

**City of Syracuse  
Citizen Review Board  
Meeting Minutes  
Thursday, December 1, 2016  
5:30 PM to 7:30 PM  
Common Council Chambers  
Public Comment - 20 minutes at 6:30 PM**

<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		Livingston, Mallory	X				
Christiana, Peter	X		Ryans, Clifford	X				
Duncan, Caleb	X		Turner, V. Diane	X				
Holmes, Hatisha	X		Chaplin II, Esq., David L.	X				
Kutz, Ruth	X		Pearson, Betty L.	X				
Levine, Louis	X							

On Thursday, December 1, 2016, the City of Syracuse Citizen Review Board (CRB) held an open, stated meeting at 304 City Hall in the Common Council Chambers.

Ms. Livingston, 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 Mr. Duncan, seconded by Mr. Christiana and adopted, the Board approved the Minutes of the November 3, 2016, Board meeting
2. Chairman's Items
  - a. Recognition of Service of out-going Board members Louis Levine and Diane Turner – Ms. Livingston announced that because they have completed their terms, Mr. Levine and Ms. Turner would leave the CRB at the end of December. They are the remaining members of the first appointees to the revised CRB and their contributions are appreciated more than can be expressed. They have agreed to assist with training current and future Board members, so we look forward to a continued relationship.
  - b. Introduction of new CRB member Clifford Ryans – Ms. Livingston introduced and welcomed Clifford Ryans as the newest CRB member, replacing Leah Moser as an At-Large Councilors' appointee. Mr. Ryans shared a little about himself and the work he does in the Syracuse Community and stated that he is looking forward to helping the community and learning. City Clerk John Copanas swore in Mr. Ryans on November 22.
  - c. Resignation of Laura Walker, Mayoral appointee - Due to prior obligations on the first Thursday of the month and the inability of moving Board meetings to the second Thursday or another day of the week, Ms. Walker had to resign from Board.

- d. Status of Lawsuit – The appeal is scheduled for oral argument in Rochester Wednesday, January 11. Ms. Livingston shared the results of a meeting between Common Councilor Steven Thompson, Chief Frank Fowler and Mr. William Ryan from Mayor Stephanie Miner’s office, Messrs. Chaplin and Barrette and she in an attempt to settle the lawsuit with the City. They agreed that a good approach for resolving the 60-day time limit would be to amend the by-laws to require that the administrator provide written notice to the Chief and a revised date for completion on any case that is going to go beyond the 60 days and include a brief statement as to why. If the need for another extension occurs, the administrator would simply repeat the process before the revised date passes. This retains our ability to hear a case long after the 60 days is past. As a courtesy, we simply need to let the Chief know when a case is taking longer than usual.

We received a new demand asking to have the ordinance amended to lose our ability to sue in the future by forfeiting our standing to sue. This is not something we can agree to and even if we did, our standing to sue was granted by the ordinance, it is not up to us whether or not we have that power, it is up to the Common Council. Though this is not an appropriate issue to include in a settlement of a pending appeal, there are ways we could address their concerns without losing anything of value. For example, we could agree that we have to go through non-binding arbitration before suing or to provide a letter to Corporation Counsel notifying them of our intent to sue 30 days before doing so. That way we insure the City that they would have every chance to avoid litigation through negotiation and that they would have advanced knowledge of the suit so that they could prepare for it. At the same time, we lose nothing with regard to our right to sue. We tried repeatedly to get the City interested in negotiations before we finally sued. Arbitration or some similar pre-suit requirement to negotiate would simply formalize the pre-suit negotiations we would always attempt anyway. If we do reach an agreement, it would result in a withdrawal of their appeal. That means that the decisions made by Judge Spencer Ludington in our favor remain in force and will be valid precedent in the future should similar disputes arise. **The Board voted unanimously against removing the right to sue.**

### 3. Administrator’s Report

- e. Board vacancies – Chad Ryan, 2<sup>nd</sup> District Councilor has someone he is considering to replace Carole Horan. Chief of Staff Bill Ryan is in touch with two people to replace Joseph Masella and Diane Turner. Ms. Kutz requested Mr. Levine speak to 5<sup>th</sup> District Councilor Nader Maroun about replacing him with another lawyer.
- f. Monthly Financial Report – Mr. Chaplin shared the detailed breakdown of expenditures for the year to date.

- g. November case statistics – Mr. Chaplin reported that 11 new cases were received in November. He stated the total received in 2016 is 95 and that nine cases will be reviewed during Executive Session.
  - h. November Events attended – Mr. Chaplin recounted the community activities in which he engaged.
  - i. Administrator Updates – Mr. Chaplin reported that the quarterly reports are not complete, but that he would like to highlight officers in the reports. That thought was not received well by the Board or community members present. A similar idea was presented in December 2012 and as at that time, while many feel commending police officers when they do something good above the call of duty is a good idea and should be encouraged, they did not feel it is the CRB's place to make the means for doing so available through our office, website or reports.
4. Committees
- a. Ad-hoc Outside Counsel Committee – Ms. Livingston shared the outcome of meetings with the committee consisting of Messrs. Duncan and Levine and Ms. Turner and outside counsel to determine our obligations regarding outstanding fees. Mr. Harry Williams sent Ms. Livingston a list of billing costs he presented to Mr. Chaplin that was never shared with the Board. A total of \$13,482.00 is owed with \$5,482.00 for the appeal needing to be paid by the end of the year. On motion made by Mr. Duncan, seconded by Ms. Kutz, upon the receipt of a detailed invoice from Bousquet Holstein the \$5,482.00 payment will be made.
  - b. Community Outreach & Public Education Committee – Mses. Holmes and Turner informed that:
    - The 1<sup>st</sup> District Outreach Committee Meeting was Wednesday, November 9 at White Branch Library
    - The 5<sup>th</sup> District has not had a meeting, so Ms. Holmes proposed having it at the East Fayette Boys and Girls Club. When the date and time are set, she will contact the Board.
    - Ms. Holmes attended the Street Addiction Institute Inc. meeting at the Civic Center. Timothy “Noble” Jennings-Bey, former CRB member is the director of the Street Addiction Institute Inc. and the Trauma Response Team.
  - c. Government Relations – No report
  - d. Police Relations – The committee met without Ms. Livingston and Ms. Kutz as the meeting was scheduled at the last minute at a time they were not available. A suggestion was made to establish a regular schedule to meet when everyone on the committee is available.

5. New Business

There was no new business.

6. Public Comment (6:30 pm)

Ms. Turner presented certificates of appreciation to Messrs. Mikiel Anderson and Mustafa Robinson recognizing their support of the CRB over the past five years.

Mr. Mustafa Robinson thanked the Board for their dedication and shared why he is dedicated to supporting the CRB.

Mr. Mikiel Anderson asked questions or made statements about outside counsel; the budget; Board training; the investigator, medical consultant and interpreter; the quarterly/annual reports, regular meeting dates for 2017 and why highlighting officers is not a good idea.

7. 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:

16-070	<b>No Hearing</b>	16-077	<b>No Hearing</b>
16-071	<b>No Hearing</b>	16-078	<b>No Hearing</b>
16-073	<b>No Hearing</b>	16-079	<b>Hearing</b>
16-074	<b>Hearing</b>	16-080	<b>Tabled</b>
16-076	<b>Hearing</b>		

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

Respectfully submitted,

Betty L. Pearson  
Typist II, Citizen Review Board