

# MINUTES

## Citizens Police Review Board Meeting

February 9, 2011  
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. Sheltmire and Mr. Martin.

Staff Present: Officer Brown, Officer Valley, Officer Brotemarkle, Chief Burton, Fred Boeckmann and Rose Wibbenmeyer.

Members of the public were present.

Ms. LoCurto-Martinez called the meeting to order at 7:01 p.m. Ms. LoCurto-Martinez introduced the new Board member, Steve Sheltmire.

Ms. LoCurto-Martinez asked if Ms. Cruz was present for review of her complaint. Ms. Cruz was not present. Ms. LoCurto-Martinez stated that the Cruz case was passed on the agenda.

Ms. LoCurto-Martinez opened the initial review of the Lovelace complaint. The Board discussed their thoughts regarding Ms. Lovelace's complaints. Ms. Smith wanted to hear from the other driver and Mr. Gant. The Board members discussed whether or not they needed to hear from witnesses. Mr. Highbarger felt that a hearing was not necessary. Ms. Smith stated that she wanted to hear from the other driver to talk about what was said and the tenor of what was said. Mr. McClure said that he was torn over Mr. Alexander's view and Ms. Wilson's view. Mr. Highbarger said he thinks the officer acted appropriately and the Board should move on with it. Ms. Smith felt that the Board needed to hear what happened. Mr. Martin stated that the complainant complained, the Chief made the decision and she appealed; therefore, the Board should hear the appeal. Mr. Sheltmire said the Board should exercise due diligence. Ms. Wilson made a motion that the Board have a hearing. The motion passed with Mr. Alexander, Mr. Dean, Mr. Martin, Mr. McClure, Ms. Smith and Ms. Wilson voting in favor of the motion.

The Board took up the initial review of the Chapman, Hussman et al. complaint. Ms. Hussman introduced the complainants who were present. Ms. LoCurto-Martinez asked how the Board wished to proceed. Mr. Highbarger stated that when you review the police department's general orders and procedures, the officers did exactly what the policy requires. Mr. Highbarger said that the officers attempted to diffuse the situation when the man placed his hand in the pocket of his hoodie. The police officers called for emergency assistance and two

MU officers helped to diffuse the situation. Mr. Highbarger said that he is not sure what else they could have done.

Ms. Wilson said that she was troubled by what happened as a social worker and attorney. She felt that it would be appropriate, at the very least, to carry on a conversation on how we treat the mentally ill. Whether it rises to the level of a complaint, Ms. Wilson agrees that the facts follow exactly as the conduct policy is written. Ms. Wilson asked about training of officers in identifying mental health issues and felt that such training is an important element. Ms. Wilson agreed that all of the officers did exactly what they were supposed to do.

Mr. McClure asked the Chief to address Ms. Wilson's question regarding training. Chief Burton discussed the officers who have participated in the Crisis Intervention Training (CIT). His goal is to have everyone in the department trained. Chief Burton said that the basic academy training includes that of mental health or emotional issues. Chief Burton said that sometimes tasers are used, even if someone is mentally ill. While the officers try to avoid it, their actions are completely reactive to the situation the person presents. Ms. Wilson asked who teaches the CIT program. Chief Burton stated that it is an interdisciplinary approach. He stated that Captain Bernhard started the program. Chief Burton offered to have the police department provide the Board with information on the trainers and the syllabus of the CIT program.

Ms. Smith moved that the Board not hear the appeal, that CPD followed the procedure as written, and the public already voted on the taser issue. Mr. Boeckmann discussed and clarified the role of the Board.

Ms. Smith rephrased the motion. Ms. Smith moved that the Board accept Chief Burton's finding on the complaint. Mr. Highbarger seconded the motion. Mr. Martin stated that the person who was tased did not file the complaint. Ms. Smith said that the City Council addressed the standing issue. Ms. LoCurto-Martinez read the standing provisions of the ordinance. Mr. Alexander said that he was confused as there was not a lot of information from the witnesses who were present. Mr. Alexander suggested that the Board hear from the witnesses to find out what happened. Ms. Smith said that the complaint addressed the taser policy. Mr. Alexander asked if the Board can get validation from an independent observer that a person was resisting. He suggested that the Board hear from the persons who were present. Ms. LoCurto-Martinez said that there were two witnesses in the Subway store. Mr. McClure pointed out that Justin Clarke was a witness. Mr. Dean asked about the closed record information. Ms. Wibbenmeyer explained. The Board voted on Ms. Smith's motion. The Board defeated the motion. Mr. Alexander, Mr. Dean, Mr. Martin, Mr. McClure and Ms. Wilson voted no. Mr. Highbarger, Mr. Sheltmire and Ms. Smith voted yes.

Ms. Smith asked that only witnesses who observed the incident be asked to appear. Ms. LoCurto-Martinez and Mr. McClure indicated that they wanted to hear from Justin Clark. Ms. LoCurto-Martinez indicated that there was an assistant manager who was present. Mr. Alexander would like the officers to be present. Chief Burton said that one of the officers had asked for an attorney, and he supports that request. Chief Burton stated that he disagreed with Mr. Boeckmann. Chief Burton wanted the City to provide an attorney for the officers at the

City's expense as he does not believe that CPOA or the officers should have to pay for the attorney. Mr. Boeckmann explained that if an employee wants an attorney, the employee should pay for the attorney. Ms. Wilson asked about the record of information and providing it to the complainants. Ms. Wibbenmeyer will go through the records to determine what is open and closed. Mr. Stack inquired as to the background at Starbucks. Mr. Alexander said that what is relevant is what the police officers knew at the time of the incident, which occurred at Subway. Ms. Wilson made a motion to hear from witnesses. Ms. Smith seconded her motion. The motion passed with Mr. Alexander, Mr. Dean, Mr. McClure, Mr. Sheltmire and Ms. Wilson voting in favor of the motion. Mr. Highbarger, Ms. Smith and Mr. Martin voted against the motion.

The Chair addressed old business regarding Chief Burton's request to define misconduct with respect to the code of conduct. Ms. Smith believed that the Board should use the police department's code of conduct as a guide. Mr. Boeckmann said that the code of conduct simply incorporated all of the department general orders, city ordinances, and state and federal law. Mr. Boeckmann did not feel that the code of conduct policy changed anything with respect to the definition of misconduct.

The Board discussed approval of the annual report. Ms. Wilson moved to approve the annual report. Ms. Smith seconded the motion. The Board unanimously approved the annual report.

Ms. LoCurto-Martinez addressed with Mr. Viets the clarification of his request regarding search warrants. Mr. Viets expressed concern regarding the Kinloch Court incident and believes that search warrants should not be used for other non-violent incidents. He is hoping that the Board will give the public the opportunity to be heard. Mr. Viets believed that search warrants always increased the potential of violence. Mr. Alexander asked who is knowledgeable about these types of things. Mr. Viets presumed that they would hear from representatives from the Columbia police department. A member of the audience suggested a member of the Kato institute. Mr. Viets suggested that members of the public should be heard on this matter. Mr. Martin asked about the issuance of search warrants and the laws regarding it. Mr. Viets is suggesting that the police use alternative means of investigating those types of cases. Ms. Wilson asked if it was the execution or issuance. Ms. Wilson asked if the Board has any power to have any influence over that the issuance since state statute governs when it should be issued. Ms. Wilson discussed the Boone County Bar meeting CLE. Ms. Wilson suggested Don Weaver discuss the police perspective as he did appear at the Bar representing the department's point of view. Mr. McClure is uncomfortable with what the Board is being asked to do. He said that in terms of search warrants, there are many steps that the Board has no influence over. He believes what Mr. Viets is asking is beyond the scope of what the Board can do. Mr. Boeckmann stated that the Board can make suggestions regarding policies. The Board could weigh in on that policy, but the question is whether or not the police should request search warrants. Mr. Pearson discussed whether a search warrant should be used on non-violent offenses and asked that the Board not make a final decision tonight. He asked that the Board have a hearing on the issue. Mr. Pearson addressed the Board and stated that he was concerned regarding the use of confidential informants and shaky information to obtain search warrants. Ms. Wilson made a motion to hold a hearing at a future date, and to bring in

qualified experts from various spectrums. Mr. Sheltmire seconded the motion. The motion passed. The Board decided to include the hearing on the April agenda.

The Board discussed the correspondence from Ms. Parke et al. Ms. Parke addressed the Board, along with Mr. Greene and Ms. Murray. There were no questions from the Board.

The Board provided an opportunity for public comment. Members of the public commented. Ms. Locurto-Martinez discussed the police department's new organizational chart.

Ms. Wilson asked to recognize Steve Weinberg and welcomed Mr. Sheltmire. Ms. Wilson said that Mr. Weinberg was extremely helpful. She moved that the Board send him their thanks and recognition of his service. Mr. McClure seconded the motion. The Board unanimously passed the motion.

Ms. Smith made a motion to adjourn. Mr. Martin seconded the motion. The Board unanimously adjourned the meeting at 8:40 p.m.