

**SYRACUSE**

**CRB**

**CITIZEN REVIEW BOARD**

**Quarterly Report**  
**July 1 to September 30, 2019**



# TABLE OF CONTENTS

Statistical Summary of 3 <sup>rd</sup> Quarter Operations .....	1
Mission & Objectives .....	2
Board Members & Terms .....	3
Filing a Complaint with the CRB .....	4
Public Meetings & Outreach .....	4
Board Training & Education .....	5
Operations.....	5
Hearings & Recommendations .....	5
Case Summaries of Sustained Findings.....	6
Budget.....	7
Case Statistics.....	8

**STATISTICAL SUMMARY OF 2019 3<sup>RD</sup> QUARTER CRB OPERATIONS**  
**July to September 2019**

Number of New Cases Received:	17
Number of Existing Cases Processed:	14
Number of Hearings Held:	2
Number of Hearings with Sustained Findings:	2
Number of Officers with Sustained Findings:	1

Types of Allegations Sustained:                      Excessive Force and Demeanor

CRB Sustain Rate:    .14% (2 sustained cases out of 14 processed)

SPD Imposed Discipline/Retraining:                      0

SPD Disciplinary Action Rate:                              0%

## **MISSION & OBJECTIVES**

The purpose of the Citizen Review Board is to provide an open, independent, and impartial review of allegations of misconduct by members of the Syracuse Police Department; to assess the validity of those allegations through the investigation and hearing of cases; to recommend disciplinary sanctions where warranted; and to make recommendations on Syracuse police policies, practices and procedures.

In fulfillment of its legislative purpose and mission, the Board is committed to:

- Creating an institution that encourages citizens to feel welcome in filing a complaint when they believe that they have been a victim of police misconduct;
- Making the public aware of the CRB's existence and process through ongoing community outreach events and coverage by local media;
- Completing investigations and reviews of complaints in a thorough, yet timely fashion;
- Remaining unbiased, impartial, objective and fair in the investigation, evaluation, and hearing of complaints;
- Engaging in community dialog that encourages citizen input with the CRB;
- Respecting the rights of complainants and subject officers;
- Upholding the integrity and purpose of the CRB's enabling legislation;
- Reporting to the Mayor, the Common Council, the Chief of Police and the public patterns or practices of police misconduct discovered during the course of investigation and review of complaints; and
- Operating in an open and transparent manner to the extent permitted by applicable municipal and state laws, regulations and ordinances.

## **BOARD MEMBERS & TERMS**

The Board Members serve staggered three-year terms and are all unpaid volunteers. Board members devote an average of ten hours per month to CRB matters, some considerably more. This includes their preparation for and attendance at monthly board meetings, preparation for and participation in panel hearings, training, and community outreach. Biographies of each board member are available on the CRB website at [www.syracuse.ny.us/CRB\\_Members.aspx](http://www.syracuse.ny.us/CRB_Members.aspx).

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

#### **Mayoral Appointees**

Ms. Mary Nelson - term expires December 31, 2019  
Mr. Peter McCarthy - term expires December 31, 2020  
Ms. Mae Carter - term expires December 31, 2019

#### **District Councilor Appointees**

Ms. Dana Natale - 1<sup>st</sup> District - term expires December 31, 2020  
Ms. Balbina Priscilla Santana - 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  
Ms. Cynthia Brunson- 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 or refusal to take a complaint.

Any member of the public can file a complaint with the Syracuse CRB; a complainant need not be a resident of the City of Syracuse. There are several ways a complaint can be filed. A complainant can come to the CRB office in City Hall Commons at 201 East Washington Street, Suite 705, to fill out a complaint, contact our office to have a complaint form mailed to their address, download the complaint form from the CRB website, or request a home visit if necessary. The form can be hand delivered or mailed to our office. The CRB website is [www.syracuse.ny.us/CRB.aspx](http://www.syracuse.ny.us/CRB.aspx). The CRB office telephone number is 315-448-8750. The CRB can be reached by e-mail at [crb@syrgov.net](mailto:crb@syrgov.net).

## **PUBLIC MEETINGS & OUTREACH**

The CRB typically meets on the first Thursday evening each month from 5:30 to 7:30 PM in Common Council chambers in City Hall. The meeting schedule is posted at area libraries, on the CRB website, and on the calendar on the City's main webpage. These meetings are open to the public and there is a public comment period that begins no later than 6:30 PM. The purpose of the public meeting is to develop and refine CRB policies and procedures in an open, transparent and accountable fashion and to conduct the ongoing business of the CRB. The Board meetings typically include a vote on items that require Board approval, a series of items presented by the Chairman for the Board's consideration, a report on the CRB's monthly activities by the Administrator, a variety of committee reports and an opportunity for public comment. After the conclusion of the public comment period, the Board continues its meeting in a confidential Executive Session to deliberate and vote on whether or not to send investigated complaints to a hearing. During the Executive Sessions, the Board processes on average five to fifteen complaints per month depending on current case load.

During the month of July through September the CRB attended events through SAI 1st annual summer block party on Coolidge Ave; ADA Rally & Parade; SPD Community forum re Hiring/Recruitment at the Southside Innovation Center; CRB Presentation to Southside TNT; UNITYDAY Community Cookout Series at Wilson Park; 2019 Sankofa Festival at Sankofa Park; Westside Initiative 10th Annual Block Party at Skiddy Park; Mary Nelson School Supply Giveaway at the Corner of S. Salina St.& Wood Ave.; SPD Community forum at McChesney Park; City Wide Youth Day at various parks throughout the City; UNITYDAY Community Cookout at Sankofa Park; The 32<sup>nd</sup> Annual Show & Tell Series at 401 Skytop Road; CRB Presentation to Valley TNT; Syracuse Community Connections Gala at 358 W. Jefferson St.; Westcott Street Cultural Fair at Westcott Area/Southeast; and SPD Community forum at 2100 E. Fayette St.

## BOARD TRAINING & EDUCATION

During the third quarter of 2019, the CRB did not receive any training with Syracuse Police Departments (“SPD”). The Administrator attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) in Detroit, Michigan to learn the national best practices for civilian oversight across the country.

## OPERATIONS

Between July 1 and September 30, 2019, the CRB membership held three monthly business meetings that were open to the public. Quorum was met for each meeting, and all regular operating business was able to be conducted.

During this quarter, the CRB received a total of 17 new complaints and fully processed 14 existing cases. In comparison, the CRB fully processed 14 existing cases during the third quarter of 2018.

During this third quarter of 2019, the CRB held two (2) hearings to examine the allegation of excessive force and demeanor. Two hearings resulted in a sustained finding of excessive force and demeanor and racial bias/profiling against one (1) officer. The CRB made disciplinary recommendations to the Chief of Police on both cases. No Notice of Claim (a prerequisite to filing a lawsuit) was filed on the case that was sustained by the CRB during this quarter. In the case sustained by the CRB, the SPD disagreed with the CRB’s finding. Therefore, no discipline was given to that Officer.

Chief Buckner reestablished the Police Liaison Committee and we held a meeting. The Administrator and members of the CRB Police Relations Committee were in attendance at the meeting.

## HEARINGS & RECOMMENDATIONS

Once the full CRB votes to send a case to a panel hearing, a panel is appointed composed of three members of the CRB (one mayoral appointee, one district councilor appointee, and one at-large councilors’ appointee), and the hearing is typically held within two to three weeks based on the availability of the complainant.

During the third quarter of 2019, the CRB held two (2) hearings to determine whether the complaint should be sustained and made recommendations to the Chief of Police. In the two (2) hearings that were held this quarter, the CRB panel sustained two allegations of misconduct against one officer. A sustained finding means that the panel found that there was *substantial evidence* that the alleged misconduct did occur.

**The CRB’s sustain rate for the third quarter of 2019 was .14%.** The sustain rate is calculated by dividing the number of hearings that resulted in sustained findings that quarter (2) by the number of complaints fully processed during that quarter (14).



## **CASE SUMMARIES OF SUSTAINED FINDINGS**

Out of the two panel hearings held during the third quarter of 2019 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 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**

2018-2019 Adopted  
DETAIL ANALYSIS OBJECTS OF EXPENDITURE

PERSONNEL SERVICES

510100	Salaries	\$ 96,550.00
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CONTRACTUAL & OTHER SERVICES

540300	Office Supplies (Contractual & Other Expenses)	\$ 3,290.00
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540500	Operating Supplies & Expenses	\$ 10,175.00
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541500	Professional Services	\$ 15,900.00
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541600	Travel, Training & Development	\$ <u>2,625.00</u>
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<b>TOTAL:</b>		<b>\$128,540.00</b>
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**Total Complaints Received during Third Quarter of 2019 (July 1 to September 30, 2019): 17**

**Categories of complaints as defined in CRB Ordinance (totals from all complaints received from July 1 to September 30, 2019):**

Demeanor: 8  
Excessive Force: 3  
False Arrest: 1  
Harassment: 5  
Racial Bias/Profiling: 5  
Passive Misconduct (Failure to Act): 8  
Untruthfulness: 1

\*Note that a single complaint can involve multiple allegations

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

**The number of cases where a CRB panel recommended disciplinary sanctions be imposed by the Chief of Police during third quarter of 2019:** 2

**The number of complaints processed and not sent to a panel hearing during the quarter:** 12

**The number of cases that successfully were routed to conciliation:** 0

**The number of complainants who initiated extended contact with the CRB but did not follow through with a formal signed complaint:** 5

**The length of time each case was pending before the Board:** 2 months on average (but some occasionally take slightly longer due to unavoidable delays).

**The number of complaints in which the Board recommended that the City provide restitution to the complainant and type of restitution recommended:** 0

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

### **Hearing outcomes**

Panel hearings scheduled: 2  
Panel hearings held: 2  
Panel hearings resulting in disciplinary recommendations from CRB: 2  
Panel hearings resulting in no disciplinary recommendations from CRB: 0

**Third Quarter of 2019 CRB Sustain Rate:** .014% (2 hearing resulting in sustained findings out of 14 fully processed cases)

Categories of complaints received by the CRB between July1 and September 30, 2019\*

City Wide

<b>Excessive Force</b>	<b>Demeanor</b>	<b>Failure to Act</b>	<b>False Arrest</b>	<b>Racial Bias</b>
3	8	8	0	5
18%	47%	47%	0%	29%
<b>Harassment</b>	<b>Improper Search/Seizure</b>	<b>Improper Offer to Reduce Charges</b>	<b>Destruction of Property</b>	<b>Untruthfulness in a Police Statement</b>
4	0	0	0	1
23%	0%	0%	0%	0.1%

\*Note that a single complaint can involve multiple allegations

**Complaints Received per Common Council District during the 3<sup>rd</sup> quarter of 2019\***

**District 1:**

Demeanor: 1  
Harassment: 1  
Excessive Force: 1

**District 2:**

Demeanor: 2  
Excessive Force: 1  
Failure to Act: 2  
Harassment: 2  
Racial Bias/Profiling: 1  
False Arrest: 1

**District 3:**

**District 4:**

Excessive Force: 1  
Harassment: 2  
False Arrest: 0  
Untruthfulness: 1  
Racial Profiling: 4  
Demeanor: 3  
Failure to Act: 4  
Property Destruction: 0

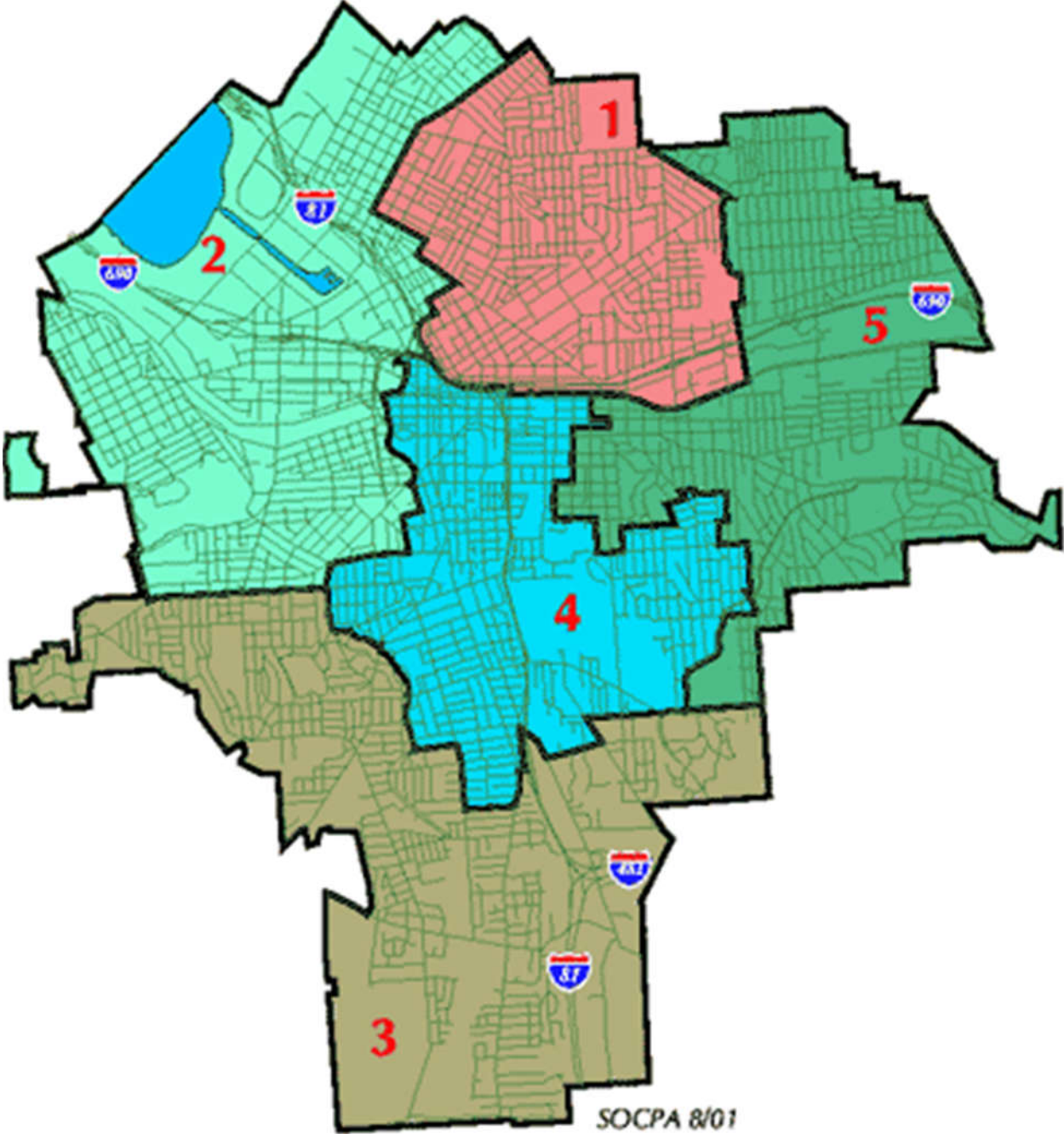
**District 5:**

Failure to Act: 1  
Demeanor: 1

**\*See the following page for a map of the Common Council Districts**

\*Note that a single complaint can involve multiple allegations

# CITY OF SYRACUSE COMMON COUNCIL DISTRICTS



## Complainant Demographics for All Complaints Received in Third Quarter of 2019

Ethnicity			% of city population*
<b>Black</b>	<b>10</b>	<b>1.7</b>	28
<b>White</b>	6	2.83	50
<b>Latino</b>	0	0	9
<b>Asian</b>	0	0	7
<b>Native American</b>	0	0	<b>0</b>
<b>Unknown</b>	3	0.18	
<b>Total</b>	19		100%

\*based on Population Estimates from July 1, 2018

<https://www.census.gov/quickfacts/fact/table/syracusecitynewyork/PST045218>

Sex		
<b>Male</b>	14	48%
<b>Female</b>	4	52.4%

Sexual Identity of Complainant		
<b>LGBTQ</b>	0	0%

Age		
<b>Under 5</b>	N/A	6.5
<b>Under 18</b>	0	21.9%
<b>18-35</b>	5	50%
<b>36-50</b>	6	30%
<b>51+</b>	7	20%

Language other than English		
<b>Spanish</b>	0	5.5%
<b>Vietnamese</b>	0	0%
<b>Other</b>	0	0%