

**City of Syracuse
Citizen Review Board
Meeting Minutes
Thursday, September 3, 2015
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>
Barber, William	X		Masella, Joseph	X				
Bullock, Douglas	X		Moser, Leah	X				
Christiana, Peter	X		Turner, V. Diane	X				
Horan, Carole J.	X		Lipari, Joseph L.	X				
Levine, Louis	X		Pearson, Betty L.	X				
Livingston, Mallory		X						

On Thursday, September 3, 2015, the City of Syracuse Citizen Review Board (CRB) held an open, stated meeting at 304 City Hall in the Common Council Chambers.

Mr. Barber, 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 Ms. Horan, seconded by Mr. Masella and adopted, the Board approved the Minutes of the August 6, 2015, Board meeting.
2. Chairman's Items
 - a. Resignation of CRB member Tafara Timmons - Mr. Barber announced that Ms. Timmons has tendered her resignation from the Board, citing growing personal and occupational challenges that will not permit her to maintain her commitment to Board activities. He stated that he wants to thank her for all she has done and that she will be missed. Mr. Lipari shared that she was very helpful and encouraged hearing panels to make meaningful disciplinary recommendations. Mr. Masella made a motion that the Board expresses its feelings of appreciation through a resolution. Mr. Christiana seconded the motion. The motion was voted on and adopted by the board.

Resolution in appreciation of the service of Tafara Timmons to the CRB

Whereas, she has diligently and passionately served as a member of the **Citizen Review Board** since 2011,

Whereas, during her tenure on the Board, she has been an outspoken advocate of civilian oversight of policing,

Whereas, she has provided helpful insights to the Administrator and consistent guidance to her fellow Board members,

Whereas, as an earnest and vocal member of the Citizen Review Board, she has been an outstanding example of citizen activism, and

Now, Therefore, Be It Resolved,

That, the Citizen Review Board of the City of Syracuse does hereby record its sincere appreciation of and warmest regards to **Tafara Blake Timmons** for her conscientious service to the Citizen Review Board and for her strong support of civilian oversight, and

Be It Further Resolved,

That, the Citizen Review Board of the City of Syracuse hereby wishes her all the best in her many future endeavors.

- b. Guidelines for conducting Board meetings – Mr. Barber stated that to better structure communication during CRB meetings, Board meetings will follow Robert’s Rules of Order in regards to board discussions. Mr. Barber stated that Board members will be recognized to speak by the Chair and address comments and concerns to the Chair instead of to each other.
 - c. Notice from IT Department – Mr. Barber reported that the CRB Administrator received a notice from the City’s Information Technology Department stating that CRB members must sign the City’s computer use policy if board members wish to use the SharePoint system for CRB documents. Since the CRB’s SharePoint system was never fully completed and activated by the IT Department, the board determined that the CRB’s SharePoint account should be closed thus eliminating the need for any board members to sign the City’s computer use policy.
3. Administrator’s Report
- a. Discussion of Public Safety Committee meeting on CRB contract requests – Mr. Lipari reported that the Public Safety Committee meeting scheduled for Thursday, August 27 at 5:30 PM to review the medical consultant and investigator contracts was postponed and rescheduled for Thursday, September 3, at 11:00 AM. Mr. Lipari indicated that he will request that the meeting be rescheduled again to an evening time later in the month so that members of the public who work during the day can attend.
 - b. Feedback from other oversight agencies on issuing subpoenas to officers to appear at hearings – In response to the board’s request during the August board meeting, Mr. Lipari shared information from three oversight agencies – Austin, TX, Columbia, MO and Washington, DC – on their practices regarding officer attendance at hearings and issuing subpoenas. Mr. Lipari reported that each agency has a different approach and outlined the various powers and hearing

procedures of each board regarding officer participation. Mr. Barber stated that a better understanding of the hearing process is needed by the PBA and should be put on the agenda of the next Police Liaison Committee meeting. Mr. Masella expressed appreciation for the research, and voiced his concern over the potential time commitment and increased hearing complexity if the CRB were to adopt the practice of issuing, and enforcing, subpoenas for each hearing for each accused officer, each officer witness and witnesses for each complainant. Ms. Turner suggested that the Mayoral appointees to the CRB request a meeting with the Mayor and the Chief of Police to discuss having the Chief issue an order requiring officers to participate in CRB hearings. Mr. Lipari indicated that if the board decides to compel officers to participate in CRB hearings through issuance of subpoenas that the board may wish to consider employing a professional hearing officer or administrative judge to preside over the hearings. Mr. Lipari requested that the board make a decision as to whether it wants to compel officers to participate in CRB hearings by the end of the year.

- c. Interior public awareness bus card project moving forward – Mr. Lipari reported that the public awareness bus cards will soon be installed in 55 CENTRO buses for three months beginning September 4, ending December 4.
- d. Spanish translations for public awareness poster/bus card, La Liga outreach event, and complaint intake – Mr. Lipari reported that during August's Near Westside Block Party outreach event he was contacted by a representative with La Liga who discussed having the CRB conduct an outreach event with its members and offered to assist the CRB with translating its material into Spanish and to provide interpretation services for outreach events. Mr. Lipari reported that he had further discussions with La Liga representatives during August and provided a breakdown of the fees for the different services. Ms. Turner made a motion that the CRB allocate the necessary funds for translation and interpretation services. Mr. Masella seconded the motion. The motion was voted on and adopted by the board.
- e. Second Quarterly Report – Mr. Lipari reported that the CRB's second quarter report for 2015 is now available on the website.
- f. Summer E-Newsletter – Mr. Lipari reported that the CRB's summer e-newsletter has been sent to more than 270 individuals on the CRB's email list-serve.
- g. Monthly Financial Report – Mr. Lipari shared the detailed breakdown of CRB's expenditures for the year to date.
- h. August case statistics – Mr. Lipari reported that seven new cases were received in August. He stated the total received in 2015 is 46 and that six cases will be reviewed during Executive Session.

4. Committees
 - a. Mr. Lipari reported that additional Fall Community Outreach & Public Education events have been scheduled at the Southwest Community Center, on Thursday, September 17, 5:30 PM and at Mundy Branch Library, Wednesday, October 28, at 5:30 PM
5. New Business

Ms. Horan asked questions regarding the date for the next Police Liaison Committee meeting, the mayoral appointee, 911 sit-along and changes to the legislation. Mr. Masella made a motion that Mr. Lipari draft a Use of Force Policy for the educational benefit of the CRB. Mr. Christiana seconded the motion. The motion was voted on and adopted by the board.

Resolution to Authorize the Administrator to draft a Use of Force Policy

Whereas, the Citizen Review Board of the City of Syracuse has, in its Annual Reports for 2013 and 2014, recommended to the Syracuse Police Department and the City of Syracuse that the Syracuse Police Department review and revise its current Use of Force Policy to reflect current best practices recommended by the U.S. Department of Justice, including a delineation of all force options and all department-approved lethal and less-lethal weapons, and specific guidance on when each force option is appropriate and not appropriate,

Whereas, the Citizen Review Board has received no formal response from the Syracuse Police Department or the City of Syracuse in regards to the Use of Force recommendations made by the Citizen Review Board, nor has the Citizen Review Board been provided any proposed language for a new Use of Force policy by the Syracuse Police Department or the City of Syracuse,

Whereas, the Citizen Review Board believes that it will foster the Board's ability to fulfill its responsibilities under Local Law 1 of 2012 by having available an example of a Use of Force policy that meets the standards recommended by the U.S. Department of Justice as well as foster the Board's educational mandate as specified in Local Law 1 of 2012,

Therefore, Be it Resolved, that the Citizen Review Board directs the Administrator to develop a comprehensive Use of Force policy to provide to the members of the Citizen Review Board.

6. Public Comment (6:30 pm)

Ms. Barrie Gewanter shared her new contact information and indicated that she is now officially the new Executive Director/Administrator for the Human Rights

Commission and the Jail Oversight Committee. She also shared the names of individuals who may be able to assist with translation.

Mr. Mustafa Robinson suggested the CRB use buttons for its outreach events.

Mr. Mikiel Anderson asked questions about body cameras, the SPD's bicycles for kids program, officers coming to outreach events, the new head of Syracuse University's Public Safety Department, Mr. Lipari's evaluation, Board committees, and the Common Council's Public Safety Committee meeting on the CRB's requested medical consultant and investigator contracts.

Mr. Masella made a motion that Mr. Lipari foster cooperation between the CRB and the Human Rights Commission. Mr. Levine seconded the motion. The motion was voted on and adopted by the board.

Resolution on CRB Cooperation with Onondaga County/Syracuse Human Rights Commission and Jail Oversight Committee

Whereas, the Citizen Review Board of the City of Syracuse endorses the mission of the newly established Onondaga County/Syracuse Human Rights Commission and Jail Oversight Committee to investigate complaints filed by Onondaga County Justice Center inmates and to make appropriate disciplinary, policy and training recommendations to the Administration of the Onondaga County Justice Center;

Therefore, be it Resolved, that the Citizen Review Board of the City of Syracuse directs the Administrator of the Citizen Review Board, consistent with the Board's statutory authority and mission, to support and cooperate with the Onondaga County/Syracuse Human Rights Commission and Jail Oversight Committee as the agency endeavors to establish its operations and conduct its work.

7. Meeting continued in Executive Session.

The board discussed next steps in its legal challenge to the county law department regarding the county's refusal to provide the CRB with recordings of 911 calls and police radio communications. Mr. Masella made a motion to authorize the CRB to take legal action against the county to acquire access to 911 records. The motion was seconded by Mr. Barber. The motion was voted on and adopted by the board.

Resolution Authorizing the Administrator to Pursue Legal Action against Onondaga County for Access to 911 Records

Whereas, the Citizen Review Board of the City of Syracuse has concluded that it occasionally requires access to the recordings of 911 calls and Syracuse police radio communications to conduct a thorough and impartial investigation into civilian complaints against members of the Syracuse Police Department in accordance with Local Law 1 of 2012,

Whereas, the Citizen Review Board has both formally requested and issued legally binding subpoenas duces tecum to the Onondaga County Law Department and the Emergency 911 Communications Center seeking access to copies of recordings of incoming 911 calls and Syracuse police radio communications,

Whereas, the Onondaga County Law Department has refused to provide copies of recordings of incoming 911 calls and Syracuse police radio communications to the Citizen Review Board without a judicial subpoena,

Whereas, the civilian complaints before the Citizen Review Board are not presented for consideration before a judicial magistrate and it is therefore impossible for the Citizen Review Board to acquire a judicial subpoena for such material,

Whereas, the Citizen Review Board as established by the Syracuse Common Council is defined as a public agency by Local Law 1 of 2012, and

Whereas, Section 308(4) of the County Law states that “Records, in whatever form they may be kept, of calls made to a municipality’s E911 system shall not be made available to or obtained by any entity... other than... another government agency or body”

Therefore, Be it Resolved, that the Citizen Review Board directs the Administrator to pursue all appropriate legal action to compel Onondaga County to provide copies of recordings of 911 calls and Syracuse police radio communications to the Citizen Review Board upon request.

During the Executive Session, the Board voted on the following cases to determine whether to forward the case to a CRB hearing:

14-101	Hearing
15-031	Hearing
15-033	No Hearing
15-035	No Hearing
15-038	No Hearing

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

Respectfully submitted,

Betty L. Pearson
Typist II, Citizen Review Board