

SYRACUSE

CRB

CITIZEN REVIEW BOARD

Quarterly Report
April 1 to June 30, 2019

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STATISTICAL SUMMARY OF 2019 2ND QUARTER CRB OPERATIONS
April to June 2019

Number of New Cases Received:	35
Number of Existing Cases Processed:	12
Number of Hearings Held:	3
Number of Hearings with Sustained Findings:	1
Number of Officers with Sustained Findings:	1
Types of Allegations Sustained:	Excessive Force and Racial Bias (1 officer)
CRB Sustain Rate:	.083% (1 sustained case out of 12 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 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.

Members of the Syracuse Citizen Review Board

Mayoral Appointees

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

District Councilor Appointees

Ms. Dana Natale - 1st District - term expires December 31, 2020
Ms. Balbina Priscilla Santana - 2nd District - term expires December 31, 2019
Ms. Lori Nilsson - 3rd District - term expires December 31, 2021
Ms. Ruth Kutz, Board Chairman - 4th District - term expires December 31, 2020
Ms. Cynthia Brunson - 5th District - term expires December 31, 2019

At-Large Councilor Appointees

Ms. Hatisha Holmes – term expires December 31, 2021
Mr. R. Daniel Grinnals, - term expires December 31, 2021
Mr. Clifford Ryans - term expires December 31, 2019

FILING A COMPLAINT WITH THE CRB

The Syracuse CRB accepts complaints against members of the Syracuse Police Department (SPD) involving allegations of misconduct that may violate SPD rules and regulations, as well as state, local and/or federal law. The CRB accepts complaints on active misconduct – such as excessive force, constitutional violations, harassment, racial or gender bias, poor demeanor, search & seizure violations, theft or damage to property, untruthfulness, and false arrest – as well as passive misconduct such as failure to respond or refusal to take a complaint.

Any member of the public can file a complaint with the Syracuse CRB; a complainant need not be a resident of the City of Syracuse. There are several ways a complaint can be filed. A complainant can come to the CRB office in City Hall Commons at 201 East Washington Street, Suite 705, to fill out a complaint, contact our office to have a complaint form mailed to their address, download the complaint form from the CRB website, or request a home visit if necessary. The form can be hand delivered or mailed to our office. The CRB website is www.syracuse.ny.us/CRB.aspx. The CRB office telephone number is 315-448-8750. The CRB can be reached by e-mail at crb@syr.gov.

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.

During the month of April the CRB attended events through YWCA which included their Stand Against Racism March and 21st Annual Day of Commitment. Youth Summit through Syracuse University STEP Program and Layla, Building Men Leadership Conference through 100 Black Men. In June the CRB hosted a table at Interfaith Works Duck Race to End Racism, Juneteenth, Shonnard Street Boys and Girls Club, SNUG UnityDay Community Barbeque at Kirk Park (Syracuse Cure Violence to reduce gun violence among youth ages 13-22 in the South and Southwest neighborhoods in Syracuse), Central New York Pride, Westmoreland Barbeque, Black Pride Cookout at Higher Onondaga, World Refugee Day and SPD Community forum regarding use of force. We also marched in the annual Juneteenth Parade from Dunbar Center to Clinton Square. .

BOARD TRAINING & EDUCATION

During the second quarter of 2019, the CRB held Board Development training with Interfaith Works on May 11, 2019. This training was required for its board members and staff. The members that missed the training were not provided an alternate training date.

OPERATIONS

Between April 1 and June 30, 2019, 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 35 new complaints and fully processed 12 existing cases. In comparison, the CRB received a total of 17 new complaints and fully processed 29 existing cases during the first quarter of 2018.

During this second quarter of 2019, the CRB held three (3) hearings to examine the allegation of excessive force, racial bias, unlawful search, demeanor, and false arrest. One hearing resulted in a sustained finding of excessive force and racial profiling against one (1) officer. The CRB made disciplinary recommendations to the Chief of Police on that one case. No Notice of Claim (a prerequisite to filing a lawsuit) was filed on the case that was sustained by the CRB during this quarter. In the case sustained by the CRB, the SPD disagreed with the CRB's finding. Therefore, no discipline was given to that Officer.

Chief Buckner reestablished the Police Liaison Committee and we held an initial meeting to discuss the goals and expectations for the groups moving forward. We scheduled our next meetings to be held quarterly to include all members of the CRB Police Relations committee. The Administrator and Board Chair were in attendance at the initial meeting. We also scheduled a full Board mandatory training day to discuss the new Use of Force Policy. This meeting will also discuss all the CRB Policy and Training recommendations that were included in the Use of Force Policy and any others that have been implemented, considered, and rejected by the department.

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 2019, the CRB held three (3) hearings to determine whether the complaint should be sustained and made recommendations to the Chief of Police. In the three (3) hearings that were held this quarter, the CRB panel sustained two allegations of misconduct against one 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 2019 was .083%. The sustain rate is calculated by dividing the number of hearings that resulted in sustained findings that quarter (1) by the number of complaints fully processed during that quarter (12).

CASE SUMMARIES OF SUSTAINED FINDINGS

Out of the one panel hearings held during the second quarter of 2019 which resulted in a sustained finding against four officers. The CRB offers a summary of the sustained case below in an effort to provide the public with an accurate understanding of the cases sustained by CRB panels.

- **Excessive Force and Racial Profiling**

A young African American male was a driver in a vehicle that was reported stolen to the Syracuse Police Department (SPD). An SPD officer attempted to pull over the vehicle after trailing the vehicle for a few moments. The driver pulled the vehicle over to the side of the road and Officers circled and one Officer advised the driver to take the keys from the ignition and throw them out the window. The driver dropped the keys on the floor mat in the vehicle. The driver informed the Officer the keys fell and he was advised by the Officer to leave them there and put his hands out of the window. One of the Officers opened the driver side door while the other Officer was surrounding the vehicle. The Officer advised the driver not to move or he would shoot. Another Officer behind the Officer who ordered the driver not to move stated "Do you want to get shot?" The driver observed this Officer to be looking over him as if he was looking for something. The driver was advised by one Officer to put his hands on his head and he complied with the order. One of the Officers advised the driver "I will shoot you" the driver responded "shut up" the Officer then grabbed the driver by the arm and tried to pull him out of the car. The driver's left arm was stuck in the seatbelt. The driver was then struck by the Officer in the face while the other Officer is trying to detain him; the drivers stated his body was partially out of the vehicle and his arm was still stuck in the seatbelt. The driver yelled "my arm is stuck." Once the driver arm was unlogged from seatbelt the Officer stopped punching him and the driver yelled out "I'm only fifteen." The other Officers on the scene were heard laughing and a couple minutes later the driver was grabbed by the hood of his sweatshirt and dragged to the back of the vehicle, he was stood up and the ambulance was called for medical attention. As a result of being struck by the Officer, the drivers tooth was punched out. The driver observed his tooth fly out his mouth while being punched.

While awaiting the ambulance, the driver asked the Officer if they could call his mother and he was informed they would handle all that after he answered a few of their questions. After they asked him his pedigree information his mother was not called. The ambulance arrived and provided the driver with gauze for his tooth and one Officer waited for a transport vehicle to take the driver to the public safety building and that's where he was able to speak with his mother.

The CRB Panel sustained the finding of Excessive Force and Racial Bias based upon the testimony of the complaint, photographs, and medical records. The Officer did not appear at the CRB Hearing to provide testimony or answer questions as no subpoena was issued requiring attendance. A letter was sent to the Officer and no response was received by the CRB. Based upon the foregoing the Hearing Panel reviewed the Office of Professional Standards Report, 911 audio and data sheets, the Officer's narrative supplement 1's, statement from the vehicle owner, and the use of force

report, as evidence related to this complaint. The Panel recommended a Suspension without pay for two (2) weeks for the Officer. The Police Department disagreed with the CRB's finding.

BUDGET

2018-2019 Adopted
DETAIL ANALYSIS OBJECTS OF EXPENDITURE

PERSONNEL SERVICES

510100	Salaries	\$ 96,550.00
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CONTRACTUAL & OTHER SERVICES

540300	Office Supplies (Contractual & Other Expenses)	\$ 3,290.00
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540500	Operating Supplies & Expenses	\$ 10,175.00
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541500	Professional Services	\$ 15,900.00
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541600	Travel, Training & Development	\$ <u>2,625.00</u>
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TOTAL:		\$128,540.00
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Total Complaints Received during Second Quarter of 2019 (April 1 to June 30, 2019): 35

Categories of complaints as defined in CRB Ordinance (totals from all complaints received from April 1 to June 30, 2019):

Demeanor: 20
Excessive Force: 18
False Arrest: 4
Harassment: 10
Racial Bias/Profiling: 6
Passive Misconduct (Failure to Act): 6
Damaged or lost Property: 4
Improper Search: 1
Breaking Entry: 1

*Note that a single complaint can involve multiple allegations

The number of cases fully processed and closed by the Board during second quarter of 2019: 12

The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during second quarter of 2019: 1

The number of complaints processed and not sent to a panel hearing during the quarter: 8

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: 5

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: 1

Hearing outcomes

Panel hearings scheduled: 3
Panel hearings held: 3
Panel hearings resulting in disciplinary recommendations from CRB: 1
Panel hearings resulting in no disciplinary recommendations from CRB: 2

Second Quarter of 2019 CRB Sustain Rate: .083% (1 hearing resulting in sustained findings out of 12 fully processed cases)

Categories of complaints received by the CRB between April 1 and June 30, 2019*

City Wide

Excessive Force	Demeanor	Failure to Act	False Arrest	Racial Bias
18	20	6	4	6
51%	57%	17%	11%	17%
Harassment	Improper Search/Seizure	Improper Offer to Reduce Charges	Destruction of Property	Untruthfulness in a Police Statement
10	1	0	4	0
3%	.03%	0%	11%	0%

*Note that a single complaint can involve multiple allegations

Complaints Received per Common Council District during the 2nd quarter of 2019*

District 1:

Demeanor: 1
Failure to Act: 2

District 2:

Demeanor: 7
Excessive Force: 7
Failure to Act: 1
Harassment: 5
Breaking Entry: 1
Property Destruction: 2

District 3:

Demeanor: 3
Harassment: 1
Racial Bias: 1
False Arrest: 2
Excessive Force: 1

District 4:

Excessive Force: 6
Harassment: 2
False Arrest: 2
Racial Profiling: 2
Demeanor: 5
Failure to Act: 1
Property Destruction: 1

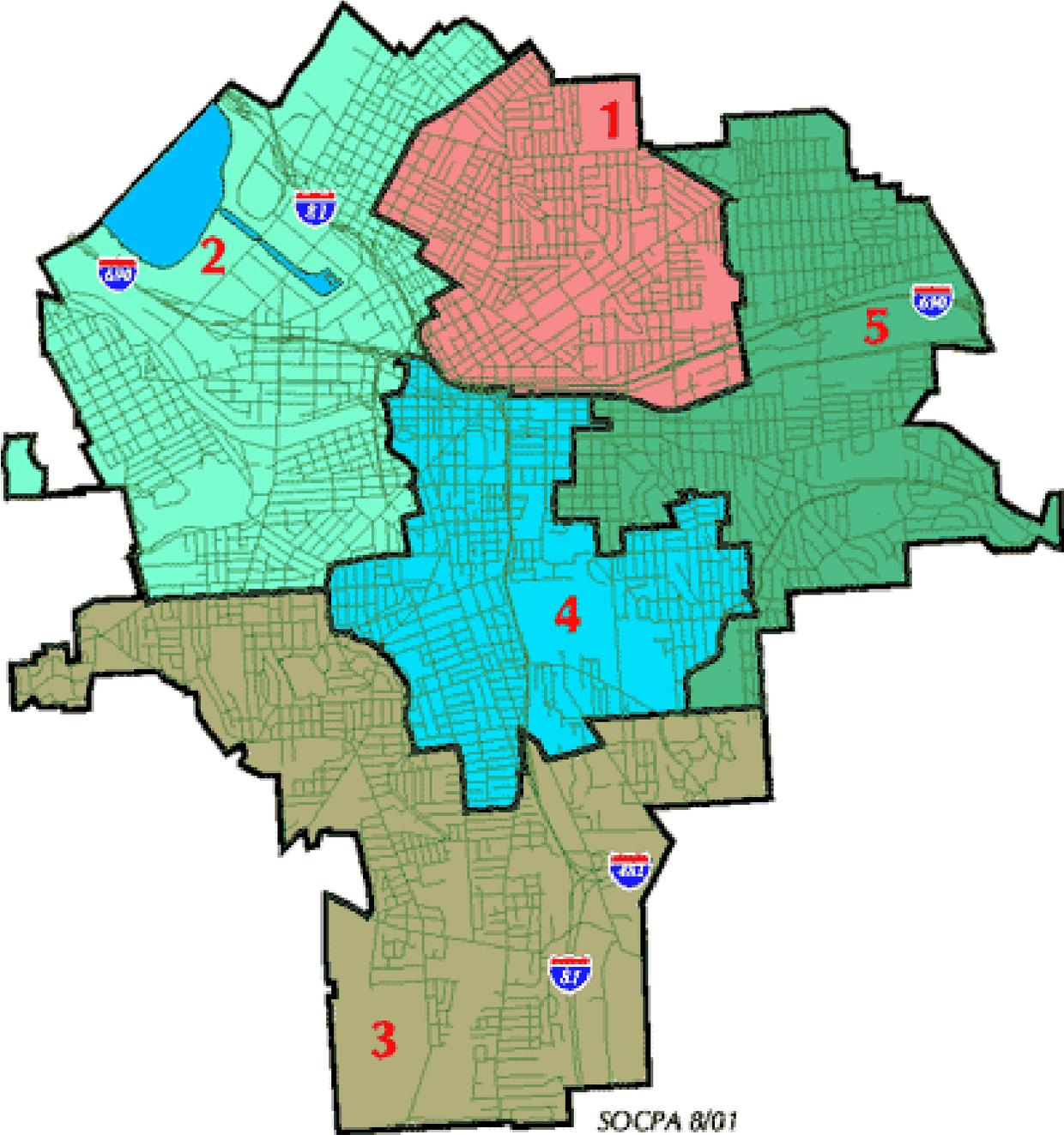
District 5:

Improper Search: 1
Demeanor: 4
Excessive Force: 3
Harassment: 2
False Arrest: 1
Racial Bias: 1

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

*Note that a single complaint can involve multiple allegations

CITY OF SYRACUSE COMMON COUNCIL DISTRICTS



Complainant Demographics for All Complaints Received in Second Quarter of 2019

Ethnicity			% of city population*
Black	24		29.5%
White	8		52.8%
Latino	1		8.3%
Asian	0		5.5%
Native American	2		1.1%
Other	0		2.8%
Unknown	4		
Total	39		100%

*based on 2010 census

Sex		
Male	20	60%
Female	14	40%

Sexual Identity of Complainant		
LGBTQ	1	0%

Age		
Under 18	1	0%
18-35	21	50%
36-50	10	30%
51+	3	20%

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