

City of Syracuse
Citizen Review Board
 Meeting Minutes

Thursday, August 4, 2016
Common Council Chambers
 5:30 PM to 7:30 PM
 Public Comment - 20 minutes at 6:30 PM

Board Members & Staff (Present / Absent): See Chart Below

<u>Name</u>	<u>P</u>	<u>A</u>	<u>Name</u>	<u>P</u>	<u>A</u>	<u>Name</u>	<u>P</u>	<u>A</u>
Barrette, David	X		Levine, Louis	X				
Christiana, Peter	X		Livingston, Mallory	X				
Duncan, Caleb	X		Moser, Leah	X				
Holmes, Hatisha	X		Turner, V. Diane	X				
Horan, Carole J.	X		Chaplin II, Esq., David L.	X				
Kutz, Ruth	X		Pearson, Betty L.	X				

On Thursday, August 4, 2016, the City of Syracuse Citizen Review Board (CRB) held an open, stated meeting at 304 City Hall in the Common Council Chambers.

Mr. Christiana, Board Chair, called the meeting to order and announced that the meeting was being held pursuant to notice and that a quorum was present.

1. On motion duly made by Ms. Kutz, seconded by Mr. Barrette and adopted, the Board approved the Minutes of the July 7, 2016, Board meeting.
2. Chairman's Items
 - a. Mr. Christiana stated that he had no items to share.
3. Administrator's Report
 - a. July community events attended and future events on schedule – Mr. Chaplin shared that on July 9, he met with Mr. Alexander Veranes of Syracuse Students United and that the CRB was were present or represented at:
 - McKinley Park Concert, July 13 (Cancelled due to weather)
 - b. Future events on schedule:
 - East Fayette Boys & Girls Club, August 11
 - Near Westside Multicultural Block Party, August 18
 - Syracuse Police Academy Graduation, August 29
 - Syracuse University Warehouse, August 23
 - Westcott Street Cultural Fair, September 18

- c. Website update – Mr. Chaplin reported that some changes made to the CRB website include the addition of the bio and headshot of the Administrator, the addition of Ms. Kutz’ bio and an update of Ms. Moser’s bio. Mr. Chaplin also reported that the website will soon include a fillable PDF complaint form.
- d. Newsletter status – Mr. Chaplin communicated that the e-newsletter will be created using Mail Chimp and that the next edition is being worked on.
- e. Legal services contact list – Mr. Chaplin shared that The Volunteer Lawyers Project of Onondaga County, Inc. (OnVLP) has added the CRB to the referral list for their clients. OnVLP is a 501(c)(3) non-profit legal aid organization that provides free legal information, assistance and representation in civil legal matters to low-income people by volunteer attorneys with the help of law students and are supervised by a small staff. Their mission is to provide equal access to justice to those in need. Mr. Chaplin reiterated that he has been working with attorney Alan Rosenthal to formulate a list of lawyers who have experience and success with police conduct issues.
- f. Status of Lawsuit – On July 28, 2016, Judge Spencer Ludington ruled that Chief Frank Fowler must inform the CRB what discipline, if any, he imposed on officers accused by the CRB of misconduct, even in cases that take longer than 60 days to complete. Judge Ludington also issued a declaratory judgment clarifying the CRB's ordinance. It is anticipated that the City will appeal both the judge's ruling and his earlier decision that established the CRB's standing and capacity to sue.
- g. CRB outside contracts update – Mr. Chaplin reported that on Friday, July 15, Mr. Christiana, Ms. Livingston and he met with Budget Director, Ms. Mary Vossler. Ms. Catherine Carnrike from the Corporation Counsel’s office was to be in the meeting, but was not available. They learned that the approved contracts expired at the end of the 2016-17 fiscal year and that the medical consultant contract needs to be presented to the Common Council to be reapproved. They did not receive any straight answers as to why the CRB was unable to use the medical examiner, other than the Corporation Counsel insisting that since the use of a medical consultant is not specified in the ordinance, one cannot be used absent annual Council approval. The independent investigator may be used on a case-by-case basis. Ms. Horan would like a date as to when it can be used and whom the Board can contact to get the medical examiner contract approved. Mr. Duncan asked if the ordinance can be changed to accommodate the medical examiner.
- h. Board mayoral vacancy – Mr. Chaplin indicated that identifying a candidate is still in the works and that Board members can suggest candidates.

- i. Monthly Financial Report – Mr. Chaplin shared the detailed breakdown of expenditures for the year to date. Ms. Turner recommended sending the financial report at the same time as the agenda and minutes to allow time to review them prior to Board meetings.
- j. July case statistics – Mr. Chaplin reported that 19 new cases were received in July. He stated the total received to-date in 2016 is 65 and that 16 cases will be reviewed during Executive Session.
- k. Half-time Report (Combined First & Second Quarterly reports) – Mr. Chaplin informed the Board that he expects a rough-draft of the combined first and second quarterly reports to be completed in August for their review.
- l. Miscellaneous Updates
 - Open Meetings Law Training – The Onondaga County Jail Oversight Committee (JCOC) invited the CRB and staff to attend training on the Open Meetings Law. Robert J. “Bob” Freeman, Executive Director of the New York State Committee on Open Government and expert in open meetings law conducted the training Monday, August 1, 2016 at 5:30 PM at the Tech Garden, 235 Harrison Street. Ms. Holmes, Pearson and Turner and Mr. Chaplin attended. Mr. Christiana asked if there were handouts and Ms. Turner shared that the information is on the website: <http://www.dos.ny.gov/coog/> and that it would have been beneficial for the Chair and Vice Chair to attend the training in the future. Mr. Chaplin mentioned that Open Meetings Law training should be included as part of the CRB Annual Training Day.
 - Complaint intake form – Mr. Chaplin shared the complaint intake form he designed to record information (name, date of birth, sex, race, address, phone numbers, e-mail address) on individuals who request complaint packets in order to follow-up with them if they have difficulty completing or returning the complaint form. Mr. Levine stated that a sign-in sheet style form might be a better design. Ms. Livingston stated that follow-up is good, but filling out the form, in whole, should be optional, with the understanding that the information will be kept confidential. Ms. Livingston also expressed concern that a sign-in design might be problematic if new complainant can see previous complainant names. Mr. Chaplin stated he will take all comments into consideration for the following design.
 - Subpoena language for complaint form – Mr. Chaplin presented the statement on the use of subpoenas to compel officer attendance at CRB hearings that will be added to the complaint form. Mr. Christiana asked how successful issuing a subpoena to an officer would be. Ms. Moser stated that there would need to be follow-up with the complainant based on the Board’s discretion to issue subpoenas. Ms. Livingston stated that the possibility of an officer’s presence at Panel hearings should be included within the hearing letter to the complainant so they can come to the hearing prepared.

- CRB Policy for Revisiting past cases– Mr. Chaplin offered wording originally presented at the December 18, 2014 meeting to update the By-laws regarding re-hearing a complaint if new information is disclosed: The CRB may reevaluate and reopen a closed complaint upon the request of a complainant or officer and upon the approval by majority vote of the Board, if:
 - a. new information is presented that is both relevant and persuasive; or
 - b. the severity, seriousness or significance of the alleged misconduct warrants a reexamination and/or
 - c. the age of the original complaint does not prohibit an effective reexamination.

Further questions to consider would be:

- a. Should the individual requesting to reopen the case (particularly if it is an officer) be required to participate in the CRB hearing?
- b. Can the Board reconsider a finding without a new hearing?
- c. If a new hearing is scheduled, should it be the same panel members if possible, or different panel members?

On motion duly made by Ms. Horan, seconded by Ms. Livingston and unanimously adopted, the Board accepted the update, as proposed by Mr. Levine, to the By-laws.

- Syracuse Police Department Senior Officer Meeting – Mr. Chaplin reported on meeting with Deputy Chief Joseph Cecile and Lieutenant David A. Brown who provided statistical data on received complaints since 2012. The numbers, Mr. Chaplin stated, (complaints received and complaints sent to the CRB) do not appear to correlate. There are certain discrepancies going back to 2012, so both senior SPD officers said they would make an effort to be more consistent in sending received complaints to the CRB office. They also agreed to review their policy of not including recommendations to the Chief in their Office of Professional Standards reports, as well as look into revamping their paper complaint form.
- MAMI (The Multicultural Association of Medical Interpreters) – Mr. Chaplin informed the Board that he has been in contact with MAMI and that they are still available to provide interpreting and translating services.
- CNY Latino – Mr. Chaplin plans to collaborate with Mr. Hugo Acosta, Owner-Publisher CNY Latino, to have the CRB featured in their publications as well as on radio reaching the CNY Spanish community.
- WCNY InSight (PBS Boardcast) – Mr. Chaplin will appear on WCNY Insights Friday, August 5, 2016.
- Onondaga County Officials – Mr. Chaplin plans to meet with Sheriff Eugene Conway.
- New sheriff cadets – Mr. Chaplin is scheduled to speak to the new Onondaga County sheriff cadets in October.

- Complaint form at Justice Center – Complaint forms will soon be available at the Justice Center for inmates.
 - Public Safety Building – The CRB Brochures will soon be available at the Public Safety Building front desk.
 - Officer In-Service Training – Mr. Chaplin is scheduled to participate in Officer In-Service Training on Tuesdays in March 2017 for several weeks.
 - Police Community Relations Forum – Mr. Chaplin announced an event, tentatively scheduled for September, co-sponsored by 100 Black Men of Syracuse and the Black & Hispanic Lawyers/Minority Bar Association as well as moderated by the CNY ACLU, that will feature Mr. Chaplin and Chief Frank Fowler.
 - Policy and Training Recommendations – Mr. Chaplin plans to meet with Chief Fowler Tuesday, August 16, 2016, to review some of the Policy and Training recommendations from the 2012 to 2015 CRB Annual Reports for implementation:
 - Securing Entryways following a Forced Entry (2012)
 - Provision of Property Receipts for Seized Currency (2012)
 - Inclusion of a Non-Retaliation Clause in the SPD's Complaint Procedures (2012)
 - Develop a Policy on the Use of Police Vehicles when Chasing a Suspect who is on Foot or Bicycle (2013)
 - Commence Development of a Comprehensive Body Camera Policy (2014)
 - Adopt a Policy to Immediately Retrieve and Secure Video (2014)
 - Office of Professional Standards should Conduct Recorded Interviews with Subject Officers and Acquire Police Radio Transmissions (2014)
 - Develop and Implement a Disciplinary Matrix (2014)
 - Adopt a Modern Comprehensive Use of Force Policy (2015)
 - Install Seatbelts and Cameras in the Rear Compartment of Police Transport Vans that record and store audio and video for a reasonable time (2015)
 - Secure Funding for Police Body Cameras and Develop a Policy on their Usage (2015)
 - Purchase and Install Dashboard Cameras and Audio Mics in all SPD Patrol Vehicles (2015)
 - Include in their Rules and Regulations a Policy which Outlines the Proper Procedures for Conducting Eyewitness Identifications (2015)
- Ms. Livingston asked that the CRB is notified when the recommendations are implemented.
- Lawsuit Appeal – Mr. Chaplin indicated that Chief Fowler is willing to meet with Corporation Counsel and CRB outside counsel to agree to a settlement and not appeal the two recent Judges decisions.
 - Introductory Meeting with District Attorney's Office – Mr. Barrette will set up a meeting introducing Mr. Chaplin to Rick Trunfio the District Attorney's office.

4. Committees
 - a. Ad-hoc Committee on mediation process – Mr. Christiana, Ms. Holmes and Ms. Livingston volunteered to serve on the committee.
 - b. Police Liaison Committee – Mr. Chaplin informed the Board that the Police Liaison Committee is tentatively set to meet on Wednesday, August 17, 12:30 to 2:00 PM.

5. New Business
 - CRB Annual Training Day – Ms. Horan reminded the Board of the need to select a date for the CRB Annual Training Day.
 - CRB Satellite Office Hours – Mr. Chaplin introduced the idea of having satellite office hours in the various local community centers, such as the Mary Nelson Center, a couple times a month because there are members of the community have expressed concern regarding police harassment when matriculating downtown to the CRB office. Ms. Kutz questioned how it would be publicized. Ms. Turner and Mr. Duncan expressed the need open the possibility of having that availability at community centers across the city.

6. Public Comment (6:30 pm)
 - Ms. Amy Gezew and her four-year-old son Joseph shared a negative experience with an SPD officer at his school and how it caused him not trust the police.
 - Mr. Mikiel Anderson asked questions or made statements about body cameras; police training for Board members and community; community outreach; Board vacancy; budget; contracts; public awareness and meetings in Council district.

Meeting continued in Executive Session: During the Executive Session, the Board voted on the following cases to determine whether to forward the case to a CRB hearing:

16-029	Hearing	16-031	No Hearing
16-032	Hearing	16-033	No Hearing
16-034	No Hearing	16-035	No Hearing
16-036	Hearing	16-037	No Hearing
16-038	Hearing	16-039	No Hearing
16-040	Hearing	16-041	Hearing
16-042	No Hearing	16-043	No Hearing
16-044	No Hearing	16-045	No Hearing

On motion duly made, seconded and unanimously adopted, the Board meeting adjourned

Respectfully submitted,

Betty L. Pearson
 Typist II, Citizen Review Board