

# MINUTES

## Citizens Police Review Board Meeting

September 8, 2010

7:00 p.m.

City Hall – New Addition

City Council Chambers

701 East Broadway

Columbia, Missouri

Board members present: Ms. LoCurto-Martinez, Mr. Highbarger, Ms. Smith, Mr. Dean, Ms. Wilson, Mr. McClure and Mr. Martin.

Excused absences: Mr. Alexander and Mr. Weinberg

Staff Present: Fred Boeckmann and Rose Wibbenmeyer.

Members of the public were present.

Ms. LoCurto-Martinez called the meeting to order at 7:03 p.m. Ms. LoCurto-Martinez introduced Mr. Dean who was appointed to replace Ms. Bixby.

Ms. Wilson moved to approve the minutes of the August 11, 2010 meeting. Mr. Martin seconded the motion. The Board unanimously approved the minutes.

The Board conducted its review of Ms. Weilbacher's appeal. Mr. Highbarger expressed his concern regarding whether Ms. Weilbacher's complaint alleged misconduct. Mr. Martin and Mr. McClure stated that they would like to hear from Ms. Weilbacher.

Ms. Weilbacher told the Board that she felt that the misconduct involved the procedures that were followed regarding the issuance of a second ticket. Mr. Highbarger stated that it looked like the people made a mistake and that the CSA was no longer employed by the police department and that the Board must consider the intent behind the misconduct. Mr. Highbarger stated that it was a poor way to treat Ms. Weilbacher, but that he did not see misconduct, rather it was merely a situation where people messed up.

For clarification, Ms. LoCurto-Martinez noted that according to CPD's General Orders for Internal Investigations the definition of minor misconduct states: "includes unintentional or minor deviations from Standard Operational Guidelines; such misconduct generally results in the imposition of informal corrective measures." She quoted the police chief's letter to Ms. Weilbacher which stated that "...procedural errors by an employee who no longer works for CPD..." However, Lt. Moriarty's letter to Ms. Weilbacher contradicts this by stating: "the fact that citations were issued was because

of the oversight by the supervisor of the unit, Sgt. Shelley Jones.” Sgt. Jones is a current employee of CPD.

Ms. Wilson inquired as to who bears the responsibility for the series of negligent acts. Ms. Wilson was concerned about the length of time Ms. Weilbacher had to endure the pendency of the incident. She felt that the anxiety and expense makes people lose faith in the ability of law enforcement. Ms. Wilson asked a question regarding how the police view a complaint. Ms. Wibbenmeyer explained her understanding of the police department’s approach to classify complaints as either a complaint or an inquiry. Ms. Wibbenmeyer stated that Lt. Shouse-Jones could better explain the approach to the Board and could answer the Board’s questions regarding their procedures.

Ms. LoCurto-Martinez asked Ms. Weilbacher how the Board could make the situation better. Ms. Weilbacher asked if the procedures have been changed so that it does not happen again. Ms. Wibbenmeyer explained the duplicate ticket procedure that is in place so that this situation and similar situations do not occur. She stated that the duplicate ticket procedure was not followed in Ms. Weilbacher’s case. Ms. Weilbacher asked what happened to the first ticket. Ms. Weilbacher gave Ms. Wibbenmeyer the ticket number 081440521.

Mr. Highbarger suggested that Ms. Weilbacher deserved a personal apology, personal contact by the police, and some reassurance regarding the proper voiding of the first ticket.

Ms. Wilson expressed concern regarding the delay Ms. Weilbacher experienced while waiting for the police to investigate and render a decision on her complaint. Ms. Wilson said that the delay is a problem in Ms. Weilbacher’s case and in other cases as well.

Mr. Highbarger and Mr. McClure suggested that the police should apologize in person and issue a written apology to Ms. Weilbacher. All members of the Board concurred.

The Board also asked Ms. Wibbenmeyer to check on the status of the duplicate ticket policy and to make sure that the police department has a copy of the form.

Ms. Bukowsky of the Boone County Public Defender’s Office addressed the Board. She recommended that the Board consider reviewing police policies regarding video and audio evidence. She noted that video and audio recordings are very beneficial and add integrity to the process. Currently, she believes that the police department is not required to activate the cameras and that the police department does not retain the video and audio recordings for a sufficient period of time. She recommends that audio and video recordings be retained for a year.

Mr. David T. Smith discussed the delays in the pendency of his client’s complaint. He stated that Ms. Cusick’s complaint had been pending for at least five to six months. Ms. Wibbenmeyer updated Mr. Smith and the Board regarding information received from Lt. Shouse-Jones relating to Ms. Cusick’s complaint.

Mr. Martin discussed a public outreach event he presented at the Boone County Public Defender's Office. Mr. Martin also discussed the recent City Council meeting in which the Council reviewed funding for the Board.

Ms. Wibbenmeyer discussed the annual report requirement and asked for the Board's input on the annual report. Ms. Wilson indicated that she would have to think about it, but that she preferred that the Board use the agendas as a guide and that the report be kept as simple as possible.

Ms. Smith asked the Law Department to draft a form response for the police department to use if they are unsure if the person is filing a formal complaint or if the person is merely expressing a concern. Ms. Weilbacher stated that she completed the complaint form online because she intended to complain.

Ms. LoCurto-Martinez told the Board that she would include as old business on the October agenda a discussion regarding the standard operating guidelines on the police department's complaint process and a discussion of the marijuana ordinances. Mr. Boeckmann noted that the marijuana ordinances were adopted through the initiative process. Mr. Highbarger stated that the Board did not have any information that the police were not following the ordinances. Ms. Wilson noted the Kinloch Court incident. Ms. LoCurto-Martinez felt that they should discuss, clarify and create a better understanding of the ordinances.

Ms. LoCurto-Martinez told the Board that People for Taser Free Columbia would like to address the Board and she asked if the Board would like to hear from the group. Ms. Smith suggested ten minutes and other members concurred. Ms. Wilson stated that she did not want the Board to be too rigid in the ten minute limitation.

The Board would like the complaint forms to be available online and would like to give the complainants the ability to file the forms electronically. The Board stated they preferred paper copies to an electronic file, but Ms. Wilson pointed out that the police should eliminate the duplicates as much as possible.

The Board heard public comment. Mr. Robinett stated that citizens are intimidated about filing complaints. He suggested that citizens are not intimidated when coming to the Board meetings. He suggested that the Board allow citizens to file complaints at the meetings.

Ms. Wilson moved to adjourn the meeting. Mr. Martin seconded her motion. The Board unanimously voted to adjourn the meeting. The meeting adjourned at 8:17 p.m.