



Annual Report
2020

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SUMMARY OF 2020 OPERATIONS

The close of 2020 marked another active year of oversight by the Syracuse Citizen Review Board. The following information provides a summary of the CRB's 2020 operations. The CRB received a total of 46 complaints in 2020 and completed processing of 65 cases (25 cases were sent to a hearing, 2 were tabled for board inquiry related to a sealed record and OOPS to complete investigation, 38 cases resulted in a no hearing vote by the Board, 4 cases were closed due to lack of communication, 7 cases were filed that were outside of the CRB's jurisdiction.

- 46 complaints received
- 2 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.

- 2 hearings were held resulting in the following outcomes
 - 1 Sustained findings by the hearing panel for allegations of Excessive Force and Demeanor.

*complaints have multiple allegations *

- A sustained finding means that the panel found that there was substantial evidence that the alleged misconduct did occur.

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 2 responses from the Chief of Police to the 2 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 and exoneration. The Chief disagreed with 2 findings with sustained allegations against the officer and advised this due to the complainant's inconsistency, "veracity" to be "highly in question" and in another noted that OOPS completed their investigation in June 2019 and found the allegations to be unsubstantiated. The CRB received a total of 2 response letters from the Chief for cases filed in 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, 2020

Mayoral Appointees
Ms. Mary Nelson - term expires December 31, 2021
Mr. Peter McCarthy, Board Chairman - 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
Ms. Lori Nilsson - 3rd District - term expires December 31, 2021
Ms. Ruth Kutz, - 4th District - term expires December 31, 2020
Ms. Cynthia Brunson- 5th District - term expires December 31, 2019

At-Large Councilor Appointees
Mr. Clifford Ryans - term expires December 31, 2019
Mr. R. Daniel Grinnals, - term expires December 31, 2021
Ms. Hatisha Holmes, Vice Chair – term expires December 31, 2021

Board members, shall serve staggered three (3) year terms and maybe reappointed for another three (3) year term, after which, however the member shall not be reappointed for at-least one (1) year. If a person is appointed to complete an unexpired term of a former Board member, the newly appointed Board member shall be eligible to be appointed to serve two (2) successive three (3) year terms.

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. The CRB office telephone number is 315-448-8750. The CRB can be reached by e-mail at 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	CC District	Date
CRB Eastwood Presentation 7pm-8pm	TNT	5 st	1/27/2020
Kids Reading	Van Duyn Elementary	3 rd	2/10/2020
National Read across America	Van Duyn Elementary	3 rd	3/2/2020
Unapologetically Josh Podcast	Josh's Podcast	Virtual	5/06/2020
Wake up Wednesday		Virtual	7/29/20
Youth Summer Job Program	NBLCH	4 th	8/5/2020
Neighborhood Power Walk	City of Syracuse		8/19/2020
Black Health	NBLCH		9/28/2020
Black Health	NBLCH		9/30/2020
Say Their Names	Black Arts Collective	5 th	10/14/2020
Free Haircuts	Mutual Aid	4 th	10/19/2020
Black Men Suited	BMU	4 th	10/10/2020

OPERATIONS

Between January 1 and December 31, 2020, the CRB held 12 monthly business meetings that were open to the public. The CRB received a total of 46 complaints in 2020 and completed processing 65 cases.

BOARD TRAINING AND DEVELOPMENT

The Board held Board Development training with Bob Stewart on September 5, 2020. This training was required training for its board members and staff.

2020 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.

2020 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

Out of the two panel hearings held during the third quarter of 2020 one resulted in a sustained finding against one officer. 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**

The complainant's friends requested SPD assistance based upon a verbal dispute between the parties that began in an apartment on the city's North side. One of the victims alleged they had been staying at a friend's house and they woke up to the camera flashing and knew it was the complainant behind the camera. A verbal argument ensued and an attempt was made to delete the pictures that were taken. They discovered they were unable to delete the pictures and the complainant and the boyfriend began to wrestle. The male victim told the other party to call 911 on the complainant. The female party mentions they are aware that the complainant has some cognitive issues but they try to be his friend. They had some concerns that he was doing things but they couldn't prove it but they were awoken today with the flash from the camera. They requested that an Officer come over so they don't have any more physical problems and they are trying to delete the pictures. The female party was locked in the bathroom while calling 911 and the complainant had a knife trying to unlock the bathroom as she was in there trying to delete the pictures. She does not want boyfriend to hit him, boyfriend is holding him while trying not to hit him, and she states she remains locked in the bathroom. The parties separated and the female and male left the apartment and while leaving on foot they noticed the complainant was following them. The Police had already come to the apartment and suggested that the parties separate. After leaving the apartment it was discovered that the complainant continued to follow the parties on foot and he was advised he would be arrested for stalking if he continued to follow them. After the complainant continued to follow them they requested the complainant be arrested. They continued to call 911 every time they noticed the complainant was following them. The parties made a total of 5 telephone calls to 911. The Police arrive on the scene at the last location and advised the complainant he is under arrest and the complainant was noncompliant and force used to effectuate an arrest.

CRB Findings:

- Determined there was Insufficient Evidence clearly prove or disprove the allegation Excessive Force against One Officer and the Chief agreed with CRB finding of Insufficient Evidence to sustain charge of Excessive Force and noted that OOPS completed their investigation in June 2019 and found the allegations to be unsubstantiated.

- **Excessive Force & Demeanor**

The parties called 911 after being involved in a physical altercation with others. They requested charges be lodged against the other parties and when the Officer One arrived on the scene it was clear that the complainant and him had previous interactions. The complainant and Officer One began to have a verbal back and forth related to a previous interaction and the complainant decides to drive off. They decide after a few minutes to return the scene of the altercation with the other parties at which time the Officer One advises that the complainant has an outstanding warrant for her arrest. It was later discovered that the complainant did not have an active warrant. The complainant and Officer One exchange words and he states he is going to mace the parties and puts the device inside the car window. The complainant is the driver of the vehicle and is refusing to exit the vehicle to be arrested. Once the threat of the mace is considered by the complainant she exits the vehicle and Officer One takes an aggressive tone and mannerism toward the complainant while placing her under arrest. Officer one is pushing the complainant up against the car and he also uses force to assist her out of the vehicle. The complainant is pregnant at this time and the pushing of her against the vehicle is worrisome and causes the other parties at the scene to complain about the Officers handling of the complainant. The parties on the scene state that it was obvious that the complainant was pregnant but the Officer continued to push her belly against the vehicle. The complainant was visibly upset with the Officers behavior and they continued to engage verbally throughout the process and she was being noncompliant based upon the feelings she had about their previous interactions.

CRB Findings: The Board sustained the finding of Demeanor-Conduct Unbecoming against Officer One and exonerated the allegation of Excessive Force. The Chief Disagreed with Sustained finding of Demeanor-Conduct Unbecoming based upon inconsistency, her "veracity" to be "highly in question" and agreed with Exonerated finding for Excessive Force

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

2020 Totals

Total Complaints Received during 2020: _46

The number of cases processed and closed by the Board during 2020: _65_

The number of complaints processed and not sent to a panel hearing during 2020: _5_

The number of complaints processed and closed for lacking jurisdiction: _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: _15_

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: _0_

Hearing outcomes

Panel hearings scheduled: _2_

Panel hearings held: _2_

**Categories of Complaints Received by the CRB during 2020*
Number & Percent of Annual Intake**

Demeanor	Wrongfully Accused	Failure To Arrest	Excessive Force	Failure to Act
3	3	1	8	12

Bias	Improper Towing	Failure to Provide Care	Unnecessary Force	Improper Seizure
1	1	1	3	1

Coercion	Harassment	Conduct	Unnecessary Force	Improper Search/Seizure
1	2	3	3	6

Abuse of Power	False Arrest	Customer Service	Property Damage	Bias
1	2	1	2	1

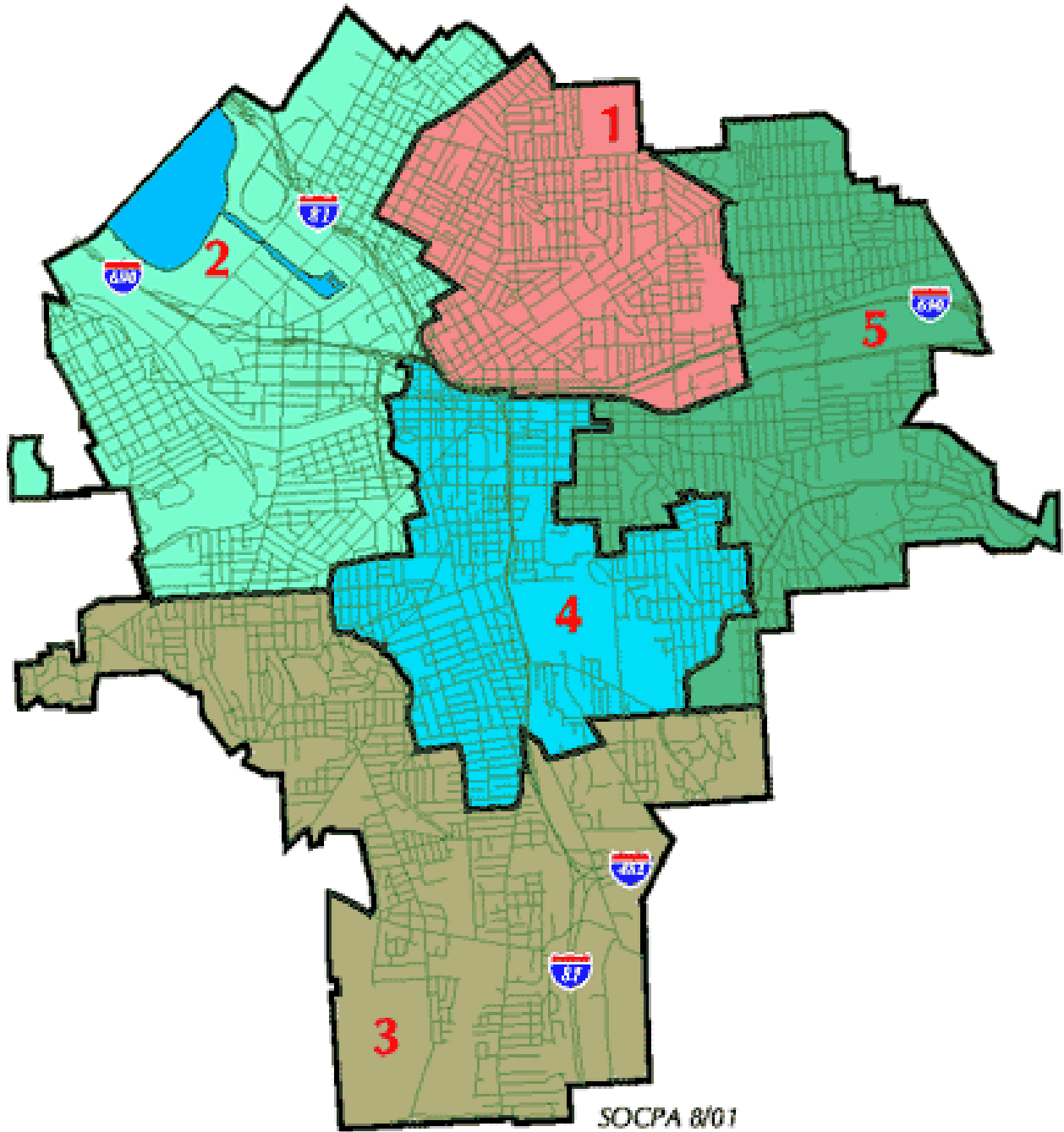
*Some individual complaints include multiple allegations

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

Complaints Received per Common Council District for 2020

*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 2020

Ethnicity	#	% of city population*
*Black	26	29.5%
*White	10	52.8%
*Latino	2	8.3%
Indian	1	
Other	6	2.8%
Biracial	1	2.8%
Unknown	2	
Total	48	

*based on 2010 census

Sex	#	% of city population*
Male	26	60%
Female	20	40%

Age	#	% of city population *
Under 18	1	0%
19-35	18	50%
36-50	11	30%
51+	13	20%

*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



No. 202.33

EXECUTIVE ORDER

Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I do hereby issue the following directives for the period from the date of this Executive Order through June 21, 2020:

- Executive Order 202.10, as later extended by Executive Order 202.18, Executive Order 202.29 and as extended and amended by Executive Order 202.32, which prohibited all non-essential gatherings of any size for any reason, except for any religious service or ceremony, or for the purposes of any Memorial Day service or commemoration, which allowed ten or fewer individuals to gather, provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to is hereby modified to permit any non-essential gathering of ten or fewer individuals, for any lawful purpose or reason, provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to.



GIVEN under my hand and the Privy Seal of the
State in the City of Albany this
twenty-second day of May in the year
two thousand twenty.

A handwritten signature in black ink, appearing to read "Andrew M. Cuomo".

BY THE GOVERNOR

A handwritten signature in black ink, appearing to read "M. C.", followed by the text "Secretary to the Governor".

Secretary to the Governor

Appendix II



OFFICE OF THE MAYOR

MAYOR BEN WALSH

EXECUTIVE ORDER SYRACUSE POLICE REFORM EFFECTIVE JUNE 19, 2020

WHEREAS, the killing of George Floyd, and the subsequent outpouring of grief and concern over police conduct nationwide has led to calls from the Syracuse community for immediate police reform; and

WHEREAS, improving police-community relations and updating key policies to reflect best practices in 21st century policing has been a priority of my administration since taking office; and

WHEREAS, under the leadership of Chief Kenton Buckner, Syracuse has already taken important steps in police reform, including but not limited to the expansion of body worn cameras and the implementation of a new body worn camera policy; the issuance of a revised use of force policy in July 2019; the restructuring and relocating of the department's internal affairs function; enhanced focus on diversity recruitment; and the creation of citizen advisory committees; and

WHEREAS, the Syracuse Common Council has indicated its desire for police reform, and will consider legislation that seeks greater police transparency, which will complement the steps to be taken below; and

WHEREAS, I support the police reforms already passed this month by New York State, including the repeal of Civil Rights Law Sec. 50-a; and

WHEREAS, I recognize the dedication of the members of the Syracuse Police Department, and intend the steps outlined below to better equip officers with the training and policies they need to enhance their ability to protect and serve all members of the Syracuse community equally, and to build the community's trust in our officers; and

Office of the Mayor
233 E. Washington St.
201 City Hall
Syracuse, N.Y. 13202

Office 315 448 8005
Fax 315 448 8067

www.syr.gov.net

WHEREAS, in response to the concerns of the Syracuse community, more action on police reform is urgent, necessary and appropriate; and

WHEREAS, I will engage in a robust community dialogue to further explore and consider areas for reform and improvement over the coming months beyond those set forth below, culminating in a plan and report in the spirit of and in compliance with Governor Cuomo's Executive Order No. 203, New York State Police Reform and Reinvention Collaborative;

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NOW, THEREFORE, as Mayor of the City of Syracuse, by the authority vested in me by the City Charter and applicable laws, and in consultation with the Chief of Police, I hereby direct the following actions as soon as practicable:

1. Review, revise and amend the policies and procedures of the Syracuse Police Department (SPD) to ensure the principles embodied in the New York City Right to Know Act are incorporated into the department's policies and procedures, including but not limited to self-identification to citizens, provision of written identification to citizens, obtaining consent to searches, recording consent and making the record of the consent available to the subject of the search. This will be done in conjunction with legislative action by the Syracuse Common Council, which will seek to codify the Right to Know principles related to the reporting of investigative encounters.
2. Revise SPD's 2019 use of force policy to ensure that it is compliant with recent changes in New York State law, and fully consider any policy changes requested by the Syracuse community.
3. Revise SPD's current body worn camera policy to ensure that officers record the entirety of their presence on the scene of a police encounter.
4. Complete the department's efforts to obtain additional body worn cameras so that all uniformed officers assigned to patrol or who otherwise respond to citizen calls will be equipped with cameras.
5. Develop and implement a plan to deploy dashboard cameras on all SPD marked vehicles.
6. Conduct a complete inventory of all equipment acquired through military surplus programs that are in possession of the SPD; establish policies and procedures regarding the use of such equipment; and establish parameters for future procurement of such equipment.
7. Post on the City of Syracuse and/or SPD's website:
 - a. The collection of documents that together comprise the most recent collective bargaining agreement with the Syracuse Police Benevolent Association (PBA); and
 - b. A comprehensive summary of that collection of documents, which my administration prepared and presented to the PBA for review and acceptance in 2019; and
 - c. The Tentative Agreement reached with the PBA in November 2019, which has not been approved, and which is now the subject of the impasse resolution process set forth in the New York State Taylor Law.
8. Make SPD policies publicly available on the SPD website.
9. Develop a process to ensure legal compliance with New York State's repeal of Civil Rights Law Sec. 50-a and related amendments to the Freedom of Information Law, which require the city to disclose copies of certain police personnel records upon request.
10. Continue to actively oppose any legal attempt to dissolve or otherwise eliminate the judicial consent decree which continues to be a critically necessary tool to improve the diversity of our police department.

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11. Review the department's procedure and approval process regarding the application of search warrants that seeks a "no-knock" provision from a court to ensure compliance with Constitutional standards.
12. Continue to improve collaboration with the Syracuse Citizen Review Board (CRB) to ensure the flow of documents and information as embodied in Local Law No. 11. Further, commit to:
 - a. Reviewing the disciplinary recommendations presented by the CRB prior to making a final determination of discipline of an officer; and
 - b. In cases where the Chief issues no discipline, or discipline that is lesser than is that recommended by the CRB, provide to the CRB a written explanation of the reason for such level of discipline or lack thereof.
13. Develop and deliver training on the history of racism in Syracuse and the United States, both in the police academy and during in-service training, such that 100% of the membership of SPD receives this training. Additionally, deliver department-wide training in cultural competency for law enforcement.
14. Continue to review and upgrade the department's recruitment, screening and hiring practices, with an aim to increase the diversity of the department's membership.
15. Research and consider innovative, community-based strategies for responding to non-criminal calls, with a goal of shifting the paradigm from primary police response, to response by non-police professionals in relevant fields.
16. Develop and implement, in coordination with the Syracuse City School District, a new model for school safety and security.

G I V E N under my hand and the Seal of the City of Syracuse this nineteenth day of June in the year two thousand twenty.

BY THE MAYOR

ATTEST:



Benjamin R. Walsh, Mayor

John P. Copanas, City Clerk

Dated: June 19, 2020

GROWTH. DIVERSITY. OPPORTUNITY FOR ALL.

Appendix III



DEPARTMENT OF POLICE CITY OF SYRACUSE, MAYOR BEN WALSH

Kenton T. Buckner
Chief of Police

August 14, 2020

Joseph L. Cecile
First Deputy Chief

Ranette Releford
Administrator

Derek McGork
Deputy Chief

Citizen Review Board
201 E. Washington Street, Suite #705
Syracuse, NY 13202

Richard F. Shoff, Jr.
Deputy Chief

Dear Ms. Releford:

Richard H. Trudell
Deputy Chief

I am writing in response to Mayor Walsh's Executive Order: Syracuse Police Reform effective June 19, 2020 to make you aware of our commitment to fulfill Item #12.

The Syracuse Police Department (SPD) affirms our commitment to ensure the flow of documents and information as embodied in Local Law No. 11.

The SPD further commits to making no final decision on discipline of an officer(s) until the Chief of Police has received the results of both the Office of Professional Standards investigation and the CRB recommendations of the same complaint.

In addition, the Chief of Police will provide the CRB a letter of explanation if the decided discipline falls to a level lower than is recommended by the CRB.

As you are aware, Corporation Counsel and CRB's outside counsel are currently discussing ways in which the timelines in the ordinance could be adjusted to reflect pragmatic operational realities. Those discussions reflect the parties' consensus, based on past experience, that additional time is sometimes required to allow both sides to complete a thorough and effective investigation. The parties also understand, however, that any proposed revisions will not permit delays which prevent discipline from being imposed within the eighteen month deadline provided for in the New York Civil Service Law. Indeed, it is our belief that such revisions will actually serve to speed-up investigations by increasing efficiency. Ultimately, any changes to the ordinance would need to be presented and approved by the Common Council, but I am hopeful that SPD and the CRB will agree on a process that works for all the stakeholders. The SPD commits to being compliant with any revisions going forward.

Regards,

Kenton Buckner
Chief of Police

xTB/mb-f

Department of Police
511 S. State Street
Syracuse, NY 13202

O. 315.442.5250

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Appendix IV

Ranette L. Releford
Administrator
RRleford@syr.gov.net



CITIZENS REVIEW BOARD

Benjamin R. Walsh, Mayor

November 13, 2020

Kenton Buckner, Chief
Syracuse Police Department
511 South State Street
Syracuse, New York 13202

Re: Draft Revised Use of Force and Body Worn Camera Policies

Dear Chief Buckner:

The Citizen Review Board ("CRB") submits the following comments to the Syracuse Police Department's ("SPD") draft Revised Use of Force ("UOF") and Body Worn Camera ("BWC") policies, which have been uploaded to the City's portal for a public engagement process.

These documents incorporate many of the recommendations CRB has made over the years. CRB's recommendations reflect its statutory obligation to "identify, analyze, and make recommendations about police policies, procedures, practices or other systemic concerns about police conduct . . ." With reference to that obligation, although CRB is disappointed that it was offered only a *de minimis* role in the drafting process, we are nonetheless pleased that many of our recommendations have been received and incorporated.

Use of Force

As set forth above, the UOF draft incorporates several CRB recommendations. In particular, as recommended in our letter of February 7, 2019, this draft includes precise definitions of key terms; a discussion of "objectively reasonable" force; specific prohibitions on certain force such as chokeholds (although not on carotid restraints as we had recommended); and a duty to intervene and report, among other things.

Generally, CRB continues to recommend a blanket prohibition on firing from or at moving vehicles, in such situations where the vehicle itself presents the only risk. Further, the UOF policy should incorporate the International Association of Chiefs of Police ("IACP") recommendations on responding to persons experiencing a mental health crisis when addressing those issues in the UOF policy. And finally, CRB requests that any documented use of force should be promptly forwarded to CRB for its own review.

Besides these general comments, CRB's specific edits / comments are as follows:

1. Section 300.1 Paragraph B, add to the sentence (change in bold): "In granting officers the authority to use **objectively** reasonable force, the Department acknowledges its responsibility to train, monitor and evaluate officers to ensure **adherence to** the use of force authorizations and limitations set forth in this policy . . .";
2. Section 300.1 Paragraph C, add referral to CRB;
3. Section 300.2: Paragraph G-I, and K, provide a citation for these definitions. Also add definitions for:
 - a. Known – be aware of through observation, inquiry or information.
 - b. Verbal warning –
 - c. Pre-assault indicators –
 - d. Kinetic body movements –
 - e. Un-directed over-compliance –
 - f. Defensive or offensive physical posturing –
 - g. Physical non-compliance –
 - h. Target glance –
 - i. Verbal aggression –
 - j. Exigent circumstances –
4. Section 300.3 Paragraph C, change to "Officers are not expected to compromise safety in order to de-escalate a situation if **there is an objectively reasonable likelihood it will** result in harm . . .";
5. Section 300.04 Paragraph A, clarify the standard (here or elsewhere) for determining when an officer is "in possession of all necessary facts";

6. Section 300.04 Paragraph B, add to the end of the sentence that ". . . shall report the force to any supervisor and/or the Office of Professional Standards immediately, **and that person or OOPS shall immediately investigate and forward the results of said investigations to CRB.**";
7. Section 300.5 Paragraph A, add to the sentence ". . . reasonably appears necessary to **accomplish those items set forth at 300.6,** given the objective";
8. Section 300.5 B, provide a citation for this standard;
9. Section 300.5 Paragraph E add to the sentence ". . . encounter is to avoid **in pursuit of an authorized objective and where de-escalation techniques are impossible based on an objectively reasonable standard** or minimize";
10. Section 300.6 Paragraph A 6, add to the sentence "overcoming **physical** resistance";
11. Section 300.7 Paragraph A 9, clarify how a person becomes "visibly pregnant";
12. Section 300.7 Paragraph A 4, define "apparent need";
13. Section 300.7 Paragraph A 17, clarify "prior contact", perhaps by modifying to include "prior contact **resulting in an arrest, detention, or involving domestic violence**";
14. Section 300.8 Paragraph B 1, add to sentence "to **obtain or seek to obtain** a confession";
15. Section 300.8 Paragraph B 4, add to sentence "coerce, **intentionally harm,** or punish";
16. Section 300.8 Paragraph B 5, change the word injected to ingested;
 - a. In addition, CRB poses the question as to the acceptable level of force in this situation and notes that, previously, striking the face was commonly applied;
17. Section 300.8 paragraph B 6, define "exigent circumstances";
18. Section 300.8 Paragraph B, add a subparagraph 7 that, "**the use of handcuffs tightly fastened on a subject shall be considered a prohibited use of force and handcuffs should not be used in any way other than to detain or arrest a subject**";

19. Section 300.9 Paragraph A, add to the last sentence " . . . the circumstances **that the officer or someone else is at risk of immediate death or serious bodily harm.**"
20. Section 300.9 Paragraph B 1, add to the first sentence "...the subject has a **deadly** weapon . . . "
21. Section 300.9 Paragraph B 4, remove in its entirety;
22. Section 300.9 Paragraph C, remove "force where safe and feasible" and add "**unless it would be impossible, under the circumstances to do so.**" Also, define the manner in which officers are expected to issue a warning.
23. Section 300.10 Paragraph D, change the sentence ". . . where there is **an objectively** reasonable belief there is a possibility of **serious bodily harm or death** to the officer or others. **Under no circumstances should officers draw or display firearms as a means of de-escalation . . .**";
24. Section 300.10 Paragraph E 2, change the last sentence to say ". . . may cause the vehicle to **lose control.**";
25. Section 300.12 Paragraph D, change to state "Individuals shall not be placed on their stomachs **unless it is necessary to do so.**"
26. Section 300.12 Paragraph H, add a requirement that witnessing officers must document whether they observed a request for or refusal of medical treatment.

Body Worn Camera

This policy similarly incorporates some of the suggestions provided for in CRB's July 2, 2018 letter on this topic. There are substantial considerations for individual privacy, and our recommendation to have random reviews of BWC has also been incorporated.

The draft policy does not address CRB's proposal for "clean reporting". This would provide that incident reports be written before the officer has the benefit of reviewing BWC footage, and that the footage should only be reviewed thereafter. CRB also suggests, generally, that the BWC "user manual" be attached to the policy itself. Finally, CRB proposes additional language (below) that will ensure that the cameras are to be activated during all law enforcement activity, with an exception only for officer safety.

Separately, CRB hereby renews its request for unfettered access to BWC footage.

CRB's specific edits / comments are as follows:

1. Section 424.2 Paragraph A, take out of the last sentence "their duties" and add **law enforcement activities**;
2. Section 424.4 Paragraph A, in the second sentence removed at the end of the sentence "and feasible". In the last sentence after "is not safe" remove "and feasible";
3. Section 424.4 Paragraph B, remove "or until the situation no longer fits the criteria for activation";
4. Section 424.4 Paragraph D, should be moved to definitions of law enforcement;
5. Section 424.6 Paragraphs A and B and Section 424.7 Paragraph E, add a requirement to notify the officer's superior officer in any such instance;
6. Section 424.9 Paragraph B, add a reference to Section 424.2 Paragraph B;
7. Section 424.15, Add a Paragraph B that states "**The coordinator will establish regular interactions with the CRB which shall provide recommendations regarding BWC Policy and Procedures**";

Sincerely,

Ranette L. Releford

Ranette L. Releford, MPS
Administrator

cc: Benjamin R. Walsh, Mayor
Sharon F. Owens, Deputy Mayor
City of Syracuse Common Councilors
Amanda Harrington, Esq. Corporation Counsel
Kristen Smith, Esq. Corporation Counsel
Sgt. Mark Rusin
Media

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