

Syracuse Citizen Review Board

Policy & Training Recommendations; Summary, February 7, 2019

Each year in our Annual Report, the CRB makes recommendations on police policy and procedure. This document is a summary of recommendations made over the last several years, and an update with some newer recommendations. The recommendations are provided annually to the Mayor's office, the Common Council, and the Chief of Police in an effort to spur constructive dialog about how to address particular concerns of the CRB. We believe that these recommendations, if adopted, will serve the interests of the public as well as our City's police officers.

NOTE: This is intended as a draft and a basis for discussion. Changes in policy or other circumstances may have altered the need for some of the recommendations since they were first proposed.

Revise the Body Worn Camera Policy.

The SPD should adopt a policy known as "Clean reporting"; Officers should write the report, then watch the BWC footage then complete a supplemental report. The CRB expresses extreme concern related to a policy that allows an Officer to view the BWC footage and then write his/her report. We believe it is imperative to preserve the independent evidentiary value of Officers reports.

CRB should have access to any BWC footage necessary for a hearing, even in circumstances in which the Office of Professional Standards does not request or review said footage.

Change policy related to Mentally Ill Persons to reflect the Model Policy from International Association of Chiefs of Police (IACP). Also become a OneMind Department which seeks to "ensure successful interactions between police officers and person affected by mental illness." These practices include: establishing a clearly defined and sustainable partnership with a community mental health organization, developing a model policy to implement police response to persons affected by mental illness, training and certifying sworn officers and selected non-sworn staff in mental health first aid training or other equivalent mental health awareness course, and providing crisis intervention team training.

The SPD Should Adopt a Modern Comprehensive Use of Force Policy. The CRB has proposed a model policy in the annual reports. The policy should be based on national best practices, model policies from other police departments, and requirements outlined by the U.S. Department of Justice in consent decrees with other cities. It should include:

- A delineation of all force options, including all department-approved lethal and less-lethal weapons, and specific guidance on when each force option is appropriate and not appropriate;
- Precise definitions of key terms including but not limited to imminent threat, force transition, de-escalation, reportable force, and the definitions and correlation of various levels of subject resistance (passive, active, aggressive and aggravated aggressive) to levels of force;
- A discussion of what constitutes "objectively reasonable" force under the U.S. Supreme Court's *Graham v. Connor* (1989) decision;
- Specific prohibitions on when certain forms of force should not be used;
- A more prominent emphasis placed on the limitation of the use of impact weapons to strike the head or neck area to deadly force situations;
- The limitation of respiratory restraints (i.e. "chokeholds") and vascular (or carotid) restraints only to situations where deadly force is justified.
- A "Duty to Intervene" and a "Duty to Report" policy which dictates that any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force and promptly report these observations to a supervisor;
- A prohibition on officers firing at or from a moving vehicle when the moving vehicle constitutes the only threat.

Inclusion of a Non-Retaliation Clause in the SPD's Complaint Procedures. The CRB recommends the inclusion of an unambiguous clause that restricts any manner of retaliation or intimidation against any individual who files a complaint, seeks to file a complaint, or cooperates with the investigation into a complaint against a member of the SPD.

In-service Training on High Risk Traffic Stops. All SPD officers should undergo in-service training on the procedures for conducting felony stops and on identifying conditions when the procedures should be followed.

In-service Training on Reducing or Eliminating Charges in Exchange for Information or Cooperation. During 2013, the CRB investigated five separate complaints involving officers making offers to suspects to reduce or eliminate criminal charges in exchange for cooperation leading to the seizure of an illegal gun, information on the local drug trade, or information on recent homicides. This is commonly known as “working off charges” and is contrary to departmental procedures, which require the involvement and approval of the District Attorney’s office in any deals reached with cooperating suspects.

The CRB strongly supports the SPD’s ongoing efforts to remove illegal guns and drugs from the streets and to vigorously pursue and solve the city’s major crimes. The CRB recognizes that this is a valuable investigative tool to law enforcement. However, SPD policy requires officers to take enforcement action against a criminal offence. Moreover, the practice of making informal and unofficial offers can lead to baseless allegations by an individual desperate to avoid charges and it can leave criminal suspects vulnerable to acts of retribution.

The CRB’s understanding of the DA’s position is that officers are allowed to ask suspects for information but cannot offer to ignore evidence of a crime in exchange for cooperation. Officers are allowed to tell a suspect that notice of their cooperation will be forwarded to the DA’s office for the DA’s consideration in the final disposition of their charges, but the authority to make that decision resides with the DA’s office.

Develop a Policy on the Use of Police Vehicles when Chasing a Suspect who is on Foot or Bicycle. In two cases, individuals have alleged that police used their vehicle to bump or cut them off as they were either running or riding a bike.

Develop and Implement a Disciplinary Matrix to bring consistency and predictability to the department’s disciplinary process. A matrix, a common disciplinary tool used by employers both inside and outside of policing, categorizes violations into various levels of severity and provides disciplinary options for each level. A degree of administrative discretion can be built into the matrix by including mitigating and aggravating factors that can increase or decrease the level of discipline.

Adopt a Policy to Immediately Retrieve and Secure Video from the COPS Platform cameras or nearby private surveillance cameras anytime there is a use of force incident within range or as soon as a complaint has been made against an officer (either through 911, at the scene, or later through OPS).

Extend the timeframe that COPS Platform camera videos are available so the videos will more likely be available for complaint investigations.

The Office of Professional Standards should Conduct Recorded Interviews with Subject Officers and Acquire Police Radio Transmissions as a routine part of their internal affairs investigations. The recording of interviews with officers who are the subject of a complaint or who are a witness to the incident is a widely accepted best practice for internal affairs investigations. The recording of interviews tends to improve the quality of the interview and preserves the interview for review by outside agencies when necessary. The routine acquisition of police radio transmissions would provide investigators with additional context and the ability to verify critical aspects of an officer’s account of a given incident.

Install Seatbelts and Cameras in the Rear Compartment of Police Transport Vans that can record and store for a reasonable time period audio and video. The transport vans were previously equipped at the time this recommendation was made with holding straps and cameras which do not record audio or video. We are advised that seatbelts have been installed.

Purchase and Install Dashboard Cameras and Audio Mics in all SPD Patrol Vehicles. The in-car dashboard cameras and audio mics could be fully integrated with a new body camera system providing maximum possible coverage.

Include a Policy which Outlines the Proper Procedures for Conducting Eyewitness Identifications including photo lineups, live lineups, show up identifications, and field view identifications.

Securing Entryways following a Forced Entry. SPD should adopt a policy similar to that of the DPW board-up crews, to ensure security following a forced entry.

Provision of Property Receipts for Seized Currency. SPD should make the provision of property receipts (Form 5.4) mandatory at the point of seizure, provided doing so does not jeopardize the safety or security of the officer or any other

person. If the officer does not have a property receipt at the point of seizure, then the officer should request one through dispatch.