

MINUTES

Citizens Police Review Board Meeting

October 13, 2010
7:00 p.m.
City Hall – New Addition
Council Chambers
701 East Broadway
Columbia, Missouri

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

Staff Present: Chief Burton, Officer Wieneke, Officer Haden, Fred Boeckmann and Rose Wibbenmeyer.

Members of the public were present.

Ms. LoCurto-Martinez called the meeting to order at 7:02 p.m.

Ms. Wilson moved to approve the minutes of the September 15, 2010 meeting. Mr. Martin seconded the motion. The Board unanimously approved the minutes.

Ken Green spoke on behalf of People for a Taser Free Columbia. Ms. Catharine Parke, Ms. Katharine Murray, Mr. Sid Sullivan and Mr. Ed Berg also spoke on the topic of tasers and the group's ballot initiative.

Ms. LoCurto-Martinez asked Chief Burton if he wished to comment. Chief Burton discussed his recent trip to Philadelphia to participate in a review of the PERF standards and recommended changes. Chief Burton indicated that the group of chiefs of police told Taser International that there was a problem with the tasers in that the devices were not shutting off after a period of time. He said that Taser International agreed to develop a fix for the problem by requiring another trigger pull. Ms. Smith asked Chief Burton if he would consider moving tasers into the deadly force category from the non-deadly force category where it is currently in the City of Columbia Police Department's Use of Force Policy. Chief Burton stated that he would not consider moving the taser into the deadly force category. Mr. McClure asked if there was any discussion on placing a hold on the use of the device until the problem with the devices not shutting off is resolved. Chief Burton said that was not discussed at the meeting and he would have to think about it. He further stated that Taser International told the chiefs that the trainers and the officers did not want a second trigger pull. Chief Burton stated that the chiefs of police told Taser International that the chiefs did want the devices to require a second trigger pull.

Mr. Ed Berg suggested that the Board ask for closed records with names redacted to obtain a more complete view of the use of tasers by the police department.

The Board conducted an initial review of the Billups complaint. Mr. Highbarger requested information regarding the dispatcher's comment that the dispute had become physical. Ms. Wilson agreed and felt that information would be critical. Ms. Wilson stated that she would also like a weather report for the date in question. Mr. Weinberg stated that he wanted information as to whether the police officer had any other excessive force complaints. He also wanted to know more about Mr. Billups background and training as a police officer. Ms. Smith stated that she wanted to see Mr. Billups' employment file. Mr. Boeckmann told the Board that Mr. Billups' records were closed and that he would be surprised if the St. Louis Police Department would release the records. While he had no idea of Officer Turner's background, Mr. Boeckmann stated that there were reasons not to ask for it. Mr. Boeckmann stated that the prejudicial effect of any such information, if any existed, would outweigh the probative value. Ms. Smith discussed the case of *Graham v. Connor* and the police department policy on handcuffing. Ms. Wilson agreed with Mr. Boeckmann's advice. She further added that while character information may make the situation more viable, it was not particularly relevant. Mr. Alexander said that he would like to talk to Mr. Billups, the officers, and the bar owner. He wanted to know why the bar owner called the police. He also wanted to hear what they could remember and wanted information regarding their motivations. Mr. Alexander reported that the recording started after the handcuffing. Ms. Smith stated that she would like to hear from the woman who caused all of this and would like to know why the bar owner would call the police on an employee. Mr. Highbarger would like to hear from the three men who were present when it happened. Ms. Smith pointed out that the officer's motivation is not relevant and that the question is one of reasonableness.

Chief Burton indicated that it was his intention to order the officers to appear for the hearing. Ms. Smith stated that she tried to obtain the police calls for service to Nephews Bar for a couple of months prior to the incident. She would like that information, along with information as to whether or not any officers work off duty for Nephews Bar. She is particularly interested in finding out what type of issues occur at that establishment. The Board also requested a copy of the police department's policy regarding use of handcuffs. Ms. Wilson suggested starting the meeting at 6:00 p.m. Mr. Boeckmann told the Board that the real issue is what information did Officer Turner know and how reasonable were his actions.

The Board then discussed other matters. Mr. Highbarger suggested that public comment may be taken up earlier in the meetings. It was agreed that a public comment section at the beginning of the meeting would be added in order for the public to comment on issues that are not on the agenda.

Ms. LoCurto-Martinez discussed their report on the NACOLE Conference. She stated that NACOLE is willing to provide Columbia with a mentor. She also told the Board that they received a flash drive containing forms and informational material.

Mr. Boeckmann stated that the police would prefer that the Board act as a group rather than individually, or at least funnel the requests through the Law Department.

The Board discussed their recommendation to the City Council regarding SWAT policy. Mr. Boeckmann stated that the question from the Council to the Board was whether or not there should be an ordinance requiring the Chief to notify the City Manager and City Council of changes to the SWAT policy. Ms. LoCurto-Martinez presented three options. Mr. Highbarger added that the Board could opt to not require an ordinance. Mr. Alexander thought it was unusual to have an ordinance with such a provision relating to only one of many police department policies. Chief Burton stated that he would be a fool to make any changes without notifying the City Council or City Manager, particularly with regard to SWAT policy. Ms. Smith stated that she wanted someone to be held responsible and that the community wanted consistent policies even when the administration changes. Mr. Highbarger moved that the Board not recommend such an ordinance. Ms. Wilson seconded his motion. The motion passed with only Ms. Smith voting no.

The Board discussed community outreach. Mr. Weinberg indicated that he would be giving two talks, one on Friday at the Muleskinners and one on October 28th for the Rotary Club. Mr. Highbarger stated that he gave a presentation to a class at Columbia College. Ms. Smith also indicated that she gave a presentation to an after school group of young people. Mr. McClure presented the latest draft of the Spanish pamphlet to the Board.

Ms. LoCurto-Martinez stated that she and Mr. Dean met with Internal Affairs. She stated that IA made a number of changes and she encouraged Board members to visit with IA. Ms. LoCurto-Martinez asked if the Board had any recommendations regarding the IA process. Ms. Smith recommended that the police department should implement a procedure which would require action within a certain period of time so that the review is not stymied because one employee has it sitting on his or her desk. Chief Burton stated that the problem had already been solved. Mr. Alexander asked if Chief Burton really needed to have everyone in the employee's chain review it. Chief Burton believed that he did. The Chief suggested that the procedures would be timelier if they did not treat everything as misconduct. Mr. Weinberg asked if there are models. Chief Burton said that he wanted the state definition of misconduct to be adopted and asked the Board to review the Missouri statute. Mr. Highbarger stated that such a change would have to be well-regulated otherwise the process would lose credibility. Chief Burton suggested that the little things should be pushed to the supervisor.

The Board discussed the topic of the marijuana ordinances. Mr. Alexander suggested that he would like to hear from some people as to the meaning of the ordinance and the level of priority the City is giving the ordinance. Ms. LoCurto-Martinez suggested including such information on the November agenda. Ms. Smith agreed.

Members of the public were invited to comment. Mr. Viets suggested that the Board review the implementation of the marijuana ordinance and the question as to whether a search warrant should be used for nonviolent crime. He also mentioned that the names of people who are issued citations for marijuana are reported by the police department to the Tribune. Mr. Weinberg asked about the process. Ms. Wibbenmeyer explained the process. Mr. Alexander indicated that he wanted to hear from interested parties.

Ms. Wilson commented on Chief Burton's handling of the Weilbacher matter. She said that she was puzzled and disappointed with the dismissal of the issue as an honest mistake. She further was concerned that Chief Burton's action in the matter undermined the credibility of the Board and the police department. She stated that the Board made an easy request of Chief Burton and that an apology would have been a win-win situation. Ms. Wilson noted that there have been several letters to the editor as well as persons expressing their concerns to her regarding the Weilbacher case.

Ms. Smith moved to adjourn the meeting. Mr. Highbarger seconded her motion. The Board unanimously voted to adjourn the meeting. The meeting adjourned at 9:00 p.m.