

Syracuse Citizen Review Board Policies and Procedures for Complaints

Section 1. General Policies Regarding Complaints

- (1) Complaints may be received directly by the CRB, or upon referral from the Syracuse Police Department Office of Professional Standards. Any complaint received and accepted by the CRB shall be immediately transmitted to Office of Professional Standards, and any complaint received and accepted by Office of Professional Standards shall be transmitted to the CRB within one (1) business day.
- (2) The CRB shall receive initial complaints by telephone, in person, by mail or email. Initial complaints shall be taken whether signed or anonymous in order to provide the complainant with the opportunity to discuss his or her options, but the formal review process will not begin without a signed statement.
- (3) The CRB Administrator shall assist a complainant in writing a complaint. Complainants shall be apprised of legal assistance options and the procedure for filing a Notice of Claim with Corporation Counsel against the City pursuant to the General Municipal Law.
- (4) A complainant may decline to cooperate with the Office of Professional Standards investigation, and may seek review directly from the Citizen Review Board. A complainant may, at any time, decline to have his/her complaint investigated and reviewed by the CRB. Such declination must be made in writing by the complainant.
- (5) Conciliation shall be offered at each stage of the Board review process until the commencement of a hearing.
- (6) Within 60 days of the receipt of a complaint, the CRB shall complete its investigation, determine whether there is reasonable cause to proceed to a hearing, conduct a hearing, and issue its findings and recommendations to the Chief and the Corporation Counsel.

Section 2. Investigations & Subpoena Power

- (1) The Board shall have the power to investigate complaints of police misconduct independent of and concurrently with any investigations conducted by Office of Professional Standards.
- (2) The CRB Administrator, a CRB investigator or a designee of the CRB Administrator shall interview complainants, witnesses, and subject officers.
- (3) The CRB Administrator, a CRB investigator or a designee of the CRB Administrator shall collect any and all evidence and documentation relevant to the complaint in the course of the investigation.
- (4) The Board, by majority vote of its members, may authorize the issuance of a subpoena. Such subpoenas may compel the attendance of witnesses and/or persons and require the production of such records and other materials as are necessary for the hearing of a complaint including records of the SPD, other persons, or other agencies. A copy of any subpoena served upon a Syracuse Police Officer shall also be delivered to the Chief of Police. Board subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules.
- (5) The CRB Administrator shall complete an investigative report that details the findings of the investigation.

Section 3. Hearing Panels

- (1) Three-member CRB Hearing Panels shall hear cases and make findings of fact and recommendations for discipline to the Chief of Police.
- (2) The precise procedures for the CRB Hearing Panels are outlined in the CRB's Hearing Panel Policies and Procedures and the CRB ordinance, Local Law 11 of 1993, as amended.

Section 4. Board Findings and Recommendations

- (1) Decisions of the CRB hearing panels shall be made by majority vote. Deliberations of the panel shall be confidential and confined to the panel members assigned to that particular hearing, and their legal advisers. The decision shall include findings of fact and may include recommendations.
- (2) If the panel finds that the officer may have engaged in criminal conduct, it may refer the matter to the district attorney and request that he/she initiate an investigation.
- (3) After hearing the testimony of all involved parties and reviewing all the available evidence, the panel shall state a finding of one of the following:
 - a. **Unfounded:** the investigation indicates the alleged act did not occur.
 - b. **Exonerated:** the investigation indicates the act occurred but that the act did not constitute misconduct.
 - c. **Insufficient Evidence:** the investigation discloses insufficient evidence to clearly prove or disprove the allegation.
 - d. **Sustained:** the investigation discloses that the act did occur and constitutes misconduct.
- (4) If a panel finds that misconduct has occurred it may recommend disciplinary sanctions including but not limited to counseling, reprimand, suspension, retraining, demotion or dismissal.
- (5) The panel may also recommend that restitution be paid to the complainant by the city for damage to real or personal property, costs related to medical or mental health treatment, or other losses causally related to the incident.
- (6) The panel shall report its findings in mandated reporting periods in accordance with Section Seven, Subsection 2, paragraph (d) of local law 11 of 1993 as amended.