



CITY OF COLUMBIA, MISSOURI

Citizens Police Review Board

November 17, 2010

Chief Ken Burton
Columbia Police Department
Columbia, MO

Re: Billups, CPRB 2010-0006

Chief Burton:

The Citizens Police Review Board has completed its review of the Billups complaint. This letter will advise you of the Board's recommendation and reasoning.

Your decision in this case was that there was insufficient evidence to prove or disprove the allegations in the complaint.

After initially reviewing the investigation by the Professional Standards Unit and the applicable policies provided by the Police Department, the Board decided to interview witnesses to the incident to assist the Board in determining whether there was sufficient evidence to prove or disprove the allegations in the complaint. The Board invited Officer Turner, Officer Mosley, Officer Simpson, Mr. Goldman, Mr. Nelson, Mr. Foster, Mr. Billups, and Mr. Marks to appear before the Board.

On October 27, 2010, the Board heard from Officer Turner, Officer Mosley, Mr. Goldman, Mr. Nelson and Mr. Billups. On November 10, 2010, Officer Turner, Officer Simpson, Mr. Foster and Mr. Billups appeared before the Board. Mr. Marks, a resident of St. Louis, was unable to attend either meeting.

The Board interviewed the witnesses and considered the information they provided during the two meetings, along with the extensive investigation conducted by the Professional Standards Unit. All Board members agreed that they had sufficient information to make a determination on the complaint.

The City of Columbia Police Department's General Order 88 on the subject of Use of Force states that:

- A. It is the policy of the Columbia Police Department that only the amount of force that is objectively reasonable to perform the various duties of officers will be deemed appropriate.

B. Each instance of the use of force will require that restraint be exercised so as not to purposely exceed that force which is necessary as dictated by the particular circumstance faced by the officer.

In judging the reasonableness of a police officer's actions, consideration must be given to what the officer knew at the time of his or her action. At the time of the incident in question, Officer Turner was responding to a call for a disturbance. He was given a description of Mr. Billups as the person who was causing the disturbance and was told that the disturbance had become physical. However, all witnesses, including Officer Turner, agreed that no fighting was occurring when Officer Turner arrived on the scene.

Police officers are often required to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving. In this case, however, Officer Turner failed to take the time to observe the situation and decide what action to take. It was Officer Turner's haste to handcuff Mr. Billups that escalated tension, added uncertainty and forced the situation to evolve rapidly.

Officer Turner failed to consult the security officers present and identifiable on the parking lot before taking action. He failed to contact and consult with the person who called the police. He did not clearly identify himself as a police officer and he approached Mr. Billups from behind instead of in front. Also, Officer Turner failed to coordinate his actions with his fellow officer at the scene.

The Board believes that a reasonable officer on the scene would have exercised restraint and simply asked what the problem was before aggressively using force to handcuff the presumed source of a disturbance who was not engaged in disruptive behavior at the time.

Because he resorted to force when force was unnecessary and objectively unreasonable, the Board concluded that Officer Turner's actions were not proper.

Two board members, Ms. Smith and Mr. Martin, felt that Officer Turner acted properly. They believe Officer Turner acted reasonably to avoid escalating the situation based on what he knew at the time.

The Board was concerned with the length of time this complaint was pending in the police department. The Board is hopeful that your recent policy changes should decrease the amount of time a complaint remains pending in the department.

Sincerely,

Ellen LoCurto-Martinez
Chair