

MINUTES

Citizens Police Review Board Meeting

December 8, 2010

7:00 p.m.

City Building - New Addition

City Council Chambers

701 East Broadway

Columbia, Missouri

Board members present: Ms. LoCurto-Martinez, Mr. Highbarger, Ms. Smith, Ms. Wilson, Mr. McClure, Mr. Alexander, Mr. Weinberg and Mr. Martin.

Excused Absence: Mr. Dean.

Staff Present: Officer 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 November 10, 2010 meeting. Mr. Martin seconded the motion. The Board unanimously approved the minutes. Ms. LoCurto-Martinez announced that Ms. Cruz was not in attendance for her scheduled public comment.

Mr. Weinberg moved to amend Article V, Section 4 of the Board's bylaws. Mr. Highbarger seconded the motion. The Board unanimously approved the amendment to bylaw Article V, Section 4.

The Board discussed Chief Burton's request to change the definition of misconduct. Ms. LoCurto-Martinez moved that the ordinance not be amended. Ms. Wilson seconded the motion. Mr. Weinberg suggested that it was hard to consider the change without the requestor's presence. Ms. Smith agreed that it would be better if Chief Burton was in attendance. Mr. McClure indicated that he is not comfortable with any narrowing of the Board's authority. Mr. Weinberg moved to table the motion. Mr. Alexander requested that staff prepare a report setting forth the differences between the current ordinance and Chief Burton's proposal. Mr. Smith seconded Mr. Weinberg's motion. The Board agreed to table the motion.

Ms. LoCurto-Martinez opened the discussion of the proposed review of the marijuana ordinance. Ms. Smith moved to have a panel of people discuss the marijuana ordinance. Mr. Martin seconded the motion. The Board agreed to allow panel members to explain the current enforcement process regarding marijuana and marijuana paraphernalia.

The Board briefly discussed Mr. Viets' request related to the use of SWAT in the execution of search warrants for nonviolent offenses. Ms. LoCurto-Martinez told the Board that she would ask Mr. Viets for clarification.

The Board briefly discussed the Annual Report.

Ms. LoCurto-Martinez stated that NACOLE was offering logistical support as well as mentoring. Ms. LoCurto-Martinez stated that Katherine Olsen, the President of NACOLE, is willing to come to Columbia, Missouri to provide training. Ms. LoCurto-Martinez said that NACOLE charges a \$1,500.00 honorarium and that expenses for Ms. Olsen would be approximately \$400.00. Mr. Weinberg and Ms. Wilson agreed that it was a good idea, if the Board had the money to bring her here. Ms. LoCurto-Martinez said that there are sufficient funds in the budget. Ms. Smith moved that the Board bring in someone from NACOLE for a one-day training session. Ms. Alexander seconded the motion. The Board unanimously passed the motion.

Ms. LoCurto-Martinez read Article 3 of the bylaws regarding Board statements. Ms. Wilson asked for clarification as to the meaning of Article 3 and felt that it was appropriate for the Board to have one voice. Mr. Martin agreed, and stated that individual statements trickle back to the Board. Ms. Smith inquired as to official statements of the Board. Ms. LoCurto-Martinez indicated that it was her understanding that the Chair was to speak for the Board. Ms. Smith asked how the official statement of the Board is determined. Ms. LoCurto-Martinez stated that the majority of the Board determines the official statement of the Board. Mr. Alexander stated that everything the Board says is public and that the Chair is merely restating what happened publicly. Mr. Weinberg felt that after a review is completed, and there is a full public discussion of the complaint, then all Board members should be able to answer inquiries from the press and others. Ms. Wilson said that the minutes speak for the Board. Mr. McClure urged caution and felt that the Board needed to be transparent to the public. Prior to a Board review, Mr. McClure felt that the Chair should only speak. After the review is completed, the Board members should feel free to discuss their decision.

Ms. LoCurto-Martinez stated that she had asked Dr. Campbell to speak at the City Council meeting on December 20, 2010. Mr. Weinberg, Mr. Martin, and Ms. Wilson felt that this was a good idea.

Mr. Weinberg discussed his recent meeting with representatives of the Columbia Police Officers Association (CPOA). As a result of that meeting, Mr. Weinberg learned that the City of Columbia Police Department and CPOA are not the same organization. The two groups sometimes have divergent views. CPOA has felt unrepresented and that the Board should reach out to that organization. Mr. Weinberg learned that the members of CPOA want the Board to do a better job of learning what it is like to be a police officer. He also stated that CPOA representatives were concerned about the possibility that multiple measuring sticks are used to determine what is proper and improper.

The Board heard public comment. Mr. Dearmont, the Executive Director of CPOA, addressed the Board. Mr. Dearmont provided the Board with information regarding the structure and goals of CPOA. He stated that CPOA would appreciate the opportunity to have an open public discussion of the issues. Mr. Robnett commented on the definition of misconduct. He encouraged the Board to make sure that the definition works for the community.

Ms. Smith commented that it is important for the Board to have the proper measuring sticks. In the future, Ms. Smith suggested that the Board either take the case under advisement and issue a written decision or discuss the decision in public and provide a public explanation as the Board's rationale. Mr. Alexander indicated that the letter to Chief Burton well-reflected what was discussed by the Board during the review. Ms. Smith disagreed.

Mr. Boeckmann stated that the appropriate measuring sticks were the police department's rules and regulations. He explained that the measuring stick must be the police department's rules and regulations, which the police department provided to the Board. The measure, therefore, is not necessarily a constitutional standard, but rather did the officer violate a rule or regulation of the police department. Mr. Boeckmann further stated that he doubted that Officer Turner's actions rose to a constitutional violation, and the Board reasonably found that Officer Turner's actions violated police policy.

Mr. Highbarger asked about reports from the police department regarding complaints and if the police could provide quarterly reports. Ms. Wibbenmeyer stated that the reports provided to the Board were in response to Ms. LoCurto-Martinez's request. Ms. LoCurto-Martinez stated that would be added to the January agenda.

Ms. Smith moved to adjourn the meeting. Mr. Weinberg seconded her motion. The Board unanimously voted to adjourn the meeting. The meeting adjourned at approximately 8:40 p.m.