

**City of Syracuse  
Citizen Review Board  
Meeting Minutes  
Thursday, August 6, 2015  
5:30 PM  
211 City Hall, SyraStat Room  
Public Comment - 20 minutes at 6:30 PM**

<u>Name</u>	<u>P</u>	<u>A</u>	<u>Name</u>	<u>P</u>	<u>A</u>	<u>Name</u>	<u>P</u>	<u>A</u>
Barber, William	X		Masella, Joseph	X				
Bullock, Douglas	X		Moser, Leah	X				
Christiana, Peter	X		Timmons, Tafara Blake		X			
Horan, Carole J.	X		Turner, V. Diane		X			
Levine, Louis	X		Lipari, Joseph L.	X				
Livingston, Mallory	X		Pearson, Betty L.	X				

On Thursday, August 6, 2015, the City of Syracuse Citizen Review Board (CRB) held an open, stated meeting at 211 City Hall in the SyraStat Room.

Mr. Barber, Board Chair, called the meeting to order and announced that the meeting was being held pursuant to notice and that a quorum was present.

1. Introduction of new CRB member Leah Moser – Mr. Barber introduced and welcomed Leah Moser as the newest incoming CRB member, replacing Haji A. Adan as an At-Large appointee. Mr. Barber shared Ms. Moser’s bio. Mr. Lipari reported that City Clerk John Copanas swore Ms. Moser in prior to the meeting.
2. On motion duly made by Mr. Masella, seconded by Ms. Horan and adopted, the Board approved the Minutes of the July 2, 2015, Board meeting.
3. Chairman’s Items
  - a. Discussion of 911 Call Center Tour & “Sit-along” opportunity – Mr. Barber discussed the CRB’s tour of the 911 Call Center. He stated how fortunate our community is to have the center and that it is one of the largest and best run in the northeast. He reported that it serves as a backup to other centers during various natural disasters. Several Board members expressed their interest in taking advantage of the offer from the 911 Commissioner to sit with a call center worker during their shift. CRB Administrator Joseph Lipari indicated that he would begin making arrangements with the 911 Center to schedule the “sit-alongs.”
  - b. Discussion of Department of Justice’s recommended policy on firing into moving vehicles – In response to a recent officer involved shooting in Syracuse which involved three officers shooting into a moving vehicle, Mr. Lipari shared part of

the DOJ's recommendations to the Cleveland, OH police department on police officers firing into moving vehicles, a copy of which is attached to these minutes.

- c. Discussion of issuing subpoenas to officers to appear at CRB hearings – Board members engaged in a discussion on the pros and cons of issuing subpoenas to officers to attend hearings, including whether or not the complainant wants officers at their hearing. Mr. Lipari was asked to research how other CRBs use subpoena power to compel officers to participate in hearings. Ms. Livingston made a motion that complainants be informed of the CRB's subpoena power to compel officers to attend hearings and that this notice be included on the complaint form. The motion was not seconded by any other board member.

4. Administrator's Report

- a. County Attorney declines to provide material in response to CRB subpoenas – Discussion on next steps: Mr. Lipari stated that he had spoken to outside counsel and the law is clear that the CRB should have access to the requested recordings. Mr. Masella proposed the following resolution directing the CRB Administrator to seek all necessary legal action to gain the county's compliance with the CRB's subpoenas:

**Whereas**, the Citizen Review Board has served lawfully binding subpoenas on the Onondaga County Law Department to produce records from the Emergency Communication 911 Center; and

**Whereas**, CRB outside counsel has advised the board that under applicable law, the 911 Center is obligated to comply with the subpoena;

**Therefore, Be it Resolved**, that the Board directs the Administrator to take all necessary and appropriate legal action to compel the 911 Center's compliance with the Board's legally issued subpoenas.

The resolution was seconded by Ms. Livingston and passed by the board in a unanimous vote.

- b. 2015–16 CRB outside contracts –Mr. Lipari reported that the CRB's contracts for the medical consultant and outside investigators were on the agenda of the Common Council's August 3 meeting, but were held for approval at a future meeting. Mr. Lipari also reported that the contract for the Centro bus ads was approved by the Council and the expectation is that they will appear on the buses from late August through late November.
- c. 1<sup>st</sup> Quarterly Report – Mr. Lipari reported that the 1<sup>st</sup> Quarterly Report for 2015 is complete and posted on the CRB website.

- d. Monthly Financial Report – Mr. Lipari shared the detailed breakdown of expenditures for the year to date.
  - e. July case statistics – Mr. Lipari reported that four new cases were received in July. He stated that the total received in 2015 is 39 and that five cases will be reviewed during Executive Session.
5. Committees: Community Outreach & Public Education – Mr. Lipari reported that three community outreach events have been scheduled in September and October:
- a. The Boys and Girls Club, 2100 East Fayette Street, Wednesday, September 23, 6:00 PM (District 5)
  - b. Betts Branch Library, 4862 South Salina Street, Wednesday, October 14 6:00 to 7:15 PM (District 3)
  - c. White Branch Library, 763 Butternut Street, Thursday, October 15, 5:15 to 7:00 PM (District 1).
6. New Business  
The Board congratulated Ms. Barrie Gewanter on being named executive director of the new Onondaga County/Syracuse Commission on Human Rights.
7. Public Comment (6:30 pm)  
Mr. Mustafa Robinson expressed support for the work that the CRB is doing. He indicated that he feels it is making a major impact on the City.

Ms. Barrie Gewanter provided further insight and suggestions regarding the discussion on subpoenas and shared additional information on her new position.

Mr. Mikiel Anderson asked questions about police compliance regarding the Police Liaison Committee, 911 transmissions, the medical consultant and investigator contracts, the Board vacancy, outside counsel, the 2<sup>nd</sup> quarterly report, Board committees, Mr. Lipari's annual evaluation, public forums and outreach events, training from SPD and the CRB's future.

8. Meeting continued in Executive Session.

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

15-027	<b>No Hearing</b>
15-034	<b>No Hearing</b>
15-036	<b>No Hearing</b>
15-037	<b>Hearing</b>

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

Respectfully submitted,

Betty L. Pearson  
Typist II, Citizen Review Board

## **U.S. Department of Justice Recommendations on Firing into Moving Vehicles**

### **From DOJ's 2013 finding letter to Cleveland, pg. 16:**

“Shooting at vehicles creates an unreasonable risk unless such a real and articulable threat exists. First, it is difficult to shoot at a moving car with accuracy. Missed shots can hit bystanders or others in the vehicle. Second, if the driver is disabled by the shot, the vehicle may become unguided, making it potentially more dangerous....In its 2013 review of CDP's use of force policies and practices, the Police Executive Research Forum (“PERF”) recommended that CDP policy be changed to prohibit the discharge of firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present, *by means other than the moving vehicle*. In making this recommendation, PERF noted that shooting at a moving vehicle is dangerous because “it does not result in a stopped vehicle—it simply raises the chances of danger from an uncontrolled vehicle.” We commend CDP for adopting PERF's recommendation regarding shooting at moving vehicles in its most recent Use of Force policy, which was revised in August 2014.”

### **From DOJ's 2014 consent decree with Cleveland, pg. 15 item #59:**

“Officers will not discharge a firearm from or at a moving vehicle, unless use of lethal force is justified *by something other than the threat from the moving vehicle*; officers will not intentionally place themselves in the path of or reach inside a moving vehicle; and, where possible, officers will attempt to move out of the path of a moving vehicle.”