

**REPORT OF INDEPENDENT COUNSEL TO SYRACUSE UNIVERSITY REGARDING THE  
DEPARTMENT OF PUBLIC SAFETY**

February 22, 2021

*Submitted by The Honorable Loretta E. Lynch  
Paul, Weiss, Rifkind, Wharton & Garrison LLP*

## TABLE OF CONTENTS

Executive Summary .....	1
Investigative Steps .....	5
<b>Part I: Review of DPS’s Community Policing and Its Response to Events in the 2019-2020 Academic Year</b> .....	<b>7</b>
A.    Events of 2019-2020 School Year .....	7
1.    Prior Campus Protests and Tensions with DPS .....	7
2.    DPS’s Handling of Fall 2019 Bias-Related Incidents.....	9
3.    Barnes Center Protest.....	20
4.    White Supremacist Manifesto.....	21
5.    Crouse-Hinds Hall Protest .....	27
B.    DPS’s Commitment to Community Policing.....	38
1.    Perceptions of DPS .....	39
2.    Complaints of Disparate Enforcement.....	43
3.    Communications .....	47
4.    Accountability.....	48
5.    Role of DPS on Campus .....	50
6.    Disarmament .....	51
7.    Leadership.....	54
<b>Part II: Review of DPS Standard Operating Procedures</b> .....	<b>55</b>
<b>Part III: Recommendation for Syracuse University Department of Public Safety Community Review Board</b> .....	<b>66</b>
A.    Powers and Mandate of the CRB.....	67
1.    Appeals of Dispositions of Civilian Complaints .....	67
2.    Review of New or Modified SOPs and Trainings .....	68
3.    Annual Report to the University Community.....	69
B.    Composition.....	70
Appendix A – Recommendations .....	72
1.    Community Policing .....	72
2.    Communications .....	74
3.    Complaints and Accountability.....	75
4.    Responding to Bias-Related Incidents and Other Sensitive Calls .....	76
5.    Hiring, the Academy, and Ongoing Training and Performance .....	77
6.    Facilitating Speech Activity.....	77
7.    Operations .....	78

Appendix B – List of SOPs Reviewed.....	80
Appendix C – Bylaws and Procedures for CRB.....	81

## *Executive Summary*

On February 24, 2020, Syracuse University (the “University”) engaged Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”) to conduct an independent review of its Department of Public Safety (“DPS” or the “Department”) following a series of bias-related incidents that occurred on campus in the fall of 2019 and student protests that followed those incidents in the fall of 2019 and spring of 2020.

This report sets forth the findings and conclusions of our review in three parts:

**Part I – Review of DPS’s Community Policing and Its Response to Events in the 2019-2020 Academic Year:** In this part, we review DPS’s conduct and performance with respect to the events of fall 2019 and spring 2020, including the investigation of bias-related incidents and the handling of protests on campus, along with its commitment to community policing more broadly.

**Part II – Review of DPS Standard Operating Procedures:** In this part, we report on our assessment of DPS’s policies and procedures to ensure they conform to the highest standards of community policing.

**Part III – Recommendation for Syracuse University Department of Public Safety Community Review Board:** In this Part, we set forth our final recommendations for the structure and procedures for a Community Review Board (“CRB”), which will provide input to and promote accountability for DPS.

We discuss many of our recommendations for DPS’s overall operations throughout our analysis in Part I. Our complete set of recommendations, including some that are

not discussed in Part I, is contained in Appendix A. We also present recommendations for changes to specific DPS policies and procedures in Part II.<sup>1</sup>

We note that our mandate was to review DPS and not the University administration. Nevertheless, at times throughout this report we make reference to actions and decisions taken by the administration, insofar as they affected DPS and its own interactions with the Syracuse University community.

Our key conclusions include:

- While DPS’s investigations of the bias-related incidents were generally thorough, our review of the documentation of those investigations revealed that there were at least some respects in which the documentation did not evidence full compliance with DPS’s Standard Operating Procedure (“SOP”) for the investigation of bias-related incidents. Going forward, DPS leadership should make every effort to ensure that officers adhere to the SOP in investigating such incidents.
- Throughout the student protest at Crouse-Hinds Hall in spring 2020, DPS officers implemented instructions and directives issued by the administration. The situation was both tense and fluid, and those instructions and directives were frequently modified. Because DPS was charged with securing the building, it largely served as the public face of the University to the protestors and often found itself, by default, communicating modifications without having an adequate basis to explain them to students, to whom the changes appeared arbitrary and unjustified. As the most constant visible presence at Crouse-Hinds Hall, DPS became a target for the protestors’ anger. Combined with frustrations and concerns about DPS on the part of many students that preceded the Crouse-Hinds Hall protest, this situation created deep distrust of DPS and damaged the faith and confidence in DPS of many in the campus community.
- Consistent with the principles of community policing, most DPS officers view their role as to protect and ensure the safety of students and the campus community; however, we found that the principles of community policing are not fully manifest in the operations and practices of DPS. In addition, students and other community members do not perceive DPS’s conduct as embodying the community policing philosophy. DPS should strengthen the community policing ethos of the entire Department and seek to ensure that community policing

---

<sup>1</sup> The University has a collective bargaining agreement with the Syracuse University Department of Public Safety Officers, Council 82, with respect to the terms and conditions of employment for union members. The University will need to consider whether any of our recommendations give rise to collective bargaining rights for union members and act accordingly.

practices more consistently and completely permeate its operations and approach, in order to build trust with the University community.

- Communications from DPS and the administration about difficult, emotionally charged topics, including incidents of racist and anti-Semitic misconduct, often have not succeeded in providing community members with the information or reassurance they need to feel safe on campus. The process of sharing information related to public safety matters should be streamlined and expedited to ensure the prompt disclosure of accurate information, and such communications should acknowledge and engage directly with the concerns and fears of community members.

\* \* \*

On the whole, we have found that the University is facing many of the same complex and difficult questions and challenges as the rest of the country when it comes to ensuring the safety of a large, diverse group of people who have varying attitudes toward and experiences with law enforcement. The University does not operate in a vacuum: As we all continue to grapple with the existence and effects of systemic racism in the United States, we can expect that University community members will do the same. All of the University's many constituencies will need to engage in difficult conversations to advance and enhance the role of DPS in the University community.

The issues that have come to the fore in our review of DPS include transparency, accountability, and communication, as well as translating good intentions into action and change. In particular, after a very trying year that challenged the fabric of the University community, we believe that a constructive relationship between DPS and the community can be restored through greater transparency and accountability; effective, prompt and thoughtful communication; and more expansive implementation of community policing practices and principles throughout the Department. We are hopeful that the findings and recommendations in this Report, including the changes we propose to DPS's SOPs and the CRB structure that we have recommended, will

enable the University to achieve greater trust and partnership between DPS and the campus community. We note that rebuilding trust does not happen overnight and urge both DPS and the University community to commit to the ongoing work, dialogue, and active listening required to improve this important relationship.

### *Investigative Steps*

The Paul, Weiss team, led by the Honorable Loretta E. Lynch and including Michael Gertzman, Justin Lerer, Meredith Borner, Phoebe King, Emily Hoyle, Amitav Chakraborty, Danielle Hayes, Marcelo Triana, and Sondra Saporta, functioned independently. Throughout the investigation, Paul, Weiss received the full cooperation of the University and of DPS, and we believe both entities to have been completely transparent with us. We asked for a wide assortment of relevant materials and were promptly provided copies of all requested documents and data available to the University. We were given unfettered access to all individuals at the University whom we sought to interview. We are not aware of any attempt by any individual at the University to interfere with or limit any aspect of our review, including the preparation of this report.

Our investigation, which began in March 2020, encompassed the collection and review of the following categories of relevant materials, as well as interviews of witnesses with potentially relevant information:

**DPS Documents:** Paul, Weiss collected and reviewed a broad range of DPS documents and data, including, among other things, reports and files relating to the bias-related incidents that occurred on campus and the investigations of them; video footage from student protests; Internal Affairs (“IA”) investigation files; use-of-force incident reports; and DPS training materials. In total, Paul, Weiss made 65 requests for various categories of documents from DPS, with which DPS promptly complied.

**Email Records:** Paul, Weiss collected emails from the University email accounts of more than 30 custodians. Using targeted search terms to identify relevant documents, we reviewed more than 20,000 documents in all.

**Interviews:** We interviewed 77 witnesses, including:



- 31 students (current undergraduate and graduate students and recent graduates);
- 21 DPS officers and employees;
- 20 members of the administration; and
- 5 faculty members.

**Outreach:** We hosted three town halls open to the Syracuse community on October 19, October 21, and October 22, 2020, in order to obtain feedback on the preliminary CRB proposal that we issued in September 2020, as well as on any other aspects of our review. We also reached out to the leaders of 243 University student groups, including undergraduate student organizations, graduate student organizations, and Greek life organizations, offering an opportunity to speak with us about our review.

**Community Policing Expert:** Throughout our review, we relied on Chief Ronald Davis of 21CP Solutions for his law enforcement and community policing expertise. Chief Davis served in policing for nearly 30 years, including 20 years with the Oakland, California, police department, eight years as the Chief of Police in East Palo Alto, California, and as the Director of the U.S. Department of Justice Office of Community Oriented Policing Services from 2013 until 2017. In December 2014, Chief Davis was appointed Executive Director of President Obama’s Task Force on 21<sup>st</sup> Century Policing.

***Part I: Review of DPS's Community Policing and Its Response to Events in the 2019-2020 Academic Year***

DPS employs more than 150 officers, including 64 sworn Public Safety Officers, 15 Community Services Officers (“CSOs”), and 84 Residential Community Safety Officers (“RCSOs”). The sworn Public Safety Officers and CSOs are stationed around the campus and patrol the surrounding community. RCSOs are stationed in all of the residence halls on campus. Sworn Public Safety Officers carry firearms when on duty and are required to complete firearms proficiency training twice a year. They must also complete a certified peace officer or police academy, which includes twenty weeks of physical, academic, and practical training, a twelve-week field training program, and a thirteen-week evaluation period. For the past three years, DPS has operated its own DPS Campus Peace Officer Academy.

DPS comprises the following units: Emergency Communications; Investigations; Operations; Patrol; and Special Events and Community Policing Services. Situated within the City of Syracuse, the University falls within the jurisdiction of the Syracuse Police Department (“SPD”). However, under a Memorandum of Understanding (“MOU”) between DPS and the SPD, DPS is responsible for initially responding to all requests, including crimes in progress, that originate on the University campus.<sup>2</sup> For reports of felonies and sexual assault offenses, however, DPS is required to notify SPD immediately.

**A. Events of 2019-2020 School Year**

1. Prior Campus Protests and Tensions with DPS

The events of the 2019-2020 academic year did not take place against a blank slate. The University has a history of student protests, including one known as THE General

---

<sup>2</sup> Memorandum of Understanding between Syracuse Police Department and Syracuse University Department of Public Safety ¶ 13(e), <https://dps.syr.edu/wp-content/uploads/2016/01/MOU-Signed-12-3-2014.pdf>.

Body, which occupied Crouse-Hinds Hall in 2014. Demands made by student protestors affiliated with THE General Body touched on themes similar to those raised by #NotAgainSU in fall 2019 and spring 2020, such as more transparency from the University, including about the role and responsibilities of DPS. After eighteen days occupying the space, the protestors affiliated with THE General Body left Crouse-Hinds Hall. Multiple campus community members we spoke to explained that they believed this earlier occupation informed the administration's views regarding how to handle future protests at Crouse-Hinds Hall. Specifically, given Crouse-Hinds Hall's role as seat of the administration, including the offices of the Chancellor, Provost, other senior administrators, and admissions, as well as multiple classrooms, and the effect of potential disruption to those functions, the administration did not wish to permit an occupation of the building again. Student protestors were also aware of the history of protests at the University and adopted tactics based on prior students' experience interacting with DPS during the 2014 protest.

Likewise, multiple high-profile events involving DPS played a part in shaping students' perception of DPS well before the bias-related incidents of fall 2019 began. In April 2018, for example, two videos recorded by Theta Tau fraternity members and posted on a private Facebook page became public. The videos depicted skits where fraternity members mimed sexual assault, used racial slurs, and mocked individuals with disabilities. While the University took disciplinary action against the fraternity members, recordings of DPS investigators' interrogations of the fraternity members who participated in the skits, in which officers appeared sympathetic to the students and suggested the students' biggest mistake had been posting the videos online, subsequently also became public.<sup>3</sup> Another incident that became a flashpoint on

---

<sup>3</sup> Some officers we spoke with suggested that the language and approach adopted in the questioning was simply an interrogation technique. We note that we did not view videos of the entire interrogation sequences. Videos

campus occurred in February 2019, when three students of color were assaulted outside of a house party on Ackerman Avenue by a white assailant. The assault was investigated by SPD, which concluded that the attack was not race related.<sup>4</sup> Nevertheless, in the aftermath of this incident, students expressed disapproval that the assault was not acknowledged as a racially charged incident.

## 2. DPS's Handling of Fall 2019 Bias-Related Incidents

In fall 2019, the University community experienced a series of bias-related incidents that were racist, anti-Semitic, homophobic, and xenophobic. These incidents—which involved vandalism and graffiti, and the use of slurs and symbols of hate—were profoundly distressing to many in the campus community and undermined students' sense that they could feel safe and secure on their campus. Students were genuinely fearful.

DPS was unable to apprehend the perpetrator or perpetrators of these incidents in the vast majority of cases, which not only frustrated the students and compounded those fears, but also contributed to the perception that DPS and the administration did not take the bias-related incidents seriously.

### (a) *Interactions Between Students and DPS or the Administration Regarding Bias-Related Incidents*

There was a strong sense among students we spoke to that DPS and the administration did not fully grasp the gravity of these incidents or appreciate that they were far more significant than routine vandalism. This view doubtless stemmed in part from DPS's

---

of DPS officers appearing to identify with fraternity members accused of offensive misconduct conveyed to some a sense that DPS acted to protect the accused fraternity brothers, as opposed to those targeted by the misconduct.

<sup>4</sup> Elizabeth Doran, *Girl, 15, charged in assault that sparked SU student protests; attack not race-related, police say*, SYRACUSE.COM (Apr. 15, 2019), <https://www.syracuse.com/crime/2019/04/15-year-old-charged-with-assault-after-striking-several-with-pellet-gun-in-syracuse-police-say.html>.

failure to identify any perpetrators of the string of incidents and the relentless pace and continuation of the incidents occurring on campus. These events aggravated a pre-existing perception that DPS officers and University administrators did not appreciate students' concerns and were too slow to respond. In the immediate aftermath of the first racist graffiti incident, DPS and the administration did not address the community with the speed or tone that students believed the circumstances required. The initial failure to act swiftly or communicate effectively led some to conclude that DPS and the administration sought to hide or downplay these incidents.

(i) Response to Day Hall Graffiti

The first incidents occurred in Day Hall, a residence hall for first-year students, on November 7 and 8, 2019. On Thursday, November 7, 2019, a bathroom on the sixth floor of Day Hall was vandalized with graffiti containing racist slurs against Black people. The next day, November 8, additional graffiti containing racist slurs, this time directed against both Black people and Asian people, was found in the same building on the fourth floor near elevators and in a bathroom.

Between Thursday, November 7, and Saturday, November 9, the Office of Student Life convened multiple floor meetings for the residents of Day Hall's fourth and sixth floors, which were attended by DPS officers, Day Hall residence advisors, and a Day Hall residence director.

On Sunday, November 10, the Office of Student Life convened a combined meeting of the two floors, which was attended by DPS Chief Robert "Bobby" Maldonado and three administrators, as well as residence directors and advisors of Day Hall. At the meeting, Chief Maldonado's role was to assure students that DPS was investigating the incidents and to urge anyone who had any information about the incidents to contact DPS. At the start of the

meeting, an administrator asked the students in attendance not to record the meeting because they were in a community space for Day Hall residents. That administrator told us that this was a standard statement for such community meetings to convey that the meeting was to be a safe space for students to speak, which other administrators in attendance at the meeting corroborated. We found these witnesses to be credible and well-intentioned, though the language used at the meeting was susceptible to multiple interpretations; some students in attendance interpreted the request as an attempt by the administration to silence students in order to prevent word of the incidents from spreading across campus.<sup>5</sup>

Critically, by the time these meetings occurred, neither the administration nor DPS had issued a statement or notification about the graffiti in Day Hall.<sup>6</sup> The first public acknowledgment of these incidents to the campus community did not occur until the Vice President for the Student Experience sent a message to the broader campus community on Monday, November 11<sup>7</sup>—four days after the first incident occurred and only after the Residence Hall Association released a statement condemning the administration for not having informed students of the incident.<sup>8</sup> The Chancellor issued his own message to the community the following day, on November 12. These messages did not succeed in comforting the community, however. Students told us that they perceived them as cold and defensive and as failing to

---

<sup>5</sup> Some students thought this alleged attempt to cover up the incident was tied to the large number of donors on campus who were gathering for a fundraising campaign. A witness with knowledge of the circumstances credibly denied this allegation.

<sup>6</sup> See Kayla Epstein, *Syracuse University Hit with Racist Graffiti, Vandalism, Swastika – All in Just Eight Days*, WASH. POST (Nov. 15, 2019, 1:47 PM), <https://www.washingtonpost.com/education/2019/11/15/syracuse-university-hit-with-racist-graffiti-vandalism-swastika-all-just-eight-days/> (“It wasn’t until the Daily Orange reported on those incidents at Day Hall on Monday that the issue broke out into the open.”).

<sup>7</sup> Robert Hradsky, *Message from Robert Hradsky, Vice President for the Student Experience*, SYRACUSE UNIV. NEWS (Nov. 11, 2019), <https://news.syr.edu/blog/2019/11/11/message-from-robert-hradsky-vice-president-for-the-student-experience/>.

<sup>8</sup> Case Darnell & KJ Edelman, *Racial Slurs Written in Day Hall*, DAILY ORANGE (Nov. 11, 2019), <http://dailyorange.com/2019/11/racial-slurs-written-day-hall/>.

address students' feelings. While it is impossible to know, students may have reacted less critically if there had been a more timely, comprehensive, and sensitive reaction to these incidents.

Indeed, the response to the initial incidents of racist graffiti at Day Hall seems to have negatively affected students' perception of the administration's and DPS's handling of the string of bias-related incidents that followed: The administration and DPS were continually playing catch-up. Later in the semester, following several additional bias-related incidents, DPS and administrators announced that they would notify students of bias-related incidents within 48 hours in most instances.<sup>9</sup> Even then, however, DPS and administrators struggled to find the right balance between transparency and the concern that too much disclosure would unnecessarily instill fear in students (or worse, inspire copycat incidents). The administration and DPS were not the initial or the only sources of information about the bias-related incidents. But they were important voices that were missing from the initial dialogue. Thus, students were left to speculate, with negative results, about the University's level of concern.

#### (ii) Interpersonal Issues and Sensitive Complaints

During our review, we also learned of instances in which DPS officers' interactions with students who reported potential bias-related incidents may have reinforced the perception that DPS did not view bias-related incidents with the appropriate level of gravity.

For example, in one instance, a student who saw and notified DPS of potentially anti-Asian graffiti reported feeling pressured by DPS officers not to report the graffiti as a bias-related incident and challenged as to whether she was sure it was racist and offensive. In another

---

<sup>9</sup> Julie McMahon, *Syracuse University Changes How it Will Alert Campus of Bias Incidents*, SYRACUSE.COM (Dec. 3, 2019), <https://www.syracuse.com/syracuse-university/2019/12/syracuse-university-changes-how-it-will-alert-campus-of-bias-incidents.html>.

instance, an officer candidly shared with us that he had not originally appreciated the effect that bias-related graffiti could have on students and so did not initially perceive the incidents as anything other than vandalism. This officer told us that he later had a conversation in his personal life that helped him to appreciate just how damaging these incidents were, which, he said, he had not understood previously. In all likelihood, he was not the only officer who failed to grasp the psychological harm such incidents can inflict on students. Another officer shared with us his recollection of a student telling him that he “just [didn’t] get it” in the context of his response to a bias-related incident.

With respect to other types of sensitive incidents, too, students reported that DPS did not seem to take their complaints or fears seriously and felt they had to justify their requests for help to DPS. For example, at least three female students recounted to us instances in which they felt unsafe and sought help or transport from DPS, but felt that DPS minimized or dismissed their fears or suggested that they were unreasonable. These students described officers as treating them in a standoffish manner and, in one case, like she was the “enemy.” Another student recounted a story in which a DPS officer became aggressive and “acted like [she] was making it up” when she asked to be escorted home after having seen at a party a student who had sexually assaulted her previously. According to the student, this treatment by the DPS officer made the experience of seeing the perpetrator of her assault “much worse.”

Community members’ experiences of the manner in which DPS responds to requests for help speak to what some witnesses described as a “customer service” issue within DPS. Students perceived DPS officers as acting inconvenienced or imposed upon when students ask for help, or as starting from a place of disbelieving students. The adverse consequences of DPS officers’ failure to convey to students that they are there to help them potentially exceed



hurt feelings and misunderstandings. If students perceive that DPS officers consider their fears to be excessive or unwarranted, or students feel they must prove to DPS officers that they feel unsafe, students may hesitate to contact DPS under such circumstances. The core mission of DPS is to ensure the safety and security of members of the University community. DPS cannot fulfill this mission unless students and other community members feel comfortable reaching out to DPS if they feel unsafe and do not hesitate before doing so.

DPS leadership should encourage responses from officers that are more empathetic when they are responding to all calls—even more so in the context of bias-related incidents or other instances where students feel threatened or unsafe. Law enforcement’s initial interaction with a victim and investigation of an incident are critical to a case’s successful outcome. Training in victim and witness engagement should begin in the academy and continue through in-service trainings on the issue.<sup>10</sup> Leadership should audit DPS officers’ performance in this area by periodically selecting for review body-worn camera (“BWC”) footage of responses to student calls or complaints, when available,<sup>11</sup> and assessing the responding officer’s attitude toward the complainant,<sup>12</sup> or through supervisor follow-up with a complainant about their experience with an officer in an individual case.

---

<sup>10</sup> See, e.g., *The Importance of Understanding Trauma-Informed Care and Self-Care for Victim Service Providers*, U.S. DEP’T OF JUST. (July 30, 2014), <https://www.justice.gov/archives/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>; Carrie Bettinger-Lopez, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual and Domestic Violence*, WHITE HOUSE (Oct. 28, 2016, 3:42 PM), <https://obamawhitehouse.archives.gov/blog/2016/10/28/identifying-and-preventing-gender-bias-law-enforcement-response-sexual-assault-and>; *Trauma Training for Criminal Justice Professionals*, SUBSTANCE ABUSE AND MENTAL HEALTH SERVS. ADMIN. (last updated June 29, 2020), <https://www.samhsa.gov/gains-center/trauma-training-criminal-justice-professionals>.

<sup>11</sup> Our understanding is that such audits already occur at the patrol-sergeant level, but we recommend expanding these audits to ensure that leadership has visibility into interactions between officers and students and to reinforce the importance of these interactions.

<sup>12</sup> See Rob Voigt et al., *Language from Police Body Camera Footage Shows Racial Disparities in Officer Respect*, PROC. NAT’L ACAD. SCI. (June 20, 2017), <https://web.stanford.edu/~eberhard/downloads/2017-LanguageFromPoliceBodyCameraFootage.pdf>.

(b) *DPS's Investigations and Inability to Apprehend the Perpetrator(s) of Bias-Related Incidents*

There was an understandable sense of frustration with DPS's failure to identify the perpetrator or perpetrators of the string of bias-related incidents on campus. Some students seemed to conclude that DPS did not identify the perpetrator or perpetrators because it simply did not care very much to do so.

Ultimately, we cannot conclude that DPS could have or should have identified the perpetrator or perpetrators of the bias-related incidents. It is clear that it was very troubling and frustrating to DPS officers and leadership that they were not able to apprehend the perpetrators in most cases. One DPS officer recounted having watched eight hours of CCTV footage trying to identify the individual responsible for one instance of racist graffiti. Others reported that DPS had hired a handwriting expert in hopes of identifying the culprit behind the racist graffiti. There were also some understandable limitations on the investigative tools that DPS had available—for example, the fact that there are no security cameras in certain areas (like dorm bathrooms) out of a concern for student privacy. DPS did identify the perpetrator of one incident in which an individual leaving a fraternity party with a group of people shouted a racial slur at a female student of color by reviewing CCTV footage. The perpetrator was not affiliated with the University, but the Syracuse students hosting the perpetrator were charged with Code of Student Conduct violations, and the fraternity of which those students were members was suspended.<sup>13</sup>

Nonetheless, DPS could improve the quality of its investigations in certain areas. A number of individuals with whom we spoke described perceived shortcomings in the investigations DPS conducted into the bias-related incidents. These individuals felt that DPS did

---

<sup>13</sup> See Gabe Stern, *Alpha Chi Rho Denies Involvement in Racist Incident as IFC Expels Fraternity*, DAILY ORANGE (Nov. 18, 2019, 9:27 PM), <http://dailyorange.com/2019/11/alpha-chi-rho-denies-involvement-racist-incident-ifc-expels-fraternity/>.

not go as far as it could have in pursuing these investigations by, for example, failing to speak to all possible corroborating witnesses when eliminating an individual as a suspect.

Our own review of the steps taken by DPS to investigate the bias-related incidents reached a similar conclusion. We reviewed the documentation of these investigations to determine the extent to which DPS adhered to the investigation steps outlined in its SOP for Hate Crimes and Bias Incidents. In most of these investigations, we determined that there were at least some respects in which, according to the documentation, DPS did not fully comply with the SOP. Sometimes, officers did not report having canvassed the area or having identified additional witnesses, as the SOP requires, or there was no record of the patrol sergeant's having traveled to the scene. On some occasions, DPS's incident reports were incomplete in their descriptions of the incident, including at times failing to include pictures of the graffiti. In other instances, officers did not report that they followed up with the victims to make sure they were receiving adequate support or to update them on the investigation, as the SOP also requires.

While it is not at all certain that greater compliance with the SOP would have led to apprehension of the perpetrators of these incidents, DPS leadership should make every effort to ensure that officers adhere to SOPs, which represent mandatory best practices. Moreover, more stringent and consistent compliance with the SOP might have counteracted student suspicions that DPS was not taking these incidents seriously. For example, an officer taking care to properly photograph graffiti, canvassing the areas for additional information, and speaking with witnesses would demonstrate that DPS was doing everything in its power to catch the perpetrator. Follow-up calls to victims updating them on an ongoing investigation could have had the same effect. Each time an officer failed to follow up with a victim when required, it was

not only a violation of the SOP, but also a missed opportunity to make a victim feel heard and seen by DPS.

Finally, at the time most of the bias-related incidents occurred, the individual who was acting as Lieutenant of Investigations had been promoted to Commander for Patrol Operations, but was still responsible for fulfilling his prior investigations duties. In short, the officer in charge of investigations juggled the duties of two full-time positions. Fortunately, in early 2020, DPS hired from SPD a new Lieutenant of Investigations, who had been working with DPS to investigate these incidents. The addition of a lieutenant dedicated to investigations is a positive development and should result in stricter compliance with the SOP governing investigations of bias-related incidents. The new lieutenant should also be involved in outlining for the campus community the nature of investigations in general, as well as the challenges of providing information during an ongoing investigation.

(c) *Communications About the Investigations*

Communications from DPS and the administration about the bias-related incidents generated certain recurring issues over the period of time that the bias-related incidents occurred and were investigated:

(i) “Bias-Related Incidents” Versus “Hate Crimes”

First, students pointed to DPS’s unwillingness to call many of these bias-related incidents “hate crimes” as evidence that DPS was minimizing their importance. We understand that many in DPS felt that they were not able to make the legal determination of what qualified as a hate crime, and one officer suggested that DPS needed more training in identifying hate crimes.

Recognizing that the term “hate crime” is a legally defined term that carries with it affirmative obligations and must be used with precision, Chief Maldonado, after conferring

with other outside law enforcement professionals, concluded that the graffiti incidents could only be charged as Making Graffiti and Criminal Mischief under New York law. Still, Chief Maldonado recognized that this was a point of concern for students and, with the benefit of hindsight, thought it would have been well advised to call the incidents “hate incidents.”

We believe Chief Maldonado’s suggestion to use the term “hate incidents” to refer to bias-motivated incidents could help bridge the terminology gap. Additionally, DPS officers should receive sufficient training to identify what might be a hate crime so that they can conduct a proper and thorough preliminary investigation and notify the necessary authority, consistent with the Hate Crimes and Bias Incidents SOP. This would ensure that every hate crime is appropriately identified as such. At a minimum, DPS should make publicly available an explanation of the investigative process for hate crimes and bias-related incidents, including the limits of its authority when it comes to arrest for and prosecution of hate crimes, as students did not seem to appreciate the nuances of DPS’s role in this area.

(ii) Accuracy and Thoroughness of Reports on Incidents and Investigations

The one instance of graffiti that did result in an arrest was graffiti that supported the protestors and #NotAgainSU; however, the notification announcing the arrest gave the misleading impression that the student arrested was responsible for racist graffiti. Witnesses provided conflicting accounts as to whether the notice was deliberately drafted to permit an interpretation that the student had been arrested in connection with the racist graffiti because of the strong desire on campus to see that perpetrators were being held accountable. In any case, neither DPS nor the administration issued any clarification as to the type of graffiti the student had written, and the imprecise communication regarding this incident became another instance in which students believed DPS and the administration were not being straightforward. It

undermined the community's confidence in both the accuracy of DPS's communications about the incidents and DPS's commitment to identifying those responsible for the racist graffiti.

More broadly, it is true that law enforcement generally refrains from discussing open investigations in order to avoid compromising the integrity of an investigation or divulging investigative tools. Nevertheless, DPS should consider sharing greater detail about the steps taken to investigate these incidents when feasible. For example, once it was clear that an investigation was not going to result in an arrest or apprehension, DPS could have done more to describe the investigative steps it had taken and obstacles to identifying the responsible party. DPS instead generally adhered to the practice of announcing that an incident had occurred and providing an update only if there was a development in the case—which, in the majority of cases, never occurred. As a result, students heard about incidents when they were initially reported and not again thereafter. This lack of communication caused students to conclude that DPS was doing little or nothing to pursue investigations of these incidents after they were reported. This was not the case, but—without information from DPS about the investigations—students had no way of knowing that.

Information about how investigations are conducted in general can and should be provided outside the context of ongoing investigations. As noted, the new Lieutenant of Investigations should be a part of ongoing efforts to explain how DPS works, such as in interviews with campus publications or at the CRB-sponsored annual meetings discussed below. During times of intense emotion, such as the bias-related incidents, reference can be made to prior explanations, which can also provide context for investigative steps that cannot be discussed at that time. Even when officers cannot discuss a specific case, the rationale for that position can and should be shared. This can go a long way toward dispelling the perception that

an investigation is not active or, worse, that DPS is not concerned about the fears and anxieties of those whom it is sworn to protect.

3. Barnes Center Protest

On November 13, 2019, #NotAgainSU began occupying the Barnes Center in response to the bias-related incidents on campus and what they saw as the administration's and DPS's inadequate response. The group of protesters was larger than the group that later occupied Crouse-Hinds Hall. #NotAgainSU made a series of demands, which they negotiated with the administration during the eight-day occupation of the Barnes Center. Among other things, the students demanded that the University alert the campus community of racially motivated incidents within 48 hours of their occurrence. The sense among faculty and administrators with whom we spoke was that the student body was largely supportive of the Barnes Center occupation and agreed with the protestors' demands and priorities. Although administrators had potential grounds to discipline the occupying students for staying in the building past closing time under the Campus Disruption Policy in effect at the time, they opted not to do so.

Overall, witnesses viewed the atmosphere at the Barnes Center protest as very different from the later protest at Crouse-Hinds Hall in February of 2020. Students brought in a substantial amount of food at the outset of the Barnes Center protest and were not restricted from bringing in additional food throughout the occupation. In addition, non-protesting students continued to use the Barnes Center—which contains health and wellness facilities—for its usual purposes.

Witnesses described DPS's presence at the Barnes Center as light and hands-off, with officers generally keeping their distance from students. Nevertheless, a number of students were not comfortable with the officers—who wore plain clothes and carried concealed

firearms—being present at all. Students established their own roll call by asking DPS officers to identify themselves and state whether they were armed. DPS officers generally complied with the students’ requests. Eventually, in response to students’ discomfort with DPS’s presence, officers stationed themselves either outside the building or in a separate, nearby room. Students also objected to DPS checking their IDs each evening around 1 a.m. to ensure that only people affiliated with the University were in the building after it closed. Some students told us they feared that DPS would provide their ID numbers to the administration for purposes of imposing interim suspensions. In response, DPS and administrators arranged for staff from the Division of Enrollment and the Student Experience to check student IDs instead. That is, students voiced a concern regarding policing, and the administration and DPS worked with them to find a way to manage it. In sum, our view is that DPS responded well at the Barnes Center protest.

#### 4. White Supremacist Manifesto

A significant bias-related incident occurred at the same time as the occupation of the Barnes Center: the alleged AirDrop of the Christchurch, New Zealand shooter’s white supremacist manifesto (the “Manifesto”). To be clear, after a thorough investigation, DPS concluded that the Manifesto had not been AirDropped on campus, and we have seen no evidence to the contrary. What this incident reveals, however, is a misapprehension by DPS of the fear felt by students and a failure to allay those fears with effective communications.

On Monday, November 18, 2019, just before midnight, the Manifesto was posted on the Syracuse University section of the website “greekrank.com”—a non-University Greek life forum—and then allegedly sent to the devices of several students inside of Bird Library via AirDrop. The Manifesto had originally been written and posted by the man who killed 51 people and injured dozens more at two New Zealand mosques in March 2019—eight months prior to the



posting of the Manifesto on the Greekrank website.<sup>14</sup> The Manifesto contains themes of white supremacy and hate speech against migrants.

AirDropping is a way to transfer a file from one Apple device to another. To send a file by AirDrop, the sender must be within 30 feet of the recipient.<sup>15</sup> Accordingly, in order for an AirDrop of the Manifesto to have occurred in Bird Library, the person who sent the Manifesto would have had to be physically present at the Library, or very nearby. Students, who, as a general matter, are more familiar with this type of technology, understood that, if the Manifesto had been AirDropped, then an individual in close proximity was disseminating violent hate speech that had preceded a recent mass shooting.

Importantly, the fact that the Manifesto may have been sent by AirDrop accounted for only one dimension of the students' fear. While the AirDrop rumor certainly heightened students' fear that the person who posted it was nearby, the fact that the Manifesto was posted on the Syracuse page of the online forum was extremely unnerving. The Christchurch shooter himself had posted the Manifesto online on his social media account before committing an atrocity—no AirDrop was involved. It bears noting that the current generation of students has grown up experiencing mass shooter drills in school and is acutely sensitive to the disturbing reality of school shootings in this country.<sup>16</sup>

---

<sup>14</sup> The Manifesto was posted on Greekrank.com under the username “saint\_tarrant.” Tarrant is the surname of the Christchurch shooter who authored the Manifesto.

<sup>15</sup> *Use AirDrop on Your Mac*, APPLE, INC. (last visited Feb. 17, 2021), <https://support.apple.com/en-us/HT203106>.

<sup>16</sup> For example, we are aware of one Syracuse student who is a graduate of Marjory Stonewall Douglas High School (“MSD”), which experienced a deadly school shooting in 2018. Another student with whom we spoke had attended high school near MSD, and one of her friends was killed in the shooting.

(a) *DPS's Response to the Alleged AirDrop*

DPS received the first complaint about the posting of the Manifesto on the Syracuse University section of greekrank.com on November 19, 2019, at 12:15 a.m., from a student in a fraternity house. At 1:42 a.m., an officer stationed in Bird Library reported to dispatch that students had told him they had received AirDrops of the Manifesto.

Students felt that DPS did not comprehend the level of fear they felt in response to the threat. In particular, according to students, officers failed to grasp the implications of an alleged AirDrop for the proximity of the apparent sender. Students shared with us their experience on the night of the alleged AirDrop trying to explain to DPS officers what was happening. According to one set of students, the officers did not understand the meaning of an AirDrop and instead believed that the students were just reporting an upsetting tweet on Twitter. Another student recounted being packed in the Barnes Center with other protestors when she learned of the alleged AirDrop and explained that she and other protestors were scared and not sure if they needed to call their parents and let them know what was happening. Indeed, certain DPS officers confirmed to us that they personally had not been familiar with what an AirDrop was at the time the incident allegedly occurred.

The fact of the ongoing overnight occupation of the Barnes Center by #NotAgainSU may have compounded students' fear and mistrust of DPS's response to the alleged AirDrop. At least one student who had been in the Barnes Center at the time claimed to have seen a screenshot of an alleged AirDrop attempt of the Manifesto on the phone of someone inside the Barnes Center. Others we spoke to who were in the Barnes Center at the time did not mention believing the AirDrop occurred in the Barnes Center, but did emphasize how scared those in the Barnes Center were. A DPS officer who was present at the Barnes Center that evening also recalled sensing a profound fear in the student protestors. Given the message of the

Manifesto, the purpose and demographic makeup of #NotAgainSU, and the ongoing #NotAgainSU protest, some feared that the alleged AirDrop was a direct threat against the members of #NotAgainSU.

Moreover, the slow pace of communications from the University to address the threat created a void that was filled by rumors spreading on social media and through other forms of rapid communication among students. Students did not receive a message from DPS about the alleged AirDrop until 4:12 a.m., approximately four hours after DPS received its first complaint about the Manifesto being posted online, when DPS sent out an Informational Notice stating that DPS had received multiple reports of a document purported to be a white supremacist manifesto that had been posted in an online forum and allegedly AirDropped to several individuals within Bird Library, but that the reports had yet to be confirmed. The Informational Notice further stated that there was “no specific threat” to the University.<sup>17</sup> This conclusion, meant to provide reassurance, led to confusion and concern when read in conjunction with the information that DPS was still working to confirm the reports and requesting potential witnesses to come forward. In the meantime, students—including those in the Barnes Center—were left scared and fearing that an active shooter with a white supremacist agenda might be nearby. Students’ desperation for information and reassurance—as well as that of their parents—came across in the over 700 calls and dozens of emails that DPS and the administration received overnight about the incident. These uncertain, traumatic four hours resulted in lingering mistrust about the validity of DPS’s subsequent communications that there was no credible threat to their safety. At 9:18 a.m., DPS sent out a second Information Notice reporting that DPS was working

---

<sup>17</sup> *Public Safety Informational Notice: DPS Investigating Reports of Document Allegedly Shared via AirDrop*, SYRACUSE UNIV. DPS (Nov. 19, 2019), <https://dps.syr.edu/2019/11/19/public-safety-informational-notice-dps-investigating-reports-of-document-allegedly-shared-via-airdrop/>.

with the FBI, NY State Police, and SPD to investigate the incident and reiterating that there was no credible threat to Syracuse University.<sup>18</sup>

(b) *The Investigation*

DPS ultimately conducted a robust investigation of the incident, with significant assistance from SPD, and with some assistance from the FBI and the New York State Police. After receiving reports of the alleged AirDrop, DPS worked quickly to confirm whether the Airdrop had actually occurred and, if so, who had received it. One officer, who was stationed in Bird Library at the time of the alleged AirDrop, recounted having been approached by several students reporting that the Manifesto had been AirDropped. None of them had personally received it, however. Once DPS officers had spoken with people in the library and could not identify anyone who had actually received the AirDrop, they determined that there was no “direct threat” against the University.

The investigation of the incident by DPS and its law enforcement partners did not end there. DPS dispatchers methodically followed up with every person who called DPS about the incident. The University also sent an email asking anyone who had received the AirDrop to come forward, but the only person who came forward claimed to have received an AirDrop at least two hours before the Manifesto was otherwise reported to have been sent and did not accept the AirDrop and thus could not confirm that it was the Manifesto. Others who were initially rumored or reported to have received an AirDrop of the Manifesto confirmed that they had not when subsequently contacted by SPD. The State Police identified three Syracuse area IP addresses that had downloaded files related to the Christchurch mass shooting, and SPD went to

---

<sup>18</sup> *Public Informational Notice: No Direct Threat to Syracuse University*, SYRACUSE UNIV. DPS (Nov. 19, 2019), <https://dps.syr.edu/2019/11/19/public-informational-notice-no-direct-threat-to-syracuse-university/>.

interview the people associated with those addresses. All appeared to credibly deny having posted the Manifesto. SPD also subpoenaed Greekrank.com to obtain the IP address that had posted it, but the IP address used could not be identified because of the use of an identity-obscuring VPN. The Information Technology group at the University also confirmed that no one on the University network was on Greekrank.com at the time of the post, suggesting that the post was made by someone located elsewhere.

Ultimately, DPS concluded that the Manifesto was not AirDropped, and we have not seen any evidence that contradicts this finding. Rather, it appears the Manifesto was posted in the Syracuse University section of Greekrank.com, and screenshots of the post spread rapidly among students, who then mistakenly understood that the Manifesto itself had been AirDropped. Indeed, one individual acknowledged to DPS that he took a screenshot of the post and texted it to 80 fraternity members, which likely added to the confusion.

(c) *Communications Regarding the Manifesto*

As we alluded to above, the primary problem presented by this incident was not the investigation actually conducted by DPS and its partners. Rather, the problem began with a failure to comprehend and take seriously students' concerns and expanded into a failure to provide adequate and timely information about the nature of the threat and the investigation itself. Students had a real fear that an individual in Bird Library was spreading the Manifesto by AirDrop and might become an active shooter, and they did not feel that they were receiving enough information quickly enough about this threat. In the absence of consistent communications from DPS, misinformation spread rapidly among students.

In a similar vein, students in general are not necessarily willing to take at face value DPS's assurances that they are safe, and this was certainly the case following the posting of the Manifesto. While DPS and the administration seemed to take the view that it should be

enough to tell students that there was no credible threat, students did not feel this was sufficient absent some explanation of the steps that DPS had taken to ensure that this was the case. And in fact, though DPS felt comfortable in its assessment of “no credible threat” after determining that the Manifesto was not AirDropped, there was not sufficient recognition that the posting of the Manifesto on the Syracuse University page of an online forum was itself a basis for concern.

Without a doubt, it is not easy to thread the needle of sharing timely, accurate public safety updates without causing unnecessary panic on campus or compromising an ongoing investigation. Yet, given how quickly information moves among students, especially in the current era of social media, DPS should make it a priority to issue prompt and accurate alerts at the first sign of a situation that is unsafe or perceived to be unsafe. Satisfying this priority may mean eliminating levels of approval or creating alternate approval paths before messages can go out. It may also require revealing more information about an investigation than law enforcement agencies are typically willing to do.

#### 5. Crouse-Hinds Hall Protest

The protest at Crouse-Hinds Hall in spring 2020 differed substantially from that at the Barnes Center. Whereas DPS’s role at the Barnes Center was comparatively hands-off, at Crouse-Hinds Hall the administration tasked DPS with securing the building. Because of this directive, DPS came into regular contact—and conflict—with student protestors and those supporting them and was left to implement and defend policies that it had not devised.

##### (a) *Change in Policy*

During the student protest at Crouse-Hinds Hall in the spring of 2020, the administration enforced University policies that had not been enforced at the earlier Barnes Center protest and implemented policies specific to the Crouse-Hinds Hall occupation. DPS was

tasked with enforcing these new and rapidly changing directives, which led to significant tension between officers and the student protesters and their supporters.

After THE General Body occupied Crouse-Hinds Hall for several weeks in 2014, the University decided that students would not be permitted to stay overnight in certain University buildings. The University was particularly mindful of ensuring that students would not occupy Crouse-Hinds Hall again because of the possibility of disruption to the center of the University's administrative and admissions operations. In furtherance of this policy, DPS had a standing directive to secure Crouse-Hinds Hall in the event of future protests.

Following the protest at the Barnes Center, the administration decided to enforce the Campus Disruption Policy, which had not been enforced at the Barnes Center, by prohibiting students from remaining in a building that closes overnight. The administration's decision not to communicate the change in how protests would be handled led to clashes with the Crouse-Hinds Hall protestors, who were surprised by the different approach at Crouse-Hinds Hall and wondered why this protest was different.

Moreover, as set forth below, the administration frequently adjusted the protocols at Crouse-Hinds Hall during the protest. DPS officers, who were stationed at the doors of Crouse-Hinds Hall and were charged with securing the building, were responsible for conveying the changing protocols to students, but were not equipped with justifications for the changes. Students directed their anger at DPS because DPS was the entity that students interacted with most consistently. Students even acknowledged to individual officers that the officers were following orders and not making the rules, but students nevertheless expressed their frustration that the rules were changing without adequate warning or explanation. As a result, DPS appeared to be wielding its authority in an arbitrary and opaque manner.

(b) *Suspensions*

Another issue of contention between student protestors at Crouse-Hinds Hall and DPS and the administration centered on the interim suspension letters that were issued to protestors when they refused to leave the building at its closing time. In particular, the misidentification of several students raised concerns regarding the potential use of facial recognition software by DPS. We did not find any evidence that facial recognition technology was used to identify students. Indeed, we found no evidence that DPS utilizes, owns, or licenses facial recognition software.

On the first day of the protest, February 17, administrators notified student protestors who were in Crouse-Hinds Hall that they would be placed under interim suspension if they remained in the building after closing time.<sup>19</sup> Students received warning letters that contained copies of the Campus Disruption Policy. Furthermore, an administrator informed protestors that they would be able to continue the protest at Bird Library—which is open 24 hours a day—or return to Crouse-Hinds when the building reopened at 7 a.m. the following day.

A number of protestors ultimately opted to remain in the building, and interim suspension letters were issued to about a dozen protestors late that night for violating the Campus Disruption Policy. The interim suspensions forbid students from attending classes and from being on campus, other than in their residence halls or the dining halls. Additional interim suspensions were issued the following day to student protestors who did not receive them on the first day. In all, more than 30 students received interim suspensions. The same day, University administrators also offered to revoke the suspensions in exchange for leaving Crouse-Hinds Hall

---

<sup>19</sup> Emma Folts, *SU Suspends More Than 30 #NotAgainSU Organizers*, DAILY ORANGE (Feb. 18, 2020, 1:34 AM), <http://dailyorange.com/2020/02/su-suspends-notagain-su-organizers/>; *Syracuse University Says Protesters Could Face Interim Suspension*, CNY CENTRAL (Feb. 17, 2020), <https://cnycentral.com/news/local/syracuse-university-says-protesters-could-face-interim-suspension>.



and prepared a document that would have formalized this arrangement, but no agreement was reached. The next day, February 19, Chancellor Syverud announced at a University Senate meeting that all interim suspensions of the protestors would be lifted.

Although the interim suspensions were revoked after two days, a number of witnesses took issue with the seemingly haphazard manner in which interim suspensions were handled. Most critically, four students were misidentified and received interim suspension letters despite not having been present at Crouse-Hinds Hall after the building closed. As a result, students raised questions about the method by which student protestors had been identified for interim suspension, with some asserting that the University or DPS had employed facial recognition technology.

DPS and the Division of Enrollment and Student Experience both worked to identify student protestors for interim suspension. The process appeared opaque, and the misidentifications raised significant alarm, particularly for students whose scholarships depended on their academic standing, for example. Although DPS was not the entity responsible for deciding to suspend students or managing communications about student identifications for the suspension process, DPS was the entity on the ground at the protest and was therefore presumed to be responsible for all of the misidentifications. As in other respects, by virtue of its presence at Crouse-Hinds Hall, DPS became an obvious target for students' ire.

(c) *Decisions Regarding Food and Personal Items*

Both during and after the protest at Crouse-Hinds Hall, DPS and the administration were the target of heavy criticism from students and others for the policies in

effect regarding whether food and personal items were allowed into the building during the first few days of the protest.<sup>20</sup>

The administration decided to restrict outside food from entering the building after the protest began on Monday, February 17, and this policy remained in place for approximately the first 48 hours of the protest. Building access was also restricted during this time period, meaning that only individuals with card access to Crouse-Hinds were to be allowed in during the hours the building was open.

Student protestors inside the building claimed they were being “starved” by the administration during this period, and supporters of the protestors who attempted to deliver food for them to the building during this period were rebuffed at the door, as DPS officers refused to allow people or items into the building.

Numerous administrators, however, told us that students were prepared with snacks and water when they arrived at Crouse-Hinds Hall to protest and that the University did provide food for the protestors from University catering starting approximately 26 hours after the occupation began, during lunchtime on Tuesday, February 18, the second day of the protest. The protestors declined to eat the food that was provided. Protestors whom we interviewed viewed the food provided by the administration as a negotiating tactic. Specifically, protestors asserted food was provided on the condition that students eat with DPS and the administration, and protestors therefore refused the food.

University officials we spoke with disputed that claim, and one administrator stated that—while protestors were invited to eat with administrators or officers—neither the

---

<sup>20</sup> See, e.g., Chris Hippensteel, *DPS Bars Students From Entering Crouse-Hinds, Delivering Food to #NotAgainSU*, DAILY ORANGE (Feb. 18, 2020, 10:40 AM), <http://dailyorange.com/2020/02/dps-bars-students-entering-crouse-hinds-delivering-food-notagainsu/>.

administration nor DPS conditioned the provision of food on this basis. That said, it is undisputed that the food brought for lunch was initially placed in a conference room upstairs, instead of downstairs where the majority of student protestors were congregated. The lunch was eventually brought downstairs by another administrator. Dinner was provided later that day. Approximately 48 hours after the protest began, on Wednesday, February 19, administrators reversed the decision to bar outside food from Crouse-Hinds Hall.

Based on our review, we cannot conclude that the students were deprived of food by the administration or by DPS. Although outside food was not allowed into Crouse-Hinds Hall initially, the administration did provide food for the protestors within approximately 26 hours and allowed outside food within 48 hours. We also note that students were permitted to leave Crouse-Hinds Hall at any time, but they would not have been allowed back into the building to continue their protest.

The directive not to allow items into the building originally extended to other personal items, such as clothes and medical supplies. However, the administration altered this policy before it allowed outside food into the building. Thus, DPS officers were tasked with checking bags brought to the building and removing food items—an activity that students resented.

Certain witnesses mentioned an incident in which DPS officers allegedly threw food on the ground after pulling it out of bags allowed into the building. Our review of the available video evidence of the incident in question confirms that food was taken out of bags before they were brought into the building, but there is no indication that officers then threw the food on the ground outside. Instead, it appears that the officers handed some of the food to individuals outside the building and placed one bag of food on the ground outside.

Beginning on Wednesday, February 19, the third day of the protest, DPS collected bags of food and personal items in bins outside of Crouse-Hinds and delivered them into the building. On Thursday, February 20, the fourth day of the protest, Carrier Dome security guards replaced DPS at the protest, and tensions further abated. Shortly thereafter, the building lockdown ended, although the protest continued for several weeks.

Our review indicates that DPS did not ultimately make the decision to restrict food and personal items from the building. Indeed, a number of DPS officers we spoke to expressed frustration with the decision to restrict the food and personal items from the building, and one officer told us that he overrode the ban on personal items to allow feminine hygiene products in for a group of students. The officer did not believe that he would face discipline for his conduct because he thought his supervisors would listen to him and understand that the products should be allowed in. Although DPS did not make the decision to bar these items, their enforcement of the decision to do so undoubtedly heightened tensions with protestors and fomented distrust of DPS.

(d) *Alleged Racial Profiling at Entrances to Crouse-Hinds Hall*

Community members also objected to alleged racial profiling at the entrances to Crouse-Hinds Hall during the protest. Protestors, administrators, and faculty asserted that certain University employees and faculty members of color with card access to the building were treated differently than white people trying to enter the building. Here again, DPS was tasked with enforcing opaque and shifting rules of entry. It was, however, also unclear whether DPS was exercising its discretion evenly.

The reported instances of allegedly racially disparate treatment took several forms: A witness noted that, when DPS officers initially told protestors at the start of the protest that Crouse-Hinds Hall was closed, they still allowed some people into the space, who happened

to be white. In at least two reported instances, the alleged racial profiling took the form of DPS officers at the doors allegedly assuming that Black individuals did not belong in the building and preventing them from entering into the building despite allowing non-Black individuals in during the same window. Others reported that, although individuals of color with card access were allowed into the building, they were subject to a more rigorous “screening” process than their white counterparts.

The individuals who reported experiencing this disparate treatment provided clear, credible and often emotional accounts of the events. Notably, one administrator we interviewed reported an instance of officers allowing in non-Black administrators that they recognized while stopping a Black administrator they did not.

Complicating this challenging situation, our investigation revealed what appeared to be inconsistent policies in place regarding allowing individuals without card access to enter Crouse-Hinds Hall to attend meetings or for other work obligations. To the extent that such policies did exist, it is not clear that they were communicated effectively to those attempting to enter the building. This information vacuum contributed to tensions at the protest and increased the risk that DPS officers would either actually behave—or be interpreted to behave—in a manner that evinced explicit or implicit biases. Under the chaotic circumstances at Crouse-Hinds Hall, DPS should have applied the exact same protocol to everyone who entered the building. This would have reduced the disparate impact that several University employees and faculty felt during their engagement with DPS.

(e) *Deputy Chief Sardino’s Contact with His Firearm*

A particular flashpoint occurred on the second day of the protest, when DPS Deputy Chief John Sardino struggled with students while attempting to close an exterior door on the south side of the building. Our assessment of this incident is based on a review of BWC

footage, video recordings and images taken by individuals in the crowd, and interviews with community members and the DPS officers that were present, including Deputy Chief Sardino.

Leading up to the incident, two DPS officers were stationed at the exterior door to limit entrance into the building to authorized individuals. A faculty member who was authorized to enter the building swiped into the building, which unlocked the exterior door. At that point, members of the crowd outside the building held the door open. In particular, one crowd member held their foot in the path of the door to impede the officers from closing it. For several minutes, DPS officers repeatedly asked the individual to move their foot and for the crowd to move back, so that the officers could close the exterior door. Deputy Chief Sardino joined the two officers at the exterior door, sometime after the two officers began speaking with the individual holding the door open. He explained to us that he approached the door after making eye contact with one of the officers trying to close the door and reading from her expression and the situation that it would be appropriate for him to intervene. Deputy Chief Sardino also told us that, at other points that day, people had held these doors open, and he had stepped out to close them without incident.

After a few minutes, Deputy Chief Sardino exited the building and entered the crowd to pull the door closed by placing himself between the door and the individual holding it open. Deputy Chief Sardino's firearm was holstered on his left hip, while his right side faced toward the crowd as he tried to pull the door closed. During the struggle, it appears that the jacket or other garment that Deputy Chief Sardino was wearing over his concealed firearm was being pulled upward by a member of the crowd, and he told us that he felt his holster shifting backward on his hip and was concerned that the holster could come off his belt and fall to the ground. Deputy Chief Sardino told us that he resisted the urge to resituate his weapon multiple

times during the encounter but that he eventually felt he needed to secure his weapon.<sup>21</sup> Deputy Chief Sardino said that he therefore placed his hand on his firearm to secure it on his belt.

We have looked at several angles of the incident, from BWC recordings and footage taken by members of the crowd, and our view is that Deputy Chief Sardino was executing a protective measure to secure his holster, which is a common technique taught to officers. We do not believe that Deputy Chief Sardino was intending to grab or use his firearm to intimidate or threaten the crowd. We saw no evidence nor do we believe that Deputy Chief Sardino was attempting to draw his firearm. Even so, we recognize that the incident was frightening and caused concern, fear, and anxiety among those nearby. It also became a flashpoint incident during the protest and led to increased scrutiny on the part of the protesters on the issue of disarmament.

Immediately following the incident, student protesters inside the building approached the DPS officers and accused them of having violated a prohibition on touching students. The University and DPS have not adopted a categorical prohibition on officers touching students, and indeed such a blanket prohibition would be inconsistent with activities police officers must occasionally undertake. DPS's SOP covering use of force governs an officer's ability to touch students or other members of the public. We have reviewed this SOP and concluded that Deputy Chief Sardino did not violate it by jostling with members of the crowd in an effort to close the exterior door to Crouse-Hinds Hall.

---

<sup>21</sup> Because Deputy Chief Sardino was in plain clothes, he was not wearing his duty belt, which provides greater security for a weapon than the "paddle holster" that he was wearing instead.

(f) *Other Interactions Between Officers and Students*

It is clear that tensions ran high during the protest and that both protesters and DPS officers were influenced by these tensions.

During our review of the protest, we heard several accounts of protesters in the crowd outside the building engaging in abusive conduct toward DPS officers. Specifically, protesters outside the building created a sign that directed a racial slur at a Black police officer stationed inside the building.<sup>22</sup> A different Black officer reported having been spit on and called another racial slur. Protesters outside, furthermore, taunted DPS officers about their weight and appearance. These comments—as well as the seeming impunity enjoyed by those who made them—were distressing to officers. By and large, though, officers responded to these difficult situations with restraint and professionalism.

However, there were instances in which DPS officers did not show the necessary level of restraint by, for example, making sarcastic comments. These incidents were referred to IA for investigation, and, in our view, they were handled appropriately.<sup>23</sup>

First, on the afternoon of February 18, a group of protesters formed outside the exterior door at the south entrance of Crouse-Hinds. A DPS officer was recorded entering the building at this entrance and stating to the protesters in a mocking tone, “A little cold out here, huh.” DPS conducted an IA investigation of the officer’s comment, and we believe the outcome was appropriate.

---

<sup>22</sup> *SU DPS Officer’s Union Calling for Action from the Chancellor Following Student Protests*, LOCALSYR.COM (Feb. 27, 2020, 11:28 AM), <https://www.localsyr.com/news/local-news/su-dps-officers-union-calling-for-action-from-the-chancellor-following-student-protests/> (citing union letter with photo of sign at Attachment 2).

<sup>23</sup> The DPS SOP governing Internal Affairs and Professional Standards (2010-07) provides that IA investigations are confidential. As a result, we do not discuss the details of the IA investigations and actions taken in these instances.



On the evening of February 18, DPS officers opened the exterior door at the east entrance to Crouse-Hinds in order to allow several additional officers into the building for a shift change. As DPS officers attempted to close the door, individuals in the crowd held the door open and attempted to push themselves into the building. During the struggle, an individual in the crowd yelled to throw food into the building. Subsequently, several individuals in the crowd threw several bags of food and boxes of pizza into the building, over the heads of officers and protesters. The bags and boxes struck both officers and student protesters inside the building. After the food items were thrown, a DPS officer was heard yelling, “Now look, the food is all over the floor. They ain’t gonna eat shit now.” DPS conducted an IA investigation regarding this incident, and we believe the outcome was appropriate.

\* \* \*

The deployment of DPS to the student protest at Crouse-Hinds Hall meant that DPS acted as the face of the response to the protest. It also greatly exacerbated students’ pre-existing lack of trust in and sense of connection with DPS itself, which stemmed in large part from an accumulation of concerns with DPS around transparency and accountability. As with most issues surrounding policing in society at large, tensions do not arise overnight but build until a triggering event brings them into high relief. Thus, truly healing the rifts that have been exposed will require DPS to address more than just the particular event that sparked the eruption of anger toward and distrust of DPS.

#### **B. DPS’s Commitment to Community Policing**

Consistent with U.S. Department of Justice Community Oriented Policing Services guidance, community policing is “a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively

address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.”<sup>24</sup> In our view, the leadership of the Department understands and is dedicated to a vision of community policing for DPS. The structure of the Department, however, has not developed in a manner conducive to the entire Department engaging actively in fulfilling this mission.

1. Perceptions of DPS

Chief Maldonado views DPS’s role as protecting and ensuring the safety of students—not arresting them—and his officers have largely internalized that mindset. A number of officers described their role as building relationships with and forming part of the support network for students who find themselves in a new and challenging environment away from home. This philosophy is constructive and positive, and the Department has done well to educate and train its officers in this approach. Much of the engagement between DPS and the University community is done by Chief Maldonado. He sits on the relevant public safety committees and frequently addresses different groups when there are questions about public safety issues.

Chief Maldonado has made recruiting diverse officers a priority. He has succeeded in developing a force of sworn officers that is more than 40% diverse.<sup>25</sup> This is an impressive figure, and Chief Maldonado is deservedly proud of these efforts and successes.

---

<sup>24</sup> U.S. DEP’T JUST. CMTY. ORIENTED POLICING SERVS., COMMUNITY POLICING DEFINED, (2014), <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>.

<sup>25</sup> In calculating this figure, DPS includes officers who are female, Asian, American Indian, Black, Native Hawaiian, or Latino.

Nevertheless, many in the Syracuse University community do not perceive DPS as embodying these values. In other words, there is a gap between the way that DPS believes itself to be operating and the way in which it is perceived by the community.

This gap could be narrowed if DPS were to adopt the recommendations related to community policing in this report. In particular, while some parts of DPS have pursued community engagement on a surface level, we believe DPS and the community at large would benefit from a more robust and extensive application of community policing practices, including by partnering and engaging in problem-solving with community members, throughout DPS's operations.

Currently, DPS has a small Community Policing Services Unit, which consists of one lieutenant, one sergeant, and one coordinator, who operate separately and apart from DPS's much larger Patrol Unit, which responds to calls and incidents on campus and is the principal DPS group with whom students interact. The Community Policing Services Unit remains largely unchanged since it was formed in or around 2008. We saw little evidence that the community policing model animates the day-to-day operations of the Patrol Unit or other parts of DPS, other than the Community Policing Services Unit.

Confining the community policing mission to the Community Policing Services Unit, and separating that function from the rest of DPS, results in missed opportunities for the Department, limits the effectiveness of DPS, and damages students' perceptions of its role on campus. Many students reported strongly positive interactions with the officers in the Community Policing Services Unit and wondered why the rest of the Department could not be more like those officers. In this sense, the separation of the Community Policing Services function from the rest of the force is counterproductive—that is, cabining community policing

into a small unit only serves to strengthen the community's view that the remainder of the force does not see its value.

It is our view that DPS and the campus community will benefit if the entire DPS force subscribes to and implements the philosophy of community policing, including by viewing the community it serves as its partner in problem-solving and ensuring public safety. As a result, we recommend a restructuring of the Community Policing Services Unit to allow for rotation of patrol officers through the Unit. We recommend, in addition, that the Patrol Unit incorporate community engagement as a part of patrol duty and that officers be evaluated, and promotion decisions be based, in part, on successful implementation of community policing practices.<sup>26</sup>

Similarly, we recommend that DPS establish a structure that ensures officers have sufficient time to engage the community, other than in an enforcement capacity, and to increase the level and intensity of programs designed to foster the development of relationships between officers and students. We further recommend that this engagement prioritize long-term relationship-building initiatives, such as the historical Adopt-a-Hall program in which an officer partners with a residence hall, attends floor meetings, presents on crime prevention, and has the opportunity to speak with and hear from students about public safety, which we are told ended due to a lack of resources and staffing. We believe that interactions like these would provide a stronger foundation for establishing trust than other, more episodic types of engagement, such as annual "Coffee with a Cop" programming and officer participation in one-time events like the Student Association carnival or a foosball tournament. While such events are a useful

---

<sup>26</sup> We also recommend that DPS regularly consult other agencies, including its accrediting agencies and the Department of Justice, for updated community policing resources.

complement to community engagement, they are generally too brief to provide the sustained contact and communication needed here.

These changes will take time to bear fruit. Where trust has been eroded, it cannot be rebuilt overnight. We also note that the initial community engagement efforts of DPS, which focused on the Athletic Department, took sustained, consistent engagement on the part of the assigned officer, in the face of initial mistrust, to build the current positive relationship there.

We note that DPS's CSOs and RCSOs could provide a valuable model in this connection. Witnesses told us that RCSOs, in particular, could easily engage and form relationships of trust with students in the residence halls they oversaw because the RCSOs are embedded in the community by virtue of their position and presence. Notably, DPS's recruiting of armed peace officers from the population of CSOs and RCSOs has increased. Based on our interviews, some of these new recruits, who have spent substantial time engaging with students outside of an enforcement context, demonstrate the "customer service mentality" that community members sometimes find to be lacking in DPS on the whole.

It is also critical that DPS expand its outreach to and relationship-building with campus communities that feel ill-served by DPS. To this end, DPS should consider reviving the Student of Color Advisory Committee that originated in 2019 but has languished more recently. The Committee as originally constituted was, by most accounts, not a success. Students felt that they raised concerns but observed no actions taken in response. We nonetheless believe that the reconstitution of the Committee could present a valuable forum in which students of color and DPS could engage in meaningful exchanges. While we have made other recommendations intended to increase DPS's accountability to the campus community, this Committee would represent a channel through which students of color and DPS officers could establish and

maintain open lines of communication. We suggest that the Committee meet regularly and participate in activities designed to stimulate the exchange of views, such as inviting students to attend a course or meet new officers at the DPS Campus Peace Officer Academy. We further suggest that DPS consult the Committee when sensitive or challenging issues relating to public safety arise on campus, as well as at regularly scheduled meetings.

We note that Chief Maldonado recently announced his retirement, set for July 1, 2021. The hiring of a new chief of DPS, along with the restoration of this Committee, presents an opportunity for the new chief to work with students of color to build an understanding of what public safety should look like at the University moving forward and to strategize about what role DPS can play in effectuating this vision. DPS should also consider whether it would be helpful to have additional command staff attend meetings to hear from students of color directly about their experiences with DPS officers and to better understand their concerns.

## 2. Complaints of Disparate Enforcement

Throughout our review, we heard frequent complaints, or at least a perception, that DPS polices students of color differently from white students. The primary example provided of this view is students' belief that DPS breaks up parties thrown by students of color more often than parties thrown by white students. For example, one witness recounted having seen eight DPS cars outside of a party attended by Black students, which she interpreted as DPS waiting around to break it up, and noted that she had never seen that type of DPS presence outside of a predominantly white party. To the contrary, she had observed a group of white fraternity members drinking what she understood to be alcohol right across from a University building, unbothered by DPS.

Just as persistent, however, were the denials of DPS officers that they broke up parties thrown by students of color more frequently than parties thrown by white students.

Though nearly all officers acknowledged that they had heard these complaints from students, they uniformly told us that they do not break up parties of their own accord, but do so only when they receive a complaint (all of which must be responded to by DPS). Thus, the officers assert that they are not picking and choosing which parties to break up based on the race of the attendees.

We have heard multiple explanations for the community's perception of disparate enforcement. We were told, for example, that Greek houses on fraternity row (that traditionally house mostly white students) are privately owned, so DPS does not have jurisdiction over them.<sup>27</sup> Additionally, neighboring fraternity houses are reportedly unlikely to call the police on one another, meaning that DPS is called less frequently to break up these parties. By contrast, many students of color live in apartment buildings on South Campus in which students and non-students who may be less tolerant of loud music and late night parties reside, which may account for a disproportionately greater number of noise complaints to DPS in this area.

Both administrators and DPS officers cited data assembled by DPS in response to this allegation that demonstrates that DPS does not break up parties at different rates based on race. We did not independently confirm DPS's analysis, which consisted of reviewing the BWC footage for all noise complaint responses during the spring 2019 semester. The analysis concluded that, of the six parties that were shut down during that semester, three were majority white, two were majority people of color, and one was mixed. This data, while reflecting only a single semester of data, does not support the perception that parties hosted by students of color are shut down more frequently than parties sponsored by white students.

---

<sup>27</sup> In fact, although the Greek houses are not owned by University, per the MOU between DPS and SPD, DPS is empowered to respond to calls from University community members on streets adjacent to the University campus, which includes fraternity row.

Although this data has been presented to certain groups of students (though not the entire campus community), it has not changed students' perception of how DPS polices students of color. In this vein, we note that students tend to take data provided by DPS with a grain of salt and to view it as self-serving or defensive. As such, we recommend that DPS utilize a third-party technology system to aggregate its data and present it in a dashboard format on its website, so that the information is presented in a neutral manner. Further, the data should not be posted on a page on the DPS website exclusively, but should be provided to the campus community via other communication channels, such as social media.

We also believe that publication of the data associated with breaking up parties has not dispelled the notion of disparate enforcement by DPS because it does not address another element of how DPS polices students of color that cannot be captured by numbers: the perceived disparate tone and attitude of DPS officers in their interactions with students of color, including in the context of breaking up parties. For example, one witness recalled attending a white fraternity party at which a DPS officer entered, politely told the students to bring the noise level down, and socialized with the students. The witness noted that the officer's respectful treatment and tone contrasted sharply with behavior she had observed from DPS when breaking up parties attended primarily by students of color.

In a variety of other situations, from mental health calls to safety escort service requests, students of color described officers as rude, dismissive, aggressive, or a combination of all three. Students of color told us that officers did not introduce themselves, did not smile or seem pleasant when speaking—instead communicating in harsh tones—and did not appear concerned with the students' well-being. By contrast, students of color believed that DPS is



more accommodating and purposefully communicative with white student groups, such as traditionally white Greek organizations.

This long-running source of tension is ripe for a solution based in community policing. Individual DPS officers shared with us that they had considered the root causes of this issue—in particular, the differing environments in which white students and students of color typically host parties—and had generated some ideas about ways to address that underlying issue, such as extending the hours of parties held on campus by students of color or providing alternative space on campus for “after parties,” thereby reducing the need to socialize in apartments on South Campus. Community policing encourages joint problem-solving between officers and the communities they serve, and this chronic source of students’ mistrust of DPS presents a powerful opportunity for DPS, students, and other interested constituencies to engage in a problem-solving session that examines the reasons for the ongoing conflict and explores solutions, such as alternate locations for parties.

In order to move towards a place of increased trust and collaboration between DPS and students of color, DPS should acknowledge and address this perception of disparate policing. Even if parties are shut down at the same rate regardless of race, the tone and manner in which the parties are shut down is at least as important, if not more so. More broadly, students of color fundamentally do not feel that they are treated with the same care and respect as their white counterparts, in regard not just to parties but also to their overall place within the University community. Several steps are needed to address this core issue, including but not limited to meaningful engagement through true community policing and impactful procedural justice and anti-bias trainings that acknowledge, expose, and address the grounds for mistrust between law enforcement officers and communities of color. Small but important first steps on

the part of DPS officers, like introducing oneself and engaging in conversation, and continuing through truly listening to students' perspectives will be needed to begin the long process of building the foundation of a trusting relationship between DPS and students of color.

### 3. Communications

We believe that DPS could improve its relationship with the community by working with the University communications team to communicate in a manner that students, their parents, and other members of the community would find more constructive, expeditious, and meaningful.

In particular, DPS is often in the position of issuing the initial communications about high-emotion events, like bias-related incidents or possible threats to safety, through both DPS's public safety alerts and its subsequent updates. Yet the standard law enforcement communications issued by DPS during such events, with their "just the facts" objective and tone, were not satisfactory to community members. Students, especially, felt that these communications failed to recognize the depth of their justifiable fear and distress. DPS and the administration should coordinate and strategize about how not only to convey the necessary facts surrounding an incident, but also to address the underlying issues and concerns felt by students. In doing so, they should also recognize the importance of timeliness in these communications, which were subject to numerous layers of administrative review during the events of 2019 and 2020 and were therefore received as "too little, too late," in many instances. This is especially true in the current social media era, where information (and misinformation) can spread rapidly through the community.

We understand that, going forward, DPS will have a dedicated Public Information Officer, rather than sharing an officer with the Risk Management and Environmental Health and Safety Services groups. The full-time Public Information Officer should work closely with the

University communications team to devise strategies for streamlining the communication of information related to public safety and presenting information in a tone that is more responsive to the community's needs.

#### 4. Accountability

Accountability is an important aspect of community policing. When community members do not feel that their adverse experiences with officers are responded to and taken into account, they lose confidence and trust in the police force. While DPS has a robust IA operation, its inconsistency in communicating regarding the outcomes of complaints gives rise to a perception of inaction. This is a missed opportunity to demonstrate transparency and accountability.

We reviewed several years of data and documents concerning DPS's IA processes, which are engaged when DPS receives certain complaints of officer misconduct. From the documents and information we reviewed, DPS's IA process does an effective and thorough job of investigating complaints and issuing appropriate discipline when warranted. This indicates that DPS leadership holds officers to high standards. Because community members have little visibility into the IA process, however, DPS loses the opportunity to inspire the confidence of the community that it could earn through a more transparent IA process, even as it accords appropriate deference to the privacy and confidentiality interests of both the community member asserting the complaint and the officer whose conduct is challenged.

We heard that, when an individual makes a complaint about a DPS officer, there is a lack of consistency in what, if anything, the person learns about the results of their complaint. This lack of follow-up understandably leads people to conclude that there is no real accountability for officers accused of engaging in misconduct—even though we have found the opposite to be the case. Moreover, there are instances in which an investigation exonerates an

officer accused of misconduct (through the review of BWC footage, for example), and it is to everyone's benefit that a complainant be made aware if their complaint is based on a mistaken premise or a misapprehension of DPS policy. Consequently, while we recognize the need for confidentiality in DPS officer disciplinary proceedings, we do not think that confidentiality concerns should prevent DPS from providing some form of update to complainants about the progress and disposition of their complaint. We note that the SOP governing IA requires that complainants receive periodic updates and a notification regarding the decision whether the complaint has been sustained. The investigative file should track these notifications to ensure compliance.

Under the operative SOP and current practice, only complaints in which the alleged conduct, from DPS's perspective, "significantly impeded effective departmental operations" are assigned to IA and tracked in a formal manner. Other complaints are considered "Quality of Service" complaints or inquiries and are not tracked in a central location.<sup>28</sup> The SOP, however, provides almost no guidance as to when a given complaint should be subject to an IA investigation rather than treated as a Quality of Service complaint. We recommend that DPS redefine Quality of Service complaints in a manner that distinguishes them from IA complaints, so that the SOP does not provide two separate tracks that are equally applicable to the same conduct.

We further recommend that Quality of Service complaints made to DPS be catalogued more systematically. DPS's failure to catalog the status or resolution of these complaints gives rise to at least three potential issues. *First*, complaints may fall through the cracks. DPS should acknowledge and respond to each complaint it receives; if Quality of

---

<sup>28</sup> Rather, a Quality of Service complaint about an officer is stored only in that officer's individual file.

Service inquiries are not tracked, there is a greater likelihood that complaints may go unaddressed. *Second*, it is difficult to get an accurate overview of allegations of misconduct, including any systemic patterns that leadership should address—either for an individual officer or across the Department—when there is no system for storing and tracking Quality of Service inquiries. *Third*, and relatedly, DPS cannot report accurately to the community regarding the number and nature of complaints received if it does not track certain categories of complaints formally. For all of these reasons, we recommend that DPS track in a centralized location all Quality of Service complaints, as well as the associated investigations carried out and resolutions reached.

#### 5. Role of DPS on Campus

We urge the administration and DPS to consider the overarching question of what public safety should look like at the University according to its various stakeholders—including DPS officers—and what role DPS should play in providing public safety. That process will entail evaluating whether DPS is the right organization to handle all of the tasks that are currently assigned to it.

For example, we recommend that the job of running the safety escort service for students be assigned to a body other than DPS. We heard a number of complaints from students regarding the service, and students' dissatisfaction with it contributes to their negative perception of DPS. It is not clear that operating the safety escort service requires law enforcement expertise, and some officers indicated to us that they would happily cede the responsibility to others.

DPS is also charged with delivering notices of suspensions, which, though sometimes necessary, may risk confusing law enforcement and student discipline concerns. To the extent that DPS is doing jobs for which it is not ideally suited and having negative

interactions with students in the process, this dynamic needlessly undercuts DPS's relationship with the community with respect to its core public safety mission.

Furthermore, a number of officers expressed to us that they are so busy rushing from call to call when they are on duty that they do not have time to engage in the sort of relationship-building conversations that they might otherwise have with students. If DPS officers were not asked to handle as many types of incidents, they might have more time to engage with students in meaningful and constructive ways.

#### 6. Disarmament

As part of our review of DPS's commitment to community policing, we were asked to look at the question whether DPS should be armed.

Only DPS's sworn peace officers are armed. This group includes the Patrol Unit, which comprises the officers who interact most frequently with the community. DPS also employs more than 100 Community Service Officers and Residential Community Service Officers; both groups are unarmed.

We are aware that DPS officers' carrying firearms became a flashpoint during the protests last year, and some witnesses expressed the opinion that DPS should not be armed because they did not feel safe around armed officers. The vast majority of people we interviewed, including students, faculty, administrators, and DPS officers, did *not* favor disarming DPS. Most community members and DPS officers shared the concern that, in the event of a worst-case scenario (*e.g.*, an active shooter), they would want DPS armed and available to respond immediately.

For the following reasons, we do not recommend that DPS disarm across the board:

*First*, the University has an open campus, meaning that individuals who are not affiliated with the University can easily access University grounds. Historically, crime in the city of Syracuse has crept onto campus. Indeed, a series of violent crimes on or near campus, including the murder of a University student, was the impetus for arming DPS in 2004. The University neighborhood has continued to experience crime in recent years. For example, in November 2020, a string of burglaries was reported on South Campus,<sup>29</sup> and, in October 2020, an individual was arrested for the attempted rape of a University student in Oakwood Cemetery.<sup>30</sup> In 2018, the most recent year for which data is available, the FBI reported over 1,000 violent crimes in the city of Syracuse—placing it behind only three other cities in New York State.<sup>31</sup>

*Second*, if DPS were not armed, SPD would have to step in to fill the gap. While SPD would not need to take over policing on campus entirely, it would necessarily be more involved in campus patrols and safety than it currently is. Most witnesses expressed the opinion that they would not prefer that SPD have a greater presence on campus. We also strongly believe that increased policing on campus by a municipal law enforcement department would not mitigate the tensions that have arisen relating to policing on campus.

*Third*, the use of firearms by DPS officers is exceedingly rare. Since 2016, when DPS started logging use of firearms, there have been only two incidents in which a DPS officer unholstered his or her weapon: One was to shoot a rabid raccoon, and the other occurred in

---

<sup>29</sup> Maggie Hicks, *String of Burglaries Reported in University Neighborhood, South Campus*, DAILY ORANGE (Nov. 22, 2020, 9:13 PM), <http://www.dailyorange.com/2020/11/string-burglaries-reported-university-neighborhood-south-campus/>.

<sup>30</sup> Jacob Pucci, *Naked Man in Oakwood Cemetery Attempted to Rape Syracuse University Student, Police Say*, SYRACUSE.COM (Oct. 8, 2020), <https://www.syracuse.com/crime/2020/10/naked-man-in-oakwood-cemetery-attempted-to-rape-syracuse-university-student-police-say.html>.

<sup>31</sup> *2018 Crime in the United States, Table 8, New York*, FED. BUREAU INVESTIGATIONS (last visited Feb. 17, 2021), <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-8/table-8-state-cuts/new-york.xls>.

pursuit of a burglary suspect during the commission of a crime. In the latter incident, the officer holstered his weapon without firing it.

Notwithstanding our recommendation against disarming DPS, we urge DPS leadership to consider whether there are circumstances under which DPS need not respond with armed officers. As a general matter—whether because of past personal experiences, previous encounters with law enforcement officers, varying perceptions across different communities, and issues of race, among other reasons—there are students on campus who simply do not feel safe around armed police officers. Despite the fact that we are not recommending disarming DPS as a whole, if DPS were to limit the circumstances in which armed officers interact with students, the number of fraught interactions with students would likely also decrease, and the relationship between DPS and the campus community would be enhanced.

For example, at a minimum, we recommend that armed officers not be deployed at peaceful student protests in the future, absent particular circumstances dictating otherwise, or that armed officers be deployed only in a limited fashion. When evaluating a response to speech activity, DPS and the administration should, as a general matter, begin with the lowest level of exertion of authority or force: Non-sworn officers—CSOs or otherwise—may be sufficient to facilitate speech events in the first instance. In the event of escalation, sworn officers in soft uniforms can respond, but the immediate response to speech activity does not require and should not include armed officers, barring some specific concern.

There are other student interactions that also may not require, or benefit from, the presence of armed officers, such as lock-out requests or calls about medical needs or drunk and disorderly conduct in a dormitory setting.



## 7. Leadership

We have met with Chief Maldonado multiple times over the course of our review. We have found him to be very thoughtful, to maintain an admirable focus on diversity and community policing, and to have the profound respect of his officers. Some officers described him as the best chief they had ever worked for. Moreover, he welcomed our review as providing a valuable exercise through which the Department could receive feedback and improve.

The search for a replacement for Chief Maldonado will create a new opportunity to build trust between DPS and the campus community. We recommend involving the campus community in the search and hiring process. We further suggest that experience with and knowledge of community policing should be a key component in the search for Chief Maldonado's replacement and that the issues raised by this report serve as a substantial topic of discussion in interviews.

## *Part II: Review of DPS Standard Operating Procedures*

DPS has more than 160 SOPs in effect, covering a wide range of topics. In consultation with our community policing expert, Chief Davis, we selected 26 SOPs that are particularly relevant to community policing to review in depth. These SOPs are listed in Appendix B. We have set forth below the most salient revisions that we are recommending to certain of DPS's SOPs, along with the rationale for our recommendations. We will also provide more granular comments and proposed edits directly to DPS. The recommendations and comments reflect best practices in community policing and do not necessarily arise from complaints in these areas.

As of November 2020, DPS is now certified by both the Commission on Accreditation for Law enforcement Agencies ("CALEA") and the International Association of Campus Law Enforcement Agencies ("IACLEA"). Each of these accreditations entails a review of a police department's SOPs to ensure that they meet the standards of the organization. Chief Maldonado and his officers are justifiably proud of this accomplishment, which only 26 other campus safety agencies share.

We believe, however, that DPS should look upon the standards required by CALEA and IACLEA as a floor, rather than a ceiling. In other words, there is room for DPS to adopt policies that are even more in line with principles of progressive policing than these organizations require.

### **1. DPS Duty Manual (2006-12) (revised June 2017)**

Issue: The Duty Manual directs that "all manuals, directives and other department documents are confidential." (Professional Conduct Section 1.6.)

Recommendation: We recommend that the University and DPS make DPS SOPs publicly available on the University website except in limited situations where publication could

impede DPS's ability to respond to active threats and keep the campus safe (*e.g.*, SOP 2011-47 (Active Shooter - Assault With Firearm Deadly Weapon); SOP 2007-17 (Bomb Threats-Suspicious Package Complaints)).

Rationale: DPS's SOPs guide personnel in the performance of their duties and outline their responsibilities to the Syracuse University community. These documents reflect the values, standards, rules, and principles that DPS requires its personnel to uphold. Publication of DPS's SOPs would foster trust and transparency—key components of community policing—and allow community members to understand how DPS personnel are expected to perform their duties. Increased transparency, and publication of policies in particular, was a recurring theme in our conversations with students.

## **2. Hate Crime and Bias Incidents (2007-10) (revised September 2015)**

Issue: DPS's Hate Crime and Bias Incidents procedure is “designed to assist officers in identifying hate crimes and bias related incidents that are motivated by bias toward an individual's race, gender, ethnicity/national origin, religion, sexual orientation, disability, or age and define appropriate steps for assisting victims and apprehending suspects.” This list of protected characteristics is more limited than those identified in N.Y. Penal Law § 485.05 (Hate Crimes) and the University's Non-Discrimination and Equal Opportunity Policy Statement.

Recommendation: We recommend updating the list of protected characteristics throughout the policy such that they align with the broadest coverage under both the New York Penal Law, which defines hate crimes as those committed because of an individual's perceived “race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct,” N.Y. Penal Law § 485.05, and the University's Non-Discrimination and

Equal Opportunity Policy Statement, which “prohibits harassment or discrimination related to any protected category including creed, ethnicity, citizenship, sexual orientation, national origin, sex, gender, pregnancy, reproductive health decisions, disability, marital status, political or social affiliation, age, race, color, veteran status, military status, religion, sexual orientation, domestic violence status, genetic information, gender identity, gender expression or perceived gender.”<sup>32</sup>

Rationale: DPS’s guidelines, responsibilities and procedures for handling hate crime and bias-related incident investigations should reflect the most current protected categories under University policy and New York law.

### **3. Escort Policy for Students Faculty Staff (2007-25) (revised May 2020)**

Issue: DPS’s Escort Policy for Students Faculty Staff provides that “[u]nder *suspicious circumstances* or in *high threat neighborhoods* that give the officer concern for their safety, it is permissible to slowly drive by the persons requesting escort while observing the persons and their environment and either stop a short distance away in a well-lighted location, or request and wait for the Patrol Sergeant or other backup.” (Section V.D.4 (emphasis added).) Because the policy does not define “suspicious circumstances” or “high threat neighborhoods,” this subjective standard could result in disparate policing of students of color.

Recommendation: As discussed elsewhere in the report, we suggest that the University and DPS move away from squad car response to escort requests and increase the use of Shuttle Escort services. We realize that transition may take time and recommend that the current policy be modified to provide more objective guidance in the meantime.

---

<sup>32</sup> *Non-Discrimination and Equal Opportunity Policy Statement*, SYRACUSE UNIV. (last visited Feb. 17, 2021), <https://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/non-discrimination-and-equal-opportunity-policy-statement/>.

Rationale: The safety of DPS personnel is a paramount concern. However, DPS policies should not permit subjective decision making that, when coupled with implicit or explicit bias, could result in disparate policing of minority students.

**4. Large Events, Campus Unrest/Assembly & Protests (2009-18) (revised February 2016)**

Issue: DPS's current policy regarding police procedures for Large Events, Campus Unrest/Assembly and Protests states that officers may establish protective perimeters when they "feel there is a need to direct demonstrators or protestors away from the area." (Section IV.E.9.) This standard creates subjective uncertainty as to when perimeters are necessary which can create disparate responses to similar conduct. The policy also encourages DPS to establish perimeters to control potential negative media and "avoid taking removal actions at timeframes that facilitate media access and coverage, if possible." (Section IV.J.1.b.) This language could suggest to officers that they should make a concerted effort to prevent the media from gaining access to campus protests.

Recommendation: We suggest DPS revise this policy to diminish the amount of subjective decisionmaking in establishing perimeters, for example by replacing existing language with the requirement that there be a "demonstrated need" to do so. Similarly, the policy should be revised to place the focus squarely on public safety and remove any suggestion that DPS could make tactical decisions for purposes of diminishing media coverage.

Rationale: Removing subjective standards and increasing consistent responses to similar conduct engenders reliability and trust.

**5. Internal Affairs – Professional Standards (2010-07) (revised November 2017)**

Issues: We identified two key areas in which DPS’s Internal Affairs – Professional Standards policy could be improved.

*First*, the policy defines a Category 1 Complaint as one “that alleges failure to supply services that meet the expectations of the complainant although laws, policies and procedures have been followed. Examples include alleged acts of rudeness, discourtesy, unprofessional conduct, sarcasm directed towards another person, poor attitude, or a rude and insulting demeanor.” (Section V.B.1.) This definition implies that rude, discourteous, or unprofessional conduct is *not* a violation of DPS policies and procedures, even though this is not (and should not be) the case: DPS’s Duty Manual sets forth among its values that officers will be “courteous[]” and “respectful in all interactions” and repeats these requirements throughout. (Duty Manual at 8, Part 2.1.)

*Second*, the policy creates another category of complaint, described as “routine Quality of Service complaints or inquiries,” that occur when “the infraction or action taken by the employee has not significantly impeded effective departmental operations.” (Section V.I.6–8.) These inquiries meet the policy’s definition of complaint—a “report of dissatisfaction by any person directed at an employee’s conduct or department order, procedure, or service” (Section IV.A)—but appear to be handled outside the framework of the Complaint Categories in the policy (Section V.B), based on a determination by DPS, and not the complainant, that effective departmental operations were not impeded. The SOP, however, provides almost no guidance as to when a given complaint should be subject to an IA investigation rather than treated as a Quality of Service complaint.

Recommendations:

*First*, we recommend that DPS redefine Category 1 Complaints to make clear that rudeness and lack of professionalism by officers are indeed violations of DPS policies.

*Second*, we recommend that DPS redefine Quality of Service complaints in a manner that distinguishes them from Category 1 Complaints.

Rationale: Public confidence in DPS investigations and accountability is critically important to community policing. Defining Category 1 Complaints to suggest that rude and discourteous behavior is not a violation of DPS policies is both incorrect and minimizes the experience of those complaining about unprofessional conduct by DPS officers and the impact such conduct can have. In addition, the fact that the same complaint could be deemed either a Category 1 Complaint or a Quality of Service complaint means that two separate investigatory tracks are equally applicable to the same conduct, which may render less accurate DPS's public reporting about complaints received.

**6. Disciplinary Procedures (2010-22) (revised February 2018)**

Issue: DPS's Disciplinary Procedures policy does not specify whether recommendations for punitive discipline are made according to a standardized matrix or other processes to ensure that similar offenses are disciplined similarly, with modifications to account for an officer's past conduct or other mitigating or aggravating circumstances. (Sections VII.A.1.e, VIII.D.) We understand from correspondence with DPS leadership that DPS's regular practice regarding disciplinary procedures does, in fact, incorporate sufficient safeguards to ensure consistency. In particular, an officer's immediate supervisor does not make disciplinary recommendations; rather, when a case is sustained, it is referred to the Deputy Chief, who

consults with Human Resources to ensure consistency with past resolutions and makes a recommendation to the Chief. These safeguards are not presently required by the SOP, however.

Recommendation: We recommend that DPS revise its SOP to reflect its actual practices in issuing discipline.

Rationale: Discipline should be meted out consistently to ensure that bias and favoritism play no role in encouraging and ensuring compliance with DPS policies and procedures. While DPS has an effective system in place for guarding against inconsistency, its SOP should be consistent with its actual practices.

## **7. Mental Health, Suicide, Emotionally Disturbed Persons & Incidents**

(2010-35) (revised February 2018)

Issue: The Mental Health, Suicide, Emotionally Disturbed Persons & Incidents policy provides that if an individual “appears to pose an immediate threat” an officer may “use *whatever level of force is reasonable and necessary*, (with the exception of deadly physical force unless responding to deadly force against the officer or a third party), to stop restrain and disarm the individual, including less than lethal weapons, handcuffs or other lawful means available.” (Section V.E.2.c.) The policy also provides that, if an officer believes that an individual is exhibiting signs that they may be an immediate danger to themselves or others, the officer “may use that level of force that is *reasonable, necessary, lawful and not reckless*, as specified in NYS CPL Article 35.00 to restrain the individual, to include handcuffs, to prevent the individual from harming himself/herself or others.” (Section V.H.2.b.vii.) These sections do not make sufficiently clear that officers may only use that level of force that is reasonable, *proportional*, and necessary in light of the situation at hand.



Recommendation: We recommend that the policy be modified to explicitly require that use of force always be proportional to the severity of the threat and the totality of the circumstances,<sup>33</sup> including those with mental health concerns, suicidal tendencies, or apparent emotional disturbances. (Section V.E.2.c, Section V.H.2.b.vii.)

Rationale: While the policy provides that use of force must be “reasonable and necessary,” the policy should make clear that force may be applied only if it is proportional.

#### **8. Use of Force** (2011-02) (revised June 2020)

Issue: We identified two key areas in which DPS’s Use of Force policy could be improved.

*First*, the language of the policy suggests that de-escalation tactics are optional rather than required. For example, the SOP defines de-escalation as the “philosophy and process that *allows* a law enforcement officer to attempt to resolve potential conflicts by use of procedures and communication that tends to make a more peaceful outcome possible.” (Section IV.A (emphasis added).) Further, the policy states that an officer “may *choose* to de-escalate the situation under certain circumstances that do not increase the risk to the officer or another person.” (Section V.G.7 (emphasis added).) De-escalation does not appear in DPS’s “decision making guide for use of force.” (Section V.F.2.)

*Second*, the SOP identifies only limited situations in which an officer must report use of excessive force by another officer. As written, the SOP requires reporting to a supervisor only when the officer witnesses excessive force utilized by a colleague and cannot intervene. The policy states: “When an officer observes the use of excessive force by another officer and

---

<sup>33</sup> See Police Exec. Rsch. F., *Guiding Principles on Use of Force* 52 (2016), <https://www.policeforum.org/assets/30%20guiding%20principles.pdf> (Policy No. 3).

the conditions to intervene are neither reasonable, nor safe, the officer is directed to report their observations to their immediate supervisor at the earliest safe opportunity to do so.”

(Section V.B.1.)

Recommendations:

*First*, we recommend making clear that de-escalation is required whenever time and the totality of circumstances permit.<sup>34</sup> De-escalation should include time, distance, and cover tactics. (Section IV.A, Section V.G.6, 8, If-Then Chart.)

*Second*, we recommend modifying the SOP to state that (1) DPS officers have an affirmative duty to intervene, when practical, whenever they observe the use of excessive force by another officer; and (2) must report any excessive force to a supervisor, regardless whether the officer is able to intervene and de-escalate the situation.<sup>35</sup> (Section V.B.1.)

Rationale: The policy should be revised to match community policing best practices in emphasizing de-escalation and steps to stop or report the use of excessive force.

**9. Sexual Assault Investigation** (2011-41) (revised January 2018)

Issue: When describing officers’ duties during a sexual assault investigation, DPS’s Sexual Assault Investigation policy calls on officers to “confirm the reported sexual assault,” “determine if a crime has been committed,” and “verify the elements of the crime while continuing to observe all conditions, events and remarks made for consistency and additional information recalled.” (Section V.E.1, 4, 8(a).) These requirements, which are to take place as part of the preliminary investigation, could be read to suggest that officers should start from a

---

<sup>34</sup> See *id.* at 40 (Policy No. 4).

<sup>35</sup> See *id.*

place of disbelief of the victim and that officers should test the victim's credibility during their preliminary investigation and initial conversations.

Recommendations: We have two recommendations to improve DPS's sexual assault investigation processes.

*First*, we recommend rephrasing the policy to make clear that the victim should not be treated with suspicion during the preliminary investigation, that officers should prioritize documenting the reported crime and gathering evidence at that juncture, and that it is not the job of officers conducting a preliminary investigation to make credibility determinations about victims or witnesses. (Section V.E.1, 4, 8(a).)

*Second*, we recommend that DPS ensure that all officers are trained in trauma-informed sexual assault investigation procedures so that they respond appropriately to victims of sexual violence.

Rationale: Across the country, sexual assaults go vastly underreported. DPS should seek to strengthen the capacity of officers to provide effective response to victims. The policy should be modified to require officers to proceed promptly to the scene to conduct a preliminary investigation, contact the victim, secure evidence, and document the initial report. In addition, trauma-informed training may aid officers in responding to other sensitive situations, such as bias-related incidents.

#### **10. Body-Worn Cameras (2015-02) (revised May 2018)**

Issue: DPS's BWC policy requires, on a weekly basis, that supervisors randomly review BWC recordings to ensure that "the equipment is operating properly, that members are using the device properly and performing in accordance to DPS policy." (Section V.D.2.)

Recommendation: We recommend that this existing BWC review be expanded to ensure that officers are adhering to their training and operating in a professional and safe manner. (Section V.D.2, 8.)

Rationale: BWC footage can be an excellent tool to monitor and train personnel. To the extent a review is already being conducted to ensure device functionality and compliance with BWC requirements, the review could be easily expanded to ensure that officers are adhering to other policies and procedures and conducting themselves in a safe and professional manner when engaging with members of the community.

***Part III: Recommendation for Syracuse University Department of Public Safety Community Review Board***

On June 9, 2020, Chancellor Syverud directed DPS to form a Public Safety Citizen Review Board.<sup>36</sup> The University subsequently asked Paul, Weiss to propose a structure for this Board.

On September 18, 2020, we shared with the Syracuse community a preliminary draft outline of the powers, functions, and composition of the Syracuse University Department of Public Safety Community Review Board (“CRB” or the “Board”). We solicited feedback from the community on our proposal in several different ways, including by hosting three town halls at which we presented the initial proposed framework for the CRB and received feedback from attendees. We also received a number of suggestions via email. The University Counsel’s office also passed along to us helpful questions and comments received from members of the Board of Trustees and from administrators.

As we stated when we released our proposed framework, the structure, powers, and membership that we are recommending for the CRB are based on our review of similar boards in place at peer schools; however, we have tailored the features of the Syracuse University CRB to suit the particular needs and existing infrastructure of the Syracuse community. We believe the CRB’s powers are commensurate with the strongest university CRBs nationwide.

We are now prepared to present a recommended structure. The Bylaws and Procedures that will govern the work of the CRB are attached to this report as Appendix C. We summarize the key features of the CRB below.

---

<sup>36</sup> Chancellor Kent Syverud, *Confronting Anti-Black Racism in Our Community*, SYRACUSE UNIV. NEWS (June 9, 2020), <https://news.syr.edu/blog/2020/06/09/confronting-anti-black-racism-in-our-community/>.

## **A. Powers and Mandate of the CRB**

We recommend that the CRB have three main responsibilities: (1) review appeals of the dispositions of civilian complaints against DPS officers; (2) review and comment on prospective new SOPs and trainings that relate to interactions with the University community; and (3) review key community-facing functions of DPS and issue to the University community a public annual report of findings and recommendations.

### **1. Appeals of Dispositions of Civilian Complaints**

Members of the University community are empowered to make complaints against DPS officers through DPS's IA system. These complaints are investigated by DPS. We recommend that, if either the member of the University community or the DPS employee subject to the investigation is unsatisfied with the disposition resulting from DPS's IA investigation, they may appeal the disposition to the CRB.

Upon receipt of an appeal, the CRB will convene a meeting to hear and deliberate on an appeal within 30 days of receipt of the notice of appeal form. Subject to any privacy laws, the CRB is empowered to review the following materials to the extent they constitute part of the underlying completed investigation record: Complaint/Allegation Form; relevant incident reports; written statements or affidavits by witnesses and parties; audio/call log, including recordings from the Emergency Communications Center; video footage (from security cameras, BWCs, or other sources); and other relevant evidence. In reviewing a disposition, the CRB may: (a) agree with the disposition; (b) disagree with the disposition and recommend an alternative disposition; or (c) recommend reopening the investigation.

Within fourteen days of the appeal hearing, the CRB will submit a brief written analysis of the complaint and investigation and its recommendation as to whether to uphold

DPS's findings to the Chancellor or the Chancellor's designee for a final determination as to the disposition.

To ensure the privacy of those involved, at all times CRB members will keep strictly confidential all facts, materials, identities, deliberations, and the CRB's recommendations. The CRB will, however, report on appeals considered during its annual term in an anonymized fashion.

2. Review of New or Modified SOPs and Trainings

We recommend that the CRB have the power to review and comment on any prospective: (1) new DPS SOPs, (2) revisions to SOPs, and (3) trainings to be administered to DPS employees that relate to interactions with the community (collectively, "Prospective SOPs and Trainings"). With limited exception, DPS must present all Prospective SOPs and Trainings to the CRB for review and comment prior to their implementation. In the event that DPS is legally required to implement a Prospective SOP or Training before the process described below can be completed, DPS will present that new Prospective SOP or Training to the CRB for review and comment as soon as practicable after implementation of the Prospective SOP or Training. For certain Prospective SOPs or Trainings, the publication of which in whole or in part may pose a significant risk to the safety of the University (*e.g.*, those pertaining to active shooters or terrorist incidents), the Chief of DPS may engage in additional consultation with the CRB to determine which portions of such Prospective SOPs or Trainings—if any—will be reviewed by the CRB or presented for public comment. In the event of disagreement, for purposes of ensuring safety, the Chief of DPS will retain final authority regarding disclosure of such Prospective SOPs or Trainings to the CRB.

After DPS notifies the Board of a Prospective SOP or Training, the Board will promptly convene a public meeting at which DPS will present the Prospective SOP or Training

and the public will be allowed the opportunity to comment. In order to gather input from those individuals who choose not to speak or cannot attend the public meeting, the Board will also accept questions that are submitted by email from University community members. Within 30 days of the public meeting, the CRB will issue a written statement either: (i) recommending approval of the Prospective SOP or Training; or (ii) recommending specific changes to the terms of the Prospective SOP or Training.

The decision whether to approve and implement a Prospective SOP or Training or recommended changes to a Prospective SOP or Training will remain in the discretion of the Chief of DPS. The Chief will not be obligated to adopt the Board's recommendations. However, to the extent the Board recommends changes to the terms of a Prospective SOP or Training, the Chief of DPS will respond in writing to the Board within 30 days of receiving such recommendations and explain whether DPS will adopt or reject the Board's recommendations and why.

### 3. Annual Report to the University Community

We recommend that the CRB, on an annual basis, prepare a report regarding the following topics and events during its annual term: (i) appeals of complaints considered by the CRB; (ii) completed DPS investigations, including any patterns of conduct that may be observed in those complaints and investigations; (iii) DPS files regarding public comments from civilian members of the University community concerning DPS employees; (iv) DPS weapons use reports; (v) bias-related incident reports for completed investigations; and (vi) in the CRB's discretion, additional topics of concern that it identifies or that are raised by the University community. After its first year, the CRB will prepare and publish its report summarizing its findings and recommendations on the above topics no later than June 1. The annual report will track trends in the materials reviewed and make policy recommendations based on the



information supplied in the materials reviewed. The annual report will discuss these topics in an anonymized fashion.

## **B. Composition**

We propose that the CRB be comprised of eleven members, reflecting a diverse population from a range of University constituencies, who will all serve two-year staggered terms. The CRB's membership will consist of: three undergraduate students; two graduate students; two faculty members; two administrators; and two staff members. Undergraduate students will be selected by the president of the Student Association. One graduate student member will be selected by the president of the Graduate Student Organization, and one graduate student member will be selected by the executive president of the Student Bar Association. Faculty members will be selected by the University Senate. Administrators will be selected by the Chancellor or the Chancellor's designee. Staff members will be selected by the University's Chief Human Resources Officer.

The CRB will also feature a chairperson and vice-chairperson who will be responsible for convening meetings and will preside at all CRB meetings. Members will elect the chairperson, who will serve a one-year term. Any member of the CRB is eligible to serve as the chairperson. The vice-chairperson will not be from the same member category as the chairperson and will be the member who received the next most votes after the chairperson.

We thought very carefully about the composition of the CRB. We deliberately structured it so that students are the single largest group, in recognition of the critical role that students will be expected to play on the CRB. We also designed the CRB as a body that would ensure DPS's accountability to the entire university community, including students, faculty, non-faculty staff (such as those who work in dining halls and to keep the University clean), and administrators. Because all of these different constituencies make up the University community,

we think it is important for their perspectives to be heard and for them to have a seat at the table in resolving appeals, commenting on policies that affect the entire community, and identifying trends in the way DPS operates in the community.

\* \* \*

We would like to offer our sincere thanks for the opportunity to work with the University and DPS on this review. Based on our review, we are confident that, with commitment, a willingness to adapt, and the support of the entire University, DPS can become a leader in community policing and public safety.

## *Appendix A – Recommendations*

In consultation with Chief Davis, we propose a number of recommendations for the University, and DPS in particular, to consider implementing. Many of these recommendations are also discussed in the body of our report.

### 1. Community Policing

*Recommendation 1:* Community policing should not be limited to a specific unit of DPS, as is currently the case. Instead, community policing should be the guiding philosophy for all DPS officers. Specifically, it should be every officer's responsibility to build trusting relationships and engage in collaborative problem-solving and crime prevention efforts with the campus community. As such, the current Community Policing Services Unit of DPS should be restructured to provide for the rotation of patrol officers through that unit. In addition, patrol officers should have community policing and engagement included in their duty assignments, with time provided for these duties and these duties factored into officers' evaluations.

*Recommendation 2:* Once the pandemic ends, DPS should reinstate previously existing programs aimed at community engagement. In particular, these programs should prioritize long-term relationship-building initiatives, such as the historical Adopt-a-Hall program in which an officer partners with a residence hall, attends floor meetings, presents on crime prevention, and has the opportunity to speak with and hear from students about public safety, over episodic and sporadic types of engagement. We also urge DPS to think creatively about new programs that encourage interactions between DPS and the community outside of the enforcement context. That said, community engagement is only one part of community policing, and programs like these are necessary but not sufficient for DPS to become a community policing organization at the highest level.

*Recommendation 3:* We recommend that DPS consider reviving the Student of Color Advisory Committee. The Committee, which originated in 2019, does not appear to have succeeded at improving the relationship between DPS and students of color, largely because students did not feel that DPS was responsive to the concerns they raised. We nonetheless believe that the reconstitution of the Committee could present a valuable forum in which students of color and DPS could engage in meaningful exchanges. While we have made other recommendations intended to increase DPS's accountability to the campus community, this Committee would represent a channel through which students of color and DPS officers could establish and maintain open lines of communication. We suggest that the Committee meet regularly and participate in activities designed to stimulate the exchange of views, such as inviting students to attend a course or meet new officers at the DPS Campus Peace Officer Academy. We further suggest that DPS consult the Committee when sensitive or challenging issues relating to public safety arise on campus, as well as at regularly scheduled meetings.

Given that DPS will have a new chief beginning in the next academic year, the restoration of this Committee presents an opportunity for the new chief to partner with the community. DPS should also consider whether it would be helpful to have additional command staff attend meetings to hear from students of color directly about their experiences with DPS officers and to better understand their concerns.

*Recommendation 4:* DPS should make public all policies and procedures on its website, as it has done with the Use of Force SOP, unless doing so poses a direct threat to officer or public safety. Posting these policies creates greater transparency and opportunities for dialogue with and feedback from the community, all of which builds trust.

## 2. Communications

*Recommendation 5:* DPS leadership, including the new Lieutenant of Investigations, should develop a strategy for communicating with the community about how investigations are conducted in general and about particular cases or investigations once they are closed (or functionally closed). In particular, the campus community would benefit from hearing about the investigations conducted by DPS of the bias-related incidents, including reasons for the difficulty identifying the perpetrator or perpetrators and the challenges of providing information during an ongoing investigation. The annual meeting to be held by the CRB would present a good opportunity for the sharing of this information.

*Recommendation 6:* DPS should work with the University communications team to streamline the process of issuing communications about public safety to campus. The number of people whose approval was required to issue a communication about the bias-related incidents resulted in communications that were not timely. Relatedly, DPS and the communications team should coordinate and strategize about how not only to convey the necessary facts surrounding an incident, but also to address the underlying issues and concerns felt by students. The fact that the University has one of the best communications schools in the country presents an opportunity for synergy.

*Recommendation 7:* Relatedly, DPS should also develop greater expertise and strategies for using social media in its communications with the community and to students, in particular. Social media is the means by which this generation of students is most comfortable receiving information, so DPS should meet them there.

*Recommendation 8:* Housing materials provided to students at the beginning of each semester, including those students who live off-campus, should include information on the

respective jurisdictions of DPS and SPD. Although this information is already available on the DPS website, students do not seem to have a clear understanding of it.

### 3. Complaints and Accountability

*Recommendation 9:* Under the operative SOP and current practice, only complaints in which the alleged conduct, from DPS’s perspective, “significantly impeded effective departmental operations” are assigned to IA and tracked in a formal manner. Other complaints are considered “Quality of Service” complaints or inquiries and are not tracked in a central location. The SOP, however, provides almost no guidance as to when a given complaint should be subject to an IA investigation rather than treated as a Quality of Service complaint. We recommend that DPS redefine Quality of Service complaints in a manner that distinguishes them from IA complaints, so that the SOP does not provide two separate tracks that are equally applicable to the same conduct. We further recommend that DPS formally track in a central location all Quality of Service complaints, as well as the associated investigations carried out and resolutions reached. Even if a complaint is determined to be unfounded by, for example, review of BWC footage, the complaint and its disposition should still be recorded.

*Recommendation 10:* Without compromising the confidentiality of DPS IA processes set forth in SOP 2010-07 or any legal protections, DPS should consistently provide an update of some form to a complainant about the progress and disposition of their complaint (whether it is addressed through the IA process or otherwise). Indeed, the SOP governing IA requires that complainants receive periodic updates and a notification regarding the decision whether the complaint has been sustained. The investigative file should track these notifications to ensure compliance.

*Recommendation 11:* While the DPS website already makes clear how to file a Citizen Complaint Form and what to expect from the complaint review process, the website should also set forth how to appeal a finding to the CRB, once it has been constituted.

4. Responding to Bias-Related Incidents and Other Sensitive Calls

*Recommendation 12:* Leadership should audit DPS officers' performance in responding to student calls to ensure that officers are empathetic and working to foster open communication—even more so in the context of bias-related incidents and other sensitive interactions between students and DPS. Leadership should audit DPS officers' performance in this area by periodically selecting for review BWC footage of responses to student calls or complaints, when available, and assessing the responding officer's attitude toward the complainant, or through supervisor follow-up with a complainant about their experience with an officer in an individual case.

*Recommendation 13:* DPS leadership, in particular the new Lieutenant of Investigations, should make every effort to ensure that officers are fully complying with DPS's very comprehensive SOP governing the investigation of bias-related incidents and hate crimes.

*Recommendation 14:* We recommend adopting the suggestion of Chief Maldonado that DPS adopt the use of the term "hate incidents" to refer to bias-motivated incidents that, for one reason or another, cannot be characterized as hate crimes. Additionally, DPS officers should receive sufficient training to identify what might be a hate crime so that they can conduct a proper and thorough preliminary investigation and notify the necessary authority. DPS should also make publicly available an explanation of the investigative process for hate crimes, including the limits of its authority when it comes to arrest for and prosecution of hate crimes.

5. Hiring, the Academy, and Ongoing Training and Performance

*Recommendation 15:* We applaud DPS for tailoring its training academy for new officers to emphasize community policing and the skills and values needed on a college campus. Even so, we recommend focusing even more on the areas of community policing and problem-solving, the investigation of hate crimes and bias incidents, victim and witness engagement, and facilitating speech events, including mass demonstrations, by adding more hours of training on these topics during the academy.

*Recommendation 16:* DPS officers should receive training in procedural justice, victim and witness engagement (including trauma-informed policing), and anti-bias or implicit bias training on a regular basis as part of their continuing professional development. These trainings should also address the tone of interactions with students from different backgrounds.

*Recommendation 17:* We give credit to DPS for evaluating its Public Safety Officers on responsibilities including “ensuring departmental standards for community policing are met,” and “[e]ngages in community oriented policing, interacting with students, faculty, staff, visitors and members of the public” on officers’ Performance Partnership evaluation forms. We recommend adding for evaluation elements of community policing other than community engagement, such as problem solving and procedural justice.

6. Addressing Campus Protests

*Recommendation 18:* DPS and the University would benefit from a better defined, well-publicized protocol for how the administration will make decisions about responding to a student protest. Decisions made about responding to an individual protest and DPS’s expected role in that response should be shared before the protest begins.<sup>37</sup>

---

<sup>37</sup> We understand that the University has already formed a Student Activism Engagement Team (“SAET”), which will “facilitate protest while helping students ensure that their actions remain within their responsibilities to the



*Recommendation 19:* When evaluating a response to speech activity, DPS and the administration should, as a general matter, begin with the lowest level of exertion of authority or force: Non-sworn officers—CSOs or otherwise—may be sufficient to facilitate speech events in the first instance. In the event of escalation, sworn officers in soft uniforms can respond, but the immediate response to speech activity does not require and should not include armed officers, barring some specific concern.

7. Operations

*Recommendation 20:* DPS should stop the practice of using plain clothes details when officers are assigned to police or provide security at protests or are assigned to any other enforcement action or event. This practice is unsafe, in that plain clothes officers are not easily identifiable as police. Therefore, in response to an enforcement action that an officer attempts, community members may resist or not submit because they do not know the person with whom they are interacting is an officer. Moreover, some students interpret this as an attempt by DPS to infiltrate student gatherings or hide their identities as officers. In addition, wearing plain clothes generally involves the use of less secure holsters and restrict officers from carrying other less lethal tools and restraints that are required on uniform duty belts. Finally, officers in plain clothes are less identifiable, making it more difficult for a person to make a complaint about an officer's actions.

We appreciate that DPS's intent is to use plain clothes details as a means of de-escalating tense situations. Because of the issues presented by the use of plain clothes details,

---

community.” *Syracuse University Establishes Team to Support and Engage Student Activists*, SYRACUSE UNIV. NEWS (Aug. 21, 2012), <https://news.syr.edu/blog/2020/08/21/syracuse-university-establishes-team-to-support-and-engage-student-activists/>. We believe the SAET can provide a helpful foundation for the implementation of this recommendation.

however, we recommend instead that DPS consider the use of “soft” uniforms to achieve this objective.

*Recommendation 21:* DPS should implement a third-party law enforcement technology program accessible via DPS’s website that tracks, for example, crime statistics and officer call reports. These platforms present data regarding dispatch calls and officer activity in an objective manner. Further, the data should not be posted on a page on the DPS website exclusively, but should be provided to the campus community via other communication channels, such as social media.

*Recommendation 22:* DPS should not operate the campus safety escort service. The service does not require public safety expertise and is the source of a notable number of the negative interactions between students and DPS.

*Recommendation 23:* DPS should consider whether there are certain types of calls that do not require a response from an armed peace officer. For example, CSOs might be equipped to respond to lock-out requests or certain other routine calls from dormitories.

*Appendix B – List of SOPs Reviewed*

- 2006-12 Duty Manual
- 2007-10 Hate Crime And Bias Incidents
- 2007-23 Release of Reports Created by the DPS
- 2007-25 Safety Escort Policy for Students, Faculty and Staff
- 2007-35 Terrorist Incident
- 2007-45 Staffing Patrol Zones/Modes Of Patrol, Patrol Staffing Levels
- 2009-10 Field Training and Evaluation Program
- 2009-18 Large Events, Campus Unrest/Assembly & Protests
- 2009-19 Bias Based Policing
- 2009-20 Video Monitoring and Recording: Closed Circuit Television (CCTV) & In-Car Camera Video
- 2010-02 Field Interviews / Trespass Orders (Code 28)
- 2010-07 Internal Affairs – Professional Standards
- 2010-17 Crime Prevention & Community Relations
- 2010-21 Search and Seizure
- 2010-22 Disciplinary Procedures
- 2010-29 Dissemination/Protection of Sensitive Information
- 2010-35 Mental Health, Suicide, Emotionally Disturbed Persons & Incidents
- 2011-02 Use Of Force
- 2011-12 Performance Evaluation System
- 2011-13 Criminal Investigations, Administrative Audits
- 2011-20 Victim and Witness Assistance
- 2011-41 Sexual Assault Investigations
- 2011-50 SPD/DPS Joint Operational Procedures
- 2011-64 Recruitment and Selection
- 2015-02 Body-Worn Cameras (BWC)
- 2016-08 Personnel Early Intervention System

**Syracuse University Public Safety Community Review Board**  
**Bylaws and Procedures**

**I. PURPOSE**

Syracuse University establishes the Syracuse University Public Safety Community Review Board, a complaint and policy review committee for the Syracuse University Department of Public Safety (“DPS”). The purpose of the Board is to provide community input and accountability for DPS.

**II. DEFINITIONS OF TERMS**

The following definitions shall apply in these procedures:

1. Administrator. A member of the University Leadership Team. A list of the members of the University Leadership Team can be found here: <https://chancellor.syr.edu/university-leadership-2/university-leadership-team/>.
2. Bias Related Incident Report. Shall have the same definition as in SOP 2007-10 (Hate Crimes and Bias Incidents) § IV.G. An account of a bias related incident.
3. Board. The Syracuse University Public Safety Community Review Board.
4. Complainant. Shall have the same definition as in SOP 2010-07 (Internal Affairs – Professional Standards) § IV.B. Any person who initiates or otherwise forwards a Complaint.
5. Complaint. Shall have the same definition as in SOP 2010-07 (Internal Affairs – Professional Standards) § IV.A. A report of dissatisfaction by any person directed at a DPS Employee’s conduct or department order, procedure, or service.
  - (a) Civilian Complaint. A complaint made by an individual who is not a DPS Employee.
6. Disposition. The recommended finding by DPS after the completion of an internal affairs/professional standards Investigation as to whether a Complaint is sustained. Examples of Dispositions include Exonerated, Misconduct Not Based on Original Complaint, Closed by Investigation – Unable to Substantiate, Policy/Procedural Failure, Sustained, and Unfounded, as defined in SOP 2010-07 (Internal Affairs – Professional Standards) § V.N.2.

7. DPS. Syracuse University Department of Public Safety.
8. DPS Employee. Shall have the same definition as in SOP 2010-07 (Internal Affairs – Professional Standards) § IV.C. All sworn officers, Fire and Life Safety Services (FLSS) members, NYS security guard status employees, and civilian staff whether full-time, part-time, or temporary.
9. DPS Weapon Use Report. Shall have the same definition as in SOP 2008-18 (Firearms) § V.A.11. DPS Peace Officers are required to prepare and submit a Weapon Use Report whenever they are required to unholster (draw) their handgun, or remove or handle any firearm in the line of duty regardless of the circumstances. This includes the precautionary drawing or display of a firearm such as when conducting a burglary-related building sweep or during a high-risk traffic stop.
10. Faculty. A Professor, Associate Professor, Assistant Professor, Teaching Professor, Associate Teaching Professor, Assistant Teaching Professor, Professor of Practice, Associate Professor of Practice, Assistant Professor of Practice, Instructor, Research Assistant Professor, Research Associate Professor, Research Professor, Faculty Fellow, Post Doctorate, Part-Time Instructor, or Adjunct, who is not an Administrator.
11. Good Standing. For Undergraduate Students and Graduate Students, Good Standing means in compliance with the University Good Standing Requirement, which can be found here: <https://policies.syr.edu/policies/academic-rules-student-responsibilities-and-services/good-standing-requirement/>. For Faculty, Administrators, and Staff, Good Standing means clear of any negative disciplinary status.
12. Graduate Student. A student enrolled in Syracuse University’s graduate or professional programs, including the College of Law.
13. Graduate Student Organization. The Graduate Student government, known as the Graduate Student Organization.
14. Investigation. Shall have the same definition as in SOP 2010-07 (Internal Affairs – Professional Standards) § IV.E. An official inquiry into an allegation of DPS Employee misconduct for the purpose of identifying offenders or gathering evidence.
15. Member. Any duly appointed member of the Board.
16. Prospective SOPs and Trainings. Any prospective: (1) new DPS standard operating procedures or policies (“SOPs”); (2) revisions to SOPs; or (3) trainings to be administered to DPS Employees, that relate to interactions with the community.
17. Staff. A University employee who is not an Administrator or Faculty.

18. Standard Operating Procedures (“SOPs”). Any DPS departmental policies and procedures maintained as “Standard Operating Procedures.”
19. Student Association. The undergraduate student government, known as the Student Association.
20. Trainings. Any trainings administered to DPS Employees.
21. Undergraduate Student. A student enrolled in Syracuse University’s undergraduate program.
22. University. Syracuse University.

### **III. MEMBERSHIP**

The membership of the Board is designed to reflect the University community. Members shall be selected according to the criteria described in this section, with consideration given to the need for, and importance of, diversity on the Board, including, but not limited to, creed, ethnicity, citizenship, sexual orientation, national origin, sex, gender, disability, marital status, political or social affiliation, age, race, color, veteran status, military status, religion, sexual orientation, gender identity, and gender expression.

DPS Employees are ineligible to serve as Members of the Board.

#### **A. Membership Composition and Term Limits**

1. The Board shall consist of the following Members:
  - (a) Three (3) Undergraduate Students serving two-year staggered terms;
  - (b) Two (2) Graduate Students serving two-year staggered terms;
  - (c) Two (2) Faculty serving two-year staggered terms;
  - (d) Two (2) Administrators serving two-year staggered terms; and
  - (e) Two (2) Staff, serving two-year staggered terms.

#### **B. Eligibility and Selection of Members**

1. Members must be in Good Standing with the University.
2. Individuals interested in serving as Members shall complete a short application articulating their interest in the role.
  - (a) This application shall be published on the University’s website. Applicants shall submit the completed application to an individual to be designated by the Chancellor, who shall be responsible for

routing all applications to the applicable individuals or entities responsible for appointing Members.

3. Members shall be selected by the following individuals or entities from among the pool of applicants.
  - (a) *Undergraduate Students.* Such Members shall be selected by the president of the Student Association.
  - (b) *Graduate Students.* One such Member shall be selected by the president of the Graduate Student Organization, and one such Member shall be selected by the executive president of the Student Bar Association.
  - (c) *Faculty.* Such Members shall be selected by the University Senate.
  - (d) *Administrators.* Such Members shall be selected by the Chancellor or the Chancellor's designee.
  - (e) *Staff.* Such Members shall be selected by the University's Chief Human Resources Officer.
4. In the Board's inaugural year, absent scheduling conflicts or an agreed upon extension of these deadlines, interested individuals shall submit membership applications by April 1, 2021, and the individuals or entities responsible for selecting Members from the pool of applicants must select Members from the pool of applicants by May 1, 2021. The Board shall hold an inaugural meeting as soon as practical after selections are made, and in any event no later than June 1, 2021.
5. Upon formation of the Board, one Member from each of the following categories shall be appointed to serve a term ending on June 30, 2022, in order to establish the staggered nature of the terms.
  - (a) Undergraduate Student
  - (b) Graduate Student
  - (c) Faculty
  - (d) Administrator
  - (e) Staff

Upon formation of the Board, the remaining Board Members shall serve until June 30, 2023.

6. Thereafter, Members will serve two-year terms, beginning on July 1. Membership applications must be submitted by May 1. Members must be selected by June 1.
7. In the event that there are no applicants for a Member category, or that there is an insufficient number of applicants to appoint a full number of Members for a category, the individuals or entities responsible for selecting Members in that category shall appoint qualifying individuals as Members.

#### **IV. DUTIES OF MEMBERS AND OFFICERS**

##### **A. Officers**

1. The Board shall have two officers:
  - (a) *Chairperson.* One Member of the Board shall serve as a Chairperson.
    - (i) Members of the Board shall each year elect the Chairperson by a majority vote of the current Members, and the Chairperson shall serve in this position for a one-year term.
    - (ii) The election of any future Chairperson shall be at least one month prior to the expiration of the term of the incumbent Chairperson.
    - (iii) Any Member of the Board is eligible to serve as Chairperson.
  - (b) *Vice-Chairperson.* One Member of the Board shall serve as a Vice-Chairperson.
    - (i) The Vice-Chairperson may not be from the same Member category, as set forth in Art. III, § A.1, as the Chairperson.
    - (ii) The individual not from the same member category as the Chairperson who received the next most votes for the office of the Chairperson shall be named Vice-Chairperson. If no such Member exists, there will be a separate election for Vice-Chairperson by majority vote of the current Members.
2. Duties of the Chairperson and the Vice-Chairperson:
  - (a) The Chairperson shall preside at all meetings and shall decide points of order, subject to the provisions of these Bylaws and Procedures. The Chairperson shall ensure that all meetings are conducted in an efficient and respectful manner. If the



Chairperson is unable to attend any Board meeting, the Vice-Chairperson shall preside over such meeting.

- (b) The Chairperson, together with the Vice-Chairperson, shall ensure that meetings of the Board are convened when necessary to perform the functions of the Board (*see infra* Art. VI, VII). The Chairperson and the Vice-Chairperson shall schedule meetings at times when Members can attend.
- (c) A vacancy of the office of the Chairperson or Vice-Chairperson shall be filled by majority vote of the Members at the next regularly scheduled meeting or as soon as practicable, and the new officer shall serve the remainder of the term. If the office of the Chairperson becomes vacant before the expiration of the current term (whether by resignation, removal, incapacity, or other circumstance), the Vice-Chairperson shall act as Interim Chairperson until a new Chairperson is elected.

## **B. Members**

- 1. It is the duty of all Members of the Board to attend Board meetings and conduct Board business in a thoughtful, fair, and inclusive fashion. If Members have a conflict of interest, as described below in Art. IX, it is their responsibility to recuse themselves.
- 2. All Members, including Officers, will serve on a volunteer basis and will not be compensated for their service.

## **V. REPLACEMENT OR REMOVAL OF MEMBERS**

### **A. Filling Vacancies**

- 1. If at any point during a Member's term, a Member is unable to continue to serve on the Board, then that Member shall be replaced according to the selection procedures, outlined in Art. III § B, by which the previous member was appointed.

### **B. Removal**

- 1. If a Member is no longer in Good Standing, the Member shall be automatically removed from the Board, with notice from the Chancellor or a designee.
- 2. If a Member violates these Bylaws and Procedures, other University policy, or otherwise engages in misconduct, the Member may be removed from the Board by a majority vote of the entire Board. The Chancellor must approve the removal of any Member.

## VI. POWERS AND PROCEDURES

The Board has three mandates:

1. Review appeals of Dispositions of Civilian Complaints against DPS Employees;
2. Review and comment on Prospective SOPs and Trainings; and
3. Review key community-facing functions of DPS and issue to the University community a public annual report of findings and recommendations.

### A. Appeals of Dispositions of Civilian Complaints

1. *Scope and Function.* The Board shall review completed Investigations if the Complainant or the subject DPS Employee appeals the Disposition to the Board. The Board shall review the Disposition, but the Board is not empowered to review DPS's decision as to the form or extent of any discipline imposed. The Board is independent from DPS and is not intended to replace DPS's internal review and disciplinary procedures.
2. *Notice of Appeal.* A Complainant or subject DPS Employee may appeal a Disposition by sending a notice of appeal form to the Board by email within fourteen (14) days of the date they are notified of the results of the Investigation of a Complaint pursuant to SOP 2010-07 § K. Any appeal not filed within fourteen (14) days shall be dismissed.
3. *Appeal Hearing/Deliberation.* The Board shall convene a confidential meeting to hear and deliberate on an appeal within thirty (30) days of the date it receives the notice of appeal form.
4. *Record during Appeals.* The Board is empowered, subject to any applicable privacy laws, to review the following materials to the extent they constitute part of the underlying completed Investigation record:
  - (a) Complaint/Allegation Form;
  - (b) Relevant incident reports;
  - (c) Written statements or affidavits by witnesses and parties;
  - (d) Audio/call log, including recordings from the Emergency Communications Center;
  - (e) Video footage (from security cameras, body-worn cameras, or other sources); and

- (f) Other relevant evidence.
5. *Oral Addresses During Appeals.* The Chief of DPS or the Chief's designee shall address the Board regarding the Investigation and the basis for the Disposition. The Complainant and the DPS Employee shall be permitted to address the Board, should either desire to do so.
  6. *Standard of Proof.* The Board shall employ a preponderance of the evidence standard of proof in evaluating appeals.
  7. *The Board's Findings/Conclusion.* In reviewing a Disposition, the Board may:
    - (a) Agree with the Disposition;
    - (b) Disagree with the Disposition and recommend an alternative Disposition; or
    - (c) Recommend reopening the Investigation.
  8. *Recommendation to the Chancellor.* The Board shall submit a brief written analysis of each Complaint and Investigation and its recommendation to the Chancellor or the Chancellor's designee for a final determination as to Disposition within fourteen (14) days of the appeal hearing. The Board shall simultaneously notify the parties of its recommendation. As described below in Art. VII § A, Board recommendations shall be by majority vote of those present at an appeal hearing. If the Board's recommendation is not unanimous, the recommendation shall state the number of Members who dissented and the basis for the dissent.
  9. *Final Decision by the Chancellor.* The Chancellor or the Chancellor's designee shall review the Board's recommendation and make a final decision within fifteen (15) days of receipt.
  10. *Confidentiality.* At all times, Members shall keep all facts, materials, identities, deliberations, and the recommendations of the Board with respect to each Complaint strictly confidential. As described below in Art. VI § C.1, the Board will report on appeals considered during its annual term in an anonymized fashion.
    - (a) No Member of the Board shall publicly comment on pending or adjudicated appeals or disclose any information pertaining to the appeals at any time.
    - (b) No Member of the Board shall discuss or listen to discussion of the facts or analysis of any matter that is the subject of an appeal prior to its hearing.

**B. Review and Comment on Prospective SOPs and Trainings**

1. *Scope and Function.* The Board shall review and comment on any Prospective SOPs and Trainings.
2. *Review of Prospective SOPs and Trainings.* With limited exception, DPS must present all Prospective SOPs and Trainings to the Board for review and comment prior to their implementation.
  - (a) In the event that DPS is legally required to implement a Prospective SOP or Training before the process described below can be completed, DPS shall present such a new Prospective SOP or Training to the Board for review and comment as soon as practicable after implementation of the Prospective SOP or Training.
  - (b) For certain Prospective SOPs or Trainings, the publication of which in whole or in part may pose a significant risk to the safety of the University (*e.g.*, those pertaining to active shooters or terrorist incidents), the Chief of DPS may engage in additional consultation with the Board to determine which portions of such Prospective SOPs or Trainings—if any—shall be reviewed by the Board or presented for public comment. In the event of disagreement, for purposes of ensuring safety, the Chief of DPS retains final authority regarding disclosure of such Prospective SOPs or Trainings to the Board.
3. *Public Meeting Regarding Prospective SOPs and Trainings.* After DPS notifies the Board of a Prospective SOP or Training, the Board shall promptly convene a public meeting at which DPS will present the Prospective SOP or Training and the public will be allowed the opportunity to comment. The Board shall notify the University community of the public meeting at least two (2) weeks prior to holding the meeting.
  - (a) At the public meeting, University community members shall be permitted to speak and present questions regarding the prospective SOPs and Trainings. In order to gather input from those individuals that choose to not speak or cannot attend the public meeting, the Board shall also accept questions that are submitted by email from University community members.
4. *The Board's Comment on Prospective SOPs and Trainings.* Within thirty (30) days of the public meeting, the Board shall issue a written statement, based on a majority vote (as discussed below in Art. VII § B.), either:
  - (i) recommending approval of the Prospective SOP or Training; or
  - (ii) recommending specific changes to the terms of the Prospective SOP or

Training. The written statement shall state the number of Members who dissented and the basis for the dissent.

5. *DPS's Implementation of Recommendations.* The decision whether to approve and implement a Prospective SOP or Training or recommended changes to a Prospective SOP or Training will remain in the discretion of the Chief of DPS. The Chief is not obligated to adopt the Board's recommendations. However, to the extent the Board recommends changes to the terms of a Prospective SOP or Training, within thirty (30) days of receiving such recommendations, the Chief of DPS shall respond in writing to the Board and explain whether DPS will adopt or reject the Board's recommendations and why.

**C. Annual Review and Report on Key Community-Facing Functions of DPS**

1. *Scope and Function.*

- (a) On an annual basis, the Board shall review the following topics:
  - (i) The appeals of Complaints considered by the Board during its annual term;
  - (ii) DPS Investigations completed during the Board's annual term (July 1 – June 30), including any patterns of conduct that may be observed in those Complaints and Investigations;
  - (iii) DPS files regarding public comments from civilian members of the University community concerning DPS Employees, including any patterns of conduct that may be observed in those files;
  - (iv) DPS Weapons Use Reports that were filed during the Board's term;
  - (v) Bias Related Incident Reports for investigations completed during the Board's term; and
  - (vi) In the Board's discretion, additional topics of concern that it identifies or that are raised by the University community.
- (b) The Board shall prepare and publish, by no later than June 1, an annual report summarizing its findings and recommendations on the above topics. The annual report shall track trends in the materials reviewed and make policy recommendations based on the information supplied in the materials reviewed. The annual report will discuss these topics in an anonymized fashion.

- (i) In the Board’s inaugural term, it may decide to publish an annual report by June 1, including in a truncated form not covering all the topics listed in this section, or to defer its report until the next year.
- (c) In the course of preparing its annual report, the Board shall have the power to request and review materials and data from DPS, including:
  - (i) Existing DPS SOPs;
  - (ii) DPS officer training materials; and
  - (iii) Statistics, data, and other information generated by DPS in the regular course of business or reasonably requested by the Board.
- (d) Prior to publication of the annual report, the Board shall present it to the Syracuse University Office of University Counsel for legal review, which shall be focused on, but not limited to, privacy issues.

**VII. MEETINGS AND VOTING**

The Board shall meet as frequently as required to fulfill its mandates.

Specifically:

- A.** *Appeals of Dispositions.* The Board shall meet as needed to review and consider appeals. After reviewing the record and hearing any oral addresses, as outlined in Art. VI § A, the Board shall deliberate regarding the appeal in a closed session. The Board’s external law enforcement advisor must be present, and available to aid the Board, during this deliberation. Following deliberation, Members shall vote as to the appropriate finding described in Art. VI § A.7. At least seven (7) Members of the Board must participate in the deliberation and vote. The Board’s decision will be decided by a simple majority of the Members present. In the event of a tie vote, the Disposition will remain undisturbed.
- B.** *All Other Meetings.* The Board shall meet as frequently as required to fulfill its mandate with regard to reviewing and commenting on Prospective SOPs and Trainings and issuing the Board’s annual report, as outlined in Art. VI. Except for any public meeting regarding Prospective SOPs or Trainings, as described in Art. VI § B.3, a quorum of at least seven (7) Members is required to conduct all meetings.
  - 1. *Voting on Prospective SOPs and Trainings.* Final decisions on whether to recommend approval of a Prospective SOP or Training, or recommend specific changes to the terms of a Prospective SOP or Training, shall be

decided by a simple majority, if a quorum is present. In the event of a tie vote, the Prospective SOP or Training is approved.

2. *Voting on Publication of Annual Report.* The annual report must be presented to the Board for a vote. The annual report must be approved by a simple majority, if a quorum is present. Prior to its publication, the annual report must be presented to the Office of University Counsel for review and approval.

C. *Annual Meeting.* The Board shall hold at least one public forum each year to solicit input on DPS from the University community.

D. *Inaugural Meeting.* In the Board's inaugural year, the Board must meet at least once before June 1, 2021. The Chancellor shall designate an individual to organize the inaugural meeting and to preside until the election of the Chairperson.

## **VIII. TRAININGS AND RESOURCES**

### **A. Trainings for Board Members**

1. *Annual Training.* Members shall attend a full-day training session to include, but not be limited to, principles of community policing and anti-bias.
2. *Selection of Training Instructor and Materials.* Each year, the Board shall select the training that will be provided to the Board the following year. The Members shall solicit input from the Office of Human Resources and the Board's law enforcement advisor/consultant.

### **B. Law Enforcement Advisor**

1. The Board shall select an external law enforcement advisor/consultant to aid it in its mandate, in consultation with the Office of Human Resources and Office of University Counsel. The law enforcement advisor shall attend and participate, in person or electronically, in all meetings of the Board. The law enforcement advisor shall have experience in community policing as a law enforcement officer. The law enforcement advisor shall be appointed by a simple majority vote by the Board, subject to approval by the Office of Human Resources and Office of University Counsel.

### **C. Resources for the Board**

1. The Board shall have designated professional staff, as determined by the Office of Human Resources, which may comprise individuals already employed by the University, but exclude DPS Employees. The Board shall have adequate resources to fulfill its duties.

## **IX. ETHICS AND CONFLICTS OF INTEREST**

- A.** A Member of the Board shall abstain from discussion or voting on any matter in which that Member has a real or apparent conflict of interest. Decisions regarding conflicts of interest shall be evaluated on a case-by-case basis. A conflict of interest shall at a minimum include, but is not necessarily limited to:
  - 1. Discussing, voting on, or otherwise acting on a matter in which a Member or any member of a Member's immediate family, a Member's partner, or an entity with whom the Member has family or business ties has a direct financial or beneficial interest.
- B.** A Member of the Board shall neither solicit nor accept gratuities, favors, or anything of monetary value from persons or entities in a position to benefit from a decision of the Board.
- C.** Members of the Board shall not use information learned during their service on the Board for personal gain, including, without limitation, for monetary gain, publicity, or publications (*e.g.*, books, papers).
- D.** Members of the Board shall not obtain, for themselves or for any person with whom they have business or family ties, any financial or beneficial interest related to a matter that may be affected by a decision of the Board.
- E.** A Member who cannot vote due to a conflict of interest shall, during deliberation of the matter before the Board, leave the meeting or the area where the Members deliberate until the matter is concluded.
- F.** Members shall not act, hold themselves out, or permit themselves to be perceived as official representatives or spokespersons for the Board without authorization from the Board or the Chairperson. When communicating for personal purposes on matters that may relate to the Board's business, Members shall clearly indicate that their statements are made in a personal capacity and do not necessarily reflect the views of the Board. Whenever a Member is asked to speak on behalf of the Board, the Member shall seek permission of the Board or the Chairperson in advance.
- G.** To maintain public confidence in the objectivity of the Board and to avoid the appearance of bias or prejudice, Members shall not speak to, or appear before the Board on behalf of or as a representative of, a potential or actual Complainant or DPS Employee appearing in an appeal before the Board. Members should avoid appearing before another entity on behalf of or as a representative of a potential or actual Complainant or DPS Employee appearing before the Board, and shall inform the Board and recuse themselves from an appeal if the Member does so. Outside of a Board meeting, Members shall not advise any individual regarding a pending or possible appeal, except to inform the Complainant or DPS Employee of the procedures of the Board.



**H.** Members shall conduct themselves in a fair, courteous, and understanding manner at all times in the discharge of their duties and shall avoid exchanges or actions based upon personal differences. Members shall be respectful of other Members, parties before the Board, and all members of the University community.

**X. AMENDMENTS**

**A.** Amendments to these Bylaws and Procedures may be approved at any regular meeting by a vote of two-thirds of all Members currently serving on the Board.

**B.** Proposed amendments must be submitted in writing in order to be considered. After proposed amendments are adopted by the Board, they are not effective unless and until approved by the Chancellor or a designee.