

CITY OF COLUMBIA
CITIZENS POLICE REVIEW BOARD
2010 ANNUAL REPORT

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Members of the Citizens Police Review Board

Chair

Ellen LoCurto-Martinez

Vice Chair

James C. Martin

Members

Stephen Alexander

Mary Bixby (2009-August, 2010)

Gabriel Scott Dean (September 2010-November 2011)

Carroll Highbarger

John H. McClure

Susan M. Smith

Steve Weinberg

Betty K. Wilson

History of the Formation of the Citizens Police Review Board

The City of Columbia began the process of studying the possibility of establishing a review board in 2007. Originally, a coalition of citizens and groups proposed the idea of creating a civilian review board to the City Council. The City Council appointed a 14 member committee to study whether or not a review board was needed and to consider how such a board would be structured. The committee reviewed all complaints that existed before the professional standards unit was established. In addition, they studied and considered different models used by different cities, and hosted public events to gather input from the citizens. After extensive study and public input, the committee unanimously agreed to recommend that the City of Columbia establish a citizens police review board.

In July of 2009, the City Council of the City of Columbia, by Ordinance No. 020331, created a nine member Citizens Police Review Board. The ordinance outlined the duties of the Citizens Police Review Board as follows:

The citizens police review board shall have the following duties:

- (1) Review appeals from the police chief's decisions on alleged police misconduct as provided for in this article.
- (2) Host public meetings and educational programs for Columbia residents and police officers.
- (3) Review and make recommendations to the police chief and city manager on police policies, procedures and training.
- (4) Prepare and submit to the city council annual reports that analyze citizen and police complaints including demographic data on complainants, complaint disposition, investigative findings and disciplinary actions. The reports should also describe the board's community outreach and educational programs. The reports should also set forth any recommendations made on police policies, procedures and training. The reports shall be submitted no later than March 1 for the previous calendar year.

(Section 21-49 City of Columbia Code of Ordinances.)

The City Council appointed the first eight members of the Citizens Police Review Board in November of 2009. Also in November of 2009, the Human Rights Commission appointed its first member to the Board. The Board met for the first time on November 18, 2009. City ordinances require Board members to receive training and to follow the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics. During its first year, the members of the Board received training and committed to upholding the ethical standards of NACOLE.

Executive Summary

This annual report includes information on the Citizens Police Review Board's work from the appointment of its members in November of 2009 through the end of December of 2010.

Pursuant to its mandate, the Citizens Police Review Board's accomplishments include:

- (1) The Board reviewed appeals from the police chief's decision on alleged police misconduct. When an appeal is filed, the police department's Professional Standards Unit forwards a copy of the entire investigative file and the applicable police department policies and regulations. The Board receives the same material from the Professional Standards Unit as the Chief of Police reviewed in making his determination on the complaint. The Board reviews the material provided and applies the same standards outlined by the police department's policies used by the Chief of Police. In addition, Section 21-52 provides that the Board may request additional investigation by the police department or the Board may conduct its own investigation by either hiring a private investigator, or by interviewing and hearing comments from witnesses to the incident.

During this reporting period, the Board reviewed and decided five appeals. Three of the appeals involved the same incident. In addition to the five appeals the Board decided, two additional appeals were filed with the City Clerk. In one of the appeals, the appellant had not filed an initial complaint. In the other case, the appellant requested that the Board not review her complaint at this time.

- (2) The Board hosted monthly public meetings and eighteen public educational programs.
- (3) The Board reviewed and made recommendations to the police chief on police policies, procedures, and training.
- (4) The Board is submitting to the City Council the following annual report which outlines the Board's actions from November 2009 through December 31, 2010.

In addition to the above actions, the Citizens Police Review Board's accomplishments include:

1. The Board created and adopted Bylaws and Procedures.
2. The Board designed, printed and distributed a brochure. In addition, the Board is currently in the process of designing a Spanish brochure.
3. The Board designed optional forms to be used by complainants and police officers.

4. The Board recruited and trained volunteer advocates to assist complainants with the process.
5. The Board provided information for the City's web page which included on-line complaint filing and the posting of the Board's decisions.

**Analysis of Citizen and Police Complaints Reviewed
by the Citizen Police Review Board**

Case Number

Complaint Disposition

CPRB Case Number 2010-0001 Mr. Rosenthal filed a complaint regarding the Kinloch Court SWAT raid incident. The Board reviewed the complaint on August 4, 2010. A majority of the Board agreed to accept the Chief's assessment and findings in the case. The Board unanimously agreed to accept Chief Burton's changes to the SWAT policy and procedure. The Board further recommended that a specific employee at the police department shall be responsible for knowing about the presence of animals or minors on the premises prior to any entry into private property, whether dynamic or otherwise. The Board voted to recommend that the City Council make the changes permanent. Mr. Rosenthal appealed to the City Manager. After reviewing the investigation and the recommendations of the Citizens Police Review Board, the City Manager concurred with the decision of the police chief.

CPRB Case Number 2010-0002 Ms. Bacca also filed a complaint regarding the Kinloch Court SWAT raid incident. The Board reviewed the complaint on August 4, 2010. A majority of the Board agreed to accept the Chief's assessment and findings in the case. The Board unanimously agreed to accept Chief Burton's changes to the SWAT policy and procedure. The Board further recommended that a specific employee at the police department shall be responsible for knowing about the presence of animals or minors on the premises prior to any entry into private property, whether dynamic or otherwise. The Board voted to recommend that the City Council make the changes permanent. Ms. Bacca appealed to the City Manager. After reviewing the investigation and the recommendations of the Citizens Police Review Board, the City Manager concurred with the decision of the police chief.

CPRB Case Number 2010-0003 Ms. Williamson attempted to appeal the police chief's decision regarding the Kinloch Court SWAT raid incident. However, Ms. Williamson had not initially

filed a complaint so she did not have the right to appeal. A letter was sent to Ms. Williamson.

CPRB Case Number 2010-0004 Ms. Weilbacher filed a complaint due to the mishandling of a traffic citation. A community service aide initially issued Ms. Weilbacher a citation for a violation of Section 14-161 of the City Code by colliding with another motor vehicle. He assigned a court date of June 12, 2009. The issuing community service aide then contacted Ms. Weilbacher and told her that he had voided her ticket. The community service aide eventually issued a second citation with a different ticket number and with a different court date. That second citation was mailed to an old address, and not the current address listed on the Department of Revenue printout in the possession of the police department. As a result, Ms. Weilbacher never received the second citation. She was not contacted by telephone or otherwise advised that the police employee issued a second citation in place of the voided ticket. The police department's accident report, which was approved by the community service aide and the sergeant, did not contain any information regarding the voiding of the first ticket or that there was another ticket issued for the same violation. The court issued a warrant for Ms. Weilbacher's arrest and the City Prosecutor's Office filed a failure to appear charge after she failed to appear. Prior to filing the complaint, Ms. Weilbacher hired an attorney and plead guilty to the colliding charge. The Board conducted an initial review of Ms. Weilbacher's complaint on August 11, 2010. The Board unanimously voted to request the police chief issue a letter to Ms. Weilbacher to indicate his findings on her complaint. The Board completed its review of her complaint on September 8, 2010. The Board recommended that the police chief apologize to Ms. Weilbacher in person and in writing. On September 23, 2010, Chief Burton affirmed his initial decision and declined to apologize to Ms. Weilbacher. Ms. Weilbacher appealed the matter to the City Manager. The City Manager apologized to Ms. Weilbacher and found that the sergeant did not engage in misconduct.

CPRB Case Number 2010-0005 Complaint filed by Mr. Viets, et al. Mr. Viets and others' complaint involves the Kinloch Court SWAT incident. The Board reviewed their complaint on August 11, 2010. A majority of the Board agreed that the police officers acted according to policy.

CPRB Case Number 2010-0006 Mr. Billups complained about an incident in which a police officer contacted Mr. Billups regarding a peace disturbance. Mr. Billups alleged that the officer used unnecessary force and caused injury when the officer handcuffed Mr. Billups and caused him to fall to the ground. The police officer alleged that he slipped on the ground and that he did not intend to cause Mr. Billups to fall onto the ground. The Board questioned witnesses regarding this incident on October 27, 2010, and on November 10, 2010. The Board concluded that the officer acted improperly. The Chief of Police reaffirmed his prior decision. Mr. Billups appealed his complaint to the City Manager. The appeal is currently pending.

CPRB Case Number 2010-0007 Ms. Cruz initially filed an appeal to the Citizens Police Review Board which set the case for initial review on November 10, 2010. On that date, Ms. Cruz emailed that she wished to "cancel review of my complaint for now." Ms. Cruz later notified the Board that she wanted the Board to review her complaint. The Board conducted its initial review on January 12, 2011.

**Demographic Information on Cases Reviewed
by the Citizens Police Review Board**

CPRB Case Number 2010-0001: w/m

CPRB Case Number 2010-0002 w/f

CPRB Case Number 2010-0003 Unknown

CPRB Case Number 2010-0004 w/f

CPRB Case Number 2010-0005 Complaint filed by a group, demographic information is not available.

CPRB Case Number 2010-0006 b/m

CPRB Case Number 2010-0007 b/f

Analysis of Citizen and Police Complaints

At the time this report was prepared, the Board had not received a copy of the City of Columbia Police Department's 2010 Annual Report of the Professional Standards Unit. When the Police Department provides the information to the Board, the Board will analyze the information and provide a supplemental report to the City Council.

Community Outreach and Educational Programs
by the Citizens Police Review Board

Section 21-49 of the City Code of Ordinances provides that the Citizens Police Review Board shall host public meetings and educational programs for Columbia residents and police officers. The Citizens Police Review Board hosted public meetings and included educational programming, as described below, during these public meetings.

<u>Date</u>	<u>Topic</u>
11/18/09	History and overview of the Establishment of Citizens Police Review Board presented by Dr. Rex Campbell.
12/02/09	Search and Seizure Law presented by Professor Susan Smith.
12/05/09	Internal Affairs Procedures presented by Lt. Krista Shouse Jones, Sgt. Joe Bernhard, and Sgt. Lloyd Simons.
12/12/09	Columbia Police Department's Use of Force Policies presented by Lt. Shouse-Jones, Sgt. Hestir and Officer Craig.
01/13/10	Rights of the Accused and the Defense Perspective of the Criminal Justice Process by Mr. Andrew Popplewell.
01/16/10	Decision Maker Simulator Training presented by Lt. Shouse-Jones, Officer Craig and Sgt. Hestir.
02/10/10	Criminal Law and Procedure presented by Boone County Prosecuting Attorney Daniel Knight.
03/10/10	Use of Force Policies presented by Sgt. Hestir.
04/14/10	Civil Libertarian views of the work of the Citizens Police Review Board presented by Mr. Dan Viets and Mr. Redditt Hudson.
05/12/10	Public Discussion regarding the Kinloch Court SWAT incident.
05/19/10	Tasers and Columbia Police Department's policies regarding the use of tasers presented by Officer Baillargeon and Sgt. Gordon.
06/02/10	How Racial and Ethnic Scripts Impact Interactions between Law Enforcement and the Public presented by Dr. David Mitchell and Dr. David Brunσμα.
06/10/10	Outreach presentation by Mr. James Martin to the Boone County Public Defender's Office.

- 09/08/10 Role of the Public Defender in the Complaint Process by Ms. Jennifer Bukowsky.
- 09/22/10 Board member Highbarger presented information to Policing in a Democratic Society class at Columbia College.
- 10/15/10 Board member Weinberg presented information to the Boone County Muleskinners.
- 10/28/10 Board member Weinberg presented information to the Rotary Club.
- 11/03/10 Board member Smith presented information to an after-school group of young people participating in the program Granny's House.

Recommendations on Police Policies, Procedures and Training

- 3/10/10 The Board recommended that the Police Chief include a copy of the appeal form in letters that he sends to the complainants in which he announces his decision on a complaint.
- 8/11/10 Members of the Board suggested that the police department prioritize complaints based upon the severity of the matter. In addition, it was recommended that the police contact the complainant right away if the complaint was not internally generated.
- 8/11/10 A majority of the Board recommended that the City Council adopt the ordinance changes related to standing which were proposed by Councilman Kespohl. The City Council revised Section 21-51 on September 20, 2010.
- 8/11/10 The Board reviewed the ordinance revisions proposed by the police department related to the categorization of the findings on complaints. The Board concurred with the police department's request. The City Council adopted the proposed amendments.
- 8/11/10 After the police department changed their website to limit direct on-line complaints by electronic mail, the Board requested staff to build a link for on-line email reporting of complaints to the City Clerk's Office. With the assistance of the City's Public Communications Department, this new link was rapidly deployed. It now allows citizens to file a complaint with the City Clerk's Office via electronic mail.

In addition to the above policy recommendations, the Citizens Police Review Board met with Chief Burton on June 9, 2010, and on July 14, 2010. On June 9, 2010, the Board and Chief Burton discussed traffic stops and racial profiling, recent changes to search warrant execution policies, his changes regarding use of force policies, taser policies, as well as cultural issues at the police department. On July 14, 2010, the Board met with Chief Burton and discussed the SWAT incident, delays in the complaint process, use of force, and use of video and audio recordings and the preservation of such evidence.

In addition to the discussion on July 14, 2010, during the August 11, 2010 meeting and the September 8, 2010 meeting, the Board expressed its concerns regarding the lengthy delays in the complaint investigation process. This concern was also addressed in a September 16, 2010 letter from the Chair of the Citizens Police Review Board to Chief Burton.

Additional Actions and Accomplishments

In addition to the actions and accomplishments outlined above, the Citizens Police Review Board had the following additional accomplishments during this reporting period.

Public Outreach

The Board designed, printed and distributed brochures about the Citizens Police Review Board. With the assistance of volunteer translators and City staff, the Board developed a Spanish brochure. Pilar Garcia, a ESL student, prepared the initial translation. Attorney George Batek and Juan Diaz reviewed the draft translation. City employees Penny St. Romaine and Shawn Brant also assisted in the development of the Spanish brochure. The Spanish brochure will be in print soon. In addition, the Board worked with City staff to develop a video about the Citizens Police Review Board for the City channel.

Because it was important to the Board to make it easier for complainants to proceed with their complaint, the Board also produced optional forms for complainants and police officers to use. The Board also worked with City staff to provide for the public an avenue for electronic filing of complaints with the City Clerk's office. The Board also recruited and trained volunteer advocates to assist complainants and police officers with the process.

Process

The Board developed and adopted bylaws and procedures for conducting its business and for the review of complaints. In conducting its review, the Board reviews the investigation conducted by the police department and applies the standards set forth by the law and by the City's ordinances, policies and regulations. In addition to conducting its reviews in an open meeting, the Board now posts its decisions on the reviews on the City website to provide the openness the community desires.

Conclusion

The Board would like to recognize the efforts previously taken by the Columbia Police Department to improve overall operations, the creation of the Professional Standards Unit as well as the intent to acquire CALEA accreditation. We would also like to recognize all the hours of dedicated work performed for this Board by the Law Department, specifically Fred Boeckmann, Rose Wibbenmeyer and Penny St. Romaine.

There still remain segments of the community who continue to have a negative perception of the Columbia Police Department, including the citizens' complaint process. This Board has already, and will continue, to play a constructive role in helping to improve the relationship between the public and the police.