

SYRACUSE

CRB

CITIZEN REVIEW BOARD

Quarterly Report
January 1 to March 31, 2019

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STATISTICAL SUMMARY OF 2019 1ST QUARTER CRB OPERATIONS
January to March 2019

Number of New Cases Received:	23
Number of Existing Cases Processed:	14
Number of Hearings Held:	1
Number of Hearings with Sustained Findings:	1
Number of Officers with Sustained Findings:	4
Types of Allegations Sustained:	Excessive Force (4 officers)
CRB Sustain Rate:	7.14% (1 sustained case out of 14 processed)
SPD Imposed Discipline/Retraining:	0
SPD Disciplinary Action Rate:	0%

MISSION & OBJECTIVES

The purpose of the Citizen Review Board 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 a victim of 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 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, some considerably more. This includes their preparation for and attendance at monthly board 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.syracuse.ny.us/CRB_Members.aspx.

Members of the Syracuse Citizen Review Board

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
Ms. Balbina Priscilla Santana - 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
Ms. Cynthia Brunson- 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 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. There are several ways a complaint can be filed. A complainant can come to the CRB office in City Hall Commons at 201 East Washington Street, Suite 705, to fill out a complaint, contact our 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 form can be hand delivered or mailed to our office. The CRB website is www.syracuse.ny.us/CRB.aspx. The CRB office telephone number is 315-448-8750. The CRB can be reached by e-mail at [crb@syr.gov.net](mailto:crb@syr.gov).

PUBLIC MEETINGS & OUTREACH

The CRB typically meets on the first Thursday evening each month from 5:30 to 7:30 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 and there is 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 the Executive Sessions, the Board processes on average five to fifteen complaints per month depending on current case load.

The CRB completed outreach at White Branch Library and the 28 Day Speakers Series at Syracuse Academy of Science at Citizenship through Masking Kompany in the month of February and The Central Library in March of 2019.

BOARD TRAINING & EDUCATION

During the first quarter of 2019, the CRB held its Annual Training Day on March 2, 2019 and conducted Board Development training with Interfaith Works. This training was required training for its board members and staff. The members that missed the training were provided an alternate training date of March 30, 2019 with Interfaith Works, CRB Board Chair, and Vice-Chair.

OPERATIONS

Between January 1 and March 31, 2019, the CRB membership held three monthly business meetings that were open to the public. Quorum was met for each meeting, and all regular operating business was able to be conducted.

During this quarter, the CRB received a total of 23 new complaints and fully processed 14 existing cases. In comparison, the CRB received a total of 20 new complaints and fully processed 32 existing cases during the first quarter of 2018.

During this first quarter of 2019, the CRB held one (1) hearing to examine the allegation of excessive force. That one hearing resulted in a sustained finding against four officers. The CRB made disciplinary recommendations to the Chief of Police on that one case with disciplinary sanctions recommended against each officer. No Notice of Claim (a prerequisite to filing a lawsuit) was filed on the case that was sustained by the CRB during this quarter. In all of the cases sustained by the CRB, the SPD came to a different finding and the Chief of Police imposed no discipline.

HEARINGS & RECOMMENDATIONS

Once the full CRB votes to send a case to a panel hearing, a panel is appointed 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.

During the first quarter of 2019, the CRB held one (1) hearing to determine whether the complaint should be sustained and recommendations made to the Chief of Police. In the one (1) hearing that was held this quarter, the CRB panel sustained one allegation of misconduct against four officers. 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 the first quarter of 2019 was 14%.** The sustain rate is calculated by dividing the number of hearings that resulted in sustained findings that quarter (1) by the number of complaints fully processed during that quarter (14).

CASE SUMMARIES OF SUSTAINED FINDINGS

Out of the one panel hearings held during the first quarter of 2019 which resulted in a sustained finding against four officers. The CRB offers a summary of the sustained case below in an effort to provide the public with an accurate understanding of the cases sustained by CRB panels.

- **Excessive Force**

A young African American male was a passenger in a stolen vehicle that the Syracuse Police Department attempted to pull over. The driver of the vehicle failed to obey SPD's request to surrender the vehicle and which led to a vehicle pursuit in the City of Syracuse. The driver ultimately lost control of the vehicle and all occupants exited the vehicle and foot pursuit ensued. During the foot pursuit the complainant was seen jumping over a fence and ordered to stop running or the Officer would utilize his Taser. The complainant complied with this request and was ordered to lay

face down on the ground. The Complainant stated that he was then surrounded by several officers and one officer grabbed his neck and verbally stated that he stop resisting at which time the complainant advised the officers he could not breathe and attempted to move the officer hands off his neck while still on the ground. At this time another officer arrived and began punching him, his head was laying on a rock, two officers where hitting him on the side of his head and one officer yelled "I'm going to mace you" and then his eyes began to burn so he put his arms behind his back and was handcuffed. The Complainant states that he was only moving to cover himself from the punches he was receiving from the officer to his head and ribs.

He was picked up off the ground and he asked the officer if he could have something to drink. The officer poured the bottle of water on him and then he was instructed to sit down but he remained standing. An Officer put his foot on his foot and kicked him in the leg so he sat down. Once he sat down, an Officer stated that there was a water hose on the side of a house "let's rinse him off." The Complainant was then picked up off the ground and taken to the side of the house, initially he put his shoulder under the water because it was burning, he was instructed by the officer to put his face in the water. He told the Officer he was good and the Officer responded "if you don't put your face under there, we will put it under there for you." The Complainant complied and put his face under the water. The homeowner came outside with paper towel for him to wipe his face off and then he was sat in the shade by the Officers. The Complaint informed the Officers his shoulder was burning and asked if he could put more water on it and the Officer yelled "this is the last time." The Officers attempted to take picture of him prior to the arrival of the ambulance and he kept moving because his shoulder was burning. He was instructed to get in the ambulance and sit back, he told the Officer he was sitting back, and the Officer responded "if you don't sit back I'm going to put you back" he was then strapped in with a seat belt and handcuffed to the railing. He was released at the hospital to his father and given an appearance ticket. The Complainant's mother arrived at the scene just as the ambulance was pulling off and she asked the Officers what happened and the Officer responded "I'm going to give you the short version, he stole a car, lead us on chase, jumped out, resisted; now he got a few bumps and bruises he's going to Upstate."

The CRB Panel sustained the finding of Excessive Force and recommended a written reprimand and that the Officers shift to the next level in progressive discipline.

BUDGET

2018-2019 Adopted
DETAIL ANALYSIS OBJECTS OF EXPENDITURE

PERSONNEL SERVICES

510100	Salaries	\$ 96,550.00
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CONTRACTUAL & OTHER SERVICES

540300	Office Supplies (Contractual & Other Expenses)	\$ 3,290.00
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540500	Operating Supplies & Expenses	\$ 10,175.00
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541500	Professional Services	\$ 15,900.00
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541600	Travel, Training & Development	\$ <u>2,625.00</u>
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TOTAL:		\$128,540.00
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Total Complaints Received during First Quarter of 2019 (January 1 to March 31, 2019): 23

Categories of complaints as defined in CRB Ordinance (totals from all complaints received from January 1 to March 31, 2019):

Demeanor: 12
Excessive Force: 3
False Arrest: 3
Harassment: 2
Improper Offer to Reduce Charges: 1
Racial Bias/Profiling: 4
Retaliation: 3
Passive Misconduct (Failure to Act): 5
Damaged or lost Property: 2
Untruthfulness in a Police Statement: 1

The number of cases fully processed and closed by the Board during first quarter of 2019: 14

The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during first quarter of 2019: 1

The number of complaints processed and not sent to a panel hearing during the quarter: 7

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 occasionally take slightly 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: 0

The number of complainants who filed a Notice of Claim against the City of Syracuse while their complaint was being considered by the Board: 2

Hearing outcomes

Panel hearings scheduled: 1
Panel hearings held: 1
Panel hearings resulting in disciplinary recommendations from CRB: 1
Panel hearings resulting in no disciplinary recommendations from CRB: 0

First Quarter of 2019 CRB Sustain Rate: 7.14% (1 hearing resulting in sustained findings out of 14 fully processed cases)

Categories of complaints received by the CRB between January 1 and March 31, 2019*

City Wide

Excessive Force	Demeanor	Failure to Act	False Arrest	Racial Bias
3	12	5	3	4
13%	52%	22%	13%	17%
Harassment	Improper Search/Seizure	Improper Offer to Reduce Charges	Destruction of Property	Untruthfulness in a Police Statement
2	0	1	2	1
9%	0%	4%	9%	4%

*Note that a single complaint can involve multiple allegations

Complaints Received per Common Council District during the 1st quarter of 2019*

District 1:

Demeanor: 2
Failure to Act: 1
Racial Bias: 2

District 2:

Demeanor: 3
Excessive Force: 1
Failure to Act: 1
Harassment: 2
Retaliation: 1

District 3:

Demeanor: 2
Harassment: 1
Racial Bias: 2
False Arrest: 1
Improper Offer to Eliminate Charges in Exchange for Incriminating Information: 1
Property Destruction: 1
Retaliation: 2

District 4:

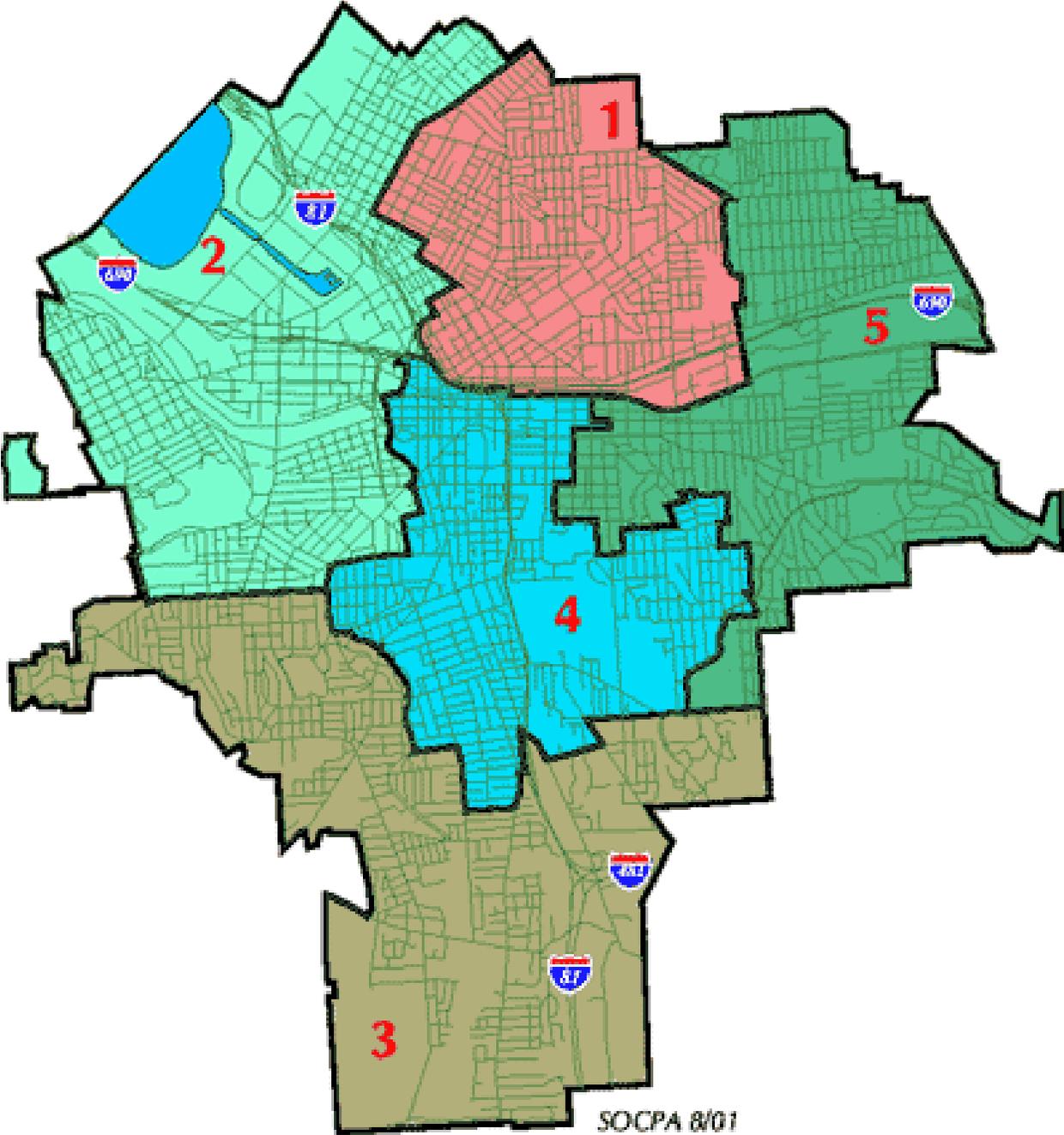
Breaking an Entry: 1
Demeanor: 3
Failure to Act: 3
Property Destruction: 1

District 5:

Assault: 1
Demeanor: 2
Excessive Force: 2
Harassment: 2
False Arrest: 1

***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 First Quarter of 2019

Ethnicity			% of city population*
Black	15		29.5%
White	6		52.8%
Latino	0		8.3%
Asian	0		5.5%
Native American	2		1.1%
Other	0		2.8%
Total	23		100%

*based on 2010 census

Sex		
Male	13	60%
Female	10	40%

Sexual Identity of Complainant		
LGBTQ	1	0%

Age		
Under 18	0	0%
18-35	9	50%
36-50	12	30%
51+	1	20%

Language other than English		
Spanish	0	5.5%
Vietnamese	0	0%
Other	0	0%