

The Complaint Procedure

After a citizen files a written complaint alleging misconduct either online or in person with the Columbia Police Department (CPD) or the City Clerk, the complaint is forwarded to the supervisor of the officer or community service aide (CSA) that is the subject of the complaint. The complaint is also reviewed by the internal affairs (IA) department within the CPD. IA will conduct further investigation of the complaint, if necessary. After IA's review, the Police Chief will make one of the following findings about the complaint:

- (1) It is unfounded (meaning the acts complained of did not occur or were misconstrued);
- (2) It is not sustained (meaning there are insufficient facts established to either prove or disprove the acts complained of);
- (3) It is sustained (meaning there are sufficient facts established to prove misconduct); or
- (4) The officer or CSA is exonerated (meaning that the acts complained of occurred but were justified, lawful and proper).

The Chief will then advise both the citizen and the officer or CSA involved of that decision.

If either the citizen or the officer/CSA disagrees with the Chief's decision, that party may appeal to the Citizen's Police Review Board (CPRB) by filing a written notice of appeal with the City Clerk within 21 days after the Chief has given notice of the decision. By Columbia City Ordinance, notice will be deemed given by the Chief either when the notice is hand delivered or at the end of three business days after the notice is mailed. Failure to comply with this time limitation may result in the CPRB declining review of the claim.

There are two kinds of review conducted by the CPRB: a jurisdictional review and a merits review. The jurisdictional review occurs when the Chief has made one of the following three findings:

- (1) the complaint was untimely filed (meaning not within one year of the alleged misconduct);
- (2) the complaint fails to contain allegations of misconduct; or
- (3) the complainant lacks standing to allege misconduct (standing to file a complaint is limited to alleged victims of misconduct; family members, friends, or attorneys of alleged victims of misconduct; witnesses of alleged misconduct; and residents of Boone County).

When a jurisdictional review is conducted, the scope of the CPRB's review is limited to determining whether the Chief's decision was correct based solely upon the records. The CPRB is precluded by City Ordinance from hearing public comment or calling witnesses in a jurisdictional review.

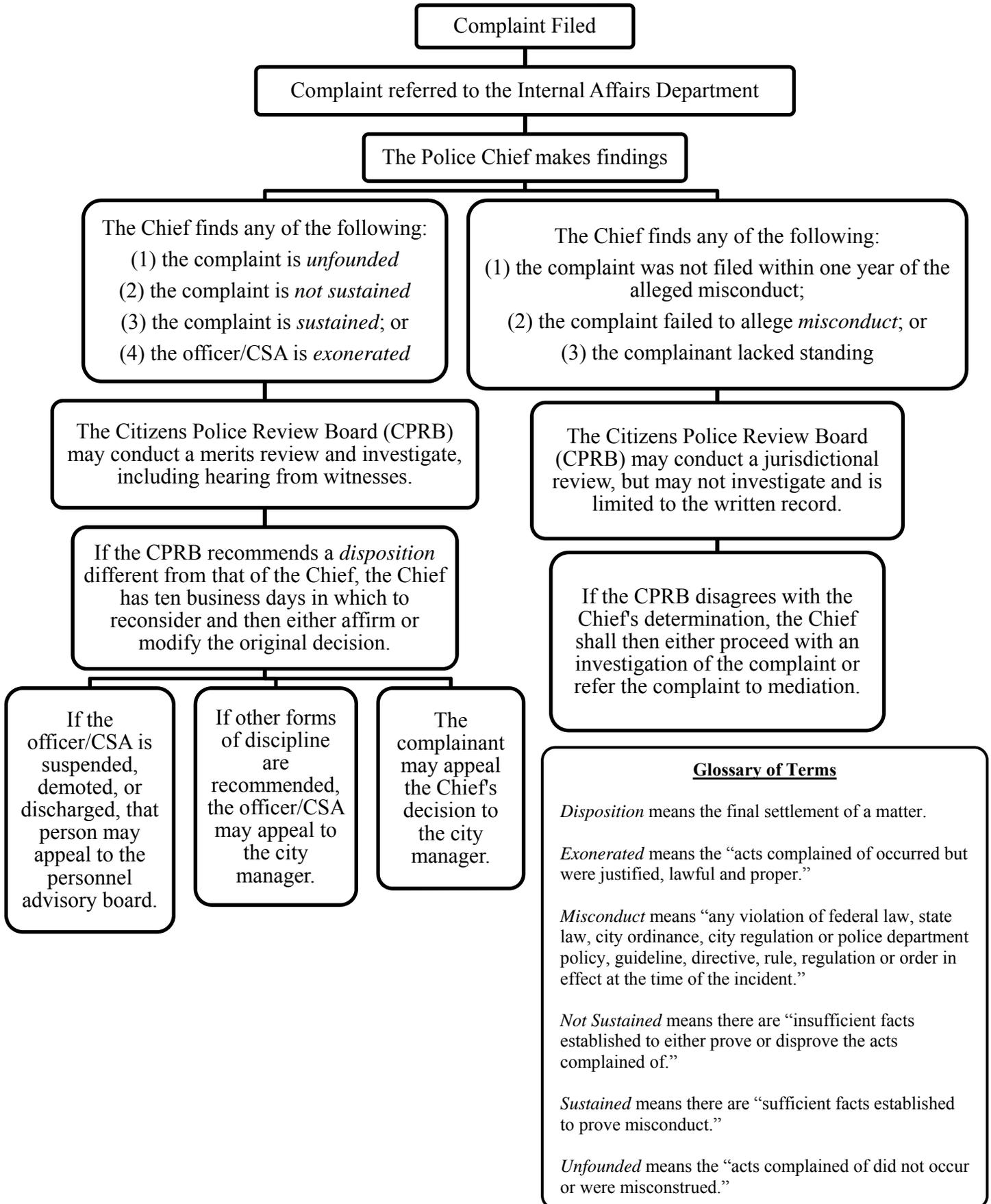
If the CPRB disagrees with the Chief's determination, the CPRB will notify the Chief and the parties involved, and the Chief shall then either conduct an investigation of the complaint or refer it to mediation.

The second type of review—a merits review—occurs when the Chief's decision is based upon any grounds other than those specified above. Unlike the jurisdictional review, during a merits review, the CPRB may interview both the complainant(s) and the officer(s) and/or hear comments from witnesses to the incident under investigation. Interviews or comments will take place only during a full merits review; at the initial merits review, the CPRB will determine whether to make a decision based on the case file, alone, or request further information or interviews. The CPRB will not, however, hear comments from the general public during a merits review. The CPRB may request the Chief to conduct further investigation into the claims of alleged misconduct. During a merits review and investigation process, the CPRB will provide

timely updates to those involved, unless particular circumstances preclude updates. *If, at any point, the CPRB determines that the complainant intentionally misrepresented the alleged acts of misconduct, the CPRB may decline further action on the complaint.*

Upon completion of the review and investigation, the CPRB will report its findings and recommendations to the city manager, the police chief, the officer/CSA involved, and the complainant. If the CPRB agrees with the Chief's original disposition of the complaint, then the parties involved may appeal the Chief's decision to either the city manager or the personnel advisory board, depending upon the decision at issue. If the CPRB recommends a disposition that differs from that made by the Chief, the Chief has ten business days in which to reconsider the original decision and either reaffirm or modify it. The Chief will then provide written notice of the decision upon reconsideration to the CPRB, the city manager, the officer/CSA involved, and the complainant, along with information about the right to appeal. If the Chief takes no action within that time, the original decision is automatically reaffirmed, and the CPRB will notify the officer/CSA involved and the complainant of their right to appeal the Chief's decision to either the city manager or the personnel advisory board.

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TIMELINE

Complaint Process

By: CPRB

