

In the Matter of:

CITY OF COLUMBIA CITIZENS POLICE REVIEW BOARD

TRANSCRIPT OF PROCEEDINGS

August 18, 2021



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Transcript of Proceedings

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CITY OF COLUMBIA
CITIZENS POLICE REVIEW BOARD

Transcript of Meeting

August 18, 2021, 6:00 p.m.
City Hall, Council Chambers

Reported by: Shelley Bartels, CCR 679

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1 BOARD MEMBERS PRESENT:

2 Travis Pringle, Chair

3 Wayne Boykin

4 Alex Hackworth

5 Rhonda Carlson

6 Andrew Fisher

7 Sydney Dowell

8 Cheryl Miller

9
10
11 ALSO PRESENT:

12 Rose Wibbenmeyer, Assistant City Counselor

13 Sgt. Scott Alpers, Columbia Police Department

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1 MR. PRINGLE: It being six o'clock, I
2 call this special meeting of the Citizen's Police
3 Review Board to order. All members are in attendance
4 with the exception of Catherine Grover who has been
5 excused. Have all members of the board had a chance
6 to review today's agenda?

7 (Multiple yeses.)

8 MR. PRINGLE: Are there any edits or
9 comments to the agenda? Is there a motion to approve
10 the agenda?

11 MR. HACKWORTH: So moved, Hackworth.

12 MR. PRINGLE: Is there a second?

13 MS. CARLSON: Carlson, second.

14 MR. PRINGLE: All those in favor of
15 approving the agenda for tonight, August 18, 2021
16 special meeting of the Citizen Police Review Board,
17 say aye.

18 (Unanimous aye vote.)

19 MR. PRINGLE: Opposed? Abstain? The
20 agenda is approved unanimously.

21 Moving on to our new business, the appeal
22 regarding 2021-0001. Case No. 2021-0001 an appeal
23 filed by Lisa Jones is set for review at tonight's
24 meeting. While Lisa Jones filed a complaint against
25 two police officers, one of the officers has since

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1 retired from the police department. Therefore, this
2 board review is limited to the complaint related to
3 the officer who is still employed with the City.
4 Pursuant to Section 2152 of the City Code of
5 Ordinances, the board shall not allow comments by the
6 general public as part of this review. At this time,
7 do any board members know any parties involved in the
8 complaint?

9 MS. CARLSON: Yes. I do know actually
10 several parties involved in the complaint and have
11 had business dealings with them. But I do not have
12 any conflict of interest. And I just wanted to state
13 it as fact for the record so that it wouldn't have
14 any detrimental effect on this hearing.

15 MR. PRINGLE: Thank you, Ms. Carlson.
16 The Board must first determine if the board has
17 jurisdiction to hear the appeal pursuant to
18 requirements set forth in the ordinance adopted by
19 the City Council. To have jurisdiction the complaint
20 must have standing -- or the complainant must have
21 standing to file a complaint; the complaint must be
22 timely filed; the complaint must allege sufficient
23 facts which, if true, would constitute an allegation
24 of misconduct by the City of Columbia police officer;
25 and complainant must have filed the appeal in a

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1 timely manner. Have all members of the board
2 reviewed the material, documentation, and records
3 submitted by both the complainant and the police
4 department and related ordinance, rules, and
5 policies?

6 (Multiple yeses.)

7 MR. PRINGLE: At this time I invite the
8 board members to discuss the jurisdictional issues.
9 Because I believe we have jurisdiction of this
10 complaint.

11 MS. DOWELL: I do as well.

12 MS. MILLER: What did you guys say, that
13 you do think that we have jurisdiction?

14 MR. PRINGLE: Yes.

15 MS. DOWELL: Yes.

16 MS. MILLER: Well, I kind of have -- I'm
17 just kind of confused about the sufficiency of the
18 facts in which she alleged in the complaint itself.
19 Because when she filed the complaint, it just asked
20 us for a review; they didn't give any type of
21 specific facts saying why she was complaining. So I
22 kind of -- I'm just kind of caught there. I mean, if
23 we're going to look -- if it says that we have to
24 look at the complaint itself and see that there's
25 sufficient facts there to take a look at that

1 complaint in which she filed, there's nothing there.
2 Later on through the interview, through her statement
3 with Officer Anderson, then we come to find out what
4 she's actually complaining about, but in that notion
5 if we're going to base it up on the complaint itself,
6 then I would say we don't have jurisdiction to review
7 that.

8 MR. HACKWORTH: Have any members of the
9 board who have been on here for a longer period of
10 time than I, have they ever experienced a similar
11 situation where a complaint is somewhat vague in this
12 nature?

13 MR. PRINGLE: More often than not there's
14 not a specific policy being listed in the complaint
15 or even much of an, I guess you would call it cause
16 of action. We've had plenty of complaints in the
17 past I can think of that, for the most part, the
18 police will take the story down and then we apply the
19 story to the policy manual and say, Okay, this is a
20 violation of this policy, and they investigate going
21 forward into that.

22 MR. HACKWORTH: Thank you.

23 MS. DOWELL: I would assume that when a
24 member from the general public makes a complaint,
25 they're not going to scroll through Google and pick

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1 out exactly which policy it is that an officer may or
2 may not have violated. Given that, I -- I also
3 believe that the board does have jurisdiction over
4 this complaint.

5 MR. PRINGLE: Yeah. Looking at the
6 context of what's been offered, I -- I believe there
7 is a complaint in front of us. We get an initial
8 complaint form which is simply an, Investigate This.
9 Really you have to rely upon the call from Internal
10 Affairs to the complainant to really get to what the
11 complaint's about. But Internal Affairs did do that
12 and it's carried forward as a complaint. I'm good
13 with asserting jurisdictions.

14 MS. WIBBENMEYER: I think you just need a
15 motion.

16 MS. DOWELL: Dowell moves that the board
17 find it does have jurisdiction to review the appeal.

18 MR. BOYKIN: I'll second that motion,
19 Boykin.

20 MR. PRINGLE: And for this, Rose, do I do
21 a roll vote or does it --

22 MS. WIBBENMEYER: I would prefer just so
23 it's clear.

24 MR. PRINGLE: Okay. All right. So go
25 down the list and do a roll vote. Get everybody's

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1 actual name in the actual order. Mr. Boykin.

2 MR. BOYKIN: Yes.

3 MR. PRINGLE: Ms. Carlson.

4 MS. CARLSON: Yes.

5 MR. PRINGLE: Ms. Dowell.

6 MS. DOWELL: Yes.

7 MR. PRINGLE: Mr. Fisher.

8 MR. FISHER: Yes.

9 MR. PRINGLE: Mr. Hackworth.

10 MR. HACKWORTH: Aye.

11 MR. PRINGLE: Ms. Miller.

12 MS. MILLER: I have to say no just
13 because of what I stated earlier.

14 MR. PRINGLE: And Mr. -- I'm sorry, go
15 ahead.

16 MS. MILLER: No, go ahead.

17 MR. PRINGLE: And Mr. Pringle aye. So
18 seven to one, the board has found that it has
19 jurisdiction over Ms. Jones' complaint. After its
20 review of the records and documents submitted by the
21 complainant and the police department and discussion
22 by the board, the Board has determined the board has
23 jurisdiction to proceed. At this time the Board will
24 determine -- must determine whether or not the board
25 requires any additional information before

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1 determining its recommendation. Board members will
2 discuss their review of the records and documentation
3 submitted by both the complainant and the police
4 department without hearing from witnesses, the
5 complainant, or the officers. At this time the board
6 members are invited to discuss whether they feel the
7 information provided is sufficient, whether
8 additional investigation or witness statements are
9 required and by whom and whether or not the case is
10 appropriate for mediation.

11 MS. CARLSON: I -- since I'm unfamiliar
12 with this process, I honestly feel like we have
13 sufficient evidence from the statements that were
14 taken, and I don't necessarily think that we need
15 mediation is my personal.

16 MR. PRINGLE: I know my question for
17 Sergeant Alpers, typically we always get so much body
18 camera footage from so many officers, why was there
19 only the one for this?

20 MR. ALPERS: I think the delay in
21 reporting it, number one. There wasn't an arrest
22 made, and there was just a report that was drawn up
23 from Officer Yarnell, would be my assumption.

24 MR. PRINGLE: Okay. So just because it
25 wasn't -- there was no arrest or anything, just

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1 typical, I guess, procedures for retaining body
2 footage?

3 MR. ALPERS: Correct. Because I believe
4 there's just the one video, isn't there?

5 MR. PRINGLE: Uh-huh. Yes.

6 MR. ALPERS: And former Sergeant Allen
7 obviously wouldn't have had a body camera.

8 MR. PRINGLE: Yeah.

9 MS. DOWELL: I don't have anything
10 sitting in my mind right now that says, I want to
11 know this. I think what we have is pretty thorough
12 and sufficient to make a decision.

13 MR. HACKWORTH: I would agree with that
14 based on all the evidence that we've been provided
15 with.

16 MR. BOYKIN: I agree with that because
17 all the questions I have, I know that I won't be
18 getting answers for.

19 MS. CARLSON: Mr. Chair.

20 MR. PRINGLE: Yes.

21 MS. CARLSON: Unless there's a lot more
22 discussion, I would actually make a motion to agree
23 with the police chief's decision.

24 MR. HACKWORTH: I'll second that.

25 MS. WIBBENMEYER: Who did the second?

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1 MR. HACKWORTH: Alex Hackworth.

2 MR. PRINGLE: Okay. Then going with on
3 with that second, so this vote is on whether, a
4 motion, that the board agrees with the chief's
5 decision that the complaint was unfounded.
6 Mr. Boykin.

7 MR. BOYKIN: With the information given,
8 I will agree.

9 MR. PRINGLE: Ms. Carlson.

10 MS. CARLSON: Yes.

11 MR. PRINGLE: Ms. Dowell.

12 MS. DOWELL: Yes.

13 MR. PRINGLE: Mr. Fisher.

14 MR. FISHER: Yes.

15 MR. PRINGLE: Mr. Hackworth.

16 MR. HACKWORTH: Aye.

17 MR. PRINGLE: Ms. Miller.

18 MS. MILLER: Yes.

19 MR. PRINGLE: Mr. Pringle, yes. So the
20 motion passes unanimously. The board has agreed with
21 the chief's decision that the complaint was
22 unfounded. So with this motion passed, the appeal is
23 completed. If there are -- are there any policy or
24 training recommendations from the board at this time
25 related to the complaint?

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1 MR. HACKWORTH: So I just have one
2 question upon watching the videos. And the reason
3 I'm -- I'm asking for board member feedback on this
4 just because I -- it was difficult for me to make
5 some things out given how dark it was at that time of
6 night. But did we see -- did we see the officer
7 speaking to the off-duty officer while the video --
8 or sound was off?

9 MR. BOYKIN: Yes, it was muted.

10 MR. HACKWORTH: It was muted. And --
11 while they were talking to the off-duty officer? So
12 I wasn't able to find this in the police department
13 policy, but it -- one point raises the question of --

14 MR. BOYKIN: Policy No. 40-447.

15 MR. HACKWORTH: 447?

16 MR. BOYKIN: Uh-huh. B2, B3.

17 MR. HACKWORTH: Is that relating to body
18 cam footage --

19 MR. BOYKIN: Correct.

20 MR. HACKWORTH: -- around, I don't know
21 the proper language, I'm pulling it up right now, but
22 around the citizens or residents or?

23 MR. PRINGLE: What was that number again,
24 Wayne?

25 MR. BOYKIN: 447.

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1 MS. DOWELL: And then what subpart?

2 MR. BOYKIN: I have B2, B3 and then also
3 looking at D1 which is the one about talking to other
4 officers and how they mute when they're talking to
5 other officers and off duty.

6 MR. HACKWORTH: You said B2 and B3?

7 MR. BOYKIN: Yeah.

8 MR. HACKWORTH: So the reason I -- the
9 reason I bring that up is because it's my
10 understanding -- and if there's appropriate context
11 that Sergeant Alpers might be able to give, if that's
12 okay at this moment, I'd welcome that. But it's my
13 understanding that there are some times where the
14 officer needs to turn off the sound depending on what
15 matters are being discussed, especially when it's
16 with other officers. But it's also my understanding
17 that when they're communicating with -- when there's
18 any Columbia resident or, you know, person contact,
19 that the video stays on. And I'm not sure on what
20 the policy is if it's an off-duty officer who's not
21 acting in the capacity or as an agent of the City of
22 Columbia at that moment.

23 MR. BOYKIN: The policy -- that policy D,
24 it says, Communications with other police personnel
25 without permission of the -- these are why they

1 should be turned off. Communications with other
2 police personnel without permission of the chief of
3 police, encounters with undercover officers or
4 confidential informants, are reasons why it should be
5 muted or off, which personally I still don't agree
6 with, but. And then it says under B2, All contacts
7 including recordings, telephone conversations made or
8 received in the performance of official duties is
9 what should be used. If possible and feasible for
10 conditions, an officer may use the speaker phone
11 option for the phone. If a -- and 3 says, If an
12 officer fails to activate their body-worn camera,
13 fails to record the entire contact, interrupts the
14 recording, or experiences an equipment malfunction,
15 the officer shall document any entry why a recording
16 was not made, was interrupted, or terminated prior to
17 the end of the contact or describe the circumstances
18 of the malfunction.

19 MR. HACKWORTH: Okay. So I -- maybe this
20 is a matter to discuss at another time and it might
21 require looking into case law or something like that
22 to get a better context or working with the legal
23 department. But I guess based on 447, sub -- 447.3,
24 sub D, sub 1, I mean, I -- I could see the argument
25 that an off-duty officer is still technically police

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1 personnel and, therefore, that would -- that would be
2 a permissible use of restricting body cam footage.
3 The question in my mind now is how -- in what ways is
4 an off-duty officer different than an on-duty officer
5 under the umbrella term of "police personnel."

6 MR. BOYKIN: My issue with that is that
7 when you go into the interviews, it was clear that
8 Officer Allen said that they were asking him
9 questions about the case itself, so that was a --
10 asking whether or not it was police related or not,
11 it was asking about the investigation, he was a
12 private citizen, and it should have been recorded.
13 And to me I would think that would have solved this
14 situation back in the beginning of the investigation
15 if we had that information on the recording.

16 MR. HACKWORTH: Yeah. I think I wouldn't
17 feel comfortable making a recommendation. I just
18 wanted to bring that up. That's maybe something that
19 we can address in future meetings. And then -- but
20 more so work with -- work with CPD to figure out the
21 virtue of that and if there is a better practice
22 going forward. That's really all I have on it.

23 MR. PRINGLE: I see what you're talking
24 about. It could use clarification because, you know,
25 the context we have in the file shows Sergeant Allen

1 wasn't doing any investigating, but him also seeming
2 to be a witness to the -- well, he was the
3 corroborating witness; it would have been nice to
4 have him on tape. And, but yeah. I think if we can
5 go forward, see if we can't clarify what that means
6 and just for guidance in the future cases of an
7 off-duty officer that has to show up because his
8 wife's there.

9 MS. MILLER: I mean, he had a vested
10 interest in being there.

11 MR. PRINGLE: Yeah.

12 MS. MILLER: Yeah.

13 MR. PRINGLE: But the context I think
14 was -- it was clear, but it would be nice to clarify
15 what exactly it means when an on-duty officer is
16 talking to an off-duty officer.

17 MR. HACKWORTH: Yeah. I -- there's also
18 something else that popped into my mind if the board
19 is okay with me sharing that. It's somewhat of a
20 recommendation, but again, I think it would be proper
21 to go through proper channels and work with the
22 police department on this. But, Mr. Chair, based on
23 what you said prior to the meeting or at the very
24 beginning of the meeting actually how sometimes the
25 complaints can be vague and it requires other

1 context, to me that sounds like we might want to look
2 into the complaint form itself and see what further
3 information we might be able to provide residents of
4 Boone County or whoever wants to file to let them
5 know that, Hey, it's -- it's important to provide
6 specific alleged facts --

7 MS. MILLER: Yeah.

8 MR. HACKWORTH: -- in case you want to
9 appeal in the future, which then also raises the
10 awareness of the appeal process in general.

11 MS. MILLER: Yes. I can definitely agree
12 with that. And I know that most citizens are not
13 going to know specific codes. I mean, we don't even
14 know them; we're learning specific codes. But I
15 would definitely like to see some type of form that
16 is kind of user friendlier. I don't know if that
17 requires, you know, check boxes or whatever, but I
18 would definitely like to explore this issue a little
19 bit more and work with the law department and the
20 police department in getting something like that
21 done. Just kind of smooth that process.

22 MR. HACKWORTH: Yeah. Because I have
23 to -- you know, I -- again, I'm kind of going out on
24 a limb here, but given the -- you know, the
25 occupation of the person who filed this complaint,

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1 they had a specific, like, privilege of knowledge
2 knowing that they have a process to appeal and that
3 there's, you know, there's a manner in going about
4 their grievances. Which is more than, you know, what
5 I would know a year and a half ago before joining the
6 board.

7 MR. FISHER: I'm sure we could find the
8 most common complaint investigated and make check
9 boxes for those.

10 MR. ALPERS: Can I add something? We've
11 already started that process.

12 MR. PRINGLE: Great.

13 MR. ALPERS: We've started working on a
14 new complaint form. I'll get with Melissa and Rose
15 to see how we want to move forward in collaborating
16 together, but. I have a good example that I think
17 can solve what Ms. Miller was talking about, some
18 check boxes, from an agency in Connecticut. And it's
19 very specific check boxes and it kind of gives an
20 overview, but that's already in the process.

21 MR. PRINGLE: Okay.

22 MS. WIBBENMEYER: And under the
23 ordinance, they're not required to use a complaint
24 form. Just be aware of that.

25 MR. HACKWORTH: Thank you.

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1 MR. PRINGLE: Any further policy debate
2 related to the appeal? Hearing none at this time, is
3 there a motion to adjourn tonight's special meeting
4 of the Citizens Police Review Board?

5 MS. DOWELL: Dowell so moves.

6 MS. MILLER: I'll second, Cheryl.

7 MR. PRINGLE: All those in favor of
8 adjourning tonight's special meeting of the Citizens
9 Police Review Board, say aye.

10 (Unanimous aye vote.)

11 MR. PRINGLE: Opposed? Abstain? The
12 ayes have it. Thank you all.

13 (Off the record.)
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CERTIFICATE

I, Shelley L. Bartels, a Certified Court Reporter,
CCR No. 679, the officer before whom the foregoing
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A handwritten signature in cursive script, reading "Shelley Bartels", is written over a horizontal line.

Shelley L. Bartels, CCR

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