

SYRACUSE

CRB

CITIZEN REVIEW BOARD

Quarterly Report
November 2012

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MISSION & OBJECTIVES

Although the Citizen Review Board of Syracuse underwent a thorough reorganization and revision, the original mission and objectives of the CRB remains the same. The purpose of the Citizen Review Board is to provide an open, independent, and impartial review of allegations of police misconduct; to assess the validity of those allegations through the investigation and hearing of cases; to recommend disciplinary sanctions where warranted; and to make recommendations on Syracuse police policies, practices and procedures.

In fulfillment of its legislative purpose and mission, the Board is committed to:

- Creating an institution which encourages citizens to feel welcome in filing a complaint when they believe that they have been a victim of police misconduct;
- Making the public aware of the CRB's existence and process through ongoing community outreach events and coverage by local media;
- Completing investigations and review of complaints in a thorough yet timely fashion;
- Remaining unbiased, impartial, objective and fair in the investigation, evaluation, and hearing of complaints;
- Engaging in community dialog that encourages citizen input with the CRB;
- Respecting the rights of complainants and subject officers;
- Upholding the integrity and purpose of the CRB's enabling legislation; and
- Reporting to the Mayor, the Common Council, the Chief of Police and the public any patterns or practices of police misconduct discovered during the course of investigation and review of complaints.

REESTABLISHMENT OF THE SYRACUSE CITIZEN REVIEW BOARD

The Syracuse Citizen Review Board was reestablished by the Syracuse Common Council after a period of uncertainty and controversy. Beginning in March of 2011, Councilor Pam Hunter began work to reestablish the viability of the Syracuse Citizen Review Board. Councilor Hunter convened a legislative committee of community stakeholders to strengthen and improve the legislation that governs the CRB. This committee met more than 15 times during the summer and fall of 2011 to examine other civilian oversight models and to identify national best practices to incorporate into the new CRB legislation. During a special session on December 29, 2011, the Common Council passed an amended version of the original CRB ordinance, Local Law 11 of 1993, based largely on the suggestions of Councilor Hunter's committee with a few additional measures to improve oversight and management of the new CRB. The new legislation outlined the specific duties and responsibilities of the CRB Administrator and mandated a timetable for completing CRB investigations of citizen complaints.

The Common Council's modifications of the existing CRB ordinance included:

- A 60 day timeframe within which the CRB should issue its findings to the Chief of Police;
- Simultaneous investigations by the CRB and the SPD's Office of Professional Standards with each agency informing the other of a newly received complaint within one business day;
- The Chief of Police shall wait 60 days, or until the board has issued its findings, before imposing discipline;
- Authority over the CRB administrator shall lie with a five-person board composed of three members of the CRB, the mayor and the Common Council's chair of the Public Safety Committee;
- Ensuring that board vacancies will be filled in a timely fashion. If the council fails to appoint any of its eight representatives on the board within 60 days, the board may nominate someone. If the mayor fails to name someone for any of the three mayoral appointees to the CRB, the council may do so after 60 days;
- Ensuring that the CRB shall have access to written policies and procedures of the SPD;
- Mandated presentation of the CRB budget in accordance with the City Charter;
- Empowering the CRB and the Mayor to request that the Common Council remove a Board member for good cause;
- Clarification and enforcement of Board Members' terms of service;
- Delineation of the Board Chair's responsibilities;
- A more precise delineation of the CRB Administrator's duties and responsibilities, including in the investigation of complaints;
- Guidelines for the Board and the Administrator in requesting the hiring of an investigator;
- Instructions for the Board and Administrator to seek necessary training;
- A clearer description of the conciliation process;
- A more precise delineation of the role of the Administrator in determining reasonable cause and recommending that the Board proceed to a hearing;

- A more precise delineation of the hearing process;
- Empowering the CRB to identify, analyze, and make recommendations about police policies, procedures, and practices; and
- Identifying the role of Corporation Counsel in providing legal advice and representation for the CRB and outlining procedures for acquiring independent legal counsel for the CRB when a conflict of interest exists for Corporation Counsel.

APPOINTMENT OF BOARD MEMBERS & TERMS

Eleven new Board Members were chosen and appointed by the Mayor and the Common Council when the new CRB ordinance was passed.** The Board Members serve staggered three-year terms and are all volunteers. Board members have worked an average of eight to ten hours per month on CRB matters. This includes their attendance at monthly meetings, preparation for and participation in panel hearings, training, and community outreach.

Current Members of the Syracuse Citizen Review Board

Mayoral Appointees

- Timothy Jennings-Bey - term expires December 2014
- Joe Masella - term expires December 2012
- Diane Turner - term expires December 2013

District Councilor Appointees

- Sarah McIlvain - 1st District - term expires December 2014
- Carole Horan - 2nd District - term expires December 2012
- Demetria Gammage - 3rd District - term expires December 2012
- Tafara Timmons - 4th District - term expires December 2014
- Louis Levine - 5th District - term expires December 2013

At-Large Councilor Appointees

- Crystal Collette - term expires December 2012
- Raheem Mack - term expires December 2012
- Donna Oppedisano - term expires December 2013

*Biographies of each Board Member are available on the CRB website.

**One board member had to be replaced for non-participation and one board member had to resign from the board due to a conflict of interest. Both were replaced properly and in a timely fashion by the Mayor and the At-Large Common Councilors as outlined in Local Law 11 of 1993, as amended.

HIRING OF ADMINISTRATOR

The CRB created an Ad-Hoc committee of the board that was charged with recruitment and selection of a candidate for CRB Administrator. Four board members served on this committee: Crystal Collette, Donna Oppedisano, Lou Levine and Rachel Smith. The committee worked with the City of Syracuse Office of Personnel and Labor Relations to update the job description for the position and publicize the opening. Multiple networks were utilized to inform the public of the position including email, distribution of state and national civilian oversight listservs, and articles in the Post- Standard. The Search Committee received approximately 50 resumes and each of the committee members reviewed each resume. A phone interview was conducted with six candidates and second round, in-person interviews with two finalists. Mr. Joseph L. Lipari was then selected as the most eligible candidate and all board members were given the opportunity to attend an informal meet and greet with him. His resume was presented to the CRB in Executive Session by the Search Committee and he was unanimously chosen for the role of CRB Administrator

BY-LAWS AND PROCEDURES

On September 6, 2012, the CRB voted to approve its new by-laws, complaint procedures, and hearing procedures. Each was approved after several months of discussion and examination by the Board. See appendix for the CRB's new by-laws and procedures.

OPERATIONS

Building Relationships with Fellow Stakeholders

The first order of business for the newly revised CRB has been to establish relationships with all the relevant government and community stakeholders who have an interest in or obligation under the new CRB ordinance. Within the first week of the new CRB Administrator starting, meetings were held with Mayor Stephanie Minor, the attorneys from Corporation Counsel, and Police Chief Frank Fowler. All expressed support for the purpose and legitimacy of the new CRB. During the first quarter of the new CRB's existence, Corp Counsel's office has played a crucial role in clarifying legal issues and providing expert legal advice to the CRB Administrator. In addition, the CRB Administrator has corresponded with and met regularly with Chief Fowler to keep him apprised of the ongoing development of the CRB and to provide information on the disciplinary recommendations made by CRB panels.

Meetings were also held with the Syracuse Police Department's Office of Professional Standards and eventually with representatives from the Police Benevolent Association. The PBA has historically resisted the efforts of the CRB and has not viewed the CRB as having a legitimate role in the disciplinary process of police officers. Although the PBA representatives have currently chosen to discourage officer participation in the CRB hearings, the PBA representatives did indicate in the initial meeting that they would not challenge the CRB's subpoena power. Since the PBA has challenged the CRB's subpoena power in the past, this change in position does represent a step forward in the CRB's relationship with the PBA. Efforts will continue on the part of the CRB to reach out to the PBA to encourage the PBA to support officer participation in the CRB hearings. As currently structured, participation in the CRB hearings has been defined as optional for both complainants and subject officers. In most cases that have been sent to a CRB panel, the

complainants have consistently appeared before the panel to provide their statement to the panel members while no officer has yet opted to appear before the panel, forfeiting their opportunity to defend themselves in person before the panel (although written statements from the officers are provided through the SPD's Office of Professional Standards).

Communicating with Complainants and Subject Officers

In addition, the CRB has made it a priority to establish regular and consistent communication with complainants and subject officers. Official letters of receipt are sent out to each complainant shortly after the complaint is received by the CRB office. This initial letter of receipt indicates that the CRB has received the complaint and is initiating its investigation. This letter explains the investigation and hearing process to the complainant and encourages the complainant to contact the CRB office with any questions or concerns. After the Board votes on whether or not to send the case to a hearing, both complainants and subject officers are informed of the Board's decision. If the Board votes to *not* send the case to a hearing, the complainant and subject officers are notified. If the Board does vote to send the case to a hearing, the complainant is contacted by the CRB Administrator to schedule the hearing. Once the hearing is scheduled, the subject officers are informed of the hearing date and time and an offer is made that if the officer would like to take part in the hearing but is unavailable at the scheduled date and time, an alternate date and time could be arranged that is more convenient for the officer. As previously noted, no officer has yet opted to appear before the hearing panel so there has not been a situation where a scheduled hearing had to be rescheduled due to a conflict with a subject officer's availability.

Coordination with OPS

The SPD's Office of Professional Standards (OPS) is a critical part of the city's police accountability system. The newly revised CRB ordinance requires the full sharing of OPS case files with the CRB. During the first three months of the CRB's reactivation, OPS has willingly met this obligation and has been consistently helpful in providing case files and any other documentation requested by the CRB. Due to the high volume of files being exchanged between OPS and the CRB, it is inevitable that some files or documents will occasionally and unintentionally not be passed along to the CRB. However, when this has been pointed out, the officers of OPS have immediately responded and provided the requested documents.

During the tenure of the previous CRB, policies were in place that restricted the sharing of OPS files with the CRB when a case involved a Notice of Claim that had been filed with the city indicating the complainant's intention to file a lawsuit. This restriction is no longer in effect with the newly revised CRB. This represents an important step forward in allowing the CRB to conduct its investigations and close its cases in a timely fashion even when a case involves a potential lawsuit against the city.

Establishment of Professional Visitation Rights at the Onondaga County Justice Center

Within the first few weeks of the CRB's reactivation, it became clear that the CRB Administrator would need to make regular visits to the Justice Center to interview inmates who may want to file a complaint against a Syracuse Police Officer. Approval of professional visitation rights were applied for and immediately granted. The CRB Administrator now has regular and unfettered access to inmates at the Justice Center which allows for the intake of complaints and investigative interviews

to be conducted with inmates in a confidential and timely manner. The Justice Center also agreed to keep on hand copies of the CRB complaint form which can be provided to inmates upon request.

Hiring a CRB Assistant

The CRB Administrator has recently hired a Typist II through the Civil Service process. Ms. Betty L. Pearson is a city resident with extensive administrative support experience, most recently at Syracuse University and the Salvation Army. Ms. Pearson began work at the CRB office on November 7, 2012.

Use of the CRB's Subpoena Power

The new CRB has already employed the use of its subpoena power to acquire evidence and to compel testimony from witnesses. The strengthening of the CRB's subpoena power and the real support of the Board's subpoena power by Corporation Counsel has greatly expanded the investigative capabilities of the new CRB compared to the previous CRB. The CRB issues a subpoena only after the full Board approves the request for a subpoena from the CRB Administrator. Corporation Counsel then assists the CRB Administrator in generating the subpoena. The subpoena is then delivered to the recipient by a professional process service.

TRAINING

Legal Training on the new CRB ordinance

On March 15, 2012 the CRB met with members of the committee that was charged with drafting the language for the newly passed ordinance that reconstructed the Citizen Review Board. The details of the legislation were reviewed and board members had the opportunity to ask specific questions about the processes laid out in the law. Particular focus was dedicated to the guidelines for conducting hearings, upholding the allegations of a complaint, and the board's subpoena power.

Presentation from Chief Fowler

During the first week of the new CRB Administrator's arrival, the Board and the Administrator met with Chief Fowler for the Chief's "The Police and You" Presentation. The presentation demonstrated some of the common issues and principles of police interaction with the public and gave board members the opportunity to interact with and learn from Chief Fowler. Chief Fowler answered questions posed by Board Members and clarified some common misconceptions about police use of force and search and seizure practices.

Use of Force Training

On July 26, 2012, the SPD Training Division held an extended Use of Force training session for all CRB members. The training presentation was delivered clearly and competently by Officer Kristie Hack of the SPD Training Division. Officer Hack explained the relevant laws and legal decisions that govern the use of force by police and exposed the Board Members to training videos that demonstrate the challenges inherent in judging the appropriateness of use of force by police officers in the field. The session also discussed the SPD's proactive approach to the use of force.

Additional Training

In addition to the training and education session already provided by the SPD's Training Division, the CRB will be receiving training from outside sources including from academic experts, civil liberties organizations, and other local, state, and federal law enforcement agencies in relevant civil rights and criminal law procedures. The CRB has also recently established a relationship with the Police Academy at Onondaga Community College and will embark on an extended training regimen for all CRB members during the first half of 2013. The CRB will begin its 2013 training regimen with an all-day Training Seminar for its Board Members on January 26, 2013.

OUTREACH

Effective community outreach is one of the ongoing objectives of the Syracuse CRB. As one of its first acts, the members of the CRB created a Community Outreach and Public Education Committee. This committee is responsible for planning outreach events and improving CRB engagement with the various communities in the city of Syracuse. The CRB held its first Community Outreach event on August 19, 2012 at Westmoreland Park. To call attention to the event and invite the public to attend, the CRB Administrator appeared on several local radio and television programs just prior to the outreach event. The event was attended by approximately seventy people throughout the day (including two Common Councilors) and was well covered by local media. The outdoor event included free barbeque and provided the public with an opportunity to dialog with the new CRB Administrator and Board Members. The Administrator and Board Members spoke to those in attendance about the mission of the CRB and its complaint process. Several individuals were also able to separately discuss their interest in filing a complaint with the CRB Administrator and Board Members. Additional outreach events are currently being planned that will allow the CRB to meet its minimum requirement of one outreach event in each of the five council districts per year.

Another forum of outreach has been the attendance of the CRB Administrator at the Mayor's monthly meeting with Syracuse ministers. The CRB Administrator has met twice with this group of ministers which has provided an opportunity for the Administrator to hear the concerns and insights of local ministers who often operate as an initial avenue of information regarding city services for many Syracuse residents.

The CRB Administrator also recently attended a forum held by the Syracuse & Central New York Police Retirees Association on September 26, 2012. The event was well attended by retired law enforcement officers, most of whom were former Syracuse police officers. After a brief presentation by the CRB Administrator on the newly revised CRB ordinance and the CRB process, the retired officers engaged in a spirited exchange with the Administrator over the role of the CRB, the experience of the Board Members, and the possibility of creating a CRB Advisory Council that would include retired police officers so that CRB members could benefit from the knowledge and expertise of retired officers. The exchange was beneficial for all who attended and though the retired officers posed pointed questions, the Administrator was warmly received and applauded for accepting their invitation to appear at their event and make the case for the importance and legitimacy of citizen oversight of law enforcement.

Finally, the Central New York chapter of the American Civil Liberties Union held an event on October 21, 2012, to discuss the newly revised Citizen Review Board. The event included a brunch potluck and was open to the general public. A discussion panel included the CRB Administrator and board Chair. The event was attended by about fifty people. The discussion panel lasted approximately one hour and was followed by an informative question and answer session. The CRB Administrator was able to make contact with numerous individuals that expressed interest in conducting a similar CRB event for other organizations in the future.

BUDGET

2012-2013 Adopted DETAIL ANALYSIS OBJECT OF EXPENDITURE

100 PERSONNEL SERVICES

101	Salaries	\$ 92,100
	Totals:	\$ 92,100

200 EQUIPMENT

202	Office Equipment & Furnishings	\$ 6,000
	Totals:	\$ 6,000

400 CONTRACTUAL EXPENSES

403	Office Supplies	\$ 1,000
407	Equipment Repair Supplies & Expenses	\$ 400
415	Rental, Professional & Contractual Services	\$ 17,500
416	Travel, Training & Development	\$ 1,500
418	Postage and Freight	\$ 500
	Totals:	\$ 20,900

	TOTAL:	\$119,000
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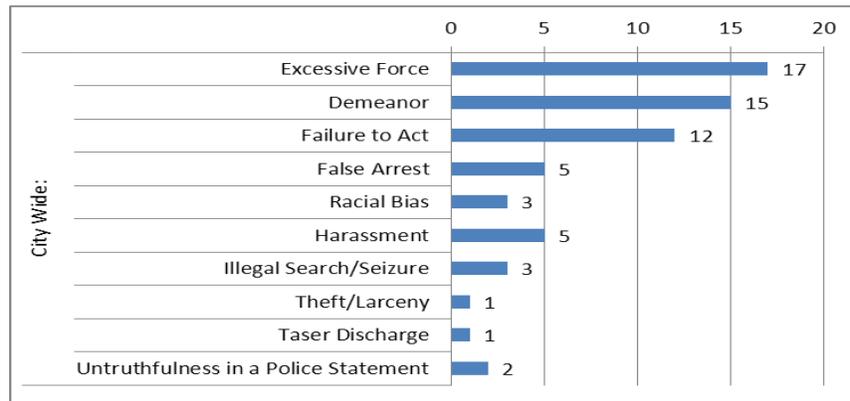
CASE STATISTICS

All CRB Cases received between January 1 and October 30, 2012

Categories

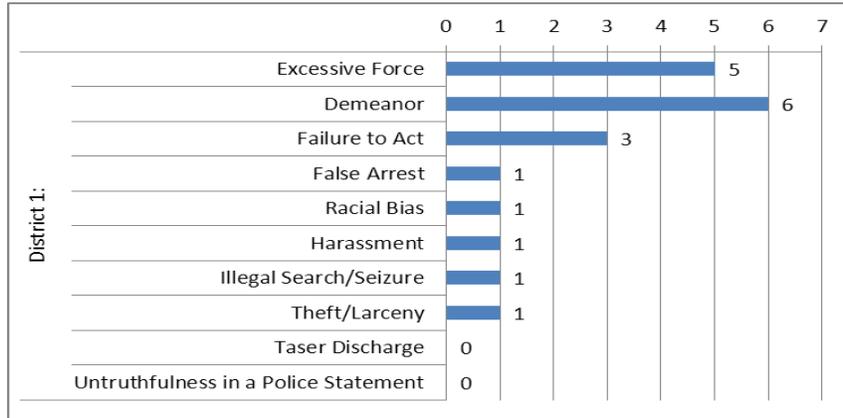
Excessive Force	Demeanor	Failure to Act	False Arrest	Racial Bias	Harassment	Illegal Search/Seizure	Theft/Larceny	Taser Discharge	Untruthfulness in a Police Statement
17*	15	12	5	3	5	3	1	1	2

*Includes one complaint from an incident at Syracuse Hancock International Airport not included in breakdown by Common Council District.

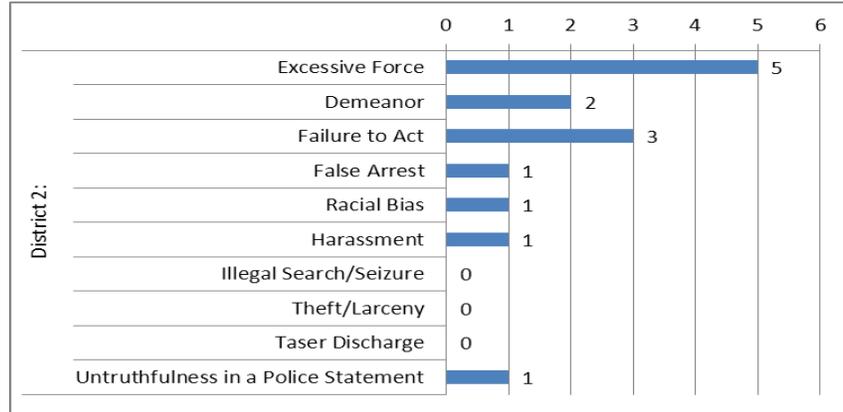


Number and types of cases in each Common Council District through October 30, 2012

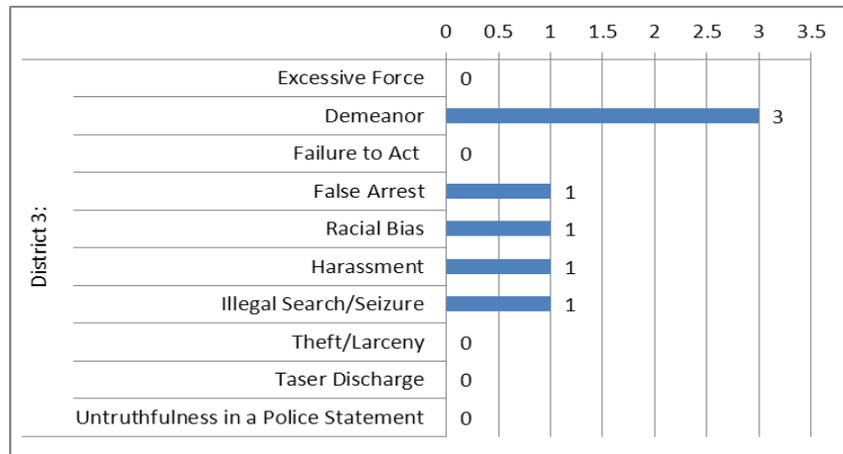
District 1:



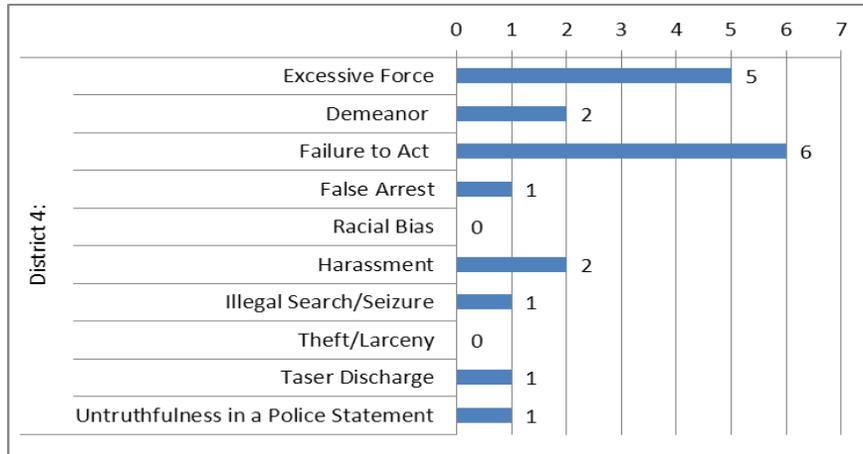
District 2:



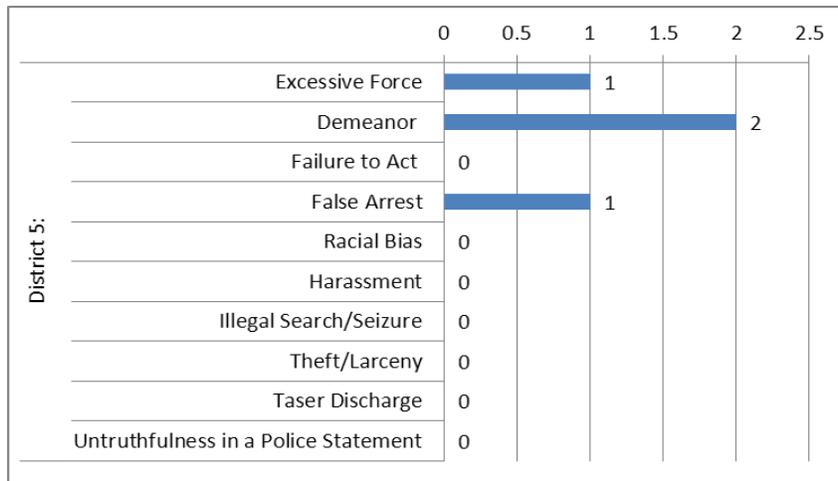
District 3:



District 4:



District 5:



Categories of complaints as defined in CRB Ordinance (totals from all complaints received as of the end of the CRB's first full quarter, September 30, 2012)

Active Misconduct: **42**
Passive Misconduct (Failure to Act): **10**
Damage to Property: **1**
Denial or Violation of Constitutional Rights: **2**
Lack of Truthfulness in a Police Report: **1**

The number of cases fully processed and closed by the Board as of September 30, 2012: **26**

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

CRB sustain rate: 15% (the rate at which the CRB sustained the complainant's allegations against an officer)

The number of CRB cases where the Chief of Police imposed sanctions or discipline when disciplinary recommendations were made by a CRB panel: **0**

The number of complaints not sent to panel hearing during the quarter: **19**

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: **3 months on average (but now approaching 2 months on average as the initial backlog of complaints is being worked through)**

The number of complaints in which the Board recommended that the City provide restitution to the complainant and type of restitution recommended: **1 / monetary restitution recommended**

The number of complainants who filed a Notice of Claim against the City of Syracuse while their complaint was being considered by the Board: **1**

Hearing outcomes

Panel hearings scheduled: **8**
Panel hearings held: **7** (one hearing was postponed indefinitely by the complainant)
Panel hearings resulting in disciplinary recommendations from CRB: **4**
Panel hearings resulting in no disciplinary recommendations from CRB: **3**
Panel hearings resulting in complimentary recommendation for subject officer: **1**
Panel hearings resulting in a referral to the District Attorney's office for criminal investigation of subject officer: **1**
Panel hearings resulting in a policy recommendation: **1**