

**City of Syracuse
Citizen Review Board
Meeting Minutes
Thursday, December 18, 2014
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>
Adan, Haji A.	X		Milliken, Carol		X	Common Councilor		
Barber, William	X		Stuart-McIlvain, Sarah	X		Hunter, Pamela	X	
Horan, Carole J.	X		Timmons, Tafara Blake		X			
Levine, Louis		X	Turner, V. Diane		X			
Livingston, Mallory	X		Lipari, Joseph L.	X				
Masella, Joseph	X		Pearson, Betty L.	X				

On Thursday, December 18, 2014, the City of Syracuse Citizen Review Board (CRB) held an open, stated meeting at 304 City Hall in the Common Council Chambers.

Mr. Masella, 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. Mr. Masella read a resolution for departing board member Sarah Stuart-McIlvain expressing the board's appreciation for her commitment to the CRB. On a motion duly made by Mr. Barber, and seconded by Ms. Horan, the resolution was unanimously adopted by the board.
2. On motion duly made by Ms. McIlvain, seconded by Ms. Livingston and adopted, the Board approved the minutes of the November 6, 2014 board meeting.
3. Board Action Items
 - a. Further discussion and vote on medical consultant contract – As requested at the November meeting, Mr. Lipari followed up with Scott F. LaPoint, MD of Scientific Consulting of Western New York, Inc. regarding his record for testifying in court. Mr. Lipari reported that Dr. LaPoint has testified equally for the prosecution and defense. Mr. Lipari reported that he is a “straight shooter” and is well respected and highly regarded among his peers. Mr. Lipari also spoke to Dr. Robert Stoppacher, Onondaga County's chief medical examiner. The Medical Examiner's office works closely with local law enforcement and Dr. Stoppacher indicated that the Onondaga County M.E.'s office would be unable to contract with the CRB, thus creating the need for the CRB to secure an outside medical consultant. On motion duly made by Ms. Livingston, seconded by Mr. Barber and adopted, the Board voted 3 to 2, with Mr. Masella abstaining, to select the proposal submitted by Scientific Consulting of Western New York, Inc. The proposal will be submitted to the

Mayor's office for approval and to the City Clerk for placement on the Common Council's agenda for Council approval.

- b. Further discussion on development of a CRB policy to re-hear a complaint if new information is disclosed – Mr. Lipari reported that an officer has asked the CRB to reconsider a case in light of new evidence that has been presented. The CRB considered a proposal which would allow the board to 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: new information is presented that is both relevant and persuasive; the severity/seriousness/significance of the alleged misconduct warrants a reexamination and/or the age of the original complaint does not prohibit an effective reexamination. Mr. Lipari stated that further questions for the Board to consider include: Should the individual requesting to reopen the case (particularly if it is an officer) be required to participate in the CRB hearing? Can the Board reconsider a finding without a new hearing? If a new hearing is scheduled, should it be the same panel members if possible, or different panel members?

The board decided to examine the issue over the course of the month and then reconsider the matter again at the next board meeting.

4. Chairman's Items

- a. Outside counsel assistance on acquiring recordings from county dispatch – The Chairman reported that the CRB was recently informed by Corporation Counsel that the CRB should submit a FOIL request when it requires recordings of 911 calls or radio transmissions from Onondaga County's Department of Emergency Communications 911 Center. The Chairman noted that in the past, the FOIL process has proved too slow and restrictive for the investigative purposes of the CRB. The Chairman reported that, following additional research, outside legal counsel has been instructed to send a letter to County Attorney Gordon Cuffy requesting that the CRB be granted routine access to the recordings.

5. Administrator's Report

- a. Report on Use of Force Summit, December 2 to 4 – Mr. Lipari shared bulleted highlights from the Summit.
- b. Review of new SPD Taser policy – Mr. Lipari reported that the new policy is based on recommendations in the consent decrees that the Department of Justice has implemented in various cities over the past few years and is exactly in line with national best practices. Mr. Lipari reported that the new policy came about because of a lawsuit filed by the ACLU and that as part of

the settlement, the City agreed to change the policy. Mr. Lipari reported that the major improvements include differentiating between passive, active, and active aggressive forms of resistance and barring the use of Tasers for passive resistance. Mr. Lipari noted that the definitions of those terms will be crucial to understand when we have such cases before our panels. Mr. Lipari also reported that the new policy also discourages the use of Tasers against certain categories of people: elderly, children, pregnant women, etc.

- c. CRB Policy Recommendations for 2014 Annual Report:
 1. Improve Use of Force policy: include specific guidance based on DOJ consent decrees similar to the new Taser policy.
 2. Adopt a clear Duty to Intervene policy (requiring officers to report behavior by fellow officers that is out of policy or unlawful).
 3. Commence development of a comprehensive Body Camera policy ready to be implemented upon the eventual acquisition of body cameras.
 4. Develop a policy to immediately pull and save video from the COPS Platform cameras or nearby private surveillance video as soon as a complaint is made and anytime when there is a use of force incident.
 - a. Extend time that COPS Platform camera videos are available from 15 days to 30 days so they will more likely be available for complaint investigations
 5. Recommendations for Office of Professional Standards:
 - a. Record interviews with officers
 - b. Acquire radio transmissions as a routine part of investigation
- d. Review of latest Public Awareness designs from LPM – Mr. Lipari shared the updated drafts for the poster and bus cards. The board formally approved the poster designs.
- e. Common Council Public Safety Committee on proposed CRB ordinance revisions (December 8) – Mr. Lipari reported that the members of the Public Safety Committee received copies of the proposed ordinance changes from Councilor Hunter at the December 8 committee meeting. He reported that Committee members raised several questions and Councilor Hunter indicated that she would be speaking with members of the legislative committee that assisted in revising the original CRB ordinance to get their thoughts on the proposed revisions before the council takes any further action.
- f. Monthly Financial Report – Mr. Lipari shared the detailed breakdown of expenditures for the year to date.
- g. November case statistics – Mr. Lipari reported that four new cases were received in November, making the total received in 2014 is 96. Mr. Lipari also reported that seven cases will be reviewed during Executive Session.

6. Committees

- a. Report by Board Development & Training committee on CRB Annual Training and Strategic Planning event –Date options are Saturday, February 7, 21, or 28. Mr. Lipari reported that it will likely be held at the SEIU 1199 offices at 250 South Clinton Street, 2nd floor, 9:00 am to 5:00 pm with a potluck lunch. Training sessions may include: the role of Sergeants and the importance of first line supervisors; the laws on Stops & Detentions and Search & Seizure; Evaluating the Credibility of a Witness during Questioning; and Body Cameras: Technology and Policy.
- b. Assistance from the Latino Professional Network of Syracuse to identify prospective Board member – Mr. Lipari has been in contact with Mr. Edward Cuello of the Latino Professional Network in an effort to identify members of Syracuse’s Latino community who may be interested in serving on the CRB.

7. New Business

Ms. Horan asked if a date had been set for the next Police Liaison Committee meeting. She suggested that future meetings not end without a date being set for the next meeting and that the frequency of meetings be established. Ms. Horan also asked that the Board members be notified when Public Safety Committee meeting notices are given.

8. Public Comment

Mr. Mikiel Anderson made several inquiries including: follow up on a person he mentioned as interested in being a member of the CRB; the Common Council Public Safety Committee meeting; the CRB annual report; the request for transfer of funds; the ordinance revisions; the protests across the country regarding police use of force; the Use of Force Summit; CRB community outreach events for 2015; and Board vacancies and term expirations.

9. Meeting continued in Executive Session.

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

Respectfully submitted,

Betty L. Pearson
Typist II, Citizen Review Board