

MINUTES

Citizens Police Review Board Meeting

August 4, 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. Weinberg, Ms. Wilson, Mr. McClure and Mr. Alexander.

Excused absence: Mr. Martin.

Staff Present: Deputy Chief Tom Dresner, Officer Jessie Haden, Officer Jill Wieneke, Fred Boeckmann and Rose Wibbenmeyer.

Members of the public were present.

Ms. LoCurto-Martinez called the meeting to order at 7:03 p.m.

Mr. Weinberg moved to approve the minutes of the July 14, 2010 meeting. Mr. McClure seconded the motion. The Board unanimously approved the minutes.

Ms. LoCurto-Martinez stated that there would be no public comment tonight. She announced that Mr. Martin had an excused absence because he was in New Mexico. She also announced that Ms. Bixby had resigned from the Board.

Ms. Smith read a prepared statement. She presented her recommendations to the Board and moved that the Board accept the Chief's assessment and findings in the case; and that the Board agree and accept the Chief's changes to the SWAT policy and procedure, and that the Board recommend that the City Council make the changes permanent. Mr. Highbarger seconded the motion.

Ms. LoCurto-Martinez stated that the Board has decided not to hear comments from any witnesses and that Mr. Viet's complaint will be addressed at another meeting.

Ms. Wilson announced that she had a different take on this matter. She felt that for many it shocked the conscience. She stated that she is aware of one college in Texas where the video is being shown as an example of overreaching. She wanted to know was the dynamic entry reasonable and was it reasonable to bypass surveillance. Ms. Wilson questioned the use of a dynamic entry after a trash pull and whether the decision to use a dynamic entry was appropriate when the officers knew a child was present. Ms. Wilson stated that she was uncomfortable with the Chief's findings

because of the narrow scope of the investigation. Ms. Wilson felt the matter should be sent back to the police department for additional investigation.

Mr. Alexander stated that he agreed somewhat with both Ms. Smith and Ms. Wilson. Mr. Alexander indicated that the Board should accept the police department's review but send a strong message that they were very unhappy with the way in which this search warrant was carried out. He stated that it was inappropriate for the officers to fire shots while a child is present. He said that he wanted to send a strong message that the general approach was unsatisfactory, but within departmental policy.

Mr. McClure agreed with Mr. Alexander. Mr. McClure indicated that he agreed with some of the observations of Ms. Smith and Ms. Wilson. He stated that the Board is charged with helping the community become better. He felt that to continue to pick at a sore does not allow it to heal. He stated that the Board needed to resolve the issue and move on. Mr. McClure indicated that he concurred with Ms. Smith's recommendations with reservations.

Mr. Weinberg reluctantly opposed Ms. Wilson's suggestion to get more information because he does not think they need to put off a decision further. He indicated that Chief Burton's policy changes look promising, but the recommendations fall short. Mr. Weinberg stated that he would make some suggestions.

Mr. Highbarger stated that the main purpose of the Board is to recommend policy changes. He felt that the Chief had gotten out ahead of the Board and made the policy changes.

Ms. LoCurto-Martinez stated that she agreed with both Ms. Wilson and Ms. Smith. She was concerned with how the investigation was handled.

Ms. Smith read her recommendations again. Mr. Weinberg moved to amend the motion to add an additional policy recommendation that for any entry into private property, whether dynamic or otherwise, a specific employee at the police department shall be responsible for knowing about the presence of animals or minors on the premises. Ms. Wilson seconded Mr. Weinberg's motion. The Board unanimously approved the amendment proposed by Mr. Weinberg.

Ms. Wilson indicated that the investigation was too narrow and that the investigation should be broadened. Mr. Alexander indicated that he was extremely upset that there was a child in the home when the incident occurred.

Ms. LoCurto-Martinez indicated that she was bothered by Ms. Smith's motion to accept the Chief's assessment. She questioned the message that what the police did was proper when the police admitted there was no surveillance, while by policy the police were required to conduct surveillance. Ms. LoCurto-Martinez felt that the Board could not say that policy was not violated. Mr. McClure indicated that he was unhappy with the limited scope of the investigation, but was relatively satisfied with the changes

instituted. Mr. Weinberg agreed that the policies and procedures in existence on the date of the incident were terribly flawed.

Ms. Smith read her recommendations again. Mr. Weinberg reiterated his proposed amendment. Mr. Boeckmann announced that the City Council was interested in making sure that the police department's policy changes were made permanent by adopting an ordinance or resolution.

Ms. Wilson proposed that the Board separate the motion to allow for a vote on the policy recommendations and a separate vote on the findings by the police department. Mr. Alexander seconded Ms. Wilson's motion. The Board unanimously agreed to separate Ms. Smith's motion into two separate motions.

The Board voted on Ms. Smith's motion regarding policy recommendations as amended by Mr. Weinberg's amendment. The Board unanimously adopted the policy recommendations as amended.

The Board voted on Ms. Smith's motion to accept the Chief's assessment that the officers acted properly within the law and departmental policy. Mr. Weinberg indicated that he would vote yes with a troubled mind because there was no evidence that policies were violated. Mr. Alexander, Mr. Highbarger, Ms. Smith and Mr. Weinberg voted in favor of the motion. Ms. LoCurto-Martinez, Mr. McClure and Ms. Wilson voted against the motion.

Ms. LoCurto-Martinez asked the Board if they wished to hear public comment. Mr. Weinberg stated that he wished to hear from Mr. Rosenthal for ten minutes and suggested that official complainants be allowed to speak for ten minutes. Ms. Smith moved to allow public comment per the Board's standard procedure with a five minute limitation for those speakers representing an organization and with a three minute limitation for all other speakers. Mr. Alexander seconded the motion. Mr. Alexander, Mr. Highbarger, Mr. McClure, Ms. Smith and Ms. Wilson voted in favor of the motion. Mr. Weinberg voted against the motion.

The Board heard public comment from Mr. Rosenthal, Mr. Pierson, Mr. Richards, Ms. Henry, Mr. Thampy, Ms. Warren, Mr. Rackers and Mr. Viets.

The meeting adjourned at 8:40 p.m.