

CITY OF COLUMBIA

CITIZENS POLICE REVIEW BOARD 2013 ANNUAL REPORT

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Members of the Citizens Police Review Board

Dr. James C. Martin, Chair
Dr. Stephen Alexander, Vice Chair
Gabriel Scott Dean
Roger Dowis
Andrew Fisher
Jordon Hargrove
Dr. Jerry Kennett
Stephen Sheltmire
Betty K. Wilson

HISTORY OF THE FORMATION OF THE CITIZENS POLICE REVIEW BOARD

In 2007, a coalition of citizens and groups proposed the idea of creating a civilian review board to the City Council. The City Council appointed a fourteen member committee to study whether or not a review board was needed and to consider how such a board would be structured. The committee reviewed all complaints that existed before the professional standards unit was established. In addition, they studied and considered different models used by different cities, and hosted public events to gather input from the citizens. After extensive study and public input, the committee unanimously agreed to recommend that the City of Columbia establish a citizens police review board.

In July of 2009, the City Council of the City of Columbia, by adopting Ordinance No. 020331, created a nine member Citizens Police Review Board. The ordinance outlined the duties of the Citizens Police Review Board as follows:

The citizens police review board shall have the following duties:

- (1) Review appeals from the police chief's decisions on alleged police misconduct as provided for in this article.
- (2) Host public meetings and educational programs for Columbia residents and police officers.
- (3) Review and make recommendations to the police chief and city manager on police policies, procedures and training.
- (4) Prepare and submit to the city council annual reports that analyze citizen and police complaints including demographic data on complainants, complaint disposition, investigative findings and disciplinary actions. The reports should also describe the board's community outreach and educational programs. The reports should also set forth any recommendations made on police policies, procedures and training. The reports shall be submitted no later than March 1 for the previous calendar year.

Section 21-49 City of Columbia Code of Ordinances.

The City Council appointed the first eight members of the Citizens Police Review Board in November of 2009. Also in November of 2009, the Human Rights Commission appointed its first member to the Board. The Board met for the first time on November 18, 2009.

Dr. Alexander, Dr. Martin, and Ms. Wilson have served on the Board since its formation. Mr. Dean, the Human Rights Commission member, joined the Board in 2010. Dr. Kennett, Mr. Sheltnire and Mr. Dowis joined the Board in 2011. In 2012, the City

Council appointed Jordan Hargrove. In 2013, the City Council appointed Andrew Fisher.

EXECUTIVE SUMMARY

This annual report includes information on the Citizens Police Review Board's work from January 2013 through the end of December 2013.

Pursuant to its mandate, the Citizens Police Review Board's accomplishments include:

- (1) The Board reviewed appeals from the police chief's decision on alleged police misconduct. When an appeal is filed with the City Clerk, the Board is notified, and the Police Department's Internal Affairs Unit forwards a copy of the entire investigative file and the applicable police department policies and regulations to the Board. The Board receives the same material from the Internal Affairs Unit that the Chief of Police reviewed in making his determination on the complaint. The Board reviews the material provided and applies the same standards outlined in the police department's policies as used by the Chief of Police. In addition, Sec. 21-52 of the Columbia City Ordinance provides that the Board may request additional investigation by the Police Department, or the Board may conduct its own investigation by either hiring a private investigator, or by interviewing and hearing comments from witnesses to the incident.

During this reporting period, the Board received seven (7) appeals.

- (2) The Board hosted monthly public meetings with an opportunity for public comment at each regular monthly meeting, had two (2) special work sessions, provided public educational programs on a variety of topics, and participated in community events.
- (3) The Board met with the police chief on two occasions (May 8, 2013 and November 13, 2013).
- (4) The Board is submitting to the City Council the following annual report which outlines the Board's actions from January 1, 2013 through December 31, 2013.
- (5) The Board has volunteer advocates to assist complainants and police officers with the complaint and appeal process.
- (6) The Board established a mediation program design, obtained funding for a pilot project utilizing the mediation program design, and is in the process of soliciting proposals for the mediation services necessary for the pilot project.
- (7) Two Board members, Mr. Dean and Mrs. Wilson, were sent to the National Association for Civilian Oversight of Law Enforcement (NACOLE) national

conference. Mr. Dean served as the City's voting member in the national organization.

- (8) Board member Scott Dean currently serves on the NACOLE Website Committee.

SUMMARY OF APPEALS REVIEWED BY THE CITIZENS POLICE REVIEW BOARD

During this reporting period, the Board received seven appeals filed in 2013 and completed its review of two appeals filed in 2012. In one of the 2012 cases, the Board found that the complainant did not allege misconduct of a police officer. In the other case which was filed in 2012, the Board agreed with the police chief's decision on the complaint. Of the seven appeals filed in 2013, the Board voted to agree with the police chief's decision on three appeals. One appeal was untimely filed. On two appeals, the Board found that the allegations were not subject to the Board's review. One is still pending as of December 31, 2013.

The dispositions of the cases are summarized below.

<u>CPRB Case Number</u>	<u>Summary and Board's Action</u>
2012-0007	A person filed an appeal on October 13, 2012. After its review, the Board voted by a majority of seven (7) members in favor and one (1) member, Dan Jacob, opposed, that the appeal did not meet the definition of misconduct. The Board recommended Chief Burton craft a policy in response to the situation. Based on this appeal, the police department later adopted a policy on the placement of posters within the police department.
2012-0008	A person filed an appeal on December 14, 2012. After its review, the Board voted by a majority of five (5) members in favor, Stephen Alexander, Scott Dean, Roger Dowis, Jordon Hargrove, and Steve Sheltmire, and two (2) members, Dan Jacob and Betty Wilson, opposed, that the complaint was unfounded.
2013-0001	A person filed an appeal on February 24, 2013. After its review, the Board voted unanimously that this is not subject to the Board's review.
2013-0002	A person filed an appeal on February 28, 2013. After its review, the Board voted unanimously that this item is not before the Board at this time.

2013-0003	A person filed an appeal on April 24, 2013. Because it appeared to be untimely filed, and because the person filing the appeal had not provided any clarification, the Board took no action.
2013-0004	A person filed an appeal on July 1, 2013. After its review, the Board voted unanimously in agreement with the police chief's decision.
2013-0005	A person filed an appeal on October 21, 2013. After its review, the Board voted unanimously in agreement with the police chief's decision that what is alleged is unfounded in the first instance and the officer is exonerated in the second instance.
2013-0006	A person filed an appeal on November 5, 2013. After its review, the Board voted unanimously in agreement with the police chief's decision that what is alleged is unfounded.
2013-0007	A person filed an appeal on December 13, 2013. It is still pending.

**DEMOGRAPHIC INFORMATION ON COMPLAINANTS WHO
APPEALED TO THE CITIZENS POLICE REVIEW BOARD**

CPRB Case Number	Demographic Information on Complainant
2012-0007	unknown/m
2012-0008	b/m
2013-0001	unknown/m
2013-0002	b/m
2013-0003	b/m
2013-0004	unknown/m
2013-0005	b/f
2013-0006	unknown/f
2013-0007	w/m

ANALYSIS OF CITIZEN AND POLICE COMPLAINTS

At the time this report was prepared, the Board had not received a copy of the City of Columbia Police Department's 2013 Annual Report of the Internal Affairs Unit or its analysis of police and citizen complaints. When the Police Department provides the information and analysis of police and citizen's complaints to the Board, the Board will provide a supplemental report to the City Council.

COMMUNITY OUTREACH AND EDUCATIONAL PROGRAMS BY THE CITIZENS POLICE REVIEW BOARD

Section 21-49 of the City Code of Ordinances provides that the Citizens Police Review Board shall host public meetings and educational programs for Columbia residents and police officers. The Citizens Police Review Board hosted public meetings and included educational programming, as described below, during these public meetings.

Date	Topic
01/08/13	Dr. Martin and Ms. Wilson were on KFRU the morning of January 8, 2013 to provide information about the Board.
01/09/13	A presentation was given by Sgt. Hestir to the CPRB regarding new hire orientation and field training by the Columbia Police Department.
02/26/13	Dr. Martin appeared on Channel 8 (KOMU) news to discuss the Columbia Police Department using forfeiture funds to purchase head gear for the SWAT team. Dr. Martin expressed in the interview that he wished they would have shared those funds with the Citizens Police Review Board for mediation purposes.
03/13/13	A presentation was given by David Tyson Smith to the CPRB on signs that excessive or inappropriate force may have been used from a criminal defense perspective.
03/18/13	A list of local businesses and government offices was compiled and CPRB members began to distribute brochures throughout the community.
April 2013	Dr. Alexander gave a presentation about the CPRB to approximately 18 staff members of Biological Sciences at MU.
May 2013	Dr. Alexander gave a presentation about the CPRB to a group of 15-20 staff members at MU.
06/21/13	Dr. Alexander and Mr. Sheltmire met with CPD recruits to discuss the CPRB's history, role and duties, and information about the Board.

08/28/13 Mr. Wilson, Mr. Dean and Dr. Martin met with CPD recruits to discuss the CPRB's history, role and duties, and information about the Board.

RECOMMENDATIONS ON POLICE POLICIES, PROCEDURES AND TRAINING

On January 9, 2013, the Board unanimously recommended that Chief Burton craft a policy in response to CPRB Appeal 2012-0007 regarding the procedure of posting information on internal Police Department bulletin boards. On January 22, 2013, the City of Columbia Police Department implemented a policy regarding the posting procedure of publications, documents and other materials on bulletin boards owned by the Columbia Police Department.

On February 2, 2013, the Board unanimously passed a motion to recommend that Chief Burton provide the Board with the information listed below and obtain information by electronic means, and by way of access to the records in the department's computer and physical files:

1. Any and all "complaints" as defined by Sec. 21-45 and filed in accordance with Sec. 21-51 within one week of receipt.
2. Any and all written statements in which the police department determines were not filed as a complaint in accordance with Sec. 21-45 or Sec. 21-51, whether or not the department labels it a concern or does not believe it is a complaint within the definition of Chapter 21, within one week of receipt.
3. Any and all correspondence from the police department to complainant, which informs the complainant of a final determination of the individual's complaint within one week of the date sent.
4. Any and all correspondence from the police department that informs a person or group of persons that a written statement was determined not to have been filed in accordance with Sec. 21-45 or Sec. 21-51 within one week of the date sent.

On February 25, 2013, Chief Burton notified the Board that he would not be implementing these recommendations.

On November 13, 2013, the Board had a discussion with Chief Burton regarding changes to the format of the cases that the Board is receiving and the Board's proposed ordinance changes.

On December 11, 2013, the Police Department provided the Board with a document entitled "External Complaint Tally."

ADDITIONAL ACTIONS AND ACCOMPLISHMENTS

In addition to the actions and accomplishments outlined above, the Citizens Police Review Board also had the following accomplishments during this reporting period:

- (1) On June 12, 2013, the Board formed an Ordinance Review Subcommittee with the purpose of reviewing the ordinances pertaining to the review process to determine if changes were needed.
- (2) On October 9, 2013, the Board voted to recommend that the City discontinue televising the review board meetings. On October 21, 2013, the City Council approved the cessation of televising the CPRB meetings, per the CPRB's request. Also on October 9, 2013, the Board voted to send a report to the Mayor to request that a member of the Board be added to the Mayor's Task Force on Community Violence.
- (3) The Board's request for funding for a mediation program was granted. The City appropriated funds in the FY2014 budget for a pilot mediation program. The City has issued a request for proposals for the necessary mediation services for the pilot project.

FOR THE FUTURE

With several years of experience, the Board is continuing to review the ordinances and is soliciting feedback from the police department on the Board's recommendations for revisions to the ordinances. In addition, the Board is planning to conduct a review of its bylaws and procedures. The Board will work with the police chief to select a mediator for the mediation program, implement the pilot project, and assess its effectiveness.

CONCLUSION

Through its experience in handling appeals and with the training provided by NACOLE, the police department and other community members, the Board has been able to assess the oversight process and is currently pursuing improvements in the process. With the upcoming implementation of the mediation pilot program, the Board will have put into action all facets of citizen oversight originally desired by the citizens of the City of Columbia. The Board designed mediation program will further enhance the goals of increasing police accountability to the community and community trust in the police. The Board is committed to providing an external and independent process for review of actual or perceived police misconduct and believes that the process, the mediation program, and the board's outreach efforts will increase trust between the citizens of Columbia and the law enforcement community.