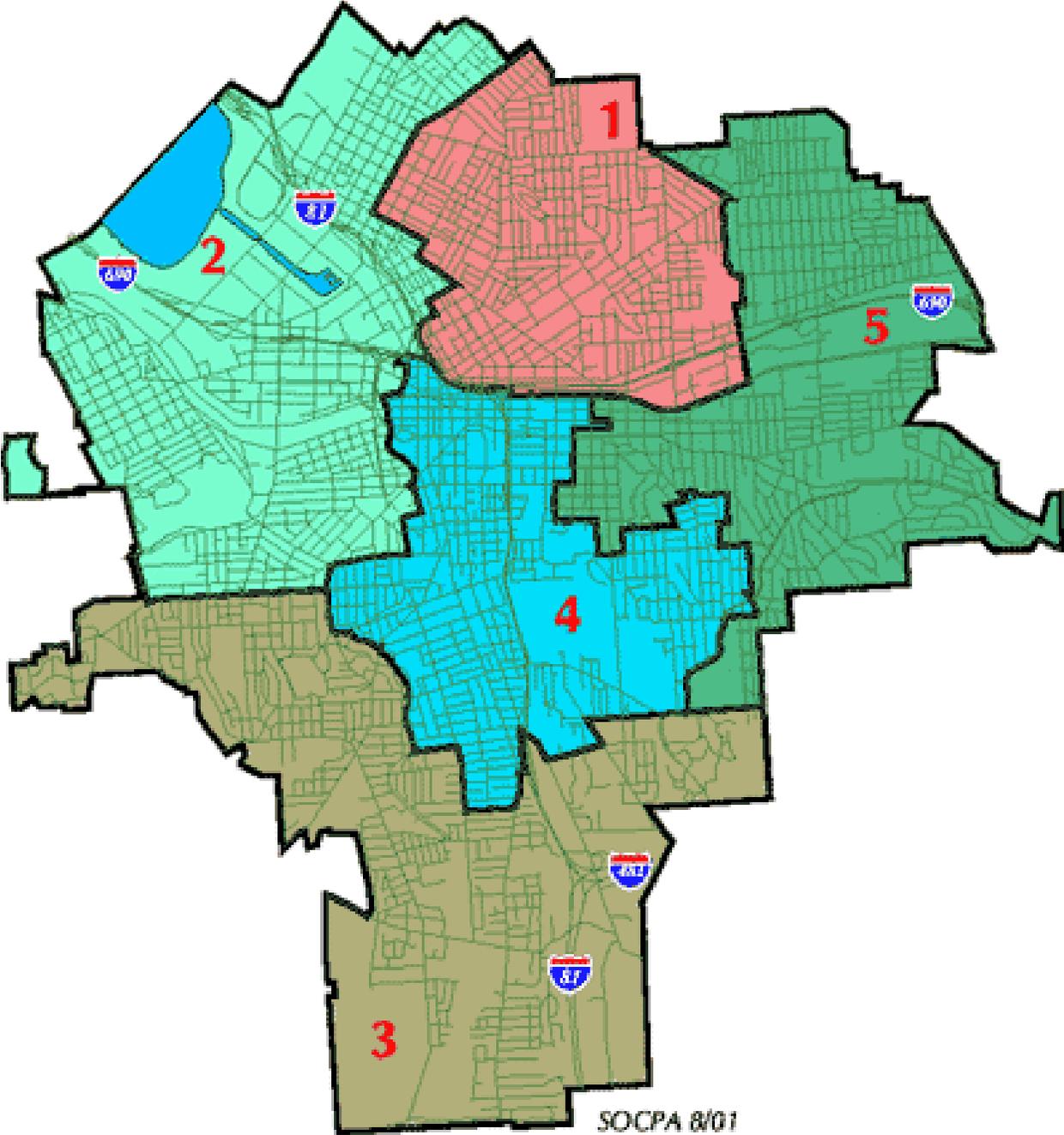
Demeanor: 5  
Excessive Force: 4  
Failure to Act: 1  
Harassment: 4  
Racial Bias: 2  
False Arrest: 0  
Improper Search/Seizure: 2  
Theft/Larceny: 0  
Taser Discharge: 0  
Untruthfulness in a Police Statement/Falsifying a Report: 0  
Gender Bias: 0  
Evidence Tampering: 0  
Improper Offer to Eliminate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

**District 5:**

Demeanor: 1  
Excessive Force: 1  
Failure to Act: 0  
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 First Quarter of 2018**

<b>Ethnicity</b>			<b>% of city population*</b>
<b>Black</b>	17	85%	29.5%
<b>White</b>	2	10%	52.8%
<b>Latino</b>	1	5%	8.3%
<b>Asian</b>	0	0%	5.5%
<b>Native American</b>			1.1%
<b>Other</b>			2.8%
<b>Total</b>	20	100%	100%

\*based on 2010 census

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

<b>Sexual Identity of Complainant</b>		
<b>LGBTQ</b>	0	0%

<b>Age</b>		
<b>Under 18</b>	0	0%
<b>18-35</b>	10	50%
<b>36-50</b>	6	30%
<b>51+</b>	4	20%

<b>Disability</b>		
<b>Visual</b>	0	0%
<b>Hearing</b>	0	0%
<b>Physical</b>	0	0%
<b>Intellectual</b>	0	0%

<b>Language other than English</b>		
<b>Spanish</b>	1	5.5%
<b>Vietnamese</b>	0	0%
<b>Other</b>	0	0%