



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

August 5, 2025

Via E-mail

Chief Joseph Cecile
Syracuse Police Department
511 S. State Street
Syracuse, NY 13202

Re: Executive Law § 75(5)(b) Referral of Police Officer Colin Mahar
OAG Matter No. 1-794306747

Dear Chief Cecile,

The Office of the New York State Attorney General has reviewed your agency's Executive Law § 75(5)(b) referral of complaints involving Officer Colin Mahar from April 2019 to December 2023. Based on our review, we have not made a finding of a pattern or practice of misconduct, use of excessive force, or acts of dishonesty by Officer Mahar with respect to the referred complaints.

However, we do find that with respect to DR #20-433998, Officer Mahar used excessive force in violation of federal and state law and Syracuse Police Department's ("SPD") Policy. The findings of fact described below are based on an evaluation of the evidentiary record using a preponderance of the evidence standard. We request a written response within 90 days as to SPD's actions in response to our recommendations.

1. DR #20-433998

The following facts were determined by a preponderance of the evidence upon review of SPD civilian complaint reports associated with the complaints, internal affairs materials, and body-worn camera ("BWC") footage.

On September 14, 2020, Complainant 1A filed a complaint (DR #20-43998), alleging two instances of excessive force during a physical domestic incident call. SPD's investigating sergeant conducted interviews with the Complainant, the officers present on scene, and other involved parties, and reviewed BWC footage. The investigation found that the force used during both instances of force was reasonable.

After reviewing the BWC footage and accompanying documents, we conclude that Officer Mahar used excessive force and failed to employ basic de-escalation techniques when interacting with the Complainant's son's girlfriend.

Prior to arriving on scene, officers were informed that the domestic dispute was between the Complainant and his son, over allegations that the Complainant's son assaulted his girlfriend (hereinafter "Complainant 1B") and was in possession of a rifle. Officers were also advised that the Complainant's son assaulted the Complainant and caused damage to the Complainant's property. Upon arriving on scene, Officer Mahar informed the Complainant's son that he was under arrest. In response, the Complainant's son shoved the officer and attempted to walk away from him. Officer Mahar deployed pepper spray upon the Complainant's son, grabbed him, pulled him to the ground, and arrested him. Once the son was secured in the police vehicle, multiple officers, along with the Complainant and Complainant 1B, remained at the scene.

While standing near the police vehicle where her boyfriend was secured, Complainant 1B asked officers if she could join him in the car. In response, Officer Mahar pushed her away from the vehicle, causing her to verbally threaten to spit at officers, making mention of "coronavirus," and began pacing the street and sidewalk. A female officer at the scene directed her to get off the street to avoid being arrested for disorderly conduct. After retreating to the sidewalk, Complainant 1B threatened to physically assault the female officer. Officer Mahar then threatened to arrest Complainant 1B if she said one more thing. She continued to use offensive language as she backed away to the other side of the street. Officer Mahar yelled that she was under arrest for Disorderly Conduct, ran towards her, chased her back across the street, and tackled her to the ground. Complainant 1B curled into a fetal position on her side, covering her head with her hands, as Officer Mahar punched her in the head. Although video captured only one punch, Officer Mahar stated in a report that he punched her head three times. An officer then directed her to put her hands behind her back, which she did. As other officers placed her in handcuffs, Officer Mahar placed his knee on the back of her neck and head area and kept it there for 12 seconds. (BWC DR-433998-14, 16:39:52-16:40:04.) While officers carried her to the police vehicle, she kicked at officers and at the police vehicle door before she was placed inside. The Complainant later advised officers that Complainant 1B was pregnant and asked Officer Mahar why he had punched her. Officer Mahar said he had punched her in response to her punching him, which BWC did not show. Complainant 1B was arrested for disorderly conduct, harassment and resisting arrest, two violations and an A misdemeanor.

At the outset, the force used on the Complainant's son was reasonable given the serious nature of the domestic violence allegations, the shove of the other officer, the potential threat posed by the son possibly having a rifle, and the fact that he was actively fleeing arrest when Officer Mahar informed him he was under arrest. *See Graham v. O'Connor*, 490 U.S. 386 (1989); SPD Policy Manual, Chapter III, Policy 300.

Although there appeared to be probable cause for Complainant 1B's arrest due to the threats she made to officers on the roadside, Officer Mahar's initial shove of Complainant 1B was unnecessary and likely escalated conflict with her, and was in violation of the SPD Use of Force Policy § 300.2 "De-Escalation." Further, the force he used to detain her was excessive. *See* U.S. Const. amend. IV.; N.Y. Const. art. I, § 12; *see also* SPD Use of Force Policy § 300.6.

While Section 300.5(f) of the SPD Use of Force policy in effect at the time permitted officers to use force to “[o]vercom[e] resistance to a lawful police order following a verbal warning,” Complainant 1B was on the ground, curled into a fetal position, offering no active resistance. Officer Mahar did not offer a verbal warning or otherwise prompt her to make her arms available prior to punching her in the head multiple times. Nor would there have been an opportunity to do so as he immediately struck her after tackling her. Contrary to Officer Mahar’s account, BWC shows that she did not punch him.

Although Officer Mahar used reasonable force to apprehend Complainant 1B as she was backing away from him, it was unreasonable to punch her after she was tackled and had stopped moving. *See O’Hara v. City of New York*, 570 F. App’x. 21, 23–24 (2d Cir. 2014) (affirming denial of immunity to officer who “punched [plaintiff] in the face without provocation and then proceeded to punch him repeatedly after [he] fell to the ground”); *see also Davis v. Clifford*, 825 F.3d 1131, 1137 (10th Cir. 2016) (“[I]t is ... clearly established law that the use of disproportionate force to arrest an individual who has not committed a serious crime and who poses no threat to herself or others constitutes excessive force.”); *Rogoz v. City of Hartford*, 796 F.3d 236, 240–41 (2d Cir. 2015) (reversing grant of immunity when officer jumped knee-first on plaintiff who had laid down on the ground with his hands behind his back). Here, Complainant 1B was being arrested for a lower-level violation, was no longer actively resisting, nor did she pose a threat to herself or officer safety.

As such, Officer Mahar’s head strikes to Complainant 1B were excessive and violated SPD policy as she was not resisting or combative at the time of the strikes. *See Graham*, 490 U.S. at 386; SPD Policy Manual, Chapter III, Policy 300.

Given the findings described above, we recommend that SPD retrain Officer Mahar on SPD policies regarding courtesy and use of force. Pursuant to Executive Law § 75(5)(c), please notify the OAG within 90 days of any actions your agency has taken in response to our recommendations.

Sincerely,

Brenda Osorio
Assistant Attorney General

Lillian Marquez
Deputy Bureau Chief
Law Enforcement Misconduct Investigative Office
Office of the New York State Attorney General