

# MINUTES

## Citizens Police Review Board Meeting

March 9, 2011  
7:00 p.m.  
City Hall – New Addition  
Council Chamber  
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 Parsons, Sgt. Wieneke, Lt. Shouse-Jones, 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. Wilson moved to approve the minutes of the February 9 and February 26, 2011 meetings. Mr. Alexander seconded the motion. The Board unanimously approved the minutes.

Ms. LoCurto-Martinez announced the continuance of the Chapman case and the continuance of the initial review of the Riley case.

Ms. LoCurto-Martinez called the Lovelace case. She announced that Officer Parsons was present. Ms. LoCurto-Martinez stated that Ms. Lovelace was not in attendance. In addition, none of the other invited witnesses appeared. Mr. Highbarger suggested that the Board accept the police department's report and proceed tonight. Mr. Highbarger moved to accept the findings of the police chief. Mr. Sheltmire seconded the motion. Mr. Alexander, Mr. Dean, Mr. Highbarger, Mr. McClure, Mr. Sheltmire, Ms. Smith and Ms. Wilson voted in favor of the motion. Mr. Martin voted against the motion.

Ms. LoCurto-Martinez stated that the Board would take up the Riley initial review during the April meeting. Mr. Highbarger suggested that Board members email Ms. Wibbenmeyer and the Chair if they needed more information.

Ms. LoCurto-Martinez stated that she sent Mr. Viets two emails and called him for clarification as to his policy review request. Mr. Highbarger stated various concerns and reiterated the need for a written clarification from Mr. Viets. Chief Burton has indicated that he will be present. Mr. Martin stated that the Board should remove it from the agenda until they receive a letter from Mr. Viets clarifying his request and whom he will present. Mr. Alexander expressed a similar concern. Ms. LoCurto-Martinez said that she will contact Mr. Viets to request something in writing from him regarding his proposal and the witnesses that he would like to be present.

Ms. LoCurto-Martinez discussed her handout on tasers. The handout was from a webinar on tasers during which *Graham vs. Conner* was discussed; this handout delineates three specific questions which courts ask in order to address objective reasonableness.

Ms. LoCurto-Martinez opened discussion regarding the outreach subcommittee and current and possible new members. Mr. Sheltmire volunteered to assist Mr. McClure and Ms. Wilson on the outreach subcommittee. This subcommittee will review the Kansas City outreach strategic plan in order to draft a Columbia plan. Ms. LoCurto-Martinez reiterated one of the main goals of this Board is to bridge the gap between the community and the police.

Ms. Wilson asked for clarification of the scheduling of the Riley case. Ms. LoCurto-Martinez explained that the Board decided to conduct an initial review during the April meeting. If after the initial review the Board decides to hear/question witnesses, then the Board will schedule the full review at a later date (either a special meeting or the regular meeting in May).

Ms. Smith inquired as to the disposition of the Cruz matter. Ms. Smith moved to accept the police chief's decision on the Cruz case. Mr. Alexander seconded the motion. Mr. Alexander, Mr. Dean, Mr. Highbarger, Mr. Martin, Mr. McClure, Mr. Sheltmire, Ms. Smith and Ms. Wilson voted in favor of the motion.

Ms. LoCurto-Martinez announced that the Board would continue having meetings in the Council Chamber based on timing and the prior scheduling of available meeting rooms.

Ms. LoCurto-Martinez stated that Mr. Levin from the Center for Dispute Resolution could not meet with the Board at this time regarding the mediation program. Mr. Levin is willing to meet with the Board at a later date. Ms. LoCurto-Martinez stated that Ms. Williams and Mike Walker from Kansas City are willing to assist the Board in establishing its mediation program. The Board agreed to invite them and would also like to hear from members of the local mediation community. Ms. Wibbenmeyer is to invite members of the local mediation community to a meeting to discuss the formation of a mediation program. Ms. LoCurto-Martinez will work with Ms. Shouse-Jones to ensure that CPD is part of the process.

As a follow up from the February 26<sup>th</sup> meeting, Ms. LoCurto-Martinez opened the discussion of the possibility of having a closed executive session. Ms. Smith asked if it was her understanding that in other communities, the review boards met in closed session. Mr. Boeckmann stated that the Board could decide to ask for an ordinance change to allow the Board to have the option of going into closed session to hear from witnesses. Ms. LoCurto-Martinez stated that Ms. Cruz was uncomfortable speaking in public which may be why she did not appear. Mr. Sheltmire stated that he would be in favor of an executive session.

Mr. McClure asked Mr. Boeckmann for clarification. Mr. Boeckmann stated that if the ordinance was changed, the Board could go into closed session by following the Sunshine Law under the personnel exception.

Ms. Wilson stated that she is not supportive of anything that would limit openness. Mr. McClure stated that he understands that witnesses want to feel comfortable speaking to the Board. Ms. Wilson stated that filing a complaint puts the complaint within the public arena. Mr. Boeckmann stated it does, because of the City's current ordinance. Mr. Boeckmann stated that it would depend upon what the Board wanted to do and how open they wanted the process. Ms. LoCurto-Martinez stated that the Oversight Committee wanted to keep the process as transparent as possible. Ms. LoCurto-Martinez thought that a closed session might make witnesses and the officers more comfortable.

Mr. Martin asked if the Board could have a closed session to deliberate on the case. Ms. Smith stated that, if a witness requested it, the Board could go into closed session. Mr. Boeckmann stated that if the ordinance was changed, the Board could go into closed sessions at the request of a witness. Ms. Smith stated that she thinks the Board should go that way and felt that the press coverage on the Billups matter might have scared other people away. Mr. Alexander pointed out that even if it goes into closed session, the name of the officer and the citizen would still be made public. Mr. Boeckmann stated that the Board could close the meeting and could also close the records. Mr. Alexander stated that the speakers from Kansas City stated that they are keeping that information closed.

Ms. Wilson stated that she was troubled by deviating from openness and does not want to erode it in any way. Ms. Smith stated that the Board members are citizens appointed to provide public oversight and expressed her concerns regarding the chilling effect on complainants. Mr. Sheltmire suggested balancing the openness and the preservation of privacy of complainants, witnesses, and police officers. Ms. Wilson stated she felt that the Board should set some basic standards and guidelines in order to avoid any political situations as board members rotate off the Board. Mr. Boeckmann stated that the Board could recommend the City ordinance be changed to delete the openness provisions. If the City Council did that, the Board would follow the Sunshine Law and the City ordinance and the Board could set the guidelines. Mr. Boeckmann further stated that the City ordinance allows employees to decide if a hearing in front of the Personnel Advisory Board be open or closed.

Mr. Martin stated that he would like the discussion and deliberation of the Board be conducted in closed session. Ms. Smith stated that part of the information the Board receives is confidential yet they discuss it openly. Mr. Boeckmann explained the two parts of the Sunshine law. Mr. Alexander asked how the Board would go about making this change. Mr. Boeckmann stated that Ms. Wibbenmeyer could draft a request to the City Council for the Board's approval. Mr. Alexander suggested that Ms. Wibbenmeyer prepare something for the next meeting.

Mr. McClure asked for clarification. Ms. Wilson wanted it limited to closure at the complainant's request. Ms. Smith moved that the Board recommend the ordinance be changed to delete the openness provisions. Mr. Sheltmire seconded the motion. Mr. Martin asked if that would allow the Board to deliberate in closed session. Mr. Boeckmann asked if the Board intended Ms. Wibbenmeyer to write something to go directly to the City Council after having the Chair review it. Ms. Smith stated yes. Mr. Alexander, Mr. Dean, Mr. Highbarger, Mr. Martin, Mr. McClure, Mr. Sheltmire and Ms. Smith voted in favor of the motion. Ms. Wilson voted against the motion.

Ms. LoCurto Martinez opened the discussion regarding triaging complaints. Lt Shouse-Jones explained how the PSU triaged complaints. She explained that the PSU does triage complaints on a case by case basis. Some complaints are assigned back to supervisors whenever possible. Chief Burton decided last year that any use of force complaint is investigated by internal affairs.

Ms. Smith stated that she looked at the Kansas City approach to triaging complaints and believed that how they classified complaints would be a good model. Lt. Shouse Jones stated that she was open to suggestions. Sgt. Wieneke asked about direct referrals to mediation. Ms. Smith stated that she would show Lt. Shouse-Jones the information. Mr. Alexander stated that the mediation part may need to be in the police department and stated that Lt. Shouse Jones or someone from the department would need to be involved in setting up the mediation process.

Ms. LoCurto-Martinez opened the discussion regarding monthly meetings with CPD. Ms. Smith stated that she thinks it is needed if the Board is discussing mediation. Mr. McClure stated that any monthly meeting with CPD would require transparency. Ms. Wilson stated that it should be issue based. Mr. Martin suggested that it include all officers including rookies, not just administration.

Ms. LoCurto-Martinez opened the discussion regarding the training of new Board members. Ms. LoCurto-Martinez will send a letter to Mayor McDavid requesting that the City Council implement an earlier appointment schedule so that new members can attend two Board meetings prior to beginning to serve officially.

The Board provided an opportunity for public comment. Members of the public commented. Ms. Parke asked the Board to rescind the vote the Board took on recommending the ordinance changes. Mr. Pearson spoke and stated that he was in favor of Mr. Viets' policy recommendations. Mr. Pearson asked that the Board include him in these requests. Mr. Richards spoke in favor of openness. He suggested that the Board adopt a conflict of interest policy and a database to track complaints. Mr. Gurley commented on the openness issue. Sgt. Wieneke commented that the majority of the officers have had issues with the Board, but she felt that if the openness provisions were changed, many of the issues with the Board would be resolved. She thought that the officers would be very encouraged by the vote. Mr. Martinez asked the Board to reconsider their motion and felt that the trust would be eroded if the Board goes into closed session.

Members of the Board commented. Mr. Highbarger stated that he regretted his vote after he thought more about the openness issue. Ms. Smith stated that the City offered no boundaries on the openness and it is not fair to complainants. Ms. Wilson stated that the Board does not know that complainants do not want to come forward. Mr. Highbarger said that the openness screens out some people who are complaining just to make a complaint. Mr. McClure stated that he was very hesitant when he voted. He felt that the Board should be a haven for people to let their concerns be heard. Mr. McClure said that the Board does not do that, but the media does. He felt reluctant about it because the Board's strength is its openness.

Ms. Wilson suggested that someone on the prevailing side could move to reconsider. Ms. Smith stated that the Board should have options to go into closed session. Mr. Highbarger said that the Board must weigh the impact on the public's perception. Mr. Highbarger moved that the Board reconsider and not go into closed session. Mr. McClure seconded the motion.

Mr. Alexander stated that the Board should reconsider this, but not right now. Mr. Boeckmann stated that the Board should vote on the first motion and then bring it back at the next meeting. Mr. Highbarger withdrew his motion. Ms. LoCurto-Martinez moved that the Board direct Ms. Wibbenmeyer not to make a report until after the Board reconsiders the issue at its next meeting. Mr. McClure withdrew his second to Mr. Highbarger's motion. Ms. LoCurto-Martinez moved that Ms. Wibbenmeyer prepare a draft of changes to the ordinance and a draft council report that would allow the Board to go into closed executive session; the drafts to be discussed at the April meeting. Mr. McClure seconded the motion. Ms. Wilson stated that she regrets that the Board cannot debate it and decide it tonight. Ms. Wilson stated that the question about the open meetings was for the internal workings of the Board. Mr. Martin also thought it was for internal deliberations. Mr. Sheltmire stated that it is important to have openness, but that in specific situations, the option to close hearings is also important. Mr. Alexander, Mr. Dean, Mr. Martin, Mr. McClure, Mr. Sheltmire, and Ms. Wilson voted in favor of the motion. Ms. Smith abstained. Mr. Highbarger voted against the motion.

Mr. Martin moved to adjourn. The Board seconded the motion. The Board unanimously adjourned the meeting at 8:35 pm.