

**Human Right Commission
July 26, 2006 Meeting Minutes**

Members Present: Marie Glaze, Glenn Glasgow, Mark Thomas, Valeta Snell, Noel English

Members Excused: Randy Cole

Members Absent:

Staff Present: Steve Hollis, Nanette Ward, Alicia Cornish, Fred Boeckmann, Shawna Victor

- I. **Call to Order/Introductions:** Glaze called the meeting to order at 7:02 p.m.
- II. **Approval of Agenda:** Thomas made a motion to approve the agenda. The motion was seconded by English and passed unanimously.
- III. **Approval of 6/28/06 Meeting Minutes:** Glasgow made a motion to approve the June 26, 2006 minutes. The motion was seconded by Thomas and passed unanimously.
- IV. **Old Business**

A. **Discussion with Columbia Police Chief Randy Boehm regarding incident at Columbia Mall in 2/06 and subsequent inquiry:**

Glaze explained HRC had concerns with the incident at the Columbia Mall and the Scott case and invited Chief Boehm to attend the meeting to give the Columbia Police Department's (CPD) side of the story. HRC requested a copy of the final report from the review process.

Chief Boehm thanked HRC for the opportunity to speak. He did receive the request to view the report. The report is a closed document pursuant to 610.021(3) RSMo. and 610.021(13) RSMo. because no charges were filed.

CPD has an internal affairs system which reviews all "use of force" by the police department. In 2005, there were 143 incidents of "use of force" in the department. 102 of those were use of mace. This is actually encouraged by the department as it is least force. There were five incidents of "use of force" that resulted in injury to the suspect.

50% of these incidents were internally generated reviews, meaning the officer told their supervisor about the "use of force". This is unusual for a police department because the majority of police departments nationwide only review "use of force" if there are any injuries.

Chief Boehm said CPD has a strong commitment to ethical use of force. Unfortunately, this is a job where use of force is necessary at times. CPD officers attend trainings regarding the use of force.

Disciplining officers is not always made public knowledge. It is a personnel action so it usually falls under closed records pursuant to state statutes. In 2005 and to date for 2006, there have been 32 occasions of discipline in the department. These disciplinary actions happened due to improper conduct by an officer or due to improper use of force. Of those 32; five were written reprimands, 10 were suspensions without pay for a period of one to 15 days, two resigned because of

internal affairs system and one was terminated.

Chief Boehm said on February 11, 2006, around 8:30 p.m. at the Columbia Mall, there were two or three off-duty Columbia Police officers working with mall security. There were approximately 100 to 200 young people in the area and a disturbance broke out between a few of those individuals.

After the incident was over, a review was initiated by the two sergeants involved in the incident. 34 individuals were interviewed; 18 officers that were involved and 16 citizens that observed some part of this incident. Ms. Scott refused and did not want to be interviewed. Chief Boehm believes a thorough review was completed of this incident.

The officers that were at the mall thought they were losing control of the situation and called for emergency assistance. This kind of call means all available officers are to respond. 18 CPD officers, a few Highway Patrol officers and a few Boone County Sheriff's Deputies responded to the call.

CPD began to close the mall at mall management's request. Many of the stores were beginning to lower their cages to prevent the disturbance spilling into their store. The big cages were also being lowered in the mall to close off sections of the mall. Those cages were closed to about four feet so people could still get under and leave.

The officers were able to form a line to move people from the area. Most complied and left the mall. There were six people who were arrested by CPD who did not respond to the requests to leave.

CPD officers are trained for situations like this to not arrest people because they do not have the staff to make a lot of arrests. The reason is there will not be enough officers at the situation to continue with the crowd control.

Chief Boehm said CPD disputes the version of incident that has been reported in the press.

Regarding Mrs. Scott, Chief Boehm said she approached a CPD officer dealing with a 16 year old. Mrs. Scott was upset about the fact CPD was dealing with the individual and did not like the way CPD was dealing with the individual. It was an active disturbance at the time. The officer asked Mrs. Scott to leave the mall area six times. All six times she refused to cooperate and leave the mall. After the sixth time, Mrs. Scott was told she was under arrest. Mrs. Scott slapped the officer with an open hand on the side of the officer's face. She was then arrested for assaulting an officer, trespassing and resisting arrest. There has been some indication given that the reason Mrs. Scott wanted to leave to take care of her other children, ages two and eight. As CPD staff was dealing with Mrs. Scott, they did not at any time observe those children. Chief Boehm cannot say the children were not in the mall. He believes the children were in another part of the mall with another adult. This is not a situation where there were two young children who are not being supervised and they were keeping mom from supervising. These children were in a different part of the mall.

Once Mrs. Scott was arrested and at no other time during the processing, did she mention the issue of the children. He believes this is further evidence that the children were being supervised by another adult in another area of the mall. He does not believe the children are the reason she continued to resist. He believes she

resisted because she was concerned about the 16 year old CPD was dealing with.

Six individuals were arrested. Officers removed 100-200 people from the mall without further incident or arrests.

Chief Boehm believes the case was reviewed thoroughly and supports the officers. He has found the officers acted properly and supports them in their conduct.

Glasgow said all he knows of this story is what he reads in the press but has been given the impression that Mrs. Scott wanted to retrieve the 16 year old and his friend while the two year old and eight year old were somewhere else. Chief Boehm said he assumes the teenager is the 16 year old the CPD was dealing with and having some difficulty getting to leave the mall. They did not arrest this individual.

Glasgow asked if the department had standard operating procedure in case of this kind of situation. Chief Boehm said the department does have standard operating procedures and attend training on a frequent basis. It is difficult to train for every situation.

Thomas asked if there were up to 200 people involved and there were 16 citizens interviewed then how can the review be considered a closed document. Chief Boehm said the review is a closed document because it is considered a personnel issue; this is reviewing the conduct of an employee.

Boeckmann said the city has adopted ordinances regarding closed meeting and documents. These are similar to state laws.

Thomas said that Mrs. Scott declined to be interviewed initially but asked if another request had been made since charges are not going to be filed against her. Chief Boehm said no request has been made to date.

Thomas requested CPD ask Mrs. Scott to come in for an interview now.

Thomas asked if any statistics were kept on the use of force by race and disciplining of officers who use force. Chief Boehm said there are no statistics of this nature.

Glaze asked why the arresting officer felt they needed to use force against Mrs. Scott, who is a petite woman. Chief Boehm said it is not the size of the individual but the how actively resisting arrest that determines the level of force used. Officers are trained to use the least force needed to make an arrest. In this case, the individual was resisting arrest and assaulted the officer.

Glaze asked if the age and experience of the officer is known. Chief Boehm said the primary officer has been with CPD for three to four years, the second officers has five years experience and the third officer has been with the department for four to five years and also has 10 years experience as a reserve officer.

English asked about the other five that were arrested. Chief Boehm said to his knowledge all others were juveniles.

English said the two who were arrested for fighting initially started the disturbance and others were arrested for refusing to leave the mall. Chief Boehm said that was correct. He noted the officers in this situation asked those in the area numerous times to leave the mall.

Snell asked why the estimate of those involved was a large range. Chief Boehm said CPD cannot get a better estimate because there are no cameras in the mall. CPD has had meetings with mall security about putting cameras throughout the mall. They have also had meetings about disturbances, such as this one, at the mall. This is not the first time this has happened. The mall has proposed closing earlier during the winter months as this is when the majority of these disturbances happen. No action has been taken by the mall at this time.

English asked how many CPD staff were at the incident. Chief Boehm said there were 20 CPD staff; all officers that were on duty and not on other calls responded.

Snell asked how CPD got the names of the 16 people to be interviewed. Chief Boehm said CPD got the names of people that evening.

Glasgow said media reports have indicated mall security gave Mrs. Scott permission to retrieve her child. Chief Boehm said there was no indication of this made to CPD from mall security.

Glaze said if Mrs. Scott had indicated she needed to get to her children, even if they were not in sight, then why mall security would question her. Chief Boehm said the individual did not approach the situation because of the other children, she approached because of the juvenile CPD was dealing with.

Thomas asked how the review process worked for the 16 civilians. Chief Boehm said they questioned people who saw the incident.

Snell asked if there was a racial profile taken of the 16 civilians. Chief Boehm said not to his knowledge.

English asked if CPD spoke with all the witnesses possible. Chief Boehm said CPD will talk with anyone willing to talk. There are times people give their contact information after an incident but they do not want to speak with CPD at a later time or CPD cannot reach them.

Thomas asked Chief Boehm if he is satisfied with the process of the review. Chief Boehm said yes. He has read all reports and spoken with the sergeants involved and is satisfied.

English asked if this is an isolated incident. Chief Boehm said all "use of force" are reviewed. Sometimes use of force is necessary in police work. A lot of the reviews are initiated by self-reporting from the officers.

Glasgow asked if there was a lot of yelling at the scene of the incident. Chief Boehm said some officers have described it as a near riot situation. There were very few physical confrontations during this incident but there was a lot of yelling and outside encouragement.

Glaze thanked Chief Boehm for attending the meeting. She believes there are other groups in the community who believe there is a problem with CPD.

Chief Boehm thanked the commission for the opportunity. He noted if the other groups would like to speak with him about this or any other situation, all they need to do is contact him and he will make himself available.

- B. **Discussion of current relations with Islamic community:** Thomas requested this item be tabled to the September meeting as he has not been able to meet with the Islamic Center. There was no objection to this request.

V. **New Business:** None at this time.

VI. **Staff Reports**

- A. **Community Services:** Hollis said he has not received the report from Services for Independent Living for their 2005 HREP funding.

There is a vacancy open on this commission. Filing for that vacancy will close on August 4, 2006 at noon. The term expires March 2008.

The HRC calendar has been revised and posted to the web with the new meeting dates. The HREP RFPs will be mailed out on August 18.

English said she believes the RFP needs to be redone and the commission should better define where the funding goes. Glaze said this is not the time to discuss possibly changing the RFP process. That time is in January or February of each year.

Snell would like this funding to be more like seed money for programs.

English asked if the commission should have a funding priority for new programs. Glaze said no.

Thomas said he had no issue with inviting other programs to submit proposals. He asked if he would need to resign because HRC gives money to university program. Boeckmann said the conflict of interest is different for every commission but suggested Thomas should abstain from voting on possible funding of university programs. The conflict of interest issue was brought up at the City Council meeting. The mayor wanted an ordinance drafted to have commission members abstain from voting instead of having to resign or not be on commissions or boards. Other council members expressed a different view.

Hollis noted all budget issues should be discussed in January, not in July or August.

- B. **Law Department:** None at this time.

- C. **Investigator/Community Educator:** Ward gave the following study circles report:

- KFRU and KOMU promoting "ELDER SPEAK!" and discussing "TEEN SPEAK!" on July 20.
- "YOU in Mizzou" on July 21
- "ELDER SPEAK!" on July 24
- Second article submitted to Hindu Temple and Community newsletter
- September Community Circle "Community Dialogue: What Does The American Dream Mean To You?" promotional information included in Daniel Boone Library

One Read programs and calendar for 2006 book "Tortilla Curtain".

VII. **Public Comment:** David Tyson Smith, attorney for Alva Scott, commented on some of the statements that were made by Chief Boehm.

Smith said that CPD wanted to do a recorded statement. A recorded statement could have been used against her in court. He advised Mrs. Scott not to do so but asked her to wait until the case was over. CPD informed him the case was on the "fast track" and would not allow for any interviews later.

He does not understand why the records regarding this case are closed but Chief Boehm could come in to give his summary. From past experience, Smith knows summaries and reports usually are different than statements. The reports are written by the officers that were on the scene. Smith has copies of the police report at his office. He noticed differences between the summary given by Chief Boehm and what is written in the police report.

Smith said the report does acknowledge the children being in the area. Mrs. Scott two-year old child has nightmares about the incident.

Scott said her oldest daughter was 11 at the time. The youngest daughter still has nightmares about the incident.

Smith said the Prosecuting Attorney did not mention to him about the 16 citizens who were interviewed by CPD. Smith said he did not see any witness statements that back up the version of the story given by Chief Boehm. When the case was dismissed, the Prosecuting Attorney said that she felt for Mrs. Scott.

Glaze asked if Mrs. Scott's two year old saw her on the floor. Scott said that was correct.

Thomas asked Scott what happened. Scott said she walked over to mall security to ask permission to get her son and his friend. Mall security gave her the ok. She walked over to get her son and his friend and that's when she was confronted by CPD.

Thomas said Chief Boehm told the commission that Scott was arrested for interfering with arresting the 16 year old. Scott said this was not true and noted her son is 14 not 16.

English asked if Scott believes this was racial or just police duty. Scott said she believes this is authority driven.

Thomas asked how many officers were involved in arresting Scott. Scott said there were three CPD and one mall security officer. She had knees in her back and hands in her face while being arrested. She told the officers that she just came over to get her kids and wanted to leave. There was a woman police officer in the area where Scott was being arrested who is the School Resource Officer at Oakland, she told the other officers that Scott was the mother of honor roll students at Oakland. The arresting officers ignored this officer. The mall security officer, who told her that she could go get her kids, has since been fired. The mall security officer apologized to her and told the officers that he gave her permission to get her son. The arresting officers ignored the mall security officer also.

Glasgow asked if Scott talked to the mall security officer. Scott said she talked to two mall security officers, one black male and one white female. She pointed out her son and his friend and the male officer gave her permission to go get her son and his friend.

English asked what this commission is doing with this information. Glaze said for many years there has been a call to have a citizen's review process of CPD. Chief Boehm has come before the commission before to discuss their internal review board and has told the commission this process is more stringent than a citizen group could be. She noted there are other groups in the community who are questioning the treatment given by CPD. It is a possibility to have a public hearing about this issue. The commission did not want to have a public hearing until Chief Boehm could give his perspective.

Glasgow said he would like to hear from mall security. Hollis said mall security declined the request to attend the meeting and declined to release their records.

Snell said she believes Scott is being very generous when she said this was not racial. Scott said she wants to believe that this was not racial and wants to believe that the officers thought she was a teenager trying to get involved in the incident because she is youthful in appearance.

Scott noted mall security told African-Americans to leave the mall through Café Court and all others were told to exit through other parts of the mall.

Smith said that Scott's children were not involved in the incident.

Cornish asked who took care of Scott's other children while she was being processed. Scott said his son's girlfriend's mother took the children.

Scott said that if she did hit the officer it was an accident and she has apologized for doing so.

Smith thanked the commission for looking into this incident.

Glaze said she would like to see a copy of the police report. Smith agreed to share the report with Glaze.

The meeting recessed the meeting at 8:41 p.m.

The meeting reconvened at 8:45 p.m.

VIII. **Commissioner Comment:** There was discussion of the differences between the stories about the incident at the mall. The commission will further discuss this topic at future meetings.

IX. **Closed Session to Discuss Pending Cases Pursuant to Section 610.021 (1):** Thomas made a motion to move to closed session to discuss pending cases pursuant to Section 610.021 (1) RSMo. The motion was seconded by Snell and a roll call vote was taken. Glaze called the roll with the following vote: Glaze – Yes, Snell – Yes, Thomas – Yes, Glasgow – Yes.

The Commission went back into open session.

X. **Adjournment:** The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Steve Hollis, Manager
Office of Community Services