

Source:
 Fred Boeckmann, City Counselor
 Paula Hertwig Hopkins, Assistant City
 Manager

TO: City Council
FROM: City Manager and Staff
DATE: 11 May 2009
RE: Columbia Citizens Police Review Board

FISCAL NOTES:

| City Fiscal Impact Enter all that apply: | |
|--|--|
| \$87,177 | City's current net FY cost. |
| \$0 | Amount of Funds Already appropriated |
| \$0 | Amount of budget amendment needed |
| \$0 | Estimated 2 yr net costs: |
| \$0 | One-time |
| \$0 | Operating / On-going |
| Program Impact: | |
| Y | New program/ agency (Y/N) |
| N | Duplicates/expands an existing program (Y/N) |
| Y | Fiscal impact on any local political subdivision (Y/N) |
| Resources Required: | |
| Y | Requires add'l FTE personnel? (Y/N) |
| N | Requires additional facilities? (Y/N) |
| N | Requires additional capital equipment? (Y/N) |
| Mandates: | |
| N | Federal or state mandated? (Y/N) |

EXECUTIVE SUMMARY:

On November 28, 2007 Mayor Darwin Hindman convened the Citizen Oversight Committee in response to repeated calls from segments of the community for civilian oversight of the Columbia Police Department (CPD). The Committee was charged with reviewing the current police citizen complaint process, solicit input from the community, and prepare for Council a final written report with recommendations including whether or not Columbia should establish a civilian/citizen oversight board of the police department.

DISCUSSION:

Members of the Citizen Oversight Committee met for nearly one year culminating in the delivery of their final report to Council October 6, 2008. Between November 28, 2007 and August 21, 2008 the Committee held 16 meetings and 5 public hearings. The Committee conducted a thorough review of current literature on civilian/citizen review boards and their effectiveness, heard from a number of different speakers familiar with civilian/citizen review board models, vigorously discussed and debated related issues, and made their final report and recommendations to Council.

Council directed staff and representation from the Citizen Oversight Committee to develop legislation supporting the formation of a citizen review board for Columbia. Starting November 24, 2008 through May 6, 2009, a work group, with some time “taken off” a waiting input from the new Police Chief, worked to complete their review of the Oversight Committee report and provide a framework for the Columbia citizen oversight model. Legislation was then drafted by the City Counselor based on extensive discussion by and input from the work group. The legislation and a flow chart are attached for your review.

A main responsibility proposed for the Columbia Citizens Police Review Board is to review appeals from the Police Chief’s decisions on alleged police misconduct based on an **initial** written citizen complaint alleging **non-criminal** misconduct of a police officer involving interaction with the public. The police officer involved and complainant individually will have the right to appeal the Police Chief’s decision to the Board. The Board will review the record which will include information from the Professional Standards Unit investigation and make recommendations. The Board may also request information from the Police Chief, the services of an independent investigator, interview and hear comments from witnesses as well as police officers. After its review, the Board will report their findings and recommendations to the City Manager, Police Chief, police officer and the complainant.

At this juncture, if the police officer, complainant or both are unhappy with the final disposition, they shall have the right to individually take their appeal further. Using the attached **Columbia Citizens Police Review Board Appeal Model** flow chart as a guide please see the **Citizens Appeals** box to the left and the **Police Officer Appeals** box to the right with appropriate arrows.

Scenario 1: Police Officer Appeals

If the officer is unhappy with the final disposition and it involves suspension, demotion or discharge, the officer could appeal to the City's Personnel Advisory Board (PAB) ending with the City Manager's review. The complainant has the right to testify at the PAB hearing and express an opinion on the appropriate PAB action.

Scenario 2: Police Officer Appeals

If the officer is unhappy with the final disposition and it does not involve suspension, demotion or discharge, the police officer could appeal to the City Manager. The City Manager will allow the complainant the opportunity to discuss the matter with the City Manager.

Scenario 3: Citizen Appeals

If the complainant is unhappy with the final disposition and the police officer has not appealed, they could appeal directly to the City Manager. If the City Manager feels that suspension, demotion, discharge or a greater disciplinary action other than what has been recommended has merit, the City Manager could refer the complaint to the Personnel Advisory Board (PAB) who then would review and report back their recommendations to the City Manager.

Any appeal exercised to the extent provided for in the legislation, by either a police officer or complainant, would eventually come to the City Manager for review. Ending an appeal with the City Manager's Office was adamantly supported by Citizen's Oversight Committee representation.

Finally, it is important to note that the Police Department has made significant steps in restructuring their Professional Standards Unit (PSU) including documentation and tracking of complaints. The work group recognized these efforts and complimented them as it lays the groundwork for the Citizen Review Board and helps to build greater trust in the community. A brief overview of the Police Professional Standards Unit (PSU) is also attached.

FISCAL IMPACT:

½ FTE:

Assistant City Counselor III: \$49,421

Administrative Support Assistant III: \$29,756

Contract Investigative Services:

Hourly range-\$75.00-\$125.00 (\$100) x Estimated Cases (10) x Hours/Case (8) = \$8,000

TOTAL Estimated Fiscal Impact: \$ 87,177.

SUGGESTED COUNCIL ACTIONS:

Schedule:

First Read-June 1, 2009

Public Hearing-June 8, 2009

Second Read-June 8th or July 20th or August 3rd