

**SYRACUSE**

**CRB**

**CITIZEN REVIEW BOARD**

**Annual Report  
2019**



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## SUMMARY OF 2019 OPERATIONS

The close of 2019 marked another active year of oversight by the Syracuse Citizen Review Board. The following information provides a summary of the CRB's 2019 operations. The CRB received a total of 100 complaints in 2019 and completed processing of 50 cases (37 cases resulted in a no hearing vote by the Board, 6 cases were closed due to lack of communication, 2 cases filed that were outside of the CRB's jurisdiction, 7 hearings were held on cases filed in 2017 and 2019).

- 100 complaints received
- 7 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.

- 7 hearings were held resulting in the following outcomes
  - 4 Sustained findings by the hearing panel for allegations of Demeanor (3), Excessive Force (4), and Racial Bias (1);
  - 2 Insufficient Evidence for allegations of Excessive Force and Unlawful Search;
  - 7 Exonerated for allegations of Excessive Force (6) and Demeanor (1); and
  - 6 Unfounded for allegations of False Arrest and Demeanor (5) and Demeanor (1).

\*complaints have multiple allegations \*

- 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 2019 was 4%. The sustained rate is calculated by dividing the number of hearings that resulted in sustained findings (4) by the number of complaints received in the year (100). The sustained rate for 2018 was 9.64%.

2019 CRB Disciplinary recommendations:

- 2 recommendations for retraining
- 1 recommendations for written reprimand and shift to the next level for progressive discipline matrix.
- 1 recommendations for two (2) weeks suspension w/o pay

### 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 7 responses from the Chief of Police to the 7 hearings in which a CRB held.
- Chief Buckner agreed with the CRB in cases where the alleged allegations were determined to be lacking sufficient evidence, unfounded, and exonerated. The Chief disagreed with 4 findings with sustained allegations against the officer and advised that the department uses progressive discipline but does not have progressive discipline matrix. The CRB received a total of 7 response letters from the Chief for cases filed in 2016-2019.

## 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](http://www.syr.gov.net/crb_Members.aspx).

### **Members of the Syracuse Citizen Review Board**

As of December 31, 2019

#### **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 - 1<sup>st</sup> District - term expires December 31, 2020  
Open - 2<sup>nd</sup> District - term expires December 31, 2019  
Ms. Lori Nilsson - 3<sup>rd</sup> District - term expires December 31, 2021  
Ms. Ruth Kutz, Board Chairman - 4<sup>th</sup> District - term expires December 31, 2020  
Open- 5<sup>th</sup> 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.syrgov.net/CRB.aspx](http://www.syrgov.net/CRB.aspx). The CRB office telephone number is 315-448-8750. The CRB can be reached by e-mail at [crb@syrgov.net](mailto:crb@syrgov.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 2019, 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.

Name & Time	Host	Location	CC District	Date
CRB Presentation at Helio Health Recovery Center 3:00pm	Helio Health	714 Hickory St	1 <sup>st</sup>	11/6/19
SPD Community forum re use of force 5:30-7:30pm	SPD	St Lucy's Church	2 <sup>nd</sup>	6/28/19
CRB Westside Presentation at TNT 6pm-7pm	TNT	Westside	2 <sup>nd</sup>	10/15/19
CRB Presentation at TNT 7pm-8pm	TNT	Valley	3 <sup>rd</sup>	9/11/19
Youth Rights Presentation 10am-3pm	Dept. of Children & Family	HillBrook	3 <sup>rd</sup>	10/7/19
CRB Outreach @3p.m.		Central Library	4 <sup>th</sup>	3/22/19
CRB Presentation at TNT 6pm-7pm	TNT	Southside	4 <sup>th</sup>	8/5/19
CRB Downtown Presentation at TNT 5:30pm	TNT	Downtown	4 <sup>th</sup>	10/16/19
CRB Presentation at TNT 7pm-8pm	TNT	Eastwood	5 <sup>th</sup>	9/23/19
CRB Eastside Presentation at TNT 7pm-8pm	TNT	Eastside	5 <sup>th</sup>	12/10/19
CRB Eastwood Presentation at TNT 7-8pm	TNT	Eastwood	5 <sup>th</sup>	1/27/20

## OPERATIONS

Between January 1 and December 31, 2019, the CRB held 12 monthly business meetings that were open to the public. The CRB received a total of 100 complaints in 2019 and completed processing of 50 cases (37 cases resulted in a no hearing vote by the Board, 6 cases were closed due to lack of communication, 2 cases filed that were outside of the CRB's jurisdiction, 7 hearings were held on cases filed in 2017 and 2019).

## BOARD TRAINING AND DEVELOPMENT

The Board held our annual training and development day at 1199 SEIU on March 2, 2019. A presentation by Peter Wilner and Melody Holmes from Interfaith Works and Board Development workshop was held. The Board training focused on Committee participation, Monthly Outreach projections, our current Ordinance, By-Laws, and CRB History

## 2019 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.

## **2019 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 2019 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**

- 7 hearings were held resulting in the following outcomes
  - 4 Sustained findings by the hearing panel for allegations of Demeanor (3), Excessive Force (4), and Racial Bias (1);
  - 2 Insufficient Evidence for allegations of Excessive Force and Unlawful Search;
  - 7 Exonerated for allegations of Excessive Force (6) and Demeanor (1); and
  - 6 Unfounded for allegations of False Arrest and Demeanor (5) and Demeanor (1).

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.

- **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, and 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.

- **Excessive Force and Racial Profiling**

A young African American male was a driver in a vehicle that was reported stolen to the Syracuse Police Department (SPD). An SPD officer attempted to pull over the vehicle after trailing the vehicle for a few moments. The driver pulled the vehicle over to the side of the road and Officers circled and one Officer advised the driver to take the keys from the ignition and throw them out the window. The driver dropped the keys on the floor mat in the vehicle. The driver informed the Officer the keys fell and he was advised by the Officer to leave them there and put his hands out of the window. One of the Officers opened the driver side door while the other Officer was surrounding the vehicle. The Officer advised the driver not to move or he would shoot. Another Officer behind the Officer who ordered the driver not to move stated "Do you want to get shot?" The driver observed this Officer to be looking over him as if he was looking for something. The driver was advised by one Officer to put his hands on his head and he complied with the order. One of the Officers advised the driver "I will shoot you" the driver responded "shut up" the Officer then grabbed the driver by the arm and tried to pull him out of the car. The driver's left arm was stuck in the seatbelt. The driver was then struck by the Officer in the face while the other Officer is trying to detain him; the drivers stated his body was partially out of the vehicle and his arm was still stuck in the seatbelt. The driver yelled "my arm is stuck." Once the driver arm was unlogged from seatbelt the Officer stopped punching him and the driver yelled out "I'm only fifteen." The other Officers on the scene were heard laughing and a couple minutes later the driver was grabbed by the hood of his sweatshirt and dragged to the back of the vehicle, he was stood up and the ambulance was called for medical attention. As a result of being struck by the Officer, the drivers tooth was punched out. The driver observed his tooth fly out his mouth while being punched.

While awaiting the ambulance, the driver asked the Officer if they could call his mother and he was informed they would handle all that after he answered a few of their questions. After they asked him his pedigree information his mother was not called. The ambulance arrived and provided the driver with gauze for his tooth and one Officer waited for a transport vehicle to take the driver to the public safety building and that's where he was able to speak with his mother.

The CRB Panel sustained the finding of Excessive Force and Racial Bias based upon the testimony of the complainant, photographs, and medical records. The Officer did not appear at the CRB Hearing to provide testimony or answer questions as no subpoena was issued requiring attendance. A letter was sent to the Officer and no response was received by the CRB. Based upon the foregoing the Hearing Panel reviewed the Office of Professional Standards Report, 911 audio and data sheets, the Officer's narrative supplement 1's, statement from the vehicle owner, and the use of force report, as evidence related to this complaint. The Panel recommended a Suspension without pay for two (2) weeks for the Officer. The Police Department disagreed with the CRB's finding.

- **Excessive Force and Demeanor**

A vehicle driven by the complainants was traveling down a local street when SPD Officers initiated a vehicle and traffic stop. The complainants state that the Officers approached the vehicle in a hostile manner, immediately ordered the driver to shut off the vehicle and exit the vehicle. The Officer did not advise the driver of the nature of the stop and the driver questioned the Officer at which time she was informed it was due to speeding. At this time, all occupants in the vehicle were ordered out and SPD Officers began to search each occupant. The Officers did not locate anything illegal on the occupants so they then began to search the vehicle. The driver asked why the vehicle was being searched as the search of the occupants did not provide any probable cause and the Officer did not have a search warrant. In response to these questions, the Officer advised the driver she was under arrest; she was slammed to the ground, verbally assaulted, and manhandled while in handcuffs. The complainant stated she was in fear of her life and the lives of the passenger of the vehicle who was also being arrested.

The hearing panel sustained the finding of excessive force and demeanor against Officer One and recommended retraining on Volume 1, Article 4, Section 1.15A General Rules of Conduct (Unbecoming Conduct). Chief Buckner disagreed with the hearing panel's sustained findings.

- **Excessive Force and Demeanor**

A vehicle in which the complainant was a passenger was traveling down a local street when SPD Officers initiated a vehicle and traffic stop. The complainant stated the Officer approached and demanded everyone exit the vehicle. The driver asked why they were being pulled over and the Officer responded, "Don't worry about it," or something to that nature. "Now you are going to shut the damn car off, get out, or do I have to drag you out?" The driver turned the vehicle off and started to exit the vehicle and the Officer requested their identification. The driver provided her identification and then the Officer asked for the identification of all the other occupants. The two other Officers immediately began to search the vehicle the driver stated to the Officers, "You don't have a search warrant." The Officer One replies, "I can do what the fuck I want." He continued to search the vehicle and then he opened a purse that belonged to the complainant. One of the occupants informed the complainant and she went to grab her purse and the Officer grabbed her wrist and snatched the purse away. The Officer Two bombarded the complainant, pushed her up against the car, place her in handcuffs, and pushed her to the ground while laughing. The complainant attempted to stand up and the Officer One responded, "this bitch is resisting," and pushed her down to the ground and kicked her. The complainant kicked back at the Officer and then she felt a swarm of Officers on top of her stomping and pushing her to the ground.

The hearing panel sustained the finding of excessive force and demeanor against Officer One and recommended retraining on Volume 1, Article 4, Section 1.15A General Rules of Conduct (Unbecoming Conduct). Chief Buckner disagreed with the hearing panel's sustained findings.

## **BUDGET**

2019-2019 Adopted

### 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**



## 2019 Totals

Total Complaints Received during 2019: 100

The number of cases processed and closed by the Board during 2019: 50

The number of complaints processed and not sent to a panel hearing during 2019: 37

The number of complaints processed and closed for lacking jurisdiction: 2

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 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: 14

### Hearing outcomes

Panel hearings scheduled: 7

Panel hearings held: 7

Panel hearings resulting in disciplinary recommendations from CRB: 4

Panel hearings resulting in no disciplinary recommendations from CRB:

2 Insufficient Evidence for allegations of Excessive Force and Unlawful Search;

7 Exonerated for allegations of Excessive Force (6) and Demeanor (1); and

6 Unfounded for allegations of False Arrest and Demeanor (5) and Demeanor (1).

**Categories of Complaints Received by the CRB during 2019\*  
Number & Percent of Annual Intake**

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

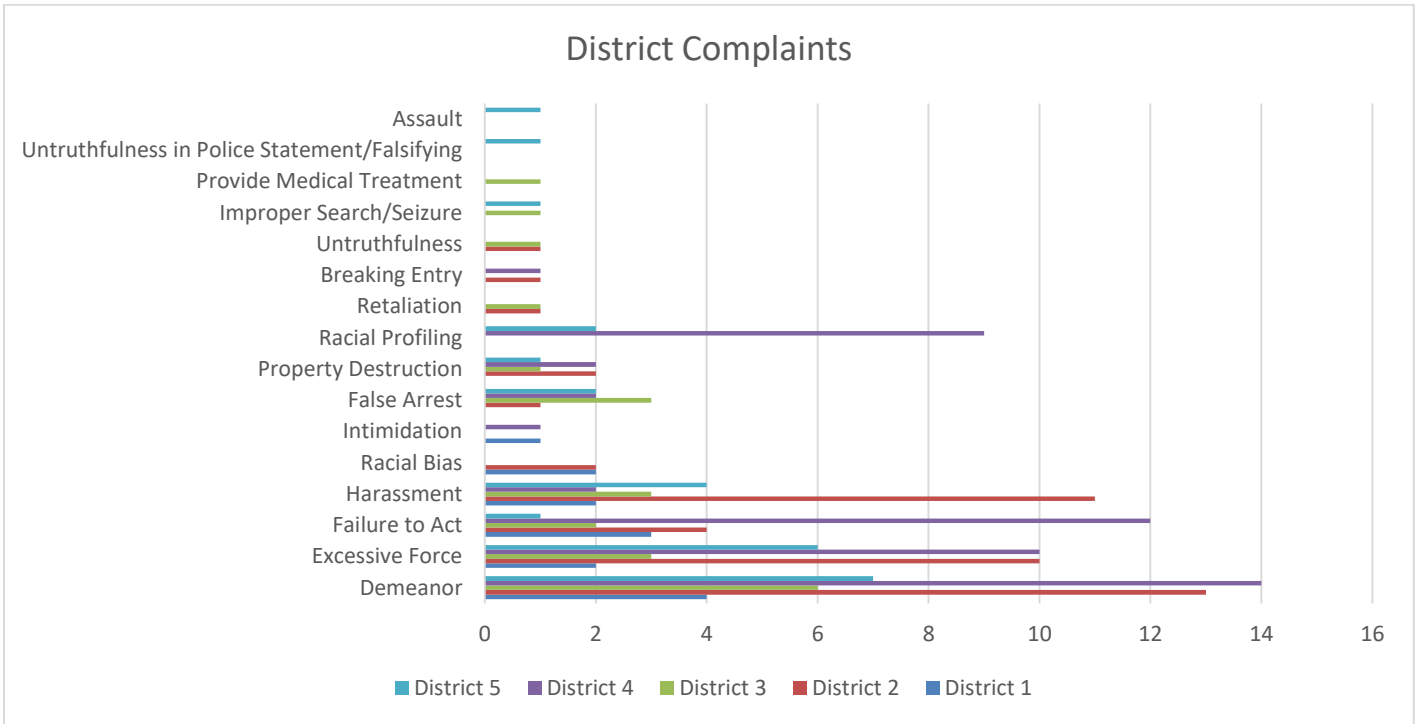
<b>False Arrest</b>	<b>Gender Bias</b>	<b>Harassment</b>	<b>Improper Offer to Reduce Charges</b>	<b>Improper Search/Seizure</b>
15	1	32	1	21
18%	1.2%	38.5%	1.2%	25.3%

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

\*Some individual complaints include multiple allegations

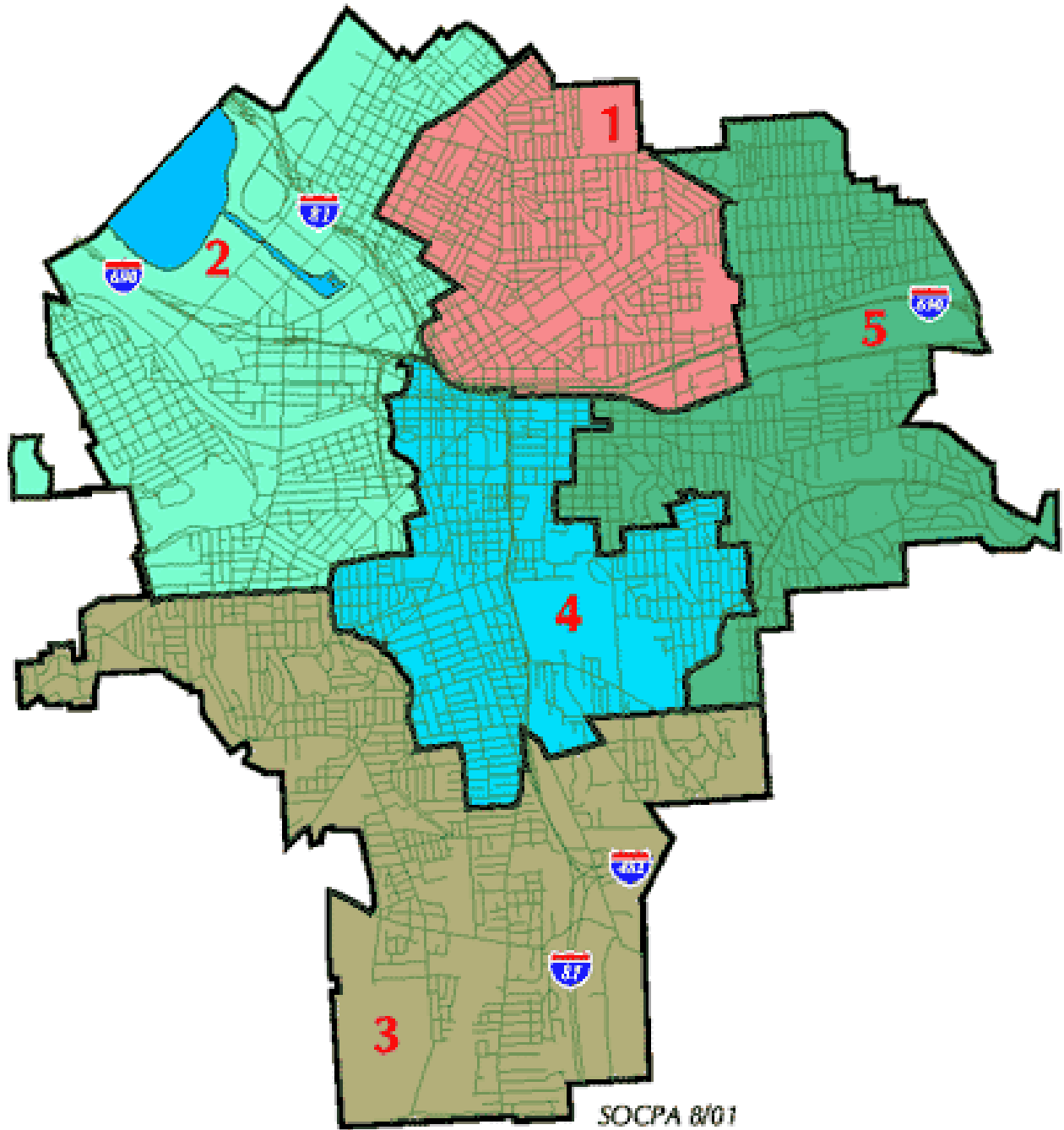
\*\*Typically not discovered until after a complaint is filed and police reports have been acquired.

## Complaints Received per Common Council District for 2019



**\*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 2019

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

\*based on 2010 census

<b>Sex</b>	<b>#</b>	<b>% of city population*</b>
<b>Male</b>	51	60%
<b>Female</b>	35	40%

<b>Sexual Identity of Complainant</b>		
<b>LGBTQ</b>	1	1%

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

<b>Language other than English</b>	<b>#</b>
<b>Spanish</b>	8
<b>Vietnamese</b>	0
<b>Other</b>	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

## Appendix II