

SYRACUSE

CRB

CITIZEN REVIEW BOARD

**Annual Report
2018**

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SUMMARY OF 2018 OPERATIONS

The close of 2018 marked another active year of oversight by the Syracuse Citizen Review Board. The following information provides a summary of the CRB's 2018 operations. The CRB received a total of 83 complaints in 2018 and completed processing of 77 cases (58 cases resulted in a no hearing vote by the Board, 4 cases were filed that were outside of the CRB's jurisdiction, 15 hearings were held on cases filed in 2017 and 2018).

- 83 complaints received
- 15 hearings held

HEARINGS & DISCIPLINARY RECOMMENDATIONS

Once the full CRB votes to send a case to a panel hearing, a panel is composed of three members of the CRB (one mayoral appointee, one district councilor appointee, and one at-large councilors' appointee) and the hearing is typically held within two to three weeks based on the availability of the complainant and witnesses.

- 8 hearings resulted in sustained findings by the hearing panel for allegations of Demeanor, Excessive Force, Withholding Personal Information from Medical Staff, Denial of Next-of-Kin Notification in a timely manner, Improper Stop, Racial Bias/Profiling, False Arrest, and Inadequate Investigation.
- 7 hearings resulted in insufficient evidence, unfounded, and exonerated findings by the hearing panel for allegations of Demeanor, Failure to Act (vehicle), Failure to act (arrest), Excessive Force, and Untruthfulness in a police report.
- A sustained finding means that the panel found that there was substantial evidence that the alleged misconduct did occur. The CRB's sustain rate for 2018 was **9.64** %. The sustained rate is calculated by dividing the number of hearings that resulted in sustained findings (8) by the number of complaints received in the year (83). The sustained rate for 2017 was 15.25 %.

2018 CRB Disciplinary recommendations:

- 3 recommendations for retraining
- 1 recommendations for written reprimand
- 1 recommendations for written reprimand to stay in file for ninety (90) days.
- 3 recommendations for verbal reprimand
- 2 recommendations for one (1) week suspension w/o pay
- 1 recommendation for restitution

SPD DISCIPLINARY ACTION RATE:

- The disciplinary action rate (or rate of agreement) is the rate at which the Chief of Police imposes discipline when the CRB recommends it. Local Law 1 of 2011 requires the CRB to report to the public the number of times that the Chief of Police imposed disciplinary sanctions when the CRB sustained an allegation against an officer and recommended discipline. The CRB received 15 responses from the Chief of Police to the 15 hearings in which a CRB held.

- The Chief Fowler agreed with the CRB in cases where the alleged allegations were determined to be lacking sufficient evidence, unfounded, and exonerated. The Chief disagreed with 7 findings with sustained against the officer and agreed with (1) Officer sustained finding and we were advised that the officer was “addressed appropriately.” The CRB received a total of 15 response letters from the Chief for cases filed in 2016-2018.

MISSION & OBJECTIVES

The purpose of the Citizen Review Board, all of whose members are volunteers, is to provide an open, independent, and impartial review of allegations of misconduct by members of the Syracuse Police Department; to assess the validity of those allegations through the investigation and hearing of cases; to recommend disciplinary sanctions where warranted; and to make recommendations on Syracuse police policies, practices and procedures.

In fulfillment of its legislative purpose and mission, the Board is committed to:

- Creating an institution that encourages citizens to feel welcome in filing a complaint when they believe that they have been subject to police misconduct;
- Making the public aware of the CRB’s existence and process through ongoing community outreach events and coverage by local media;
- Completing investigations and reviews of complaints in a thorough, yet timely fashion;
- Remaining unbiased, impartial, objective and fair in the investigation, evaluation, and hearing of complaints;
- Engaging in community dialog that encourages citizen input with the CRB;
- Respecting the rights of complainants and subject officers;
- Upholding the integrity and purpose of the CRB’s enabling legislation;
- Reporting to the Mayor, the Common Council, the Chief of Police and the public any patterns or practices of police misconduct discovered during the course of investigation and review of complaints; and
- Operating in an open and transparent manner to the extent permitted by applicable municipal and state laws, regulations and ordinances.

BOARD MEMBERS & TERMS

The Board members serve staggered three-year terms and are all unpaid volunteers. Board members devote an average of ten hours per month to CRB matters. This includes their attendance at monthly meetings, preparation for and participation in panel hearings, training, and community outreach. Biographies of each Board member are available on the CRB website at www.syr.gov.net/crb_Members.aspx.

Members of the Syracuse Citizen Review Board as of December 31, 2018

Mayoral Appointees

Ms. Mary Nelson - term expires December 31, 2019
Mr. Peter McCarthy - term expires December 31, 2020
Ms. Mae Carter - term expires December 31, 2019

District Councilor Appointees

Ms. Dana Natale - 1st District - term expires December 31, 2020
Open - 2nd District - term expires December 31, 2019
Ms. Lori Nilsson - 3rd District - term expires December 31, 2021
Ms. Ruth Kutz, Board Chairman - 4th District - term expires December 31, 2020
Open - 5th District - term expires December 31, 2019

At-Large Councilor Appointees

Ms. Hatisha Holmes – term expires December 31, 2021
Mr. R. Daniel Grinnals, - term expires December 31, 2021
Mr. Clifford Ryans - term expires December 31, 2019

FILING A COMPLAINT WITH THE CRB

The Syracuse CRB accepts complaints against members of the Syracuse Police Department (SPD) involving allegations of misconduct that may violate SPD rules and regulations, as well as state, local and/or federal law. The CRB accepts complaints on active misconduct – such as excessive force, constitutional violations, harassment, racial or gender bias, poor demeanor, search & seizure violations, theft or damage to property, untruthfulness, and false arrest – as well as passive misconduct such as failure to respond, failure to intercede or refusal to take a complaint.

Any member of the public can file a complaint with the Syracuse CRB; a complainant need not be a resident of the City of Syracuse or a US citizen. There are several ways a complaint can be filed. A complainant can walk in to the CRB office in City Hall Commons at 201 East Washington Street, Suite 705, to fill out a complaint, contact the CRB office to have a complaint form mailed to their address, download the complaint form from the CRB website, or request a home visit if necessary. The complaint form can be hand delivered or mailed to the CRB office. The CRB website is www.syr.gov.net/CRB.aspx. The CRB office telephone number is 315-448-8750. The CRB can be reached by e-mail at crb@syr.gov.net.

PUBLIC MEETINGS

The CRB meets on the first Thursday evening each month at 5:30 PM in Common Council chambers in City Hall. The meeting schedule is posted at area libraries, on the CRB website, and on the calendar on the City's main webpage. These meetings are open to the public with a public comment period that begins no later than 6:30 PM. The purpose of the public meeting is to develop and refine CRB policies and procedures in an open, transparent and accountable fashion and to conduct the ongoing business of the CRB. The Board meetings typically include a vote on items that require Board approval, a series of items presented by the Chairman for the Board's consideration, a report on the CRB's monthly activities by the Administrator, a variety of committee reports and an opportunity for public comment. After the conclusion of the public comment period, the Board continues its meeting in a confidential Executive Session to deliberate and vote on whether or not to send investigated complaints to a hearing. During 2018, the Board processed on average nine complaints per month.

OUTREACH

The CRB legislation requires the agency to conduct at least five outreach events annually, one in each Council District. During 2018, the CRB hosted "Know Your Rights" presentations at the Northeast Community Center (NEHDA) in the 1st District and Southwest Community Center through the Syracuse City School District Parent University in the 4th District. The 2nd District Outreach events were Unity Day at Jubilee Park, Showcase Sunday's through Jubilee Homes in June, July, and August, Syracuse Night Out Against Crime with Syracuse Police Department, Near Westside Initiative Multicultural Block Party, and Central New York Pride Festival; the 3rd District Outreach event was the School Safety forum hosted by the Syracuse City School District; the 4th District Outreach event Juneteenth Parade Unity Day, Elk Street Block Party, Jubilee Holmes Community Meeting, 16th Annual Mary Nelson School Supply Giveaway; and the 5th District events were the Westcott Cultural Fair and Unity Day through SNUG was cancelled.

Community Outreach and Public Education is achieved by having CRB information – brochures, complaint packets (complaint form, HIPAA form, Legal Assistance Addresses, Notice of Claim form) and magnetic information cards – available for the taking while interacting with the public and police depending on the event. Each event provided an opportunity to introduce the CRB process to the public and respond to any questions.

OPERATIONS

Between January 1 and December 31, 2018, the CRB held 11 monthly business meetings that were open to the public. The CRB received a total of 83 complaints in 2018 and completed processing of 77 cases (58 cases resulted in a no hearing vote by the Board, 4 cases were filed that were outside of the CRB’s jurisdiction, 15 hearings were held on cases filed in 2017 and 2018).

BOARD TRAINING AND DEVELOPMENT

The Board held our annual training and development day at 1199 SEIU on May 19, 2018. A presentation by Alan Rosenthal, Esq., Nancy Keefe Rhoades, and former city Common Councilor Charles Anderson provided the Board with a history lesson from 1993 through our current 2011 Legislation. We also received a presentation from Syracuse Police Chief Frank Fowler and Assistant District Attorney Rick Trunfio.

2018 ANNUAL POLICY & TRAINING RECOMMENDATIONS

In each year’s Annual Report, the CRB makes recommendations on police policy, training and procedures. The recommendations are provided to the Mayor’s office, the Common Council, and the Chief of Police in an effort to spur constructive dialog about how to improve particular aspects of the Syracuse Police Department. We believe that these recommendations, if adopted, will serve the interests of the public as well as the City’s police officers. The CRB offers the following recommendations under the authority granted the Board by Section Three, Paragraph (6) of the CRB legislation.

REAFFIRMATION OF 2012 THROUGH 2017 POLICY RECOMMENDATIONS WITH SHORT SUMMARY

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.

2018 POLICY RECOMMENDATIONS

Revise the Body Worn Camera Policy (BWC)(Volume 1 Article 3, Section 83).

The CRB attended the public forums conducted by the Syracuse Police Department and the Mayor's Office related to BWC policy and provided the below information to be considered in drafting the policy. We were advised the drafting team was provided with a copy of our recommendations which were considered and some language was inserted to address some of the CRB's recommendations.

1. 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.
2. Subsection 83.13(A)(1): CRB recommends the removal of the word “preferably” related to when the BWC should be activated by a member to upon being dispatched and prior to exiting their police vehicle, or prior to commencing any activity if on patrol members will activate their BWC.
3. Subsection 83.15: CRB should be listed as a party to receive access to any BWC footage necessary during their independent investigation of civilian complaints. This access should be permitted even in circumstances in which the Office of Professional Standards does not request or review said footage.
4. The CRB recommends that all specialized unit members be provided with BWC’s regardless of their seniority with the SPD. These specialized units should specifically include Crime Reduction Team and the Gang Task Force.

Civil Rights Principals on Body Worn Cameras

- Develop a BWC policy that includes the public’s input. Encourage community forums to engage the community in discussions related to the policy and community concerns. Make the SPD policy public and available on its website immediately
- Ensure that the Officers entrusted with BWC’s have the appropriate training on a well-defined purpose and ensure said cameras are not used to further demean those communities where heavy police presence is the norm.
- Actively and effectively communicate the operational policies related to recording, retention, and access, and enforce strict disciplinary protocols for policy violations immediately and without hesitation.
- Make footage available to promote accountability with appropriate privacy safeguards in place while ensuring the public has access in a timely manner.
- Provide all footage to the CRB related to an open complaint during its investigative process to promote accountability and transparency.

Syracuse University Body Worn Camera Policy includes many provisions that the CRB recommends SPD adopt as follows:

- The Officer will activate his/her BWC when they are dispatched and responding to a call.
- The Officer will activate his/her BWC before leaving his/her patrol vehicle and the BWC will remain activated until the event is completed.
- When Officer(s) makes a decision to self-initiate a traffic stop he/she will activate the BWC.
- When an Officer is in response to another call for service or flagged down by a person for service, their BWC will be activated.
- If the BWC is turned off, document in reports with a statement verbally on record and also in their written report. While interviewing sexual assault victims, a young child, or a person who is in a state of undress or in an areas with an expectation of privacy the BWC can be turned off.
- When responding to incidents, inform person(s) that they are being recorded.

- An access log will be maintained by the Chief or his designee showing the names and dates associated with the release of BWC recordings, intended use and supervisor authorizing the release.
- The original BWC footage shall not be released, redacted, or modified in any way; a copy of the original recording will be made and any such redacting will be made to the copy only.
- Any and all disclosure of BWC data must be consistent with the departments record release policy and applicable statutes regarding, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law (FOIL). The Chief will work with Administration and legal counsel to review and appropriately redact (or authorize a designee to copy and redact) applicable footage to be released.
- BWC data will not be edited, altered, erased, duplicated, copied, shared, or otherwise distributed in any manner by any member of the SPD without consultation with Chief and legal counsel. All requests and final decisions will be kept on file. All requests must be submitted in writing.
- Include a copy of the AXON BWC User Manual to the BWC Policy.
- Lieutenants, Patrol Sergeants, or unit supervisors will randomly review BWC recordings of Officers assigned to their shift or unit.
- Progressive BWC Discipline will be detailed in the SPD Policy.

Change policy related to interaction with Mentally Ill Persons:

The CRB discussed the draft policy from IACP with the Department and received feedback related to the training and partnerships they have with a local hospital, the Office of Mental Health (OMH) and the Division of Criminal Justice Services (DCJS).

The CRB recommends that the SPD change Volume 1, Article 3-Operations Section 50.00 related to Mentally Ill Persons to reflect the attached Model Policy developed by International Association of Chiefs of Police (IACP) updated in August 2018 and also become a One Mind 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.” See Appendix I and II.

Requirements for School Resource Officers (SRO’s) or School Information and Resource Officer (SIRP):

The CRB discussed this recommendation with the Department and received feedback related to the internal process and the Syracuse City School Districts involvement in the hiring of SRO’s and SIRP Officers.

A Memorandum of Understanding (MOU) between the Syracuse Police Department and the Syracuse City School District helps to establish roles and responsibilities of SIRP’s. SIRP selection and training impact the quality of student interaction therefore the Board recommends the School District be involved in the vetting process of the SIRP’s to ensure officers placed in buildings have appropriate interpersonal skills and have specialized training related to adolescent development. When the department decides that an officer should be an SIRP a psychological fitness for duty

evaluation should be administered as a legal duty to ensure that police officers under their command are mentally and emotionally fit to perform their duties. If said officer has displayed behavior that raises concerns that the officer may be unstable, a physical danger to self and others, or ineffective in discharging responsibilities it is reasonable to believe such behavior may occur on duty and may include excessive force, domestic violence, lack of alertness, substance abuse or other counterproductive behaviors.

As we have seen across America the school to prison pipelines awareness and concern is on the rise therefore it is imperative that we ensure those officers working with the community's most vulnerable and impressionable have been properly vetted and trained.

CASE SUMMARIES OF SUSTAINED FINDINGS

Out of the complaints processed during 2018, 8 resulted in a sustained finding against one or more officers. The CRB provides summaries of the sustained cases below in an effort to afford the public an accurate understanding of the cases sustained by CRB panels. Consistent with Local Law 1 of 2012, no identifying information is included in the summaries to protect the identity of the complainants and officers involved.

- **Demeanor**

An issue arose on a local college campus at which time the victim contacted the Syracuse Police Department. An officer arrived on the scene and asked questions of the victim in a manner that left them feeling frustrated and belittled. The victim felt the officer was extremely insensitive and others were more sympathetic in their questions about the incident. The Assistant Residence Director filed a complaint with the Syracuse Police Department on behalf of the victim. The allegation of Demeanor was sustained against the officer and a recommendation of retraining in the importance of maintaining professional demeanor when questioning students and assault victims was sent to the Chief.

- **Excessive Force**

The complainant was a backseat passenger side occupant of a car and the Syracuse Police Department initiated a traffic stop on the City's North side. The Complainant advised that the officers rushed the car and stated that he was observed putting something in his mouth. The officers gave verbal directives to the complainant to spit it out, squeezed his cheeks, and one officer punched him in the face with a closed fist. As a result of the officers closed fist punch one tooth was knocked out and another was chipped. The complainant advises that he did not put anything in his mouth and did not swallow anything. The allegation of excessive force was sustained against the officer who administered the closed fist punch to the complainants face and a recommendation of a written reprimand was sent to the Chief.

- **Excessive Force and Inadequate Investigation**

The complainant was driving a vehicle down a street on the City's South side while playing music and the Syracuse Police Department initiated a traffic stop. The complainant stopped at a traffic light and two police cars surrounded his vehicle. The both officers jumped out of their respective cruisers with their weapons drawn. The Officers then began to order the complainant to release his

seatbelt while another officer reached into the vehicle and pulled him out of the car onto the street. Both officers began to kick, punch, and slam the complainants head into the pavement. The complainant was bleeding a great deal from his head and he was handcuffed while lying in the street. Although the complainant was restrained the officers continued to beat, kick, and punch him while yelling stop resisting. The complainant states he was not resisting and the beating did not stop until the blood was seen coming from his head. They then asked if they could search his vehicle and recovered nothing. He was transported to the Justice Center for booking but they refused to accept him without medical treatment so he was transported to the hospital and given an appearance ticket. One of the officers advised him that if he had pulled over the first time this wouldn't have happened to him. The complainant states he pulled over initially when he saw the lights but he thought it was an ambulance and did not realize that the police were trying to get his attention to initiate a traffic stop. The allegation of excessive force was sustained against all officers and a recommendation of one (1) week suspension without pay, retraining, and restitution for the ambulance fee incurred by the complainant for his transportation to the hospital for treatment as a result of the force. The Board also sustained an allegation of inadequate investigation into the force on the Sergeant who arrived to complete the use of force report. A recommendation for restitution payment related to the Sergeant's failure to release the car from tow after an appearance ticket was issued.

BUDGET

2018-2019 Adopted

PERSONNEL SERVICES		
510100	Salaries	\$ 96,550.00
CONTRACTUAL & OTHER SERVICES		
540300	Office Supplies (Contractual & Other Expenses)	\$ 3,290.00
540500	Operating Supplies & Expenses	\$ 10,175.00
541500	Professional Services	\$ 15,900.00
541600	Travel, Training & Development	\$ <u>2,625.00</u>
TOTAL:		\$128,540.00

The CRB reduced its budget by \$11,537.00 as requested by the Mayor's Office.

2018 Totals

Total Complaints Received during 2018: _83_

The number of cases processed and closed by the Board during 2018: _81_

The number of complaints processed and not sent to a panel hearing during 2018: _58_

The number of complaints processed and closed for lacking jurisdiction: _4_

The number of cases that successfully were routed to conciliation: _0_

The number of complainants who initiated extended contact with the CRB but did not follow through with a formal signed complaint: _5_

The length of time each case was pending before the Board:
2 months on average (but some take longer due to unavoidable delays).

The number of complaints in which the Board recommended that the City provide restitution to the complainant and type of restitution recommended: _1_

The number of complainants who filed a Notice of Claim against the City of Syracuse while their complaint was being considered by the Board: _18_

Hearing outcomes

Panel hearings scheduled: _15_

Panel hearings held: _15_

Panel hearings resulting in disciplinary recommendations from CRB: _8_

Panel hearings resulting in no disciplinary recommendations from CRB: _7_

Categories of Complaints Received by the CRB during 2018*
Number & Percent of Annual Intake

Demeanor	Destruction of Property	Evidence Tampering	Excessive Force	Failure to Act
52	3	1	32	21
63%	3.6%	1.2%	38.5%	25.3%

False Arrest	Gender Bias	Harassment	Improper Offer to Reduce Charges	Improper Search/Seizure
15	1	32	1	21
18%	1.2%	38.5%	1.2%	25.3%

Racial Bias/Profiling	Retaliation	Theft/Larceny	Untruthfulness in a Police Statement or Falsifying a Report	Violation of Constitutional Rights
28	4	1	3	12
34%	5%	1.2%	4%	14.4%

*Some individual complaints include multiple allegations

**Typically not discovered until after a complaint is filed and police reports have been acquired.

Complaints Received per Common Council District for 2018

District 1:

Demeanor: 10
Excessive Force: 8
Failure to Act: 2
False Arrest: 1
Harassment: 8
Improper Search/Seizure: 5
Racial Bias: 7
Retaliation: 1
Violation of Constitutional Rights: 2

District 2:

Demeanor: 15
Excessive Force: 8
Failure to Act: 9
False Arrest: 9
Gender Bias: 1
Harassment: 4
Improper Search/Seizure: 5
Improper Offer to Reduce Charges: 1
Property Destruction: 1
Racial Bias: 9
Theft/Larceny: 1
Untruthfulness in a Police Statement/Falsifying a Report: 1
Violation of Constitutional Rights: 4

District 3:

Demeanor: 6
Evidence Tampering: 1
Excessive Force: 4
Failure to Act: 2
False Arrest: 2
Harassment: 5
Improper Search/Seizure: 5
Racial Bias: 5
Retaliation: 2
Violation of Constitutional Rights: 3

District 4:

Demeanor: 14
Excessive Force: 8
Failure to Act: 2
False Arrest: 2
Harassment: 11
Improper Search/Seizure: 4
Property Destruction: 1
Racial Bias: 6
Retaliation: 1
Untruthfulness in a Police Statement/Falsifying a Report: 1
Violation of Constitutional Rights: 1

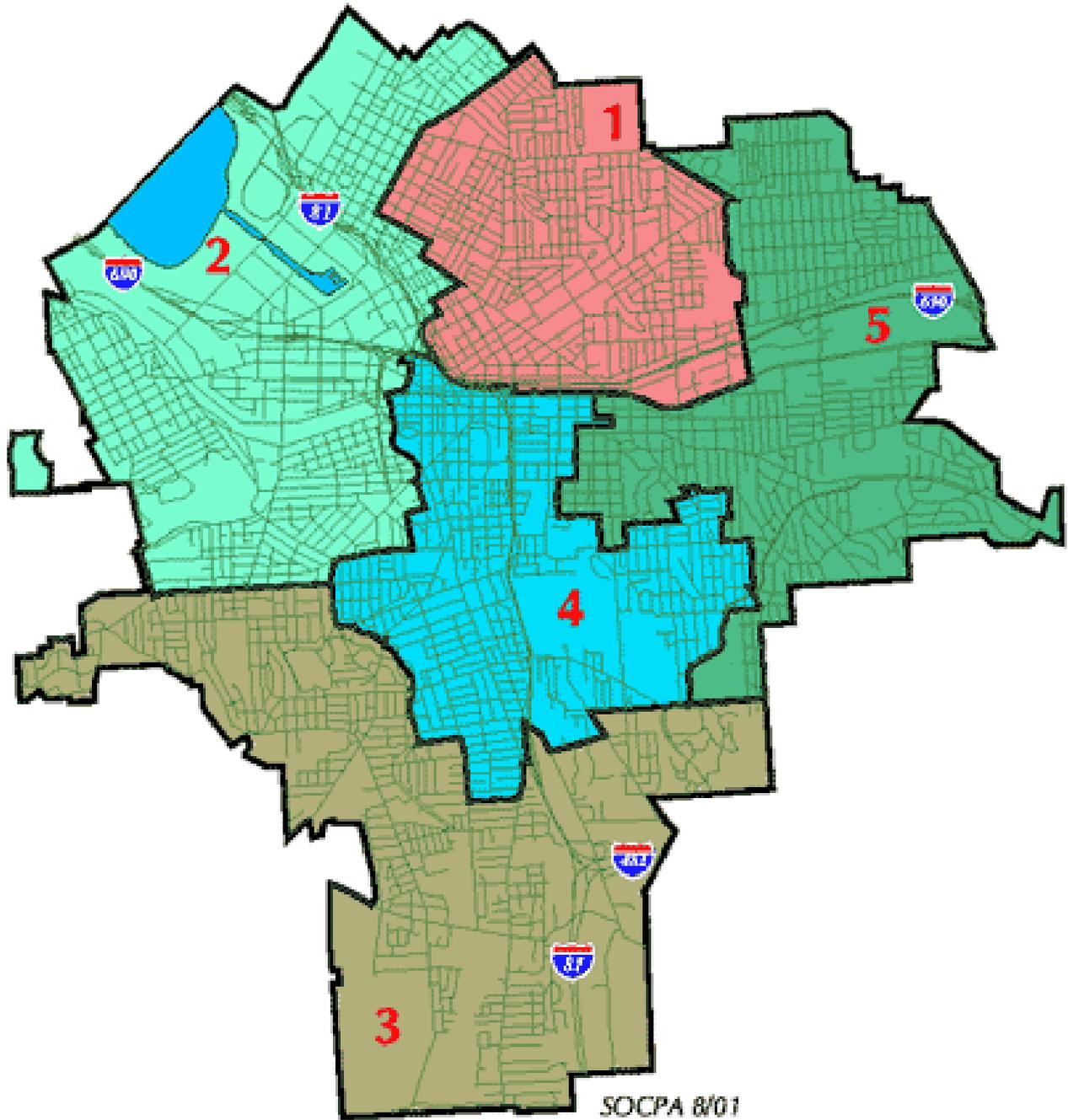
Complaints Received per Common Council District for 2018

District 5:

Demeanor: 7
Excessive Force: 4
Failure to Act: 6
False Arrest: 1
Harassment: 4
Improper Search/Seizure: 2
Property Destruction: 1
Racial Profiling: 1
Untruthfulness in a Police Statement/Falsifying a Report: 1
Violation of Constitutional Rights: 2

***See the following page for a map of the Common Council Districts**

CITY OF SYRACUSE COMMON COUNCIL DISTRICTS



Complainant Demographics for All Complaints Received in 2018

Ethnicity	#	% of city population*
*Black	61	29.5%
*White	17	52.8%
*Latino	8	8.3%
Asian	0	5.5%
Native American	2	1.1%
Other	0	2.8%
Total	88	

*based on 2010 census

Sex	#	% of city population*
Male	51	60%
Female	35	40%

Sexual Identity of Complainant		
LGBTQ	1	1%

Age	#	% of city population *
Under 18	4	0%
18-35	43	50%
36-50	22	30%
51+	17	20%

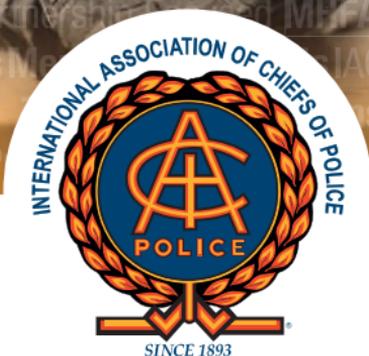
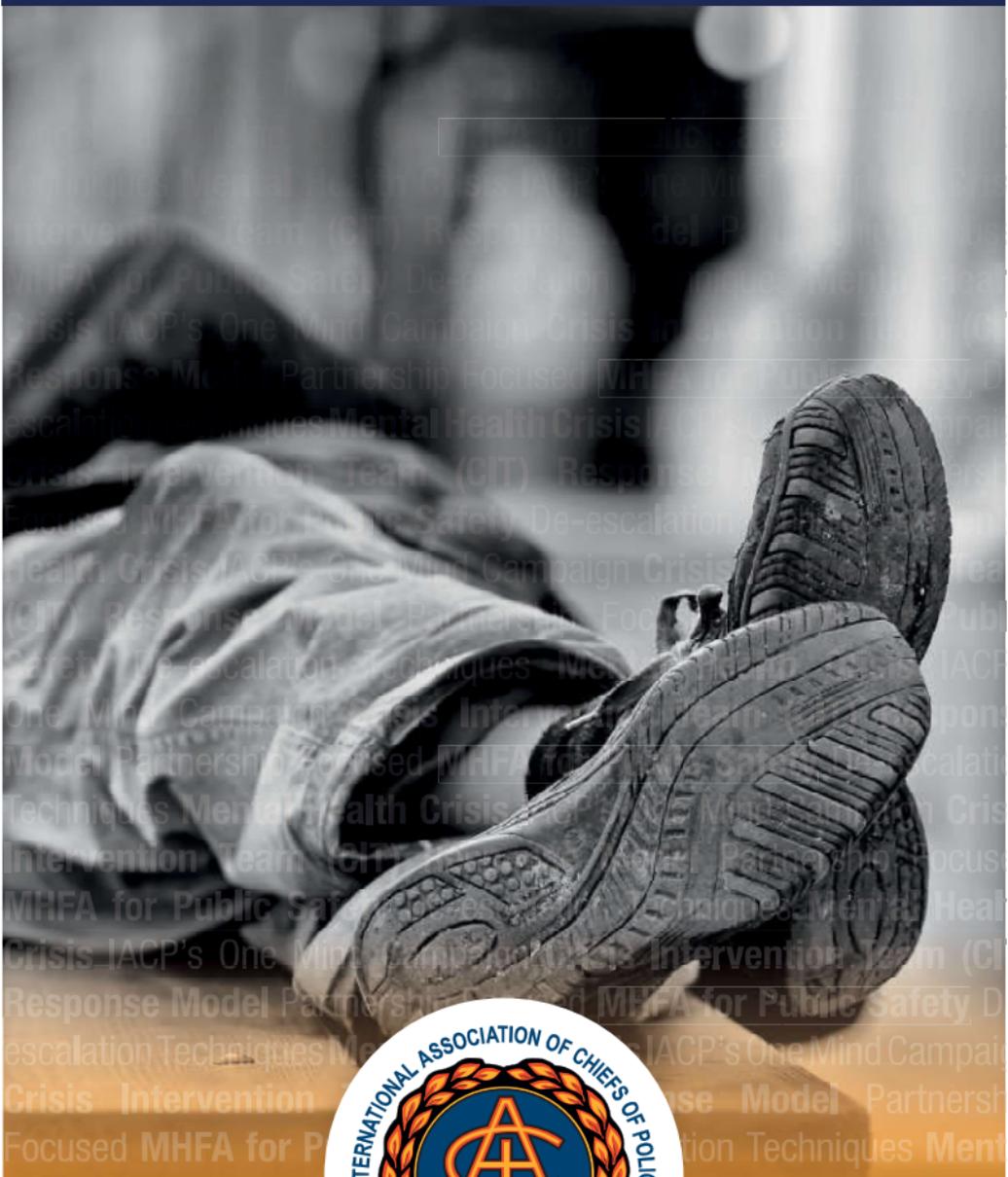
Language other than English	#
Spanish	8
Vietnamese	0
Other	1

*Disability information and languages other than English were not indicated by the complainants.

* In cases where the complaint was filed by the parent/guardian on behalf of a child the age, gender, and race are counted separately to accurately reflect the information related to each complainant.

Appendix I

Improving POLICE RESPONSE to Persons Affected by MENTAL ILLNESS



*Report from the
March 2016 IACP Symposium*

EXTENT OF THE ISSUE

Law enforcement agencies across the world are increasingly required to respond to and intervene on behalf of people who are affected by mental illness.

There is compelling evidence to suggest that law enforcement agencies need to enhance their training on interactions with persons affected by mental illness. Research conducted by the *Washington Post* and the Treatment Advocacy Center (TAC) highlight how often the interactions between persons affected by mental illness and the police can lead to injury or fatality.

- In 2015, the *Washington Post* noted that victims who were mentally ill or experiencing an emotional crisis accounted for one-fourth of those killed in officer-involved shootings.¹
- The Treatment Advocacy Center (TAC) found that persons with severe mental illnesses are 16 times more likely to be killed by police than other civilians.²
- According to the American Psychiatric Association (APA), in a large urban police department, 11 percent of officer-involved shootings in a ten-year period were identified as suicide-by-cop.³
- Studies conducted in both Canada and the United Kingdom suggest that police response to persons affected by mental illness is not a United States-centric issue.

1 Kimberly Kindy et al., "A Year of Reckoning: Police Fatally Shoot Nearly 1,000," <http://www.washingtonpost.com/sf/investigative/2015/12/26/a-year-of-reckoning-police-fatally-shoot-nearly-1000>.

2 "Mentally Ill Are 16 Times More Likely to Be Killed by Police," Sott.net (Signs of the Times), <http://www.sott.net/article/308250-Report-Mentally-ill-are-16-times-more-likely-to-be-killed-by-police>.

3 Ibid. The APA discounted other studies reporting even higher percentages.

Promising Programs and Services

- **The Crisis Intervention Team (CIT)** program is a collaborative initiative between law enforcement officers and mental health experts to provide crisis intervention for persons affected by mental illness and focus on diversion and treatment over arrest and incarceration.
- **Mental Health First Aid (MHFA)** is an eight-hour course focused on mental illnesses and addictions as well as providing law enforcement with effective response options in order to de-escalate incidents without compromising safety.
- **Smart 9-1-1** is a private service that allows citizens to provide personal details in a secure online "Safety Profile" that is accessible to 9-1-1 dispatchers.

CHANGES AND CHALLENGES

Recent Changes Affecting Mental Health Services

- Bi-partisan criminal justice reform programs, such as the *Final Report of the President's Task Force on 21st Century Policing*, provide a contemporary framework for discussion about improving law enforcement services.
- The widespread use of social media, and in particular each department's ability to respond effectively through their own social media platforms creates an opportunity for the public to more fully understand each incident in question.
- Synthetic drug distribution and abuse has increased in recent years, to which persons affected by mental illness may be particularly vulnerable.
- Changes in insurance laws provide more access to health insurance, including mental health and substance use disorder treatment, to those who previously did not qualify.

Challenges to Improving Law Enforcement Response

- The creation and maintenance of strong partnerships with mental health advocacy organizations, hospitals, jails, schools, churches, legislatures, and government.
- The need for wider implementation of a response model that meets the needs of police agencies in their individual communities.
- When state and local laws/policies need to be amended, such changes require action by legislators, administrative bodies, and policy makers.

Platforms to Address These Challenges

- Effective partnerships are the key platform to facilitating change in the way law enforcement responds to persons affected by mental illness.
- Police training is a critical venue for change. Delivering effective training is a challenge, particularly for smaller agencies that lack the necessary resources or personnel; however, providing consistent training is important.
- Smartphone applications (apps) can be ideal opportunities to provide police officers with easy access to information about local service programs and providers, diversion opportunities, and training tools.
- The IACP's One Mind Campaign is a platform from which to launch enhanced law enforcement services to persons affected by mental illness.

THE ONE MIND CAMPAIGN

The One Mind Campaign seeks to ensure successful interactions between police officers and persons affected by mental illness. To join the campaign, law enforcement agencies commit to implementing four promising practices over a 12-36 month timeframe. Agencies demonstrating a serious commitment to implementing all four required strategies in a timely fashion will become publicly recognized members of IACP's One Mind Campaign.

Four Required Practices:

1. **ESTABLISH** a clearly defined and sustainable relationship with at least one community mental health organization. This partnership will serve to institutionalize effective collaboration between the police agency and the mental health community. Where appropriate, a Memorandum of Understanding can be crafted.
2. **DEVELOP** and implement a written policy addressing law enforcement response to persons affected by mental illness. A written policy ensures that the department is taking a holistic approach and setting minimum standards for necessary training, officer response, and evaluation of outcomes.
3. **DEMONSTRATE** that 100 percent of sworn officers (and selected non-sworn staff, such as dispatchers) are trained and certified in MHFA. Officers who have taken this eight hour course are able to employ a variety of de-escalation and communication techniques to reduce the likelihood of an unfavorable outcome.
4. **DEMONSTRATE** that a minimum of 20 percent of all sworn officers (and selected non-sworn staff, such as dispatchers) are trained and certified in CIT. This comprehensive course

uses a team approach, which connects officers with mental health professionals during a law enforcement response.

Beyond the four campaign strategies, there are multiple approaches that hold promise as well. These action items are promoted by the campaign as optional, but worthy of serious consideration:

- Provide mental health training in academies and routinely implement updated training in department roll calls.
- Partner with a state association of chiefs or sheriffs to adopt a statewide model.
- Effectively utilize technology to enhance awareness of community mental health services.
- Take a leadership role with City/County/State government in supporting the establishment of a mental health court.
- Implement routine diversity and cultural awareness trainings, focused on where culture or language barriers make effective response more difficult.
- Consider the benefit of enrolling in the Stepping Up Initiative, which was initiated in May 2015 by The Council of State Governments Justice Center, The National Association of Counties, and The American Psychiatric Association Foundation.

How to Join the One Mind Campaign:

Take the pledge today! Join your colleagues in enhancing your community by reducing injuries, saving lives, and strengthening community-police relations.

Visit <http://www.theIACP.org/onemindcampaign> to take the pledge and for further information.

RESOURCES

The One Mind Campaign

www.theIACP.org/onemindcampaign

IACP Model Policy

Responding to Persons Affected
by Mental Illness or in Crisis

www.theIACP.org/MPMentalIllness

MHFA

Mental Health First Aid

www.mentalhealthfirstaid.org/cs

CIT

Crisis Intervention Team International

www.citinternational.org



International Association of Chiefs of Police

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Appendix II



Model Policy

Responding to Persons Experiencing a Mental Health Crisis

Updated: August 2018

I. PURPOSE

It is the purpose of this policy to provide guidance to law enforcement officers when responding to or encountering persons experiencing a mental health crisis. For the purposes of this document, the term person in crisis (PIC) will be used.

II. POLICY

Responding to situations involving individuals reasonably believed to be PIC necessitates an officer to make difficult judgments about the mental state and intent of the individual and necessitates the use of special skills, techniques, and abilities to effectively and appropriately resolve the situation, while minimizing violence. The goal is to de-escalate the situation safely for all individuals involved when reasonable and consistent with established safety priorities. Applicable law of the jurisdiction shall guide the detention of PIC.

It is the policy of this agency that officers be provided with training to determine whether a person's behavior is indicative of a mental health crisis and with guidance, techniques, response options, and resources so that the situation may be resolved in as constructive, safe, and humane a manner as possible.

III. DEFINITIONS

Mental Health Crisis: An event or experience in which an individual's normal coping mechanisms are overwhelmed, causing them to have an extreme emotional, physical, mental, and/or behavioral response. Symptoms may include emotional reactions such as fear, anger, or excessive giddiness; psychological impairments such as inability to focus, confusion, or nightmares, and potentially even psychosis; physical reactions like vomiting/stomach issues, headaches, dizziness, excessive tiredness, or insomnia; and/or behavioral reactions including the trigger of a "freeze, fight, or flight" response. Any individual can

experience a crisis reaction regardless of previous history of mental illness.

Mental Illness: An impairment of an individual's normal cognitive, emotional, or behavioral functioning, caused by physiological or psychosocial factors. A person may be affected by mental illness if they display an inability to think rationally (e.g., delusions or hallucinations); exercise adequate control over behavior or impulses (e.g., aggressive, suicidal, homicidal, sexual); and/or take reasonable care of their welfare with regard to basic provisions for clothing, food, shelter, or safety.

IV. PROCEDURES

A. Recognizing Atypical Behavior

Only a trained mental health professional can diagnose mental illness, and even they may sometimes find it difficult to make a diagnosis. Officers are not expected to diagnose mental or emotional conditions, but rather to recognize behaviors that are potentially indicative of PIC, with special emphasis on those that suggest potential violence and/or danger. The following are generalized signs and symptoms of behavior that may suggest an individual is experiencing a mental health crisis, but each should be evaluated within the context of the entire situation. However, officers should not rule out other potential causes, such as effects of alcohol or psychoactive drugs, temporary emotional disturbances that are situational, or medical conditions.

1. Strong and unrelenting fear of persons, places, or things.
2. Extremely inappropriate behavior for a given context.
3. Frustration in new or unforeseen circumstances; inappropriate or aggressive behavior in dealing with the situation.

4. Memory loss related to such common facts as name or home address, although these may be signs of other physical ailments such as injury, dementia, or Alzheimer's disease.
5. Delusions, defined as the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ") or paranoid delusions ("Everyone is out to get me").
6. Hallucinations of any of the five senses (e.g., hearing voices, feeling one's skin crawl, smelling strange odors, seeing things others cannot see).
7. The belief that one suffers from extraordinary physical ailments that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time.
8. Obsession with recurrent and uncontrolled thoughts, ideas, and images.
9. Extreme confusion, fright, paranoia, or depression.
10. Feelings of invincibility.

B. Assessing Risk

1. Most PIC are not violent and some may present dangerous behavior only under certain circumstances or conditions. Officers may use several indicators to assess whether a PIC represents potential danger to themselves, the officer, or others. These include the following:
 - a. The availability of any weapons.
 - b. Threats of harm to self or others or statements by the person that suggest that they are prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threats that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.
 - c. A personal history that reflects prior violence under similar or related circumstances. The person's history may already be known to the officer, or family, friends, or neighbors might provide such information.
 - d. The amount of self-control that the person exhibits, particularly the amount of physical control, over emotions such as rage, anger, fright, or agitation. Signs of a lack of self-control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching oneself or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.

- e. Indications of substance use, as these may alter the individual's self-control and negatively influence an officer's capacity to effectively use de-escalation strategies.
 - f. The volatility of the environment. Agitators that may affect the person or create a particularly combustible environment or incite violence should be taken into account and mitigated. For example, the mere presence of a law enforcement vehicle, an officer in uniform, and/or a weapon may be seen as a threat to a PIC and has the potential to escalate a situation. Standard law enforcement tactics may need to be modified to accommodate the situation when responding to a PIC.
 - g. Aggressive behaviors such as advancing on or toward an officer, refusal to follow directions or commands combined with physical posturing, and verbal or nonverbal threats.
2. Failure to exhibit violent or dangerous behavior prior to the arrival of the officer does not guarantee that there is no danger.
 3. A PIC may rapidly change their presentation from calm and command-responsive to physically active. This change in behavior may come from an external trigger (such as an officer stating "I have to handcuff you now") or from internal stimuli (delusions or hallucinations). A variation in the person's physical presentation does not necessarily mean they will become violent or threatening, but officers should be prepared at all times for a rapid change in behavior.
 4. Context is crucial in the accurate assessment of behavior. Officers should take into account the totality of circumstances requiring their presence and overall need for intervention.

C. Response to PIC

If the officer determines that an individual is experiencing a mental health crisis and is a potential threat to themselves, the officer, or others, law enforcement intervention may be required, as prescribed by statute. All necessary measures should be employed to resolve any conflict safely using the appropriate intervention to resolve the issue. The following responses should be considered:

1. Request a backup officer. Always do so in cases where the individual will be taken into custody.

2. Request assistance from individuals with specialized training in dealing with mental illness or crisis situations (e.g., Crisis Intervention Team (CIT) officers, community crisis mental health personnel, crisis negotiator, or police psychologist).
 3. Contact and exchange information with a treating clinician or mental health resource for assistance, based on law and statute.¹
 4. Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, lower radio volume, and assume a quiet nonthreatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact, and take time to assess the situation. Officers should operate with the understanding that time is an ally and there is no need to rush or force the situation.
 5. Create increased distance, if possible, in order to provide the officer with additional time to assess the need for force options.
 6. Utilize environmental controls, such as cover, concealment, and barriers to help manage the volatility of situations.
 7. Move slowly and do not excite the individual. Provide reassurance that officers are there to help and that the individual will be provided with appropriate care.
 8. Ask the individual's name or by what name they would prefer to be addressed and use that name when talking with the individual.
 9. Communicate with the individual in an attempt to determine what is bothering them. If possible, speak slowly and use a low tone of voice. Relate concern for the individual's feelings and allow the individual to express feelings without judgment.
 10. Where possible, gather information on the individual from acquaintances or family members and/or request professional assistance, if available and appropriate, to assist in communicating with and calming the individual.
 11. Do not threaten the individual with arrest, or make other similar threats or demands, as this may create additional fright, stress, and potential aggression.
 12. Avoid topics that may agitate the individual and guide the conversation toward subjects that help bring the situation to a successful conclusion. It is often helpful for officers to apologize for bringing up a subject or topic that triggers the PIC. This apology can often be a bridge to rapport building.
 13. Attempt to be truthful with the individual. If the individual becomes aware of a deception, they may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger. In the event an individual is experiencing delusions and/or hallucinations and asks the officer to validate these, statements such as "I am not seeing what you are seeing, but I believe that you are seeing (the hallucination, etc.)" are recommended. Validating and/or participating in the individual's delusion and/or hallucination is not advised.
- D. Taking Custody or Making Referrals to Mental Health Professionals
1. Based upon the overall circumstances of the situation, applicable law and statutes, and agency policy, an officer may take one of several courses of action when responding to a PIC.
 - a. Offer mental health referral information to the individual and/or family members.
 - b. Assist in accommodating a voluntary admission for the individual.
 - c. Take the individual into custody and provide transportation to a mental health facility for an involuntary psychiatric evaluation.
 - d. Make an arrest.
 2. When circumstances indicate an individual meets the legal requirements for involuntary psychiatric evaluation and should be taken into custody and transported to a mental health facility, or when circumstances indicate that an arrest is necessary, the officer should, when possible, request the assistance of crisis intervention specialists to assist in the custody and admission process, as well as any interviews or interrogations.
 3. Officers should be aware that the application or use of restraints may aggravate any aggression being displayed by a PIC.
 4. In all situations involving a PIC, officers should
 - a. Continue to use de-escalation techniques and communication skills to avoid escalating the situation.

¹ Officers in the United States can provide the HIPAA exemption reference number (45 CFR 164.512(j)(1)(i)(A)) for the clinician's reference, if necessary. This exemption states that it is allowable for a covered entity to disclose protected health information to law enforcement if it "is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public."

- b. Remove any dangerous weapons from the area.
- c. Where applicable, ensure that the process for petition for involuntary committal has been initiated by the appropriate personnel.

E. Documentation

Officers should

1. Document the incident, regardless of whether or not the individual is taken into custody. Where the individual is taken into custody or referred to other agencies, officers should detail the reasons why.
2. Ensure that the report is as specific and explicit as possible concerning the circumstances of the incident and the type of behavior that was observed. Terms such as “out of control” or “mentally disturbed” should be replaced with descriptions of the specific behaviors, statements, and actions exhibited by the person.
3. In circumstances when an individual is transported to a mental health facility for a psychiatric evaluation, and agency policy permits, provide documentation to the examining clinicians detailing the circumstances and behavior leading to the transport.

Every effort has been made to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes.

Law enforcement administrators should be cautioned that no “model” policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered, and should therefore consult its legal advisor before implementing any policy.

This document is not intended to be a national standard.

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