

SYRACUSE

CRB

CITIZEN REVIEW BOARD

Quarterly Report
April 1 to June 30, 2018

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STATISTICAL SUMMARY OF 2018 2ND QUARTER CRB OPERATIONS
April to June 2018

Number of New Cases Received:	17
Number of Existing Cases Processed:	29
Number of Hearings Held:	3
Number of Hearings with Sustained Findings:	2
Number of Officers with Sustained Findings:	2
Types of Allegations Sustained:	Demeanor (2 officers)
CRB Sustain Rate:	14.5% (2 sustained cases out of 29 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

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

District Councilor Appointees

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

At-Large Councilor Appointees

- R. Daniel Grinnals-Term Expires December 31, 2018
- Hatisha Holmes, Board Vice Chair - term expires December 31, 2018
- Clifford Ryan- term expires December 31, 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 is not required to 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 April 1 and June 30, 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 17 new complaints and fully processed 29 existing cases. In comparison, the CRB received a total of 33 new complaints and fully processed 5 existing cases during the first quarter of 2017.

During this Second quarter of 2018, the CRB held three (3) 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 (2) cases with disciplinary sanctions recommended against each officer. Zero Notice of Claim's (a prerequisite to filing a lawsuit) were filed on the cases sustained by the CRB during this quarter. In all of the cases sustained by the CRB, the SPD disagreed with the sustained 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 Second quarter of 2018, the CRB held three (3) hearings to determine whether the complaint should be sustained and if recommendations should be made to the Chief of Police. In two of the three hearings that were held this quarter, the CRB panel sustained 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 2018 was 14.5%.** 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 (29).

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.

CRB Police Relations Committee and the Police Liaison committee did not meet during the second Quarter of 2018.

BOARD TRAINING & EDUCATION

During the Second quarter of 2018, the CRB did not provide training for its board members. However, the Administrator attended a week long training in Nashville, TN presented by the Daigle Law Group,, LLC on Internal Affairs Investigations (Conducting Proper and Effective Investigations).

CASE SUMMARIES OF SUSTAINED FINDINGS

Out of the three (3) panel hearings held during the second quarter of 2018, 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.

- **Demeanor Sustained against One Officer**

A female complainant states that she has had numerous incidents where the cops were called since dealing with a gentleman since 2008. They were fussing the night before and she asked him to get up and feed the dog. It seemed like he just wanted to fight that morning, she was not in the mood for it and did not want to get into it any further. He pushed her on the table and had his hands around her neck and was choking her on table. She put her nails into his arms in an attempt to get him off of her. He then called the cops and stated she was going to jail this time. The first female officer came in the apartment and her ex had his shirt off. The Complainant believed that the Officer was lusting over him. The complainant was in the kitchen preparing the dog food at the time the officers arrived on the scene. The female officer walked into the door and began asking the male questions and the complainant asked several times for her side to be heard. The complainant stated that the officer “never gave me the opportunity to tell my side of the story I felt like to she came there with the intention on arresting me.” She stated the other Officer talked to her more at booking and that was the only time the Officers had a chance to hear some of what had occurred from her point of view.

The Complainant attempted to explain to the officer that her ex was more physical than she was and that she was just trying to get him off of her when she put her nails into him. The Officer responded “he has bruises and you don’t” the Officer told the ex “you know you can press charges, do you want to press charges?” The Complainant stated to the officer “if I should have to go then he should have to too.” The Complainant states that her ex responded yes “I want to press charges.” The Complainant attempted to show the officer the bruises she had on her from previous incidents and the officer noted those were old and he had a scratch on him now.

The male advised “Me and her got into an argument, I called the cops to have her escorted off of the premises. Two female officers arrived, I don’t know what the conversation was, all I wanted was for her to be escorted out of my domicile. At first it was like just get your stuff and go, then her and the officer had words, I could tell she was a rookie cop and just overly expressed her authority. She kept putting it out there that she could be arrested and my response was I wanted her to be escorted off the premises. Most of the time when the officers came they would drive her to another location or close to it, normally its one female and male, this time two female officers. They (cops) would discuss what would be happening, this officer was really adamant in using her authority.” He states that he did not ask for her to be arrested, “I don’t want her arrested I want her escorted off the premises.” He was dealing with the animal because when cops are around he gets agitated. “I felt like the officer wanted to extended her authority, she did not have to arrest her or take her to the Justice Center in anyway just escort her off the premises like they normally do.”

Officer one wrote in her report that during the investigation the female complainant was interviewed and allowed an opportunity to report her account of the incident. She reported that male grabbed her by the neck and pushed her against the microwave in the kitchen. The complainant showed the officer a small mark, possibly a small bruise located on her thigh. It was apparent that the bruise mark was not related to the current domestic violence investigation. Officer one also documented that her investigation revealed no other evidence to support the female complainant’s allegations against the male.

The CRB Hearing panel sustained demeanor allegation against one officer and exonerated the other female officer on the scene. A recommendation of a verbal reprimand was made to the Chief of Police regarding the Boards sustained finding of demeanor.

- **Demeanor Sustained against One Officer**

A male complainant stated he ran into a friend’s apartment located in Pioneer Homes (Dablon Court) prior to going to class at SU. He parked the car; left it unlocked and jogged up the street because he only had a little time before class. He was driving a rental car from Enterprise at the time of this incident. He left his friend’s apartment, walked toward the car, and observed the police actively searching the vehicle. He approached the vehicle and said “yo what’s going on?” Officer one responded to the male complainant “back the fuck up.” He informed the Officers it was his rental and the Officer responded “prove it.” He shook the keys in his hand and showed the rental agreement to prove it was his rental. Officer One stated thereafter “let me see if it works.” She clicked the keys and the car made a noise. Officer One asked Ahmed for his license which he provided. He asked the Officer one “what is the problem” and Officer one responded “someone left the car running.”

The Complainant informed the Officer that the car was not left running. Officer Two responded “you being tough you tough right” then Officer two asked the Complaint “who was driving the car? He responded me and then Officer One stated “some short dude was driving the car, he saw them and then ran out the car.”(I would like to point out that the complainant is 5’7”). He informed the Officers he was going to be late for class and they responded “they don’t care.” Officer One then began naming a bunch of other people that the Complainant did not

know and he informed the Officers that he didn't know them and Officer One responded "sure."

The Officers then told the complainant "listen you are not leaving here with this car until you tell us who was driving it." He again advised them he was the one driving the car. The Officers called for the car to be towed and Officer One gave the Complainant a ticket for leaving the car running and unattended. When the tow truck arrived the Officers told the driver not to release the car to the Complainant. The Complainant was furious that he could not get the car from the tow area. He paid money to rent the car, had to pay a tow fee, and as a result of this encounter he is on the do not rent list at Enterprise. Witnesses on the scene informed the Complainant that the officers "do that to everybody and Officer One be on her shit" The Complainant expressed his frustration by stating "you shouldn't have to expect that from people that are supposed to protect you." He is still upset because he missed class that day and he needed the class to graduate.

Officer One and Two were working a double unit. The Citizen Stop form was completed by Officer Two indicating they observed the vehicle being parked and the driver, who appeared to be a black male, quickly exit the vehicle and walk away. The officers later determined the vehicle was left running and unsecured. The Officers were approached by multiple people inquiring as to the situation but disavowing any knowledge. Sometime later the Complainant responded to the scene and claimed to be the renter and driver. Because the officers were aware that the complainant was not originally driving the vehicle as specified in the rental agreement, the vehicle was left running and unattended. The vehicle was towed from the scene for safe keeping until it could be recovered by the owner.

The vehicle was a "push-button" start with a fob but the fob was not in the vehicle. They waited several minutes for someone to return to the vehicle, but after several people stopped and asked about the car but refused to offer any information, it became apparent that the driver was not going to return. They had discovered the vehicle was a rental vehicle but were unable to contact anyone in the company locally. They decided to tow the vehicle because of its unsecured state.

Officer One explained that the person they saw walking away from the vehicle was firstly a black male unlike him and, secondly, was considerably shorter than him. The seat was positioned close to the steering wheel and she tried to point this out to him that he would not fit into that seat, further demonstrating to him why they were aware he hadn't been driving. She offered to let him try to sit there and he refused to try. Officer One reported "the same black male they originally saw exit the vehicle returned while they were on scene and immediately "did an about face" and walked away upon seeing them near the vehicle."

Officer two wrote in his 10.1 "They Id the driver by means of a cell phone left on the front seat of the vehicle which was opened to a Facebook page and that person was a wanted party with an outstanding warrant for AUO 3rd. They presumed this was the reason the driver abruptly exited and left the vehicle."

A witness provided a verbal statement he was on the telephone with the complainant at the time the incident was occurring. The complainant was an intern in their office when this occurred and they were just discussing situations like this. They discussed the need to "Know Your Rights." He stated the conversation he overheard was not appropriate although he does

not recall what was actually said. He does recall the car had to be towed and that the complainant was banned from renting cars. The Complainant was complying with the officers from what he could hear, they recovered nothing from the search of the car, he was concerned during the conversation so he reminded the complainant to remain calm and comply. He thought the stop was some pre-text stop and search.

The CRB Hearing Panel sustained the allegation of demeanor against Officer one and exonerated Officer two. A recommendation of verbal reprimand was made to the Chief of Police for Officer One.

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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TOTAL:		\$140,077.00
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Total Complaints Received during Second Quarter of 2018 (April 1 to June 30, 2018): 17

Categories of complaints as defined in CRB Ordinance (totals from all complaints received from April 1 to June 30, 2018):

Active Misconduct: 38*

Passive Misconduct (Failure to Act): 5

Damaged or lost Property: 2

Denial or Violation of Constitutional Rights: 4

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: 29

The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during Second quarter of 2018: 2

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: 23

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: 4

Hearing outcomes

Panel hearings scheduled: 3

Panel hearings held: 3

Panel hearings resulting in disciplinary recommendations from CRB: 2

Panel hearings resulting in no disciplinary recommendations from CRB: 1

Second Quarter of 2018 CRB Sustain Rate: 14.5% (2 hearings resulting in sustained findings out of 29 fully processed cases)

*Note that a single complaint can involve multiple allegations

Categories of complaints received by the CRB between April 1 and June 30, 2018*

City Wide

Excessive Force	Demeanor	Failure to Act	False Arrest	Racial Bias
6	9	5	3	4
35%	53%	29%	18%	23%

Harassment	Improper Search/Seizure	Constitutional Violation	Gender Bias	Theft/Larceny
11	5	4	1	0
65%	29%	23%	1%	0%

Evidence Tampering	Improper Offer to Reduce Charges	Destruction of Property	Untruthfulness in a Police Statement
0	0	2	1
0%	0%	12%	1%

*Note that a single complaint can involve multiple allegations

Complaints Received per Common Council District during the 2nd quarter of 2018*

District 1:

Demeanor: 1
Excessive Force: 2
Failure to Act: 0
Harassment: 3
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:
Violation of SPD high-risk traffic stop policy: 0

District 2:

Demeanor: 2
Excessive Force: 2
Failure to Act: 3
Harassment: 3
Racial Bias: 2
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: 1
Violation of SPD high-risk traffic stop policy: 0

District 3:

Demeanor: 0
Excessive Force: 1
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:

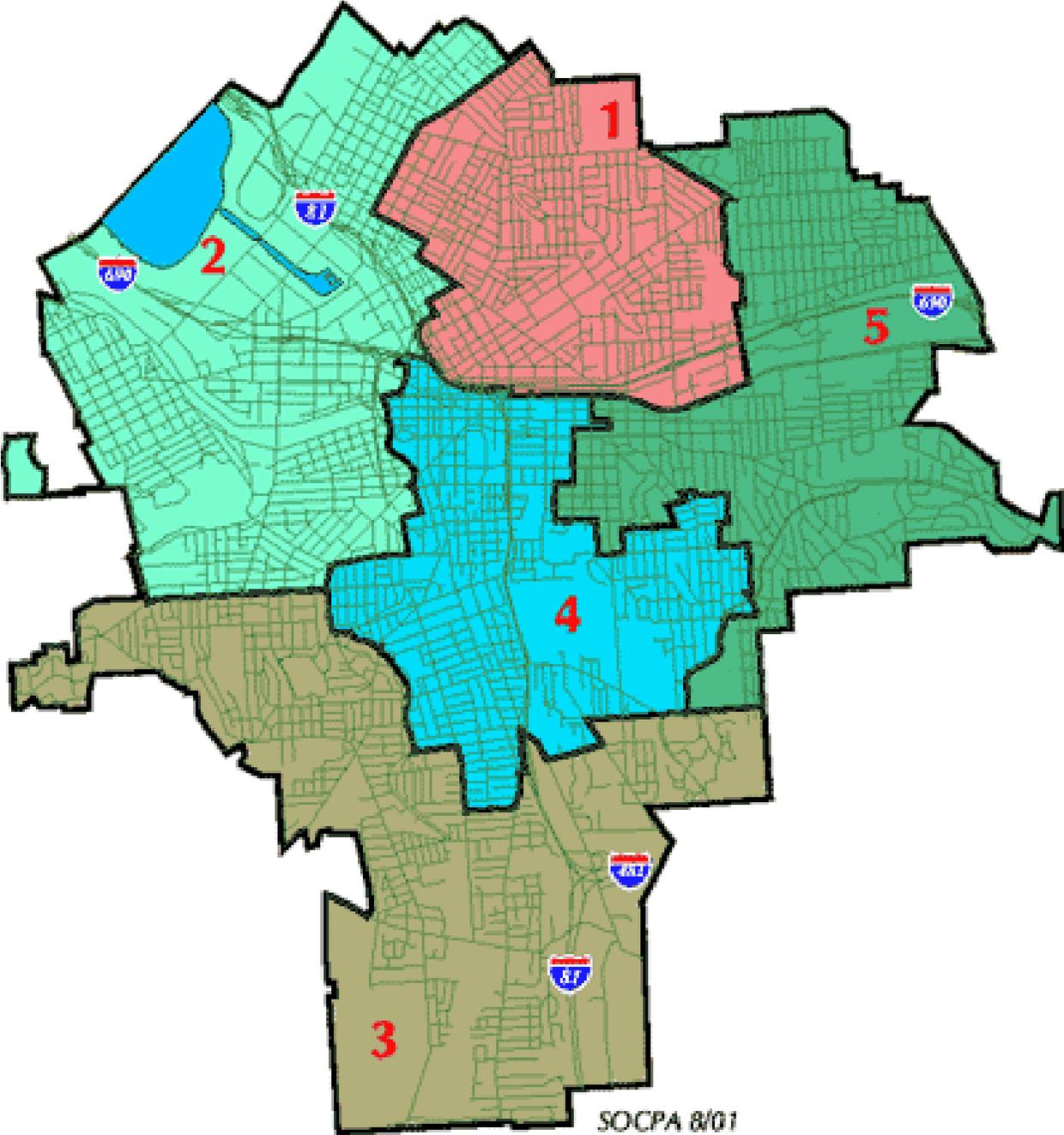
Demeanor: 3
Excessive Force: 0
Failure to Act: 1
Harassment: 3
Racial Bias: 0
False Arrest: 1
Improper Search/Seizure: 1
Theft/Larceny: 0
Taser Discharge: 0
Untruthfulness in a Police Statement/Falsifying a Report: 1
Gender Bias: 0
Evidence Tampering: 0
Improper Offer to Eliminate Charges in Exchange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

District 5:

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

***See the following page for a map of the Common Council Districts**

CITY OF SYRACUSE COMMON COUNCIL DISTRICTS



Complainant Demographics for All Complaints Received in Second Quarter of 2018

Ethnicity			% of city population*
Black	11	65%	29.5%
White	6	35%	52.8%
Latino	0	0%	8.3%
Asian	0	0%	5.5%
Native American			1.1%
Other			2.8%
Total	17	100%	100%

*based on 2010 census

Sex		
Male	9	60%
Female	8	40%

Sexual Identity of Complainant		
LGBTQ	0	0%

Age		
Under 18	0	0%
18-35	8	42%
36-50	4	25%
51+	3	33%

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

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