



# Annual Report 2021



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## SUMMARY OF 2021 OPERATIONS

The conclusion of 2021 signified another year of oversight for the Syracuse Citizen Review Board. The ensuing details offer a synopsis of the CRB's operational highlights in 2021. Throughout the year, the CRB received a total of 54 new complaints and processed 47 cases. Among these, 17 cases proceeded to a hearing, while 30 cases resulted in a no-hearing vote by the Board. Additionally, and 1 case fell outside the CRB's jurisdiction.

- 49 complaints received.
- 16 hearings held.

## HEARINGS & DISCIPLINARY RECOMMENDATIONS

Once the full CRB Board 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.

- **16** hearings were held resulting in the following outcomes.
  - 9 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 3 responses from the Chief of Police to the 16 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 CRB received a total of 3 response letters from the Chief for cases reviewed in 2021.

## 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 Syracuse CRB is composed of an 11-member board, all serving staggered three-year terms as unpaid volunteers. These dedicated individuals are appointed by the Mayor, District, and At-large Councilors across the city and undergo confirmation by the full Council for appointment. Residency within the city is a requirement unless exceptions are granted through legislative action, and individuals holding public office or employed by the City of Syracuse Police Department are ineligible for board membership.

Board members devote an average of ten hours per month to CRB matters, encompassing attendance at monthly meetings, preparation for and participation in panel hearings, training sessions, and active involvement in community outreach initiatives. The commitment also includes the attendance of a minimum of three community outreach events annually, as mandated by the 2016 ordinance revision.

For those interested in learning more about the Board members, biographies of each volunteer can be accessed 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, 2021

Mayoral Appointees
<b>Mr. Joseph Favata- term expires December 31, 2022</b>
<b>Mr. Jose Marrero - term expires December 31, 2023</b>
<b>Ms. Mae Carter - term expires December 31, 2023</b>

District Councilor Appointees
<b>Mr. Richard Levy - 1st District - term expires December 31, 2023</b>
<b>Mr. Harry Pratt- 2nd District – term expires December 31, 2022</b>
<b>Ms. Lori Nilsson Board Chair- 3rd District - term expires December 31, 2024</b>
<b>Ms. Ruth Kutz, - 4th District - term expires December 31, 2022</b>
<b>Ms. Cynthia Brunson- 5th District - term expires December 31, 2022</b>

At-Large Councilor Appointees
<b>Mr. Clifford Ryans - term expires December 31, 2022</b>
<b>Mr. Jah-Quan Bey-Wright, - term expires December 31, 2024</b>
<b>Ms. Hatisha Holmes, Vice Chair – term expires December 31, 2022</b>

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) that involve allegations of misconduct potentially violating SPD rules and regulations, as well as state, local, and/or federal laws. The CRB considers complaints regarding active misconduct, such as excessive force, constitutional violations, harassment, racial or gender bias, poor demeanor, search and seizure violations, theft or damage to property, untruthfulness, and false arrest. Additionally, it addresses passive misconduct, including failure to respond, failure to intercede, or refusal to accept a complaint.

The filing process for a complaint with the Syracuse CRB is accessible to any member of the public, regardless of residency in the City of Syracuse or U.S. citizenship. Complaints can be submitted in various ways, including walking into the CRB office at City Hall Commons (201 East Washington Street, Suite 705) to complete a form, contacting the CRB office for the mailing of a complaint form, downloading the form from the CRB website, or requesting a home visit if needed. Completed complaint forms can be hand-delivered or sent by mail to the CRB office. For further information, the CRB website is [www.syr.gov.net/CRB.aspx](http://www.syr.gov.net/CRB.aspx), and the CRB office can be reached by telephone at 315-448-8750 or via email at [crb@syr.gov.net](mailto:crb@syr.gov.net).

## PUBLIC MEETINGS

The Syracuse CRB holds its monthly meetings on the first Thursday evening at 5:30 PM in the Common Council chambers at City Hall. For your convenience, the meeting schedule is accessible at local libraries, on the CRB website, and on the calendar of the City's main webpage. These meetings are a crucial forum for the development and refinement of CRB policies and procedures, emphasizing an open, transparent, and accountable approach. Our agenda typically includes a vote on items requiring Board approval, presentations by the Chairman for the Board's consideration, a comprehensive report on the CRB's monthly activities presented by the Administrator, various committee reports, and a dedicated time for public comment.

After the public comment period, the Board transitions into a confidential Executive Session where they deliberate and vote on whether to advance investigated complaints to a hearing. We strongly encourage community members to attend these meetings, participate in the public comment period, and actively contribute to the ongoing efforts of the CRB.



## 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
Syracuse Academy of Science and Citizenship		Zoom	Virtual
Syracuse Academy of Science and Citizenship		301 Valley Drive	3rd
Tommy Abbot Market Outreach		1213 Almond St	4th
Mask Mania	Mercy Works	1121 S Salina	4th
Neighborhood Power Walk	City of Syracuse	South Side	4th
We March Because We care		8717 E Willow St	1st
Neighborhood Power Walk	City of Syracuse	2801 James St	5th

## OPERATIONS

Throughout the calendar year spanning January 1 to December 31, 2021, the Syracuse CRB actively conducted 12 monthly business meetings, all of which were open to the public. These gatherings served as crucial forums for addressing community concerns, developing policies, and fostering transparency in the oversight process. Over the course of the year, the CRB received a total of 49 complaints from community members, demonstrating a significant engagement with the public. Notably, the board dedicated substantial efforts to thoroughly processing these cases, successfully completing the review and resolution of 50 cases during the same period. This commitment underscores the CRB's dedication to addressing community grievances and promoting accountability within the Syracuse Police Department.

## BOARD TRAINING AND DEVELOPMENT

The Syracuse CRB recognizes the essential role that well-trained board members play in ensuring effective oversight and fostering community trust. Our comprehensive training program is designed to equip board members with the knowledge, skills, and ethical principles necessary for their crucial responsibilities. The training curriculum covers a range of topics. The Board held Board Development training with Bob Stewart in August 2021.



# 2021 ANNUAL POLICY & TRAINING RECOMMENDATIONS

In the Annual Report, the CRB issues recommendations concerning police policy, training, and procedures with the aim of fostering constructive dialogue. These recommendations are forwarded to the mayor's office, the Common Council, and the Chief of Police, initiating discussions on enhancing specific aspects of the Syracuse Police Department. We firmly believe that the adoption of these recommendations would not only benefit the public but also contribute to the well-being of the City's police officers. The CRB puts forth these recommendations under the authority granted by Section Three, Paragraph (6) of the CRB legislation.

## 2021 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 the 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 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 area 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 department's 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 Chief's 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.

## **PREVIOUS POLICY RECOMMENDATIONS FROM 2012 THROUGH 2017 ARE RE-AFFIRMED IN PART OR WHOLE 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 seat belts 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 the 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.

## CASE SUMMARIES OF PANEL HEARINGS

Case Number	Allegation	Allegation 2	Allegation 3	Allegation 4	Allegation 5	Allegation 6	Quarter	Response From Chief
Case 1	False Arrest- <b>Not Sustained</b>	Untruthfulness- <b>Sustained</b>	Ordinances- Sustained	Obedience to laws- <b>Sustained</b>	Unsatisfactory Performance- <b>Sustained</b>	Submitting Reports- <b>Sustained</b>	3	No
Case 2	False Arrest- <b>Unfounded</b>	Excessive Force- <b>Insufficient Evidence</b>					2	No
Case 3	Demeanor- <b>Insufficient Evidence</b>	Failure To Activate BWC- <b>Sustained</b>					4	No
Case 4	Demeanor- <b>Insufficient Evidence</b>	Excessive Force- <b>Unfounded</b>					2	No
Case 5	Demeanor- <b>Insufficient Evidence</b>	Failure To Activate BWC- <b>Sustained</b>					4	No
Case 6	Demeanor- <b>Sustained</b>						4	No
Case 7	Demeanor- <b>Sustained</b>	Excessive Force- <b>Unfounded</b>					2	Yes
Case 8	Failure To Act- <b>Insufficient Evidence</b>						3	No
Case 9	Excessive Force- <b>Not Sustained</b>	Demeanor- <b>Not Sustained</b>					1	No
Case 10	Excessive Force- <b>Sustained</b>						1	Yes
Case 11	Racial Profiling- <b>Unfounded</b>						2	No
Case 12	Demeanor- <b>Unfounded</b>	Unnecessary Force- <b>Insufficient Evidence</b>	Medical Treatment- <b>Exonerated</b>				1	No
Case 13	Conduct- <b>Sustained</b>						1	No
Case 14	Conduct- <b>Sustained</b>	Unnecessary Force- <b>Insufficient Evidence</b>					3	Yes
Case 15	Demeanor- <b>Insufficient Evidence</b>	Failure To Act- <b>Unfounded</b>					4	No
Case 16	Demeanor- <b>Sustained</b>	Excessive Force- <b>Unfounded</b>					4	No

CRB adjudication decisions include the following:

- **Unfounded:** The review or investigation shows that the act or acts complained of did not occur or were misconstrued.
- **Exonerated:** The acts that provide the basis for the complaint occurred, but the review or the investigation shows such acts were lawful or proper.
- **Sustained:** The review or investigation discloses sufficient facts to prove the allegation(s) made in the complaint.
- **Not sustained:** The review or the investigation fails to disclose sufficient facts to prove or disprove the allegation(s).
- **Insufficient Evidence:** The evidence fails to meet the burden of proof and is inadequate to prove the allegation(s).

# BOARD HEARINGS AND ADJUDICATION

Upon completing investigations, the CRB Administrator or Private Investigator prepares detailed reports with recommended decisions, covering hearings, closures, or policy/training suggestions. The Administrator then provides recommendations based on their or the investigator's findings, and the CRB Board determines discipline or further action. The case summary goes to the board for an executive session. Complainants and subject officers are notified, with both having the option to attend. During board meetings, each case is discussed, and the board votes on recommendations. Following the board's decision, the SPD (Syracuse Police Department) is notified of these recommendations and may choose to accept them.

Figure 1 provides a graphical summary of the investigation and adjudication process.

**Figure 1. Summary of the Citizen Review Board Investigation and Adjudication Process**



# BUDGET

## Citizens Review Board 01.10500

	<u>FY20 Actual</u>	<u>FY21 Adopted</u>	<u>FY21 Projected</u>	<u>FY22 Adopted</u>
<b>Personal Services</b>				
510100 Salaries	97,085	102,140	102,140	102,460
510300 Temporary Services-P/T	697	0	0	0
<b>Total Personal Services</b>	<b>97,782</b>	<b>102,140</b>	<b>102,140</b>	<b>102,460</b>
<b>Contractual &amp; Other Expenses</b>				
540300 Office Supplies	2,103	2,700	2,250	2,600
540500 Operating Supplies & Expenses	519	7,984	2,000	5,375
541500 Professional Services	17,861	16,450	16,000	23,450
541600 Travel, Training & Development	4,259	4,545	2,300	4,065
<b>Total Contractual &amp; Other Expenses</b>	<b>24,742</b>	<b>31,679</b>	<b>22,550</b>	<b>35,490</b>
<b>TOTAL:</b>	<b>122,524</b>	<b>133,819</b>	<b>124,690</b>	<b>137,950</b>

### 2021 Proposed Positions:

Program Coordinator-Citizen Review Board  
Data Analyst  
Community Engagement Specialist  
Legal Secretary I

### 2021 Approved Positions:

Program Coordinator-Citizen Review Board  
Legal Secretary I



# SUMMARY OF CASES 2021

## 2021 Totals

**Total Complaints Received during 2021: \_49\_**

**The number of cases processed and closed by the Board during 2021: \_50\_**

**The number of complaints processed and not sent to a panel hearing during 2021: \_34\_**

**The number of complaints processed and closed for lacking jurisdiction: \_1\_**

**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: \_4\_**

## Hearing outcomes

Panel hearings scheduled: \_19\_

Panel hearings held: \_16\_

Panel hearings resulting in disciplinary recommendations from CRB: \_9\_

Panel hearings resulting in no disciplinary recommendations from CRB: \_7\_

# CATEGORIES OF COMPLAINTS RECEIVED BY THE CRB DURING 2021

**Categories of Complaints Received by the CRB during 2021\*  
Number & Percent of Annual Intake**

Demeanor	Violation of Rules	Failure To Arrest	Sexual Assault	Failure to Act
5	3			12

Racial Slur	Unsatisfactory Performance	Failure to Provide Medical Treatment	Drug Use	Sexual Assault
1			1	1

Untruthfulness	Harassment	Conduct	Unnecessary Force	Excessive Force	Unlawful Search
	2	8	1	6	1

Unsatisfactory Performance	False Arrest	Customer Service	Property Hold	Property Damage	Obedience to law
	7	1	1	4	

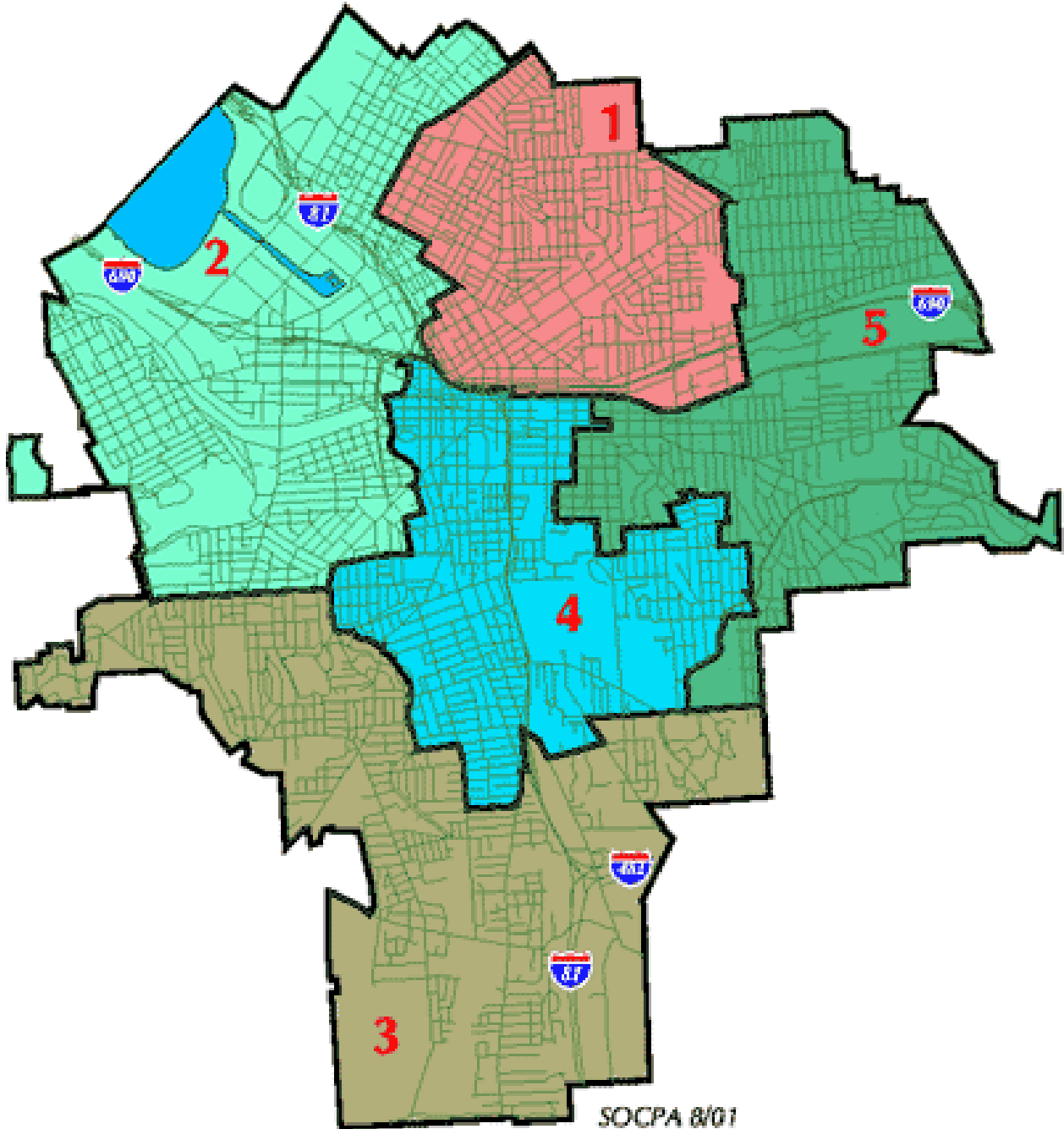
\*Some individual complaints include multiple allegations

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

## Complaints Received per Common Council District for 2021

\*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 2021

Ethnicity	#	% of city population*
<b>*Black</b>	29	69%
<b>*White</b>	10	20%
<b>*Latino</b>	2	4%
<b>Asian</b>	1	2%
<b>Other</b>	2	4%
<b>Biracial</b>	0	0%
<b>Unknown</b>	5	10%
<b>Total</b>	49	100%

\*Based on 2010 census

Sex	#	% of city population*
<b>Male</b>	34	59%
<b>Female</b>	13	27%
<b>Other</b>	0	0%
<b>Unknown</b>	2	4%
<b>Total</b>	49	100%

Age	#	% of city population *
<b>Under 18</b>	1	2%
<b>19-35</b>	18	37%
<b>36-50</b>	12	24%
<b>51+</b>	16	33%
<b>Unknown</b>	2	4%
<b>Total</b>	49	100%

\*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 "Ms. C".  
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 21<sup>st</sup> 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](http://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

Richard H. Trudell  
Deputy Chief

Dear Ms. Releford:

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,

A handwritten signature in black ink, appearing to read "Kenton Buckner".

Kenton Buckner  
Chief of Police

KTB/mb-f

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

O. 315.442.5250

[www.syracusepolice.org](http://www.syracusepolice.org)

# APPENDIX IV

Ranette L. Releford  
Administrator  
RReleford@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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