

SYRACUSE POLICE DEPARTMENT

INTERNAL AFFAIRS DIVISION

CASE REPORT: IAD 18-47

DATE: 22 June 2018

REPORT TO: Chief of Police Frank L. Fowler

INVESTIGATION BY: Lieutenant Russell W. Gates

COMPLAINANT: [REDACTED]

b

COMPLAINT: Excessive Force

INVESTIGATION: At the direction of Chief Frank Fowler I began an investigation into an allegation of excessive force during the arrest of [REDACTED] under DR# [REDACTED]

a, a1, b

At approximately 1250 hours on 28 March 2018 Police Officers David Craw and Joseph Moran were assigned to CRT when Moran observed [REDACTED] in a vehicle at [REDACTED] Moran

b, b1, c, c2

observed what he believed to be a hand-to-hand transaction involving [REDACTED] and an unknown male.

b

Moran also noted that [REDACTED] was trespassing on the property. The officers subsequently stopped the vehicle operated by [REDACTED] in the back parking lot of the apartment building. Moran reported

b

b

that as soon as he approached [REDACTED] he recognized him from a previous encounter. That encounter occurred 14 days earlier on 14 March under DR# [REDACTED]. At that time Moran stopped [REDACTED] for

b

a, a1, b

tinted windows on South Ave. He subsequently issued an appearance ticket for UPM to one of [REDACTED] passengers. Moran documented that [REDACTED] possessed "a large amount of US currency

b

(unspecified amount) on his person" and that he had ten cell phones, a box of sandwich bags and black digital scale in the car when he was released.

Moran reported that when he confronted [REDACTED] on Court Street he believed that [REDACTED] was trying to hide something, presumably drugs. Moran removed [REDACTED] from the vehicle after he refused to

b

b

get out as ordered. Once [REDACTED] was out of the car Moran twice ordered him to place his hands behind his back. After the second time Moran "instructed [REDACTED] to place his hands behind his back "he slowly placed his hands behind his back, allowing (Moran) to place him in custody".

b
b

While the reports are vague on key points in the case, in particular at what point [REDACTED] was handcuffed, a comparison of reports appears to suggest that [REDACTED] was placed in handcuffs before the officers used the documented force and remained so during that use of force.

b
b

Neither Officer Moran nor Officer Craw refer to handcuffs in their reports. Moran however wrote that, "He slowly placed his hands behind his back, allowing me to place him in custody" when [REDACTED] was removed from the vehicle. Moran then wrote that he, "grabbed onto the front of his shirt and positioned the front of his body into the side of the vehicle". Sergeant Ocker later wrote in his use of force report that, "During this incident, [REDACTED] was placed in handcuffs after grasp and control and after pinning him to a static position". That appears to coincide with Moran's description above and suggests that [REDACTED] was handcuffed before the officers used physical force against him.

b
b
b
b

At that point Officer Craw observed that it appeared [REDACTED] was concealing something, perhaps illegal narcotics in his mouth, and may have been trying to swallow them. He wrote that he became concerned for [REDACTED] safety given the potential danger in ingesting drugs. He and Moran began to try to force [REDACTED] to open his mouth and/or spit out whatever he had in his mouth after [REDACTED] refused orders to do so. Craw first sprayed [REDACTED] with pepper spray. When that proved ineffective according to Craw, he punched [REDACTED] in the abdomen in an attempt to "dislodge the object" because he thought [REDACTED] might be having difficulty breathing. Craw then wrote that he observed Moran "guide [REDACTED] to the ground in an effort to give him assistance and get him to open his mouth and start breathing". Craw then wrote that [REDACTED] opened his mouth alleviated immediate concern for his safety. He wrote nothing further about any more use of force.

b
b
b
b
b
b
b

Officer Moran then documented that after Craw pepper sprayed [REDACTED] he (Moran) tried to pull [REDACTED] left cheek to open his mouth. He then grabbed onto [REDACTED] and attempted to tackle him to the ground. When Moran was unable to do so he delivered a knee strike to [REDACTED] head. That allowed him to take [REDACTED] to the ground where he came to rest in a "supine position". [REDACTED] continued to refuse to open

b
b
b
b

his mouth and Moran again pulled [REDACTED] cheeks in an unsuccessful attempt open his mouth. Moran reported he then struck [REDACTED] "multiple times in the face with a closed right fist in an attempt to dislodge the unknown substance from his mouth". Moran indicated that no further force was used. He said nothing of Crow's punch to [REDACTED] abdomen. [REDACTED] ultimately opened his mouth on his own after apparently swallowing whatever he might have had.

b
b
b

In reviewing the case I also noted that both officers went into great detail in depicting [REDACTED] as a drug dealer and that he in fact appeared to be engaged in selling drugs at the time of his arrest. They ultimately charged him with Criminal Possession of a Controlled Substance in the Seventh Degree. They also seized a large sum of cash (\$9,810.00) and 4 cell phones from [REDACTED] car in connection with that arrest. Later however, rather than applying for possible forfeiture they returned the money and phones to [REDACTED] brother for no apparent reason.

b
b
b

I attempted reach [REDACTED] by telephone at 1430 hours on 1 May 2018 without success. I again attempted telephone contact at approximately 1315 hours on 2 May and 1315 hours on 3 May 2018, again with negative results. No one answered [REDACTED] phone and it would not accept voice mail.

b
b

Having learned that [REDACTED] is currently a witness for an upcoming homicide trial, I contacted **Chief Assistant District Attorney Melinda H. McGunnigle** to confirm that my contact with [REDACTED] would not compromise her case. She confirmed that it would not. In further conversation I explained that I was having difficulty contacting him. She informed me that he is represented by Attorney Annaleigh Porter and provided me with her contact information.

b
b
b

I also asked Ms. McGunnigle if she had any information regarding the status of [REDACTED] case in this matter. She didn't know at that time, but stated that she would look into it and get back to me. A short time later I did receive a follow-up call from her. She informed me that the case had been assigned to ADA Michael Mordue, however they had checked and found that no drugs had been turned in to support the Criminal Possession of a Controlled Substance 7th charge that the officers had arrested [REDACTED] on. She told me that as a result they would not be prosecuting the case and the charge would be dismissed. A subsequent check in the BEAST system verified that only a clear plastic baggie containing black rubber bands and a "Nic Cocaine Wipe Containing Cocaine Residue" were

b
b

turned in.

I attempted to contact **Attorney Annaleigh Porter** at 1330 hours on 3 May and 1430 hours on 4 May 2018 I received no answer but left a message each time. At approximately 1115 hours on 8 May 2018 I reached Attorney Porter. She informed me that she was aware of the incident I wished to discuss with her client. She explained that they currently were scheduled for a hearing on Monday 14 May 2018 at which time she anticipated that [REDACTED] charges would be dismissed. Porter added that she was in possession of a statement from a cousin of [REDACTED] who resides in the apartment building stating that [REDACTED] was visiting his or her residence. Therefore, [REDACTED] anticipated that the Trespass charge would also be dismissed. She indicated that she preferred to delay any interview with [REDACTED] until after that hearing. She did however expect that he could be interviewed after that. In Further conversation [REDACTED] informed me that they will be filing a Notice of Claim in the matter. Ms. [REDACTED] also informed me that she represented another client who'd been arrested by Officer Moran on 16 August 2017. She indicated that there were similarities with the cases and seemed to suggest that she had recognized a pattern with the officer. She also made reference to requiring lab analyses for any future cases from Officer Moran.

I looked into that case, which involved Police Officers Moran, Brown and Giarrusso. It involved the arrest of [REDACTED] under DR# [REDACTED]. The case was similar to the [REDACTED] case in that [REDACTED] had been handcuffed behind his back before officers discovered that [REDACTED] had reportedly put what officers suspected to be crack/cocaine in his mouth. When the officers realized that Brown grabbed [REDACTED] face and ordered him to open his mouth and spit out whatever he had in it. [REDACTED] failed to do either and the officers took him to the ground. Police Officer Leonard Brown punched [REDACTED] in the torso and face. Then he pepper sprayed [REDACTED]. [REDACTED] swallowed whatever he had in his mouth and the use of force ended. Officer Brown had cited in his report that they were concerned for [REDACTED] safety because of the potential danger posed by the ingestion of narcotics. [REDACTED] was subsequently charged with tampering with physical evidence (a felony), unlawful possession of marihuana and criminal possession of a controlled substance 7th degree. The CPCS 7th charge was based on "Fragments" of white chunky substance. Officer Brown also documented that he'd [REDACTED]

b
b
b
b
b
b

a, a1, b
b
b
b
b
b

b, b4, c, c1

b, b4, c, c1

██████████ during the arrest. Like ██████████ there was no resisting charge. Unlike ██████████, ██████████ was released on an appearance ticket.

On 9 May 2018 I contacted ██████████ mother, ██████████. I had heard that she had complained to someone at City Hall about her son's arrest. I had also heard that 1 or more photographs and possibly a video of the ██████████ arrest might exist. When I spoke to her however she was unable to provide any direct knowledge of what happened. She informed me that she had not spoken to anyone at City Hall. ██████████ did tell me that she had spoken to someone, unknown who, in an attempt to have money returned to her son because she said it was her electric bill money. I did not discuss the amount of money that had been taken from ██████████. Though she was unable to tell me anything more, ██████████ did say that she would inform ██████████ that I wished to talk to him.

Minutes after my conversation with ██████████ ended I received a phone call from ██████████. He indicated that he would talk with me regarding his arrest. I made him aware of my conversation with his lawyer and asked that he speak with her before we discussed his case. He agreed to do so. During the brief conversation that we did have, ██████████ informed that his fiancé does possess video and or photographs from the arrest and that he would provide them at the time of my interview with him. At approximately 1107 hours on 11 May 2018 I attempted to contact ██████████. She is believed to be the fiancé of ██████████ and I believe she may have been present at the scene of ██████████ arrest. I received no answer but left a message requesting that she contact me. ██████████ has yet to contact me.

On 16 May 2018 I received a telephone call from Attorney Annaleigh Porter. She informed me that the District Attorney's office had in fact dismissed both of ██████████ charges. She told me however that ██████████ had reconsidered talking with me and no longer wished to do so. She added that she would be meeting with him again next week when she will once again discuss the possibility of an interview with him. She also informed me that she is referring him to a personal injury law firm in anticipation of civil proceedings in this matter and those attorneys may encourage ██████████ to speak with me. At this point however it does not appear that an interview with ██████████ will be possible.

At approximately 1500 hours on 25 May 20018 **Lieutenant Gino Turo** entered my office in what appeared to be a somewhat agitated state. He told me that he would send his officers to meet with per my earlier email request, but Turo first wanted to make clear that he did not want his men disciplined. He indicated that he was concerned this investigation was prompted by poor communication or lack of understanding of his comments on the use of force report. Turo said his comments were meant to prompt a review of policies regarding the use of force in situations where individuals are attempting to ingest drugs. He stated that he did not believe that his men were wrong in any way based on the law and the lack of department policy.

When asked why they returned nearly \$10,000.00 to [REDACTED] after the officers went to such lengths to describe it as drug money. The lieutenant initially seemed a bit evasive. He first started to say something about [REDACTED] mother owning a restaurant "down south". He never seemed to complete that point. Instead he said that because the officers had only turned in a "Nic wipe" test strip as evidence without any drugs they knew the charge would be thrown out so they returned the money. He also informed me that [REDACTED] had provided information that a shipment of 15 stolen guns would be coming in from Georgia the following Friday. He said that the information however never came to fruition.

When asked when [REDACTED] was handcuffed, Turo said early on. He described Moran removing [REDACTED] from car and beginning to cuff him. Then he went on to talk about what happened after that. I interrupted and asked if Moran finished handcuff [REDACTED] when he began. The lieutenant finally stated he believed Moran did. I asked if the force was used after [REDACTED] was in handcuffs then. He said yes. Lt Turo then described a hypothetical situation where he told me that Moran may have felt like he was fighting [REDACTED] and Craw because of Craw's position behind Moran as he tried to help him.

Lt. Turo continuously turned the conversation to the need for a policy and the directions he had since provided to his unit. He also spent a great deal of time referring to Article 35 and why his men did nothing "illegal". When our discussion culminated Lieutenant Turo said he would send his officers in when I needed them.

At approximately 1600 hours on 1 June 2018 I met with **Police Officer Joseph Moran** in the Office of Professional Standards. He described the arrest of [REDACTED] essentially as he had in his report at the time of occurrence. Early in our discussion Officer Moran wanted to clarify one point that deviated somewhat from his report. He indicated to me that he'd written in his report that he punched [REDACTED] "numerous" times. He stated that he believed he only punched him twice. When asked why he would not have written that in his report, Moran told me that he'd been advised by more experienced officers to use such general terms in his reports rather than specific numbers in case his estimate of the number of blows in the heat of the incident is later determined to be inaccurate.

b

b

Officer Moran readily admitted that he had handcuffed [REDACTED] behind his back before he learned that he was concealing something in his mouth and subsequently used physical force against him. When asked why he would use such force on a handcuffed prisoner, Moran discussed the difficulty and confusion in dealing with the large number of suspects who attempt to ingest narcotics. He informed me that he and his fellow CRT officers commonly discuss the situation and possible tactics to address it.

b

During that part of the conversation, Officer Moran cited as an example a case he been involved with just before he arrived for our interview. He said the case involved an individual who he'd dealt with before. On both occasions the same individual tried to hide drugs in his mouth. I paid particular attention when Moran mentioned the man's name, [REDACTED]. [REDACTED] was discussed earlier in this report.

b

Moran informed me that they have since received instructions not to use force in such situations. We discussed the fact that he and Officer Crow charged [REDACTED] with Criminal Possession of a Controlled Substance in the Seventh Degree but they didn't turn in any drugs and the charge was dismissed as a result. He explained to me that he commonly swabs car seats with NIC wipes when he sees what he believes to be cocaine residue. If enough residue remains after the test he turns it in. If no residue remains, he turns in only the NIC wipe used. He acknowledged that he now knows that the District Attorney's office will not prosecute such cases.

b

I then asked Officer Moran why, after reporting his grounds for believing that a large sum of cash in [REDACTED] car was from drug trafficking, they returned it to him. He informed me that [REDACTED] had told him and Officer Crow that he could provide information regarding the whereabouts of a handgun in return for the money. Moran added that removing guns from the street to combat gun violence is a primary mission for CRT. I asked him if made sense to turn over nearly \$10,000.00 (\$9,810.00) in potential forfeiture money to [REDACTED] in return for a \$200.00 gun with no suspect. Moran appeared to recognize that it did not. I then asked if [REDACTED] had talked about any other guns at the time. Officer Moran told me that [REDACTED] had said something about a shipment of stolen guns coming in from somewhere "down south". Moran however did not seem to know much more about that information.

b
b
b

He told me that CRT is very familiar with [REDACTED] and that he has led them to other guns in the past. While I did not discuss specifics of those other guns, I did ask Moran if he had ever discussed [REDACTED] with CID or ATF since he was able to produce guns almost on demand. He said he had not.

b
b

I noted that in discussing the gun information and seizures, Moran referred to their gun amnesty program. I asked him if the department had an amnesty program. He said no but explained that within CRT they refer to their gun seizure activities as their gun amnesty program. My interview with Officer Moran ended at that point as it appeared that no further information would be forthcoming.

I later reviewed the second [REDACTED] arrest (DR# [REDACTED]) that Moran referred to. That case involved Police Officers Brown, Giarrusso and Fiorini with Moran and Crow assisting. [REDACTED] was stopped while he was driving. Based on suspicious behavior and past experience he was immediately handcuffed by Officer Brown. After he was handcuffed Brown thought that [REDACTED] was hiding something in his mouth. When he ignored orders to open his mouth, Brown grabbed [REDACTED] lower jaw with his hand and tried to open his mouth. [REDACTED] was taken to the ground. Officer Brown continued trying to get [REDACTED] to open his mouth with several "jaw thrusts" without success. [REDACTED] did subsequently spit out a quantity of cocaine on his own before he was transported to Booking where he would have faced a prison contraband charge. At this point no complaint has been received on the [REDACTED] case and no further action has been taken.

a, a1, b
b
b
b
b

shipment and that it had in fact arrived a week earlier than their recovery of the one handgun. Officer Caw also referred to their "gun amnesty program" in discussing CRT's gun seizure efforts. He explained suspects would sometimes provide gun information in return for being released on appearance tickets.

In researching this case I found that a large number of "Property" reports regarding recovered firearms were directly related to incidents immediately preceding those recoveries. Those cases involved predominately drug related incidents. Those cases either immediately preceded or overlapped firearms recovery cases. It was obvious that the drug suspects had provided the gun information. Yet in all of the property reports the complainant was listed as anonymous and or concerned citizen. Many of those reports had been written by Officer Caw. I asked him why they were always listed as anonymous. He told me that that was the way he'd been taught to do it by officers before him.

I met with **Sergeant Robert Ocker** at approximately 1300 hours on 7 June 2018 in the Office of Professional Standards. We discussed the force used during the arrest of [REDACTED]. He was evasive when I first asked at what point [REDACTED] was handcuffed. He spoke in generalities and indicated that he was cuffed during the use of force. It appeared to me that he was trying to allow the impression that the force was necessary to accomplish the handcuffing without say so. When I asked him specifically if the force was used after [REDACTED] was handcuffed Ocker acknowledged that it was. I asked if the sergeant believed that such force used on a handcuffed prisoner was appropriate. Ocker indicated that he believed it was necessary under the circumstances. I questioned him further on the point because his own comment on the use of force report, *"After reviewing the officer's reports, and pertinent laws and policy governing Use of Force, I could not find any clear indication that the force used was excessive"*, led me to believe that he was not comfortable with the use of force. Ocker talked about researching what he believed were applicable laws and policies that justified the force. He shrugged off the point that it didn't appear that based on his comment he could bring himself to write that the use of force was appropriate.

I then asked the sergeant how they came to return the large sum of seized cash to [REDACTED]. Ocker

b
b

b

b

defensively asked if they are required to seize money. He then told me that they concluded that they did not have sufficient evidence for a successful asset forfeiture and so they returned the cash. I asked him how then he concluded that they had sufficient evidence to incarcerate [REDACTED] and proceed with the criminal case. He looked at me with a dumbfounded expression and asked what I was talking about. He told me they were two different things, a forfeiture case and a criminal case. He told me that forfeiture cases were much more complicated and that he'd never been involved in a forfeiture hearing. I explained that both the forfeiture and the incarceration were based the same single drug case. He either could not or would not comprehend the conflicting decisions. Ocker maintained that they had probable cause to arrest [REDACTED] even in the absence drugs.

b

I asked Sergeant Ocker if [REDACTED] had discussed getting his money back with him. He told me that he had not, even though I'd been told otherwise in an earlier interview. To avoid exposing the source of that information, I did not pursue the point further.

b
b

The sergeant did inform me that [REDACTED] had offered to produce a gun if he could get the money back. He discussed that briefly disclosing nothing that I hadn't already learned. I then asked him how many guns [REDACTED] had provided to them. He began by saying one in reference Crow and Moran. I told him I was referring to CRT in general. At that point he slowly responded "I think 2 maybe 4". We briefly talked about [REDACTED] and the unit's emphasis on recovering guns.

b
b
b

I then asked if he had ever discussed [REDACTED] with CID or ATF if he was able to provide guns on a regular basis. He said he'd never thought about it.

b
b

At that point I asked Ocker about the "Gun Amnesty Program". Once again he looked at me with a stunned expression and asked what I was talking about. He quickly followed with a comment that he'd heard of programs where people turned in guns for a \$50.00 gift card but indicated that he didn't know what I was talking about. I asked him if we (the department) had a "Gun Amnesty Program". He said no. I then asked if CRT had one. Again, he said no and when I asked if he'd ever heard anyone in his unit refer to one he said no.

I discussed a pattern I'd recognized during this investigation. I'd found that a significant number of property reports regarding gun recoveries by CRT were clearly associated with suspect encounters

immediately preceding those recoveries. Each report however was written as a tip from an anonymous and or concerned citizen. I tried to explain to him how such a pattern could potentially be used to challenge the officer's credibility in court. Ocker became very defensive. He told me that they were protecting the sources of the information because the reports were public documents. I reminded him that there were no criminal charges or cases associated with any of those recoveries and asked who the sources were being protected from. He said again they were public documents and offered no further explanation.

Ocker commented that a lot of people have criticized the unit and he asked if they were asking what sources were getting in return for their information. I told him that I was in fact curious. He told me that I'd be surprised at some of the things. He told me that sometimes it was "to get out of traffic tickets, we have the discretion to write". The sergeant said sometimes "we bullshit them". He then proceeded to describe a stop where the officers encountered an individual who had what he described as an obvious novelty bill in wallet. Ocker emphasized 2 or 3 times how obvious it was that the bill was a "novelty". He told me that they suggested that the citizen could face a counterfeit charge for possession of the bill. As a result the individual provided gun information under the belief that the officers would charge him criminally for the play money.

I discussed the investigation reports submitted by Moran and Craw with Sergeant Ocker in this matter but he maintained the reports seemed typical of their normal reports. Having reviewed a number of their reports, I expressed my disagreement. Ocker's explanation was that it was an unusual situation.

Ocker maintained at that the officers were justified in what they did, but he found it necessary to provide what amounted to a character reference for Officer Moran before leaving. When asked why he was singling out Moran, Ocker replied that he was the one who'd used force. I reminded him that both officers had used force on a handcuffed prisoner. Our conversation ended when it was apparent that there was nothing further to be gained.

Upon examining the evidence technician photographs taken at the time of ██████'s arrest, I found his face to red, bruised and swollen. A small amount of blood was visible on his face but the source could not be

b

determined. [REDACTED] arms and clothing were soiled, consistent with rolling on the ground.

b

The video of [REDACTED] booking was reviewed. He was quiet and cooperative. The video was otherwise unremarkable.

b

CONCLUSION: I find the reports prepared by Sergeant Ocker and Officers Moran and Craw in this matter to be self-serving and disingenuous. The officers portray a desperate struggle to protect [REDACTED] from his own actions when in fact I believe their primary goal was to recover evidence. Sergeant Ocker's Use of Force report appears to be intentionally vague to deemphasize the fact that [REDACTED] was handcuffed behind his back when the officers used force against him. The sergeant then provided a wordy pronouncement that he could not prove that the officer's actions were excessive. He approved those actions without stating that the officers acted appropriately.

b

b

[REDACTED] was pulled from his car by Police officer Joseph Moran. That level of force appears to have been justified and appropriate. He was immediately handcuffed behind his back by Moran and was in custody.

b

Officer Craw then however observed that [REDACTED] may have put something, presumably evidence, in his mouth.

b

Craw ordered him to open his mouth. When [REDACTED] failed to, Craw first pepper sprayed him. When that failed

b

to produce the desired result, Craw punched [REDACTED] in the abdomen. Officer Moran then delivered a knee

b

strike to [REDACTED] head and punched in the face "numerous times" resulting in bruising and swelling to [REDACTED]

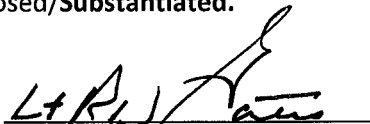
b

face. I find that those actions were inappropriate and that the force used after [REDACTED] was handcuffed was

b

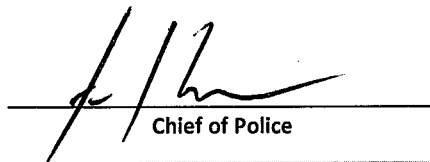
excessive.

RECOMMENDATION: I recommend that Police Officers Joseph Moran and David Craw be disciplined for their actions and that this investigation be closed/**Substantiated**.


Lieutenant Russell W. Gates

Bureau Chief

First Deputy Chief



Chief of Police

SYRACUSE POLICE DEPARTMENT
DISCIPLINARY ACTION REPORT

A. Employee Information

Date 09/05/2018 Delinquency # 4860
Name Joseph Moran Rank Police Officer IBM 0217 I.A.D. # 18-47
Bureau Uniform Bureau Division/Platoon CRT

B. Violation

Date 03/28/2018 Time 1250 hrs. of violation.

Section of Rules & Regulations Violated: Vol. 1 Art. 4 Sec. 1.14, W sub. 1, Unsatisfactory Performance

Brief Statement of Violation (s):

On the aforesaid date and time Police Officer Joseph Moran initially confiscated \$9,810 and 4 cell phones but later released that property to a relative of the defendant without completing a receipt. Further Officer Moran arrested and incarcerated the defendant without any evidence to support said arrest.

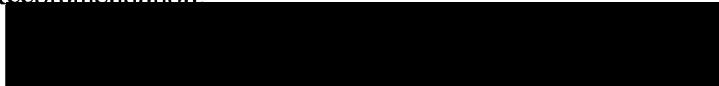
Name Russell W. Gates Signature [Signature] IBM 225 Rank Lieutenant Date 09/05/2018

C. Division Command Officer Review:
Recommendation:

Name _____ Signature _____ IBM _____ Rank _____ Date / /

D. Bureau Chief Review:

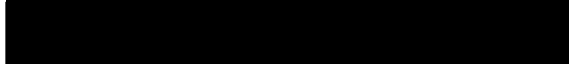
Recommendation:



Name DP Del Favero Signature [Signature] IBM 103 Date 9/11/18

E. First Deputy Chief Review:

Recommendation:



Name Joe Cecile Signature [Signature] IBM 172 Date 9-21-18

F. Chief of Police Review:

Final Action: Loss of 3 days Furlough, Counseling & retraining of SER Lt. Turo's 10.1 regarding tag review

Name Frank Li Fowler Signature [Signature] IBM 413 Date 9/02/18

G. Discipline Served by: [Signature] Date 02/16/19 Time 1400 hrs.
Discipline Re-Served by: _____ Date / / Time _____ hrs.

Reason: _____

Arbitration Notice Received: _____ Date / /

**SYRACUSE POLICE DEPARTMENT
DISCIPLINARY ACTION REPORT**

A. Employee Information

Date 09/05/2018 Delinquency # 4859
Name Joseph Moran Rank Police Officer IBM 0217 I.A.D. # 18-47
Bureau Uniform Bureau Division/Platoon CRT

B. Violation

Date 03/28/2018 Time 1250 hrs. of violation.

Section of Rules & Regulations Violated: Vol. 1 Art. 4 Sec. 1.14, DD sub. 1, Treatment of Persons in Custody

Brief Statement of Violation (s):

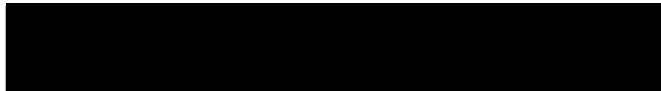
On the aforesaid date and time Police Officer Joseph Moran did strike a person in his custody with his knee and fist while said person was handcuffed behind his back.

Name Russell W. Gates Signature [Signature] IBM 225 Rank Lieutenant Date 09/05/2018

**C. Division Command Officer Review:
Recommendation:**

Name _____ Signature _____ IBM _____ Rank _____ Date //

**D. Bureau Chief Review:
Recommendation:**



d Name D L DeFavero Signature [Signature] IBM 103 Date 9/11/18

**E. First Deputy Chief Review:
Recommendation:**



d Name Joe Cecile Signature [Signature] IBM 172 Date 9-21-18

**F. Chief of Police Review:
Final Action:**

Name _____ Signature _____ IBM _____ Date //

G. Discipline Served by: [Signature] Date 02/18/19 Time _____ hrs.
Discipline Re-Served by: _____ Date // Time _____ hrs.

Reason: _____

Arbitration Notice Received: _____ Date //

**SYRACUSE POLICE DEPARTMENT
DISCIPLINARY ACTION REPORT**

A. Employee Information

Date 09/05/2018 Delinquency # 4861
 Name David Crow Rank Police Officer IBM 0258 I.A.D. # 18-47
 Bureau Uniform Bureau Division/Platoon CRT

B. Violation

Date 03/28/2018 Time 1250 hrs. of violation.
 Section of Rules & Regulations Violated: Vol. 1 Art. 4 Sec. 1.14, DD sub. 1, Treatment of Persons in Custody
 Brief Statement of Violation (s):
On the aforesaid date and time Police Officer David Crow did pepper spray and punch a person in his custody while said person was handcuffed behind his back.

Name Russell W. Gates Signature [Signature] IBM 225 Rank Lieutenant Date 09/05/2018

C. Division Command Officer Review:
 Recommendation:

Name _____ Signature _____ IBM _____ Rank _____ Date //

D. Bureau Chief Review:
 Recommendation:



Name D. J. DeFuria Signature [Signature] IBM 103 Date 9/19/18

E. First Deputy Chief Review:
 Recommendation:



Name Joe Ceale Signature [Signature] IBM 172 Date 9-21-18

F. Chief of Police Review:

Final Action: Loss of 3 days for rough re-training Counseling of Sgt LT
10.1 regarding
training 02 18

Name Frank L Foster Signature [Signature] IBM 90

G. Discipline Served by: [Signature] Date 02/19/19 Time 1100 hrs.
 Discipline Re-Served by: _____ Date // Time _____ hrs.
 Reason: _____
 Arbitration Notice Received: _____ Date //

**SYRACUSE POLICE DEPARTMENT
DISCIPLINARY ACTION REPORT**

A. Employee Information Date 09/05/2018 Delinquency # 4862
Name David Crow Rank Police Officer IBM 0258 I.A.D. # 18-47
Bureau Uniform Bureau Division/Platoon CRT

B. Violation

Date 03/28/2018 Time 1250 hrs. of violation.

Section of Rules & Regulations Violated: Vol. 1 Art. 4 Sec. 1.14, W sub. 1, Unsatisfactory Performance

Brief Statement of Violation (s):

On the aforesaid date and time Police Officer David Crow initially confiscated \$9,810 and 4 cell phones but later released that property to a relative of the defendant without completing a receipt. Further Officer Crow arrested and incarcerated the defendant without any evidence to support said arrest.

Name Russell W. Gates Signature *[Signature]* IBM 225 Rank Lieutenant Date 09/05/2018

C. Division Command Officer Review:
Recommendation:

Name _____ Signature _____ IBM _____ Rank _____ Date / /

D. Bureau Chief Review:
Recommendation:



Name *[Signature]* Signature *[Signature]* IBM 103 Date 9/11/18

E. First Deputy Chief Review:
Recommendation:



Name *[Signature]* Signature *[Signature]* IBM 172 Date 9-21-18

F. Chief of Police Review:
Final Action:

Name _____ Signature _____ IBM _____ Date / /

G. Discipline Served by: _____ Date / / Time hrs.
Discipline Re-Served by: _____ Date / / Time hrs.

Reason: _____

Arbitration Notice Received: _____ Date / /

**SYRACUSE POLICE DEPARTMENT
DISCIPLINARY ACTION REPORT**

A. Employee Information

Date 09/05/2018 Delinquency # 4863
Name Robert Ocker Rank Sergeant IBM 0559 I.A.D. # 18-47
Bureau Uniform Bureau Division/Platoon CRT

B. Violation

Date 03/28/2018 Time 1250 hrs. of violation.

Section of Rules & Regulations Violated: Vol. 1 Art. 4 Sec. 3.15, A sub. 1, Evaluating the Use of Physical Force

Brief Statement of Violation (s):


Sergeant Robert Ocker failed to take immediate corrective action when two of his subordinates' use of physical force was inconsistent with the Department's policies and procedures.

Name	Signature	IBM	Rank	Date
<u>Russell W. Gates</u>	<u>[Signature]</u>	<u>225</u>	<u>Lieutenant</u>	<u>09/05/2018</u>

**C. Division Command Officer Review:
Recommendation:**


Name	Signature	IBM	Rank	Date
_____	_____	_____	_____	<u> / /</u>

**D. Bureau Chief Review:
Recommendation:**

d 

Name	Signature	IBM	Date
<u>DC L DeFavero</u>	<u>[Signature]</u>	<u>103</u>	<u>9/11/18</u>

**E. First Deputy Chief Review:
Recommendation:**

d 

Name	Signature	IBM	Date
<u>Joe Cecile</u>	<u>[Signature]</u>	<u>172</u>	<u>9-21-18</u>

**F. Chief of Police Review:
Final Action:**

Name	Signature	IBM	Date
_____	_____	_____	<u> / /</u>

G. Discipline Served by: _____ Date / / Time _____ hrs.

Discipline Re-Served by: _____ Date / / Time _____ hrs.

Reason: _____

Arbitration Notice Received: _____ Date / /

**SYRACUSE POLICE DEPARTMENT
DISCIPLINARY ACTION REPORT**

A. Employee Information

Date 09/05/2018 Delinquency # 4865
Name Robert Ocker Rank Sergeant IBM 0559 I.A.D. # 18-47
Bureau Uniform Bureau Division/Platoon CRT

B. Violation

Date 03/28/2018 Time 1250 hrs. of violation.

Section of Rules & Regulations Violated: Vol. 1 Art. 4 Sec. 1.14, W sub. 1, Unsatisfactory Performance

Brief Statement of Violation (s):

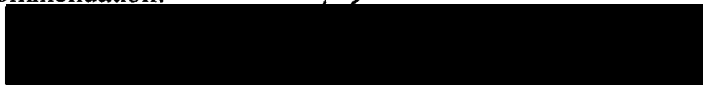
Sergeant Robert Ocker incorrectly applied sections of article 35 of the New York State Penal Law in evaluating his subordinates' use of force and thereby failed to recognize the impropriety of said use of force.

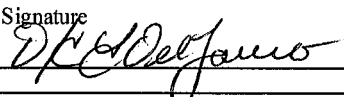
Name	Signature	IBM	Rank	Date
<u>Russell W. Gates</u>		<u>225</u>	<u>Lieutenant</u>	<u>09/05/2018</u>

C. Division Command Officer Review:
Recommendation:

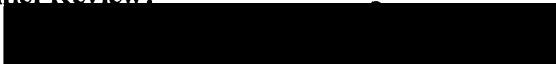
Name	Signature	IBM	Rank	Date
_____	_____	_____	_____	<u> / /</u>

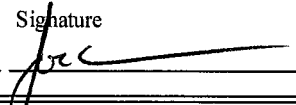
D. Bureau Chief Review:
Recommendation:



Name	Signature	IBM	Date
<u>Dick DeFavero</u>		<u>103</u>	<u>9/11/18</u>

E. First Deputy Chief Review:
Recommendation:



Name	Signature	IBM	Date
<u>Joe Cecik</u>		<u>172</u>	<u>9-21-18</u>

F. Chief of Police Review:
Final Action:

Name	Signature	IBM	Date
_____	_____	_____	<u> / /</u>

G. Discipline Served by: _____ Date / / Time _____ hrs.

Discipline Re-Served by: _____ Date / / Time _____ hrs.

Reason: _____

Arbitration Notice Received: _____ Date / /

**SYRACUSE POLICE DEPARTMENT
DISCIPLINARY ACTION REPORT**

A. Employee Information

Date 09/05/2018 Delinquency # 4864
Name Robert Ocker Rank Sergeant IBM 0559 I.A.D. # 18-47
Bureau Uniform Bureau Division/Platoon CRT

B. Violation

Date 03/28/2018 Time 1250 hrs. of violation.

Section of Rules & Regulations Violated: Vol. 1 Art. 4 Sec. 1.18, B(1), Subordinate Incompetence or Misconduct

Brief Statement of Violation (s):

Sergeant Robert Ocker overlooked, condoned and failed to take action regarding incompetence or misconduct on the part of his subordinates and was thereby guilty of neglect of duty.

Name Russell W. Gates Signature [Signature] IBM 225 Rank Lieutenant Date 09/05/2018

**C. Division Command Officer Review:
Recommendation:**

Name _____ Signature _____ IBM _____ Rank _____ Date //

**D. Bureau Chief Review:
Recommendation:**

[Redacted]

Name [Signature] Signature [Signature] IBM 103 Date 9/11/18

**E. First Deputy Chief Review:
Recommendation:**

[Redacted]

Name Joe Ceiba Signature [Signature] IBM 172 Date 9-21-18

**F. Chief of Police Review:
Final Action:**

Subject returned before disciplinary actions could be imposed

Name Frank L Fowler Signature [Signature] IBM 40 Date 10/02/18

G. Discipline Served by: _____ Date // Time _____ hrs.

Discipline Re-Served by: _____ Date // Time _____ hrs.

Reason: _____

Arbitration Notice Received: _____ Date //

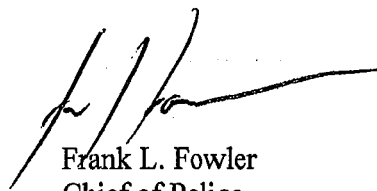
SYRACUSE POLICE DEPARTMENT

DATE: 18 September 18

TO: <input checked="" type="checkbox"/> ALL MEMBERS	<input type="checkbox"/> OTHER:	<input type="checkbox"/> MO # _____
<input type="checkbox"/> ALL COMMAND OFFICERS		<input type="checkbox"/> TOP # _____
		<input checked="" type="checkbox"/> PO # <u>2018-376</u>
SUBJECT: <u>RETIREMENT</u>		
OBJECTIVE: <u>TO INFORM ALL MEMBERS</u>		

All members of the department are advised that I have received and accepted the following retirement effective 0001 hours, Thursday, 20 September, 2018:

Sergeant Robert Ocker



Frank L. Fowler
Chief of Police

FLF/ksh

INDEX: Retirement

SYRACUSE POLICE DEPARTMENT
Inter-Departmental-Memo

DR# -

TO: Sgt. Susan Izzo - Human Resources

DATE: 02/14/19

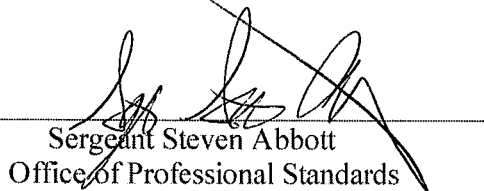
FROM: Sgt. Steven Abbott - Office of Professional Standards

SUBJECT: Time Loss For Police Officer David Craw

Sgt. Izzo,

As a result of Disciplinary Report D#4861 and D#4862, Police Officer David Craw will receive a loss of three (3) furlough days. Please see that the appropriate amount is deducted from his allotment. Thank you.

Per Orders of the Chief of Police



Sergeant Steven Abbott
Office of Professional Standards

Signed _____ Date _____

Approved _____ Date _____

SYRACUSE POLICE DEPARTMENT
Inter-Departmental-Memo

DR# -

TO: Sgt. Susan Izzo - Human Resources

DATE: 02/14/19

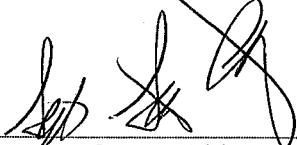
FROM: Sgt. Steven Abbott - Office of Professional Standards

SUBJECT: Time Loss For Police Officer Joseph Moran

Sgt. Izzo,

As a result of Disciplinary Report D#4859 and D#4860, Police Officer Joseph Moran will receive a loss of three (3) furlough days. Please see that the appropriate amount is deducted from his allotment. Thank you.

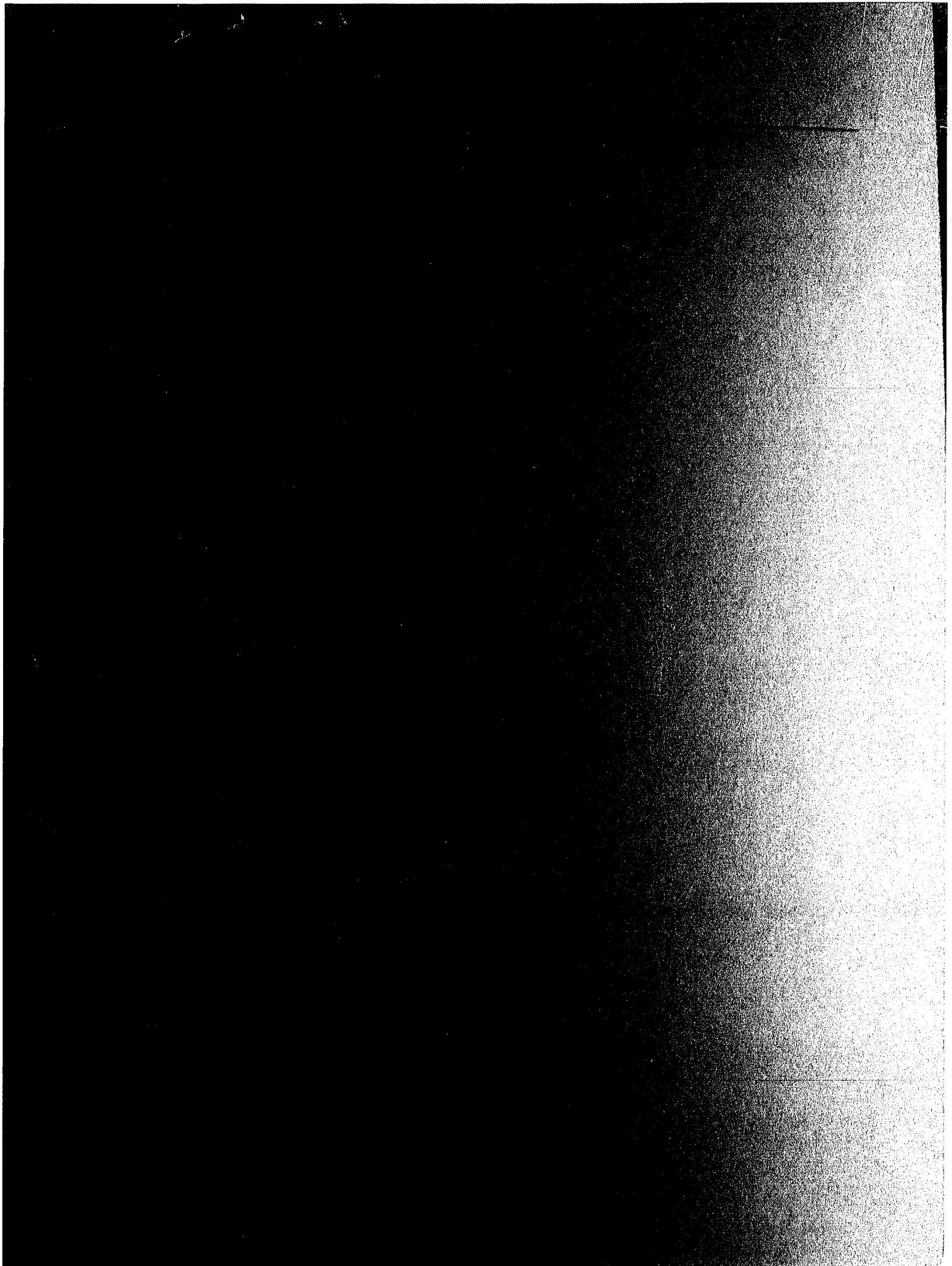
Per Orders of the Chief of Police

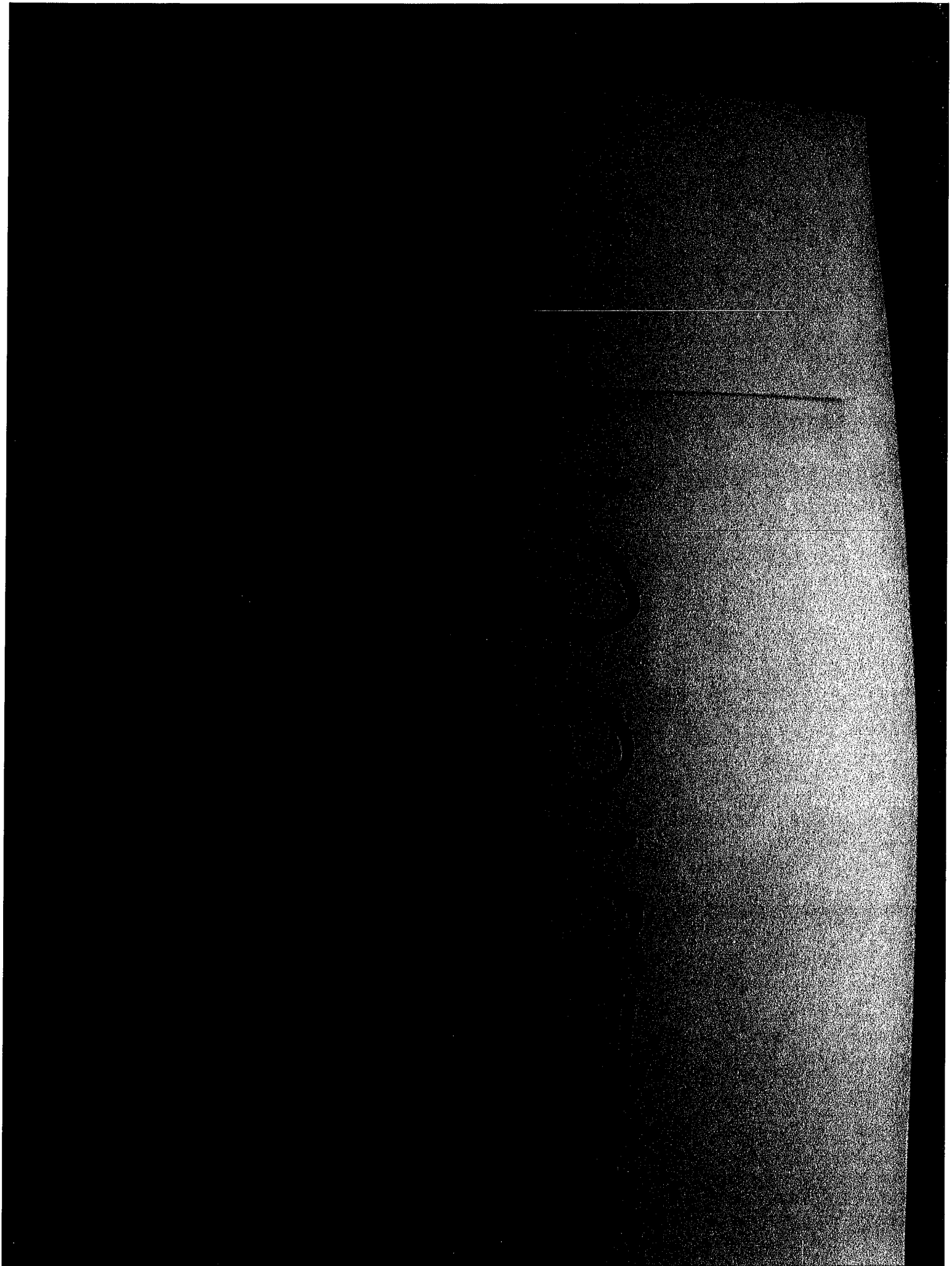


Sergeant Steven Abbott
Office of Professional Standards

Signed _____ Date _____

Approved _____ Date _____





1.14 PERFORMANCE AND ATTENTION TO DUTY:

W. Unsatisfactory Performance

1. Unsatisfactory performance may be demonstrated by a lack of knowledge, unwillingness, inability, or failure to perform assigned tasks, or failure to take appropriate action. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

DD. Treatment of Persons in Custody

1. Employees shall not mistreat persons who are in their custody and shall handle such persons in accordance with law and current directives.

3.15 EVALUATING THE USE OF PHYSICAL FORCE: 2,4

A. All supervisory officers are responsible for monitoring subordinate behavior relative to the use of physical force employed by subordinates in the performance of duty, to ensure that Departmental policies and procedures are followed.

1. Supervisors must take immediate corrective action when subordinate behavior is observed to be inconsistent with Department's policies and procedures regarding any facet of the use of force.

1.18 RESPONSIBILITIES OF COMMAND OFFICERS AND SUPERVISORS:

B. Subordinate Incompetence or Misconduct

1. Supervisors, who overlook, condone or fail to take action regarding incompetence or misconduct on the part of their subordinates shall be guilty of neglect of duty.