

MINUTES
SPECIAL
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JUNE 8, 2009

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a special meeting at 7:00 p.m. on Monday, June 8, 2009, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members STURTZ, THORNHILL, SKALA, WADE, NAUSER, HOPPE and HINDMAN were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

OLD BUSINESS

B160-09 Amending Chapter 21 of the City Code to establish the Citizens Police Review Board.

The bill was given second reading by the Clerk.

Rex Campbell, Chair of the Citizen Oversight Committee, commented that the communities and types of oversight committees varied widely per their research. Since the Committee had been established and the final report was presented, there had been a lot of change, to include a new Police Chief and Deputy Police Chief, a new Professional Standards Unit and some societal changes. He introduced the members of the Committee that were in attendance and noted they had held four public hearings, 16 full committee meetings and many subcommittee meetings. He explained the legislation being considered was based upon the final report of the Committee, and although they had diverse opinions, it was unanimously supported by the Committee.

Mr. Campbell stated it was clear some members of the community distrusted the police. There were beliefs that people with certain characteristics would be treated differently by the police and this distrust was divided among racial and economic lines. He thought it would take years of community policing and successful operation of the Professional Standards Unit and a Citizens Police Review Board to reduce this distrust. If the Citizens Police Review Board was successful, it would not have much business. Although he hoped it had very little business, it would be a place for people who were not satisfied to raise concerns. He commented that if police distrust was reduced, the police would be more effective in solving crimes and Columbia would be an even safer place to live.

Mr. Campbell pointed out it would be imperative for the Council to have good people serving on the Board and its success or failure would be dependent upon those serving. They would have to have the ability to make a balanced decision based on the information provided. A person with a chip on his shoulder could do major damage. NACOLE, a national organization for citizens review boards, was an excellent source and provided advice, but did not provide any recommendation with regard to who should be on the Board. They did, however, provide information on how members should be trained once they were appointed. He noted this would require people who were willing to devote a considerable amount for extensive training in the beginning.

Mayor Hindman thanked Mr. Campbell and the other members of the Committee for a job well done.

Ms. Hoppe asked if the working group had received the second draft of the ordinance and if there were minutes or comments of that meeting. Ms. Hertwig-Hopkins replied there were comments and she thought the minutes were on-line. Mr. Campbell noted the comments were incorporated into the draft ordinance provided to Council. Ms. Hoppe explained they had not seen the comments.

Mr. Sturtz understood there had been lively discussions regarding subpoena power and asked Mr. Campbell to characterize the debate. Mr. Campbell explained it had voted down by one vote. One concern was how subpoena power would be enforced and who would enforce it. The other thought was that the general public obeyed the law and having a subpoena delivered would provide more of an incentive to come forth and participate. He understood the Columbia Police Officers Association preferred it.

Mr. Wade understood the success of this Board was highly dependent on the skills and training of its members, and asked for Mr. Campbell's response to the suggestion that the National Association for Civilian Oversight Law Enforcement (NACOLE) recommendations for orientation and training be used. Mr. Campbell replied it had been discussed and the Committee had decided to let the Board and the Police Department work out the arrangements. He noted he, personally, would have put in more detail, but was not certain he would have required the entire list. He would have just suggested the list because it was long and did not only involve the Police Department. In addition to the orientation, he would also recommend the NACOLE ethics statement for the Board.

Ms. Hoppe noted Section 21-52(a) on page four of the ordinance indicated the board could request the City Manager to contract with an independent investigator and asked if the Board would provide a list of investigators who could be used. She pointed out some investigators in the area were former police officers, and thought it might be better to have a list from which to select so it was truly an independent review. Mr. Campbell stated he thought that was a good suggestion. He pointed out the Board's first option was to ask the Police Department to conduct an additional investigation. If they were not pleased with that investigation, they could then turn to an outside investigator. He believed this would seldom happen.

Ms. Nauser understood one of the duties of the Board was to make recommendations regarding policy, rules, hiring, training and the complaint process, along with establishing rules and procedures that would not conflict with the Code or the rules and regulations governing internal affairs investigations, and asked how Mr. Campbell envisioned the Board working on these items. She wondered if it would be complaint driven. Mr. Campbell replied that if a pattern developed with regard to complaints to the Board, the Board might determine greater training on a particular topic was needed. He thought the Board would use complaints and other contacts they had. He stated he viewed the Board as the mid-point between the Police Department and the community, and believed information should flow both ways. He hoped the Board would also help the Police Department through an outreach function.

Mr. Skala asked if leaving it open and only talking about the selection process after people were selected was intentional due to the uniqueness of each community. Mr. Campbell replied the Board discussed the qualifications. For example, they discussed whether a person with a felony five to ten years ago would be ineligible, but there was no consensus other than requiring all applicants to be screened by the Police Department and for that information to be provided to the Council. He stated he felt a good person for the Board would be one that was mature, balanced in judgment and willing to seek and absorb new information. He thought it should be someone similar to a judge because they would have to be willing to make hard, and sometimes, unpopular decisions.

Ms. Hoppe understood the definition of a complaint was a written statement alleging non-criminal misconduct and asked for clarification. She could see a situation where the prosecutor filed charges causing them to want to toll the process because if it was dismissed, someone might still have a legitimate complaint. She noted the use of excessive force could or could not be a criminal offense. Mr. Campbell explained the feeling of the Committee was that a criminal action would be in the legal system, but if it fell out of the legal system, that person had the right to bring a complaint through this other process. Ms. Hoppe felt there was the possibility of someone wanting to appeal after nothing came of something referred to the prosecutor and thought there should be some type of tolling for the time limit established for filing a complaint.

Mr. Thornhill referred to Section 21-56, which indicated the Board would recruit and train community members to serve as advocates, and asked if Mr. Campbell felt the members would be able to train others and if he perceived a conflict in training an advocate who would be assigned a complainant. Mr. Campbell replied he hoped there would not be a conflict and noted that if they were not capable of training without the potential of a conflict, they should not be on the Board.

Ms. Hertwig-Hopkins commented that she recalled the request for two items to be part of the change. One involved the subpoena powers and the other involved when it would be effective, and those were both removed from the draft legislation. They also included some of the police officer rights through the meet and confer process. She noted the main responsibility for the proposed Columbia Citizens Police Review Board was to review appeals from the Police Chief's decisions on alleged non-criminal police misconduct involving interaction with the public. She provided the flow chart on the overhead and described the process.

Ms. Hoppe asked how a citizen would know what a non-criminal complaint was and what would happen with criminal complaints. Mr. Boeckmann explained the thought was for a complaint alleging the officer committed a crime to not go through this procedure. It would be referred to the prosecuting attorney instead. He understood Ms. Hoppe's concern and thought they could modify the ordinance to deal with a situation where a complaint alleging a crime could be processed through the Board if it was sent to the prosecutor and the prosecutor did not believe it could be prosecuted. He noted it would require a change to the ordinance.

Ms. Hoppe understood there was a 14 day limit to file an appeal once someone was notified of the Professional Standards Unit's decision and asked for the rationale for that time

frame. Mr. Campbell replied it came from the Committee with the feeling they needed a well-defined time. He noted it could be 14 or 21 days. The Committee just did not feel people should be allowed to come to the Board a year later. Ms. Hoppe asked if 14 days was standard in looking at other ordinances. Mr. Campbell thought 2-3 weeks was standard. Mr. Boeckmann stated he was not sure the 14 days was based on anything in particular, but felt there would be more of a risk for someone to let the time period lapse if it were 60 or 90 days. He thought it would be counterproductive to make it too long.

Mr. Thornhill asked for clarification regarding the portions of the review that were public and the portions that were not. Ms. Hertwig-Hopkins replied this issue was debated extensively and the language in the legislation indicated it would be open unless it was against the law per City Code or State Statute. Mr. Boeckmann explained there were two sections of the sunshine law and one dealt with personnel matters. If the Council chose, they could say all personnel matters would be open to the public as it was a choice of the governing body. Generally, the Council had chosen to close personnel records. The Committee wanted to make this as open as possible and a lot of things that would otherwise be closed per Chapter 2 of the City Code would be open per this provision. There were certain things, however, that were closed by law, such as juvenile records. The proposed legislation being considered by Council indicated it would be open if it could legally be open.

Mr. Wade asked if requirements had to be met before something could go to the Personnel Advisory Board. Mr. Boeckmann explained the provisions regarding the Personnel Advisory Board were in Chapter 19 of the City Code, and they only had jurisdiction over things involving suspension, demotion or discharge complaints. Any other complaints an employee had would not go through the Personnel Advisory Board.

Mr. Wade asked why a police officer could not go to the Personnel Advisory Board if a decision not involving suspension, demotion or discharge went against a police officer. Mr. Boeckmann replied that would substantially expand the duties of the Personnel Advisory Board. He explained City employees, with some exceptions, had a right to a hearing before being discharged, etc. Since they had a property interest in continuing employment, they could only be discharged after being given due process, and this was the basic function of the Personnel Advisory Board.

Mr. Wade understood the City Manager on appeal by a citizen could refer an issue to the Personnel Advisory Board if he felt it might merit suspension, demotion or discharge in order to obtain its recommendation, and did not feel that was balanced. Mr. Boeckmann provided an example of how he thought this might work and explained the due process would occur before the Personnel Advisory Board as they would conduct a hearing. The City Manager would make his decision based solely on the record, and if appealed to the Circuit Court, the Court would review that same record to determine if there was adequate evidence to support the City Manager's decision. Ms. Buckler explained this was a new function of the Board as they did not have items assigned to them at this time.

Mr. Skala asked if it was an option of the City Manager or if he was required to send it to the Personnel Advisory Board if it involved suspension, demotion or discharge. Mr. Boeckmann replied the only reason to send it to the Personnel Advisory Board was if he was contemplating a more severe punishment than the officer had already accepted.

Ms. Hoppe asked if the citizen could not appeal if the officer appealed. Mr. Boeckmann explained if it was an appeal that would go to the Personnel Advisory Board, the ordinance would allow the complainant to testify before the Board and give an opinion of what he felt the punishment should be. In addition, if the appeal went to the City Manager, the complainant had the right to talk to the City Manager.

Ms. Nauser thought it was unfair for an appeal to be made to the Personnel Advisory Board after the officer accepted the outcome after going through the internal affairs process and the Citizens Police Review Board process. She asked if the Personnel Advisory Board would look only at the record from the internal affairs review and the Citizens Police Review Board. Mr. Boeckmann replied no. He noted the Personnel Advisory Board started at zero and only made a decision based on the evidence presented at the hearing. Ms. Nauser understood this would be a new hearing. Mr. Boeckmann stated that was correct.

Ms. Hoppe referred to Section 21-51(a) of the proposed ordinance which indicated the internal affairs process should be concluded unless the complaint had been withdrawn or the police officer was no longer employed by the City. She wondered if this meant an officer could resign without a decision being made and seek employment elsewhere. Mr. Boeckmann thought that if an officer resigned, it would be the end of the investigation by the Professional Standards Unit per their regulation. Ms. Hoppe understood there would be no decision made internally on that behavior, so there would not be a decision for the complainant. Mr. Boeckmann stated that was correct for this process, but noted they could have a lawsuit.

Lieutenant White of the Columbia Police Department stated the Professional Standards Unit had been in existence 16 months and was averaging about 30 internal and external complaints per month. In order to help with transparency, they were completing monthly and quarterly reports and posting them on the City's website and in the lobby of the Police Department. They were also doing a detailed summary, which listed each complaint investigated and gave a snapshot summary of what the complaint was along with its disposition and how they reached that disposition. In addition, they were implementing the IA-Pro system, which was a software tracking system for internal affairs issues. This software gave them the opportunity to obtain more detailed reports and was more searchable than the system they currently had.

Lieutenant White explained that if an officer under investigation resigned, the Missouri POST would send them a letter and request a copy of the report, so there was still the potential for an officer to lose his certification as a certified police officer. This was designed so officers that resigned before being fired could not just go to another department.

Ms. Nauser asked if this applied to all people that might quit under those circumstances. Lieutenant White replied it applied to all.

Ms. Nauser asked for an explanation of how complaints were tracked before the IA-Pro system was established. Lieutenant White replied they were using their records system, which was used for police reports. The problem was that it was almost impossible to obtain statistical data from it. The IA-Pro would allow them to do trend analyses as well. It would monitor complaints and other things they considered being mandatory reviews. Ms. Nauser

asked if this would track compliments as well as complaints. Lieutenant White replied it would. He noted it would also track awards.

Officer Jill Wieneke stated she was a Columbia Police Officer and the Vice President of the Columbia Police Officers Association (CPOA) and commented that the presentation she and Eric Dearmont, the Executive Director of the CPOA, would give was sponsored by CPOA and Citizens for a Safe Columbia, which was a political action committee. She stated the City had put a considerable amount of time and money toward the Professional Standards Unit, which had not been in existence for very long, and toward the software Lieutenant White mentioned, and pointed out they felt those items working together might lessen the necessity of the Citizens Police Review Board from a fiscal standpoint. She commented that based on the first quarter reports, only 66 of the 36,000 calls resulted in the use of force and 95 percent of in-custody arrests did not involve force. In addition, the mandatory review by the Professional Standards Unit resulted in zero findings of impropriety. Also, during the five hearings held by the Citizens Oversight Committee, a total of 32 people came to speak. As a result, they wondered if there was a necessity for the Citizens Police Review Board. In addition to the fiscal concern, member qualification was a big concern. The proposed ordinance indicated the Police Chief would obtain a criminal history of all applicants and advise the City Council of any convictions for violations of federal, state or local law. It did not exclude a person if a violation was found. She felt a person qualified to apply to be a Columbia police officer should be able to sit on the Review Board, but did not believe it would be in the best interest of citizens or police officers for any person excluded from being a Columbia police officer to sit on the Board. She noted they strongly believed NACOLE should be used as it was the national standard. She commented that the qualifications for training were also a concern. The proposed ordinance indicated new board members would participate in orientation and training that included the review of the Professional Standards Unit operating policies and procedures and a ride along with police officers. It also indicated the training could include topics such as false arrest, use of force, search and seizure, traffic stops, racial profiling and cultural diversity. They felt the training should be broader and the NACOLE standards should be used. They did not expect the people on the Board to be able to do the job of a police officer, but felt it was reasonable for them to have as much information as possible with regard to what a police officer did. She also thought they needed to have the fairness and reasonableness to look at these situations openly and honestly when making a decision. She stated they were concerned with the lack of exclusion of felons, violent offenders and sex offenders as well.

Eric Dearmont stated he was the Executive Director of the Columbia Police Officers Association (CPOA) and commented that the report of the Citizens Oversight Committee indicated the Citizens Police Review Board would report to the City Council. This was the case for most of the ordinance, but not all of it. The grounds for an appeal and for the overturning of the appeal would be considered by the City Manager, and the City Manager could refer the issue to the Personnel Advisory Board. The Personnel Advisory Board could then deliver findings of facts and conclusions of law to the City Manager. He stated they were not opposed to appeals, but did not feel the appellate mechanism in the proposed ordinance was correct. The proceeding before the Personnel Advisory Board was a quasi-

judicial administrative proceeding with attorneys, a record and a transcript. Those findings of fact were then delivered to the City Manager. The problem was that the City Manager would be considering evidence from a citizen prior to it being heard by the Personnel Advisory Board and prior to the Personnel Advisory Board providing a recommendation to the City Manager. He felt this was improper and that it should be done differently and better. He commented that the only reason he was discussing the flow chart was because they had accepted the premise of this being the best thing. If they did not accept the premise and took steps backward to over a year ago, he thought it was possible for them to get to different results. He thought the Citizens Police Review Board could have functioned like a specialized Personnel Advisory Board. He stated he understood the total estimated fiscal impact of the proposed Citizens Police Review Board was \$87,177, but it did not include the enhanced training they felt was necessary for an effective Board. He believed this was hard to justify given the current state of economic affairs and noted the money could be used to hire two officers and equivalent to 4,000 patrol hours instead. He commented that the input given tonight was the input they had been trying to give the last 16 months, and if incorporated, they would have a better outcome.

Ms. Hoppe asked if the CPOA had testified previously or if they had been given the opportunity to comment because some of this information was new. Mr. Dearmont replied they had been given the opportunity to make a 30 minute presentation to the original Citizens Oversight Committee and had taken advantage of it. They had no formal interaction with the Work Group, but had attended all of those meetings. Ms. Hoppe understood they were allowed to observe the Work Group, but were not allowed input. Mr. Dearmont stated that was correct. Ms. Hertwig-Hopkins explained there had been a discussion as to who should participate, and if they allowed one stakeholder group to participate, they could not justify not allowing any other stakeholders to participate. She noted the CPOA had been given a special opportunity to review the draft legislation and provide input during the last stages of the Work Group meetings.

Ms. Hoppe understood Interim and Deputy Chief Dresner was a participant at all of the Work Group meetings and Chief Burton participated in the last two meetings. Mr. Dearmont pointed out they both participated on behalf of the Police Department as opposed to the CPOA.

Mr. Thornhill asked Mr. Dearmont if he could suggest a better alternative for the part of the flow chart he felt was improper. Mr. Dearmont replied he could not and commented that he would be willing to work with staff and members of the community to determine the best approach. He thought one option would be a specialized Personnel Advisory Board.

Mayor Hindman asked Mr. Dearmont to explain his objection again using the flow chart. Mr. Dearmont explained that after the Citizens Police Review Board met, the citizen had the chance to appeal that decision, and the City Manager was like a judge listening to a civil action in which there was no jury. He explained the citizen was allowed to have a conversation with the judge without the officer. Even though there would be a trial afterward, the judge still heard everything the citizen had to say. In addition, the judge's decision to have the trial, reverse the suspension or increase the demotion was based upon the evidence provided by the citizen.

Ms. Hoppe understood that when the police officer appealed, the complainant could have input in the process. She was surprised the police officer did not have input when the citizen appealed. Mr. Dearmont pointed out they also needed to remember where the citizen input was coming from when a police officer appealed as it would come in the context of the Personnel Advisory Board, which was a quasi-judicial proceeding with attorneys, real rules of evidence, on the record proceeding, etc.

Ms. Nauser asked if it was possible for a citizen to make a complaint directly to the Personnel Advisory Board. Ms. Buckler replied no and explained it was an internal City function for disciplinary actions only. Ms. Nauser asked what the appeal process was for the officer if the ruling was for a greater suspension or demotion. Ms. Buckler replied the officer could go to Circuit Court. Mr. Dearmont stated he understood the Circuit Court review was of the Personnel Advisory Board record and the findings later reached by the City Manager. He commented that another level of a tainted process would not help. Ms. Nauser asked if it took into account the Professional Standards Unit or Citizens Police Review Board hearing. Ms. Buckler replied they did not have a Citizens Police Review Board at this time, but in the current normal process, the Professional Standards Unit report was presented to the Personnel Advisory Board during the hearing as evidence.

Mr. Skala asked if it would ameliorate the situation if this were to automatically go to the Personnel Advisory Board for a recommendation to the City Manager to determine if the decision was appropriate when dealing with suspension, demotion or discharge. Mr. Dearmont replied he understood that if a finding implicated a loss of salary, demotion or firing anytime during the process, it went to the Personnel Advisory Board, and asked if he was correct. Mr. Boeckmann replied it would not necessarily work that way. He explained that if the Police Chief suspended someone and it was not appealed, it would not go to the Personnel Advisory Board. He noted an officer always had the right to go to the Personnel Advisory Board if suspension, demotion or discharge was involved.

Mr. Dearmont explained the CPOA did not have a problem with the eventual appeal to the Personnel Advisory Board. Mr. Boeckmann understood the concern involved the City Manager and any one-sided communication. He explained the complainant had to be able to appeal somewhere and when drafting the legislation, he did not believe it was appropriate for the complainant to initiate it before the Personnel Advisory Board. He commented that the City Manager would make his decision based on the record. With regard to whether it was tainted, he thought it was similar to a judge instructing the jury to disregard evidence because he was not sure that happened. He stated he had more confidence in the City Manager making a decision on the record than a jury. He pointed out they looked at having the Citizens Police Review Board act as a Personnel Advisory Board, but it would not work for a number of reasons. He explained they had the job of investigating and would likely have access to a lot of information that would not be admissible as evidence. As a result, he thought it would be better to send it to the Personnel Advisory Board as they were accustomed to holding hearings and dealing with personnel matters. Mr. Dearmont stated he understood the reasoning, but was concerned because they would potentially spend \$100,000 and enact an ordinance that already had a problem.

Mr. Wade commented that there was a clear and obvious way for an officer to appeal a decision he believed to be too strong. The concern involved a citizen appealing a disciplinary decision against a police officer he believed was not strong enough. He felt there was only one place for this to go and it was to the City Manager. He asked if the requirement of it going to the Personnel Advisory Board was a safeguard for the police officer in a situation where the City Manager thought the citizen complaint was justified and planned to recommend an increase in the strength of a disciplinary action. Without the Personnel Advisory Board, the City Manager's decision would stand. Mr. Dearmont commented that if the process was biased with a decision-maker that had already considered extra judicial evidence, he was not sure it was something they wanted. He reiterated that the only reason they were discussing this mechanism was because they were accepting its premise.

Mr. Boeckmann asked Mr. Dearmont if his concern would be addressed by allowing the citizen to appeal directly to the Personnel Advisory Board. Mr. Dearmont replied it would address it, but he was not sure if it would make it better or worse. Mr. Boeckmann thought it would make it worse from the police officer point of view, but would take care of the CPOA concern. He stated he envisioned the City Manager taking the advice of the Citizens Police Review Board more often than not.

Ms. Hoppe understood if the Citizens Police Review Board found no improper conduct and the complainant appealed to the City Manager, the City Manager could find improper conduct without recommending a suspension, demotion or discharge and it would never go to the Personnel Advisory Board. Mr. Dearmont stated he thought that was correct. Ms. Hoppe thought that might be an issue as well.

Mr. Thornhill asked for clarification on the type of training the CPOA felt was appropriate and adequate for the members of Citizens Police Review Board. Officer Wieneke commented that they had questions regarding the role of the members of the Board. If they were not investigators, she wondered what they were. With some models, the Board was trained and did not have outside investigators. She had not seen a model where citizens were chosen at random or based on certain criteria and the investigative duties were outsourced. She felt that removed the independent thought of each Board member. They were concerned that if the investigation was outsourced, the Board members would not be trained except for some use of force training, a ride along, etc. She believed pieces of NACOLE could be used and NACOLE offered training for the people who would be in these positions. Since this could affect peoples' livelihoods, she felt it needed to be fair and reasonable. She noted they thought this could be great and wanted it to succeed.

Mr. Campbell commented that the membership dues for NACOLE were \$300 per year, and he strongly recommended it be budgeted if they moved forward.

Diane Booth stated she was a member of the Citizens Oversight Committee and believed there was a necessity for the Citizens Police Review Board. She felt that even if the Police Department was perfect, there would still be a need for civilian oversight. She stated the United States was built on a system of checks and balances. The police officers were responsible to the Police Chief, the Police Chief was responsible to the City Manager, the City Manager was responsible to the Council and the Council was responsible to the public. This would add another layer and allow citizens to work with other citizens with complaints in

order to alleviate concerns and fairly deal with issues at a lower level. She explained the recommendation of the Committee did not address the Personnel Advisory Board because they had not heard of it until they were halfway through their hearings. She stated she understood what Mr. Boeckmann wrestled with and ultimately agreed with the proposal. She commented that with too much detail they would still be at this point in five years and suggested they not miss the next funding cycle. She had seen the need for a group similar to this for 30 years and requested it not be delayed much longer.

Mr. Wade asked Ms. Booth her opinion of the characteristics of an ideal candidate for the Citizens Police Review Board. Ms. Booth replied she believed they needed someone who was practical, even-tempered, understood human nature and had good judgment. She stated she felt the Council had put together a good, diverse and reasonable Committee, and noted reasonable people could come together and come to reasonable conclusions.

Addae Ahmad, 1518 Sylvan Lane, Apt. 101, provided a handout and expressed his support for the establishment of a civilian review board for Columbia in order to investigate allegations of police misconduct of citizens. He felt the Columbia Police Department did a good job overall, however, every now and then, some police officers acted in an overzealous and unprofessional manner when dealing with citizens in certain situations. He understood being a police officer was a tough and stressful job and noted family members who were police officers had explained to him the types of situations they dealt with. In order to truly serve and protect, there needed to be an effective and neutral mechanism in place to investigate and oversee situations of legitimate citizen complaints regarding police excesses. Citizens such as himself felt there should be transparency and accountability with regard to the Columbia Police Department and its interactions with the public at-large. The establishment of the Citizens Police Review Board would ensure both citizens and the police had a fair and unbiased hearing. In addition, it was a check and balance the City needed and deserved.

Robert Ross, 4602 Bolton Court, provided a handout and stated he was representing the Minority Men's Network. He commented that the members of the Minority Men's Network had been supportive of establishing a process through which citizens could formally complain to an independent and objective board after alleged officer misconduct. They believed the process would prove beneficial to the community, the Police Department and officers by providing a higher level of transparency and trust. He stated they agreed with much of the proposed ordinance, but did not agree Section 21-47(b). In order to keep the process objective and to avoid the perception that the Police Chief had undue influence upon the Citizens Police Review Board, they recommended deleting the sentence reading "the police chief or the chief's designee shall attend the monthly meetings to serve as an informational resource for the board" and replacing it with wording that would state the police chief or the chief's designee would be available to the board at its specific request. They felt the Board should be an independent body and free of any Police Department influence or the appearance of influence. If there were issues or situations requiring testimony by the Police Chief or his designee, the Board could then ask for that input.

Mayor Hindman asked if this suggestion was brought to the Committee. Mr. Ross replied this had been the first opportunity for them to provide the suggestion. Mr. Boeckmann

explained the original recommendation was for the Police Chief to be a non-voting member of the Board and this change was made at the last meeting of the Work Group. Mayor Hindman understood they had not had a chance to bring this issue up.

Mr. Skala commented that with the proposed language, the Board could invite the Police Chief to all of its proceedings, but it would be a decision of the Board itself. Mr. Ross agreed and explained it was imperative it be done that way if they wanted to keep the Board independent of the Police Department. Mr. Boeckmann pointed out these would be open meetings and the Police Chief would be free to attend them all if he chose.

Mr. Thornhill asked Mr. Ross about his thoughts regarding training for the members of the Board. Mr. Ross replied he personally believed any training that could be provided to the members would be beneficial. The processes were very complicated and there were a lot of things a normal average citizen might not know. He felt the Board needed to make informed decisions.

Carolyn Matthews stated she was a board member of the American Civil Liberties Union (ACLU) and commented that they were in favor of the Citizens Police Review Board. She agreed with some of the previous speakers who had spoken of the importance of transparency, accountability, neutrality and checks and balances. With regard to the role of the Board, she felt the members should be good listeners and people with the ability to review, analyze and listen to all viewpoints with an open mind. She also thought they should be able to communicate and interact decently with others so things could proceed in a relatively amicable manner. She commented that she hoped the subpoena power would be re-inserted into the ordinance. If a police officer or citizen were appealing and wanted to state their point of view, they would want to be assured other officers or witnesses could be at the hearing. Without it, important people with relevant information to the decision might not be in attendance causing a gap in knowledge or evidence. She personally felt Mr. Ross had made a good suggestion with regard to the requirement of the Police Chief being in attendance. She thought his attendance by request was more appropriate. She stated she thought the appeals process would generally be in keeping with the decision already made and did not think it would hurt to give an untrained citizen a little edge by allowing him to meet with the City Manager to ensure something was not missed in previous discussions.

Willie Smith, 1111 Smiley Lane, stated his support for the Citizens Police Review Board and explained he had been taught to never lie or steal. He was told to do something important with his life, and felt he did by graduating from college, playing basketball in the NBA and owning two businesses in town. He explained he had been in an altercation with the Columbia Police Department and had filed a grievance, and was humiliated and degraded by the experience. He stated he had no intention of ostracizing anyone, but believed there had to be a pathway for justice for everyone.

Mark Thomas, 4402 Celebrant Court, stated he was the Chair of the Human Rights Commission and they supported the creation of the Citizens Police Review Board. He commented that over the years, residents had come to the Human Rights Commission when they felt they had not received fair treatment from the police and the Commission had done what they could to facilitate dialogue between the police and those with a complaint. They felt the Citizens Police Review Board was the next step forward in the process as it would

provide a fair and balanced public hearing for grievances. He noted representation from the Human Rights Commission was included in the proposal before the Council and encouraged the Council to approve the measure.

William Eugene Robertson, 800 Mikel Street, noted a new Police Chief had met with a group of African-American men at the Tiger Hotel in 1974 and had asked them what could be done to enhance community relations within the Police Department, and they had suggested a citizen review board because they felt it was a needed process. He stated he believed the Board would allow people to feel as though they had recourse if they encountered problems with the Police Department and explained people needing recourse were not necessarily thugs or criminals. He commented that he felt this was a layer of trust that should be available to everyone. He noted some had tried to define a good Board member earlier, and he would not qualify because he had served time in jail due to a civil rights protest. He believed it was not only important to have key people on the Board, but also a structure that would allow a process with integrity, so everyone felt as though they had received an objective hearing. He also believed it needed to be flexible, so it could be modified if it was not providing that sense of security. He recommended the Council pass the ordinance with the understanding it might need to be modified based upon experiences. He commented that a complaint might not be with a person, but with a tactic, and felt that would need to be addressed as well.

Sid Sullivan, 2980 Maple Bluff Drive, stated he was in favor of the Citizens Police Review Board and commented that he was surprised there was no purpose clause in the ordinance, which he thought caused a lot of confusion in terms of the difference between Professional Standards Unit and the Citizens Police Review Board. He understood the purpose of the Board was to restore and maintain the trust of the public in the Police Department. He stated the Professional Standards Unit was not the same as the Citizens Police Review Board. Although the Professional Standards Unit could take care of all of the problems in the community, there would not be public trust or oversight without the Citizens Police Review Board. He suggested a purpose clause be added so it was clear what they were trying to accomplish with the Board.

John Clark, 403 N. Ninth Street, stated the purpose of the Citizens Police Review Board was not for it to be a quasi-judicial Personnel Advisory Board. It was a vehicle to create, maintain and increase trust between the police and the citizens of Columbia. He agreed with Mr. Ross in that requiring the Police Chief to be at the meetings would qualify the independence of the Citizens Police Review Board and would reduce the chance of increasing trust. He stated he supported this approach, but felt they needed to do something about the non-criminal complaint. He believed the most important part of this was the creation of a vehicle by which a group of citizens could talk to people, hold a forum and perform the core functions of community policing, which was community involvement in the oversight of police. This included looking at procedures, training and standards. He suggested a good place to start was with the strategic plan. He commented that the costs surprised him, but noted that if they had started making the investment 30 years ago, it would have already paid back a return with people feeling safer and the moderation of the crime

rate. He stated they needed to put more money into training as well because it was a core investment.

Chris Egbert, 2308 Deer Creek Court, stated he had been on the Committee and was a retired Police Captain. When looking at the possibility of the Citizens Police Review Board, he felt it was important for the Council to understand there were a lot of police sanctions against police misconduct. If a departmental policy was violated, a police officer could be fired. In addition, there was a state regulatory agency that oversaw the licensing of police officers and they pulled the licenses of about 40 police officers per year. There was also a criminal court system where an officer could be found guilty and end up in the Missouri Department of Corrections and a civil court system with civil penalties as consequences. He noted there were political pressures and calls to take action which could provide politically expedient solutions. In addition, there was personal embarrassment, etc. He wanted to stress the violation of people's rights were not planned in advance by officers. He felt police misconduct was due to a lack of training, personal problems, fear, adrenaline, personality defects, cultural issues, upbringing, etc. He commented that the vote was unanimous, but they all voted in favor of it for different reasons. The Citizens Police Review Board would provide an appeal process, ensure transparency on the complaint process, ensure complaint information would be used for trend analysis, bring changes to the Police Department and function as an ambassador between the public and the Police Department.

James Robnett, 754 Demaret, stated he was involved with Boone County Concerned Citizens, which was formed two years ago due to encounters several citizens had with the Columbia Police Department. It was formed to achieve mechanisms for fair hearings when citizens encountered negative incidents involving the police. He described certain incidents and noted they had provided those to the Police Department and were told the officer's conduct was found to have followed standards of conduct for each incident. He understood the Professional Standards Unit had been established, but felt the Citizens Police Review Board was necessary to give citizens with legitimate grievances an open process. He agreed it should be 21 days instead of 14 days for an appeal. He also agreed with the Minority Men's Network that the Board should appear unbiased and the Police Chief should be in attendance at the request of the Board.

Virginia Law, 2500 Spruce Drive, commented that she had heard many things tonight which she agreed with to include transparency and an independent body for citizens to speak to about their complaints. She stated they were trying to establish trust between the Police Department, the City of Columbia and its citizenry. She felt they should have trained advocates to work with complainants as she was concerned about complainants being able to express themselves and going through this unfamiliar process. She noted she was a member of the NAACP and stated they were in full support of establishing a Citizens Police Review Board in Columbia. She explained she was also on the Citizens Oversight Committee and a lot of work and consideration had gone into making the recommendations to Council. She asked the Council to take that into consideration.

Eric Hughes stated he was Columbia Police Officer and was with the Columbia Police Officers Association (CPOA) and pointed out the CPOA was not necessarily opposed to the Citizens Police Review Board. If it was to be enacted, they wanted it to be consistent with

national standards. In addition, he felt it was clear the proposed ordinance had a lot of holes that needed to be resolved. They were not asking the Council to not pass the ordinance. They were only asking the Council to look at it further and not pass it in its current form.

Bill Thompson, 206 N. Garth, stated he was a member of the Frederick Douglass Coalition and commented that he had seen how the judicial system affected the lives of young people. For a while, many people were coming to the Coalition asking who they could talk to as they did not feel they were being treated fairly by police officers. They did not have an answer and suggested the Human Rights Commission and the NAACP. The Citizens Police Review Board would give citizens confidence in City government because they would have a mechanism if they felt they were wronged. He commented that the citizenry needed to feel as though the police were their employees and that their voices were being heard. The Coalition was in support of the proposal for a Citizens Police Review Board to give citizens confidence. They realized police officers had a hard job and that people sometimes made mistakes, but also felt the citizens needed to have the ability to express their opinions as well. The Citizens Police Review Board would allow for this along with a review and determination. He asked the Council to vote in favor of the Board and include the techniques that would make it successful.

Allan Bell stated he was the President of the Columbia Police Officers Association (CPOA), which represented over 100 police officers, and his job was to serve and protect them. He commented that the CPOA did not feel there was a need for the Citizens Police Review Board, but understood the people wanted one. Being discussed tonight was the passing of the ordinance as presented and they did not feel that ordinance was adequate. It did not protect the police officers and there were holes that needed to be addressed. They were concerned with the qualification of members and advocates and “good moral character” was questionable as it was difficult to define and was broad. He also wondered how diversity in Columbia would be represented and defined. Training was an issue because police officers went through extensive training and it was a concern that someone with little or no training would try to tell them how to properly do their jobs. He felt training was needed for Board members and advocates. They also had concerns with the fact these were open meetings as there were questions of privacy since these involved personnel matters. He wondered where they would draw the line between open meetings and protecting privacy rights of employees. He felt these issues needed to be addressed prior to passing the ordinance.

David Tyson Smith, 3808 Panther Drive, commented that he was on the Citizens Oversight Committee and believed the main issue was trust. He thought they had a good Police Department that did a good job closing cases quickly. He also knew he could rely on the police for help. The problem was that when there were issues, everyone fought and it was hard to find middle ground. In addition sound-bytes in the media made it a bigger fight. He reiterated he thought there was a trust issue between police and citizens in the community and believed everyone voted unanimously because they agreed there was a trust issue. He noted this trust issue impeded the police from doing its job and to have a strong police force, they needed this trust component. He believed the Citizens Police Review Board would bridge the trust gap and alleviate some of the problems and stresses.

Mr. Wade asked Mr. Smith how important he felt it was for the Board to have subpoena power. Mr. Smith replied he thought it was very important and noted the vote regarding it had been close. He believed it would allow the Board to do its job because some people might not participate due to work, etc. With a subpoena, they would show up. With regard to the investigator issue Ms. Hoppe commented about earlier, he stated he felt it was important for the investigator to be independent. He was concerned about the City Manager selecting the investigator because many were former police officers. He felt they needed to be as independent as possible.

Mr. Skala asked Mr. Smith to characterize the discussion regarding background checks, felonies and the period of time necessary in order to consider someone for the Board. Mr. Smith recalled discussion of the potential of a felon being on the Board after ten years and the concern of perception when it was pointed out in a newspaper headline. He commented that he did not believe there should be a blanket exclusion and felt it needed to depend on the type of felony. The Committee left it vague because they believed it was important for the Council to determine the appropriate qualifications. He gave the example of someone pleading guilty to possessing a stolen video game system 20 years ago and wondered if they could not be on the Board. He stated someone with a long arrest record with a murder or armed criminal assault was not fit to serve on the Board. He thought the Council would need to use its discretion in determining who should be on the Board without a blanket exclusion.

Mayor Hindman asked Mr. Smith for his opinion regarding the Police Chief being required to attend all of the meetings. Mr. Smith stated he had a problem with it because it created a trust issue. Having the Police Chief or someone else from the Police Department on the Review Board created a perception of the Board not being completely independent. Even having the Police Chief as an ex-officio member would cause issues because the regular citizen might not know what that meant. He thought it would be appropriate for the Board to solicit input from the Police Department, but did not think there should be a mandatory representative of the Police Department due to perception.

Mr. Thornhill noted Section 21-46(c) stated the members had to be residents of Columbia and registered voters, and asked how having a felony impacted the ability to be a registered voter. He understood some felonies restricted a person from being a registered voter. Mr. Smith stated that was correct. Mr. Thornhill thought that might eliminate some of the major concerns with regard to a person's background.

Mr. Wade pointed out the current ordinance did not have the Police Chief as an ex-officio member. He stated the current ordinance stated "the police chief or the chief's designee shall attend the monthly meetings to serve as an informational resource for the board" and asked Mr. Smith for his thoughts. Mr. Smith replied he had a problem with that language because he did not think they should be a part of the Board. He did not think a representative of the Police Department should be a mandatory member as an ex-officio or a resource because it would be difficult to explain why the police was there and people would not trust the process or believe it was fair.

John Gordon stated he was a Columbia Police Officer and asked the Council to give Chief Burton the opportunity to run the organization. He had made a lot of positive changes

within the Police Department and wanted him to have that opportunity. If the Council decided to proceed with the Citizens Police Review Board, he asked them to consider the NACOLE standards. The PERF standards were adopted because the Council considered them to be nationwide standards, so they were asking the Council to be consistent with that decision with regard to the NACOLE standards as well. He also asked them to look Section 21-54 involving open records as he was expected to give up his privacy as a worker of the City of Columbia with this ordinance. He questioned the need for his personnel record and hearing to be an open session. He did not believe he should be expected to give up his privacy because he had a badge. It was an exception to which only the police would be held. He agreed a sense of trust needed to be built and that they could be doing better with outreach, and he believed Chief Burton was dedicated to doing those things. He stated trust was a two-way street and did not believe it should just be them. The public needed to step forward and help as well. He thanked the Committee that worked on this ordinance as he understood it was a daunting task and stated he thought they could get to a point where they all agreed.

Mayor Hindman commented that he thought there were too many issues to resolve tonight. The issues he recalled included the adoption of NACOLE standards in terms of training and ethics standards, the Board providing a list of investigators to be used by the City Manager, subpoena power, the issue of tolling when a criminal charge was not prosecuted or dropped so someone's right to appeal was not terminated, the length of time to appeal, standards for membership on the Board, the mandatory attendance by a member of the Police Department, a purpose clause, training for the advocate and the issue of open records. He suggested staff review these issues and provide the pros and cons of each. Council could then take it up at a work session.

Ms. Nauser understood the Board would be making recommendations and establishing rules and regulations on training, etc. when they might not have any qualifications or knowledge of the internal workings of the Police Department. In addition, these appointments could become political in terms of policies and the agendas of Council members. As a result, she wanted the Board to be arms-length away from Council input. She was not sure the Council should ask for recommendations from the Board regarding policies and training procedures as she felt that should be left to the professionals. She felt the Board should strictly be involved in the complaint process. She did not want Council to use the Board as a way to get involved with police policy. Mayor Hindman asked if she was recommending a change in the way the proposed legislation was written. Ms. Nauser replied she wanted this issue investigated and brought up for discussion at a work session or other public meeting. Mr. Wade agreed he thought it needed to be discussed.

Mr. Wade stated he thought there needed to be clarity with regard to the reporting. He understood the Board would report to the Council via an annual report. He felt it needed to be clear it was different than the Board reporting on the results of an individual case. The reports regarding individual cases did not go to the Council. Mr. Boeckmann thought it was clear and asked for input if the Council felt the language was ambiguous in certain places.

Mr. Skala noted an additional issue was the civilian side of the flowchart. He also felt the personnel issue with regard to open meetings needed to be discussed. Mr. Thornhill

agreed and stated he thought it was interesting the review of a non-criminal complaint would be public for only the Police Department.

Mayor Hindman reiterated that he thought they should get staff input where questions had been raised so they could discuss them before making final decisions. He asked staff to provide the pros and cons of all of the issues discussed, and to provide a staff recommendation where it seemed clear from their point of view. He suggested the Council discuss this further at a work session.

Mr. Wade made a motion to table B160-09 to the July 20, 2009 Council meeting. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

The meeting adjourned at 10:39 p.m.

Respectfully submitted,

Sheela Amin
City Clerk