

# MINUTES

## Citizens Police Review Board Meeting

November 10, 2010

7:00 p.m.

City Hall Building – 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, Mr. Alexander, Mr. Weinberg and Mr. Martin.

Staff Present: Officer Turner, Officer Wieneke, Officer Simpson, 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 October 13, 2010 and October 27, 2010 meetings. Mr. Weinberg seconded the motion. The Board unanimously approved the minutes. Ms. LoCurto-Martinez announced that Ms. Cruz had cancelled the review of her complaint at this time.

The Board continued its review of the Billups complaint. Officer Simpson appeared before the Board and answered questions posed by the Board. Mr. Foster appeared before the Board and answered the Board's questions. After hearing from Officer Simpson and Mr. Foster, the Board allowed Mr. Billups and Officer Turner to comment. Per Mr. Jansen's request, Officer Turner demonstrated for the Board the appropriate takedown technique. Officer Turner answered an additional question. Mr. Billups also commented regarding the impact and technique used by Officer Turner.

Mr. Weinberg commented that the Board should put something in writing regarding this incident. Ms. LoCurto-Martinez indicated that the Board needed to make a decision and then she would put it in writing. Ms. Smith highlighted the United States Supreme Court's holding in the Graham case. Ms. Smith and Mr. Weinberg discussed their views regarding the applicability of the Graham case.

Mr. Alexander stated that the interviews were extremely valuable. He expressed gratitude to the persons who appeared before the Board. Mr. Alexander stated that it was unfortunate that there was no audio or video of the incident, but that Officer Turner was reprimanded for the lack of audio/video. Mr. Alexander felt that Officer Turner was relatively inexperienced when the incident occurred and that Officer Turner learned a great deal as a result of the incident. Mr. Alexander would have liked for Officer Turner and Mr. Billups to talk about what happened without blaming either party and to shake

hands to see that it would not happen again. Mr. Alexander stated that he did not think that the officer broke the law or the policy, but that it was not a wise choice that night.

Mr. Martin asked if the Board wanted additional information or if the Board was ready to discuss and reach a decision on the review. Mr. Martin moved to close the evidence and to reach a decision. Ms. Wilson seconded Mr. Martin's motion. The motion passed unanimously.

Ms. Smith made a motion that the Board find that there was no misconduct by Officer Turner in this incident. Mr. Martin seconded the motion. Ms. Wilson commented that she echoed Mr. Alexander's comments and analysis. She felt that there was some cultural dissonance. She also felt that with more training and experience, Officer Turner would have approached this differently. She indicated that she could not vote for Ms. Smith's motion. Mr. McClure stated that he agreed with Ms. Wilson. Mr. McClure stated that there was no ordinance or policy that deals with inexperience, patience or foresight.

Ms. Smith stated that the Board needs to consider what Officer Turner knew that night. She felt that Officer Turner acted properly given what he knew and that the Board could still make recommendations to the police to improve the police department's relationship with the community.

Mr. Highbarger stated that all the witnesses agree that no fighting was occurring when Officer Turner arrived on the scene. Because no one was fighting when Officer Turner arrived on the scene, Mr. Highbarger stated that the use of force was unnecessary.

Mr. Weinberg pointed out that the Chief's letter indicated three possible findings: proper, improper, and insufficient evidence to prove/disprove. The Chief found insufficient evidence to prove or disprove the facts alleged in the complaint. Mr. Weinberg disagreed with the Chief's determination and stated that Officer Turner made unwise choices and the choices were so unwise that it reaches improper use of force. Mr. Weinberg stated that he was reluctantly voting that way.

Mr. Weinberg stated that the Board has impacted policy in small ways and that the airing of the issues in a public setting is a positive experience for the community. Ms. Wilson stated that the Board must make a decision on the review and the Board can also make a recommendation. Mr. Weinberg stated that the Board should emphasize that the incident occurred within a few seconds of time. On Ms. Smith's motion that there was no misconduct, the motion failed with Mr. Dean, Mr. Martin and Ms. Smith voting in favor of the motion.

Ms. LoCurto-Martinez stated that she will draft a letter and circulate it to the Board. Mr. Boeckmann stated that the Board had not made a decision on the review. Ms. Wilson moved that the Board find that the officer's conduct was not proper. Mr. McClure seconded Ms. Wilson's motion.

Ms. Smith asked the Board why Officer Turner's conduct was improper within the law and ordinances. Mr. Weinberg stated that the entire incident occurred within a few seconds, but that Officer Turner had many alternative choices. However, Officer Turner observed no threat of physical altercation and he did not use his own observations. Ms. Wilson concurred and stated that there was no risk of harm being demonstrated to the officers and to the other members of the public at the scene. While there was some yelling, Ms. Wilson stated that there was nothing physical occurring when Officer Turner arrived. The Board passed Ms. Wilson's motion with Mr. Alexander, Mr. Dean, Mr. Highbarger, Mr. McClure, Mr. Weinberg and Ms. Wilson voting in favor of the motion; Mr. Martin and Ms. Smith voting in opposition.

Ms. LoCurto-Martinez stated that she would draft a letter for the Board. Ms. Wilson asked that the letter include a statement that no appeal should take this long. Ms. Smith stated that the Chief told the Board that he had addressed the length of time through policy changes. Mr. Weinberg suggested that the letter could include both points made by Ms. Wilson and Ms. Smith.

The Board discussed a proposal to amend the bylaws to allow the officers to be present at the hearing. Ms. LoCurto-Martinez made a motion to amend the bylaws, which was seconded by Ms. Wilson. The motion passed unanimously.

The Board discussed the election of the Chair and Vice Chair. Mr. Weinberg moved to reelect both Mr. Martin and Ms. LoCurto-Martinez. Ms. Wilson seconded the motion. Both Ms. LoCurto-Martinez and Mr. Martin agreed to continue serving as Chair and Vice Chair. The Board elected Ms. LoCurto-Martinez as Chair and Mr. Martin as Vice Chair. Mr. Alexander, Mr. Dean, Mr. Highbarger, Mr. McClure, Mr. Weinberg and Ms. Wilson voted in favor of the appointments; Ms. Smith voted in opposition.

The Board provided an opportunity for public comment. No members of the public commented. The Board discussed disposing of paperwork after a review is complete. Mr. Boeckmann told the Board that they could give Ms. Wibbenmeyer the old material and the City would arrange for destruction. Ms. Smith commented on the overabundance of paper. Mr. Highbarger indicated that he preferred paper format rather than electronic.

Ms. Wilson moved to adjourn the meeting. Mr. Weinberg seconded his motion. The Board unanimously voted to adjourn the meeting. The meeting adjourned at 8:52 p.m.