

CITY OF COLUMBIA

CITIZENS POLICE REVIEW BOARD 2022 ANNUAL REPORT

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2022 CITIZENS POLICE REVIEW BOARD MEMBERS

(as of December 31, 2022)

Rhonda Carlson

(appointed February 2021 with term ending November 1, 2023; elected Chair April 2022)

Cheryl Miller

Commission on Human Rights Liaison to the Citizens Police Review Board
(appointed August 2021 with term ending November 1, 2023; elected Vice Chair November 2021)

Laura Gutierrez Perez

(appointed May 2022 with term ending November 1, 2022; reappointed October 2022 with term ending November 2024; resigned February 6, 2023)

December Harmon

(appointed November 2021 and served through January 16, 2023*)

Steven Jeffrey

(appointed February 2022 with term ending November 1, 2023)

Edward Barnes

(appointed October 2022 with term ending November 1, 2025)

Xavier Scruggs

(appointed October 2022 with term ending November 1, 2025)

Reece Ellis

(appointed October 2022 with term ending November 1, 2024)

Stephanie Coleman

(appointed October 2022 with term ending November 1, 2023)

Outreach Subcommittee (Created: December 8, 2021):

1. Rhonda Carlson
2. Cheryl Miller
3. Vacant
4. Vacant

*On January 16, 2023, December Harmon announced that December Harmon was a candidate for elected public office and, as a result, no longer qualified for Board membership per Section 21-46(c).

Members who resigned or had their term expire during the year:

Andrew Kleiner	<i>appointed September 2021 and resigned January 2022</i>
Wayne Boykin	<i>appointed July 2020 and resigned April 2022; Vice Chair from September 2021 to November 2021; Chair from November 2021 to April 2022</i>
Jordan Hamilton	<i>appointed November 2021 and resigned April 2022; Served on the Outreach Subcommittee from December 2021 to April 2022</i>
Delsie Bonaparte	<i>appointed November 2021 and resigned July 2022; Served on the Outreach Subcommittee from December 2021 to July 2022</i>
William Adkins	<i>appointed November 2021 and resigned July 2022</i>
Dr. Michael Williams	<i>appointed May 2022 and resigned August 2022</i>
Robert Overmann	<i>appointed February 2022 and served through November 1, 2022; Served on the Outreach Subcommittee from May 2022 through November 1, 2022.</i>

HISTORY OF THE FORMATION OF THE CITIZENS POLICE REVIEW BOARD

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

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

The Citizens Police Review Board shall have the following duties:

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

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

In 2014, the City Council, at the request of the Citizens Police Review Board, amended Section 21-49, to add additional duties. Pursuant to these amendments to the ordinance, the Board is also to conduct a jurisdictional review from the decision by the police chief that a person's allegations do not fall within the requirements set forth in the article related to complaints. The Board is also to conduct audits or reviews of the records of the police department for compliance with the requirements of the ordinances.

In 2021, Governor Parson signed into law Senate Bill 26, which contains a police officer bill of rights in Section 590.502 RSMo. Section 590.502 RSMo has necessitated changes to Chapters 19 and 21 of the City's Code. In order to comply with the new state law, the City Council amended the code to reduce the time periods for filing appeals, removed community service aides from the jurisdiction of the Board, and provided for the confidentiality of records related to complaints and for the closure of meetings to hear appeals which are subject to Section 590.502 RSMo.

On August 15, 2022, the City Council voted to temporarily suspend the regular monthly meetings of the Board so that the Board has an opportunity to focus on its primary purpose-the review of appeals.

EXECUTIVE SUMMARY

This annual report includes information on the Citizens Police Review Board's work from January 2022 through the end of December 2022. It is important to note that the City Council suspended the Board's regular meetings on August 15, 2022.

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

- (1) The Board reviewed appeals from the police chief's determinations on alleged police misconduct. During this reporting period, citizens requested that the Board review the police chief's determinations three different times.
- (2) The Board met with Police Chief Geoff Jones on June 8, 2022.
- (3) The Board is submitting to the City Council the following annual report which outlines the Board's actions from January 1, 2022 through December 31, 2022.
- (4) As required by Section 21-56 of the Code, the Board has trained volunteer advocates to assist complainants and police officers with the complaint and appeal process.
- (5) As required by Section 21-55 of the Code, the Board has designed a mediation program and has a local professional mediator under contract with the City to provide for mediation of complaints.

SUMMARY OF APPEALS

During this 2022 reporting period, citizens requested civilian review on three occasions. Of the 2022 requests, one request was withdrawn by the complainant. The Board conducted a thorough and fair review of the other two appeals and unanimously reached its recommendations in each appeal.

The Board also had a pending appeal that was filed late in 2021. Due to the elapse of the time limits set forth in Section 590.502 RSMo without an extension request, this matter could not be reviewed.

ANALYSIS OF CITIZEN COMPLAINTS

In 2023, the police department provided information to the Board regarding 2022 citizens' complaints. In 2023, the Board will review the police department's report, conduct its analysis, and notify the City Council should the Board identify any issues with the police department's report.

ADDITIONAL BOARD AND MEMBER ACTIVITIES

COVID-19 disrupted the Board's usual activities with regard to community outreach, educational programs, and ride alongs. During this review period, the Citizens Police Review Board did host speakers on different topics as part of its public meetings as listed below.

<u>Date</u>	<u>Topic/Activity</u>
March 9, 2022	December Harmon provided copies of December Harmon's paper titled "New Model Concepts" to the Board.
March 13, 2022	Bob Overmann completed a ride along from approximately 10am to 2pm.
April 13, 2022	Dr. Carly Gomez and Heather Heckman-McKenna appeared virtually and gave a presentation on their research and work on the Community Oriented Policing Program.
April 13, 2022	The Board passed a motion to pursue a new model of civilian oversight to bring forward to the City Council. Seven members of the board voted in favor of the motion and one member abstained. The Board passed a motion to use funds to bring in speaker Professor Fairley from the University Of Chicago Law School to discuss her research on models of civilian oversight. Six members voted in favor of the motion and two members abstained.
April 26, 2022	December Harmon and Cheryl Miller met with new police officer recruits.
May 20, 2022	Steven Jeffery had a ride along with Lt. Hestir from 6pm to 3 am.

June 1, 2022	Rhonda Carlson had a ride along with Officer Gilstrap from 10am to noon with the remainder rescheduled on June 24 th .
June 8, 2022	The Police Chief gave a presentation and answered questions from the Board and the public.
June 14, 2022	December Harmon, Rhonda Carlson, Cheryl Miller and Laura Gutiérrez Pérez participated in a NACOLE webinar on Understanding Brady and Giglio: Understanding Oversight's Role.
June 18, 2022	Board members Cheryl Miller, Rhonda Carlson, Steven Jeffery, and Dr. Williams participated in the Juneteenth parade and event. They reported 98 contacts with members of the public and they distributed a flyer about the Board.
June 22, 2022	Rhonda Carlson reported that she had lunch with Chief Jones and they discussed training. They also discussed having regular meetings when they have items to discuss.
June 24, 2022	Rhonda Carlson finished her ride along with Officer Gilstrap from 10:00 a.m. to 3:15 p.m.
July 7, 2022	Steven Jeffery met with new police officer recruits.
July 13, 2022	Professor Fairley, from the University Of Chicago School Of Law, met virtually with the Board to discuss her research and experience on models of oversight.
July 20, 2022	Rhonda Carlson appeared on KOPN to talk about the Board, the history of the establishment of the board, and its work.
August 10, 2022	The Board viewed the City Channel's Production: Commemorating Ten Years of Civilian Oversight during its regular monthly meeting.
September 2, 2022	Rhonda Carlson and Steven Jeffery met with new recruit officers.
November 5, 2022	Stephanie Coleman completed a ride along from 8pm to midnight.

November 25, 2022

Stephanie Coleman completed a ride along from 10am to 230pm.

Additional Self-Study on NACOLE Recommended Training

Stephanie Coleman completed the following additional self-study on NACOLE recommended topics: readings included “The Evolution and Growth of Civilian Oversight”, CPD police policies, CPRB Bylaws, NACOLE Code of Ethics, and the Board and Commission member Guide; and webinars included “Policing Regulation and Oversight: Trends, Problems and Solutions.”

Additional Activities

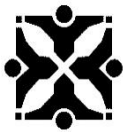
The Outreach Subcommittee worked on updating the complaint form. However, the Board opted not to proceed with the subcommittee’s recommended approach.

The Board conducted preliminary research into models of oversight due to the impact of the new state statute. After hearing from Dr. Fairley and reading her research, the Board on August 10, 2022, passed a motion to send a preliminary report to Council to say further investigation into a model change is warranted. Steven Jeffrey, Rhonda Carlson, Bob Overmann, Cheryl Miller, and Dr. Michael Williams voted in favor of the motion. December Harmon and Laura Gutiérrez Pérez voted against the motion. No one abstained. The draft report prepared by Bob Overmann is attached below.

CONCLUSION

This report outlines the work of the Citizens Police Review Board in 2022. The Board performs its duties in accordance with the City of Columbia Code of Ordinances and the Board’s adopted Bylaws. The CPRB looks forward to continuing to provide the City of Columbia and all constituencies with an independent, fair, impartial body for the review of complaints of actual or perceived misconduct by members of Columbia Police Department to ensure that all persons, citizens and officers, are treated with equality, respect and dignity leading ultimately to a safer, more inclusive community.

ATTACHMENT
DRAFT REPORT PREPARED BY BOB OVERMANN



CITY OF COLUMBIA, MISSOURI

Citizens Police Review Board

August 18, 2022

Honorable Mayor Buffaloe and Honorable Members of the City Council:

At the Columbia Police Review Board's meeting on Wednesday, August 10, a majority of CPRB members voted to send a preliminary report to Council to describe the CPRB's interest in a potential model change and to request support from Council in pursuing a potential change.

Per Sec. 2-47.1(c) of the City Code:

Suggestions from city boards and commissions for staff reports, ordinances or resolutions shall be presented to the council in the form of a report. Neither staff time nor public monies shall be expended in the preparation of any staff report, ordinance or resolution until the council has by motion instructed the city manager and staff to prepare such document or, in the instance of an ordinance or resolution which does not require significant staff time, until a council person has requested such preparation. Any action which may be initiated by any board or commission pursuant to authority granted by the charter, ordinance or statute is specifically exempted from this requirement.

Due to the impact of Missouri Senate Bill 26 which, among other provisions, reduces the investigative time frame and actions civilian oversight boards may take to review appeals — the CPRB has been discussing a potential model change.

Per Sec. 21-49 of the City Code, the CPRB is to:

- Review appeals from the police chief's decisions on alleged police misconduct as provided for in this article.
- Conduct a jurisdictional review from the decision by the police chief that a person's allegations do not fall within the requirements set forth in this article related to complaints.
- Host public meetings and educational programs for Columbia residents and police department.
- Review and make recommendations to the police chief and city manager on police policies, procedures and training.
- Conduct audits or reviews of the records of the police department for compliance with the requirements of this article.
- Without disclosing information considered closed under state law, prepare and submit to the city council annual reports that analyze citizen complaints

including demographic data on complainants, complaint disposition, and the board's activities. The reports should also describe the board's community outreach and educational programs. The reports should also set forth any recommendations made on police department policies, procedures and training. The reports shall be submitted no later than March 1 for the previous calendar year.

Since April 2022, the CPRB has discussed by not aligned on a specific model it would like to replace its current appeals-based model. At its July meeting, the CPRB heard from Dr. Sharon Fairley, a University of Chicago-based expert in civilian oversight of police, on potential models.

In her lecture and in the paper "Survey Says?: U.S. Cities Double Down on Civilian Oversight of Police Despite Challenges and Controversy", published in Cardozo Law Review's online journal at: http://cardozolawreview.com/wp-content/uploads/2020/01/FAIRLEY.DN_.2019.pdf, Dr. Fairley outlines the functions civilian oversight board such as the CPRB may engage in:

- *Investigative*: An entity that investigates police incidents independently from the police department and that employs at least one professional investigator.
- *Review*: An entity that reviews or monitors investigations of police incidents being conducted by the police department.
- *Audit/Monitor*: An entity that audits investigations of police incidents conducted by the police department. For purposes herein, an auditing entity reviews only a sample of investigations, rather than reviewing all investigations or all investigations of a certain type.
- *Adjudicative*: An entity that adjudicates specific disciplinary matters by making findings and recommendations at the conclusion of a disciplinary hearing or other proceeding.
- *Appeals*: An entity that reviews outcomes of disciplinary investigations upon the request of either the complainant or the accused officer.
- *Supervisory*: An entity that makes high-level policy and strategic decisions regarding police department operations.
- *Advisory*: An entity that makes recommendations to the police department regarding high-level policy and operational strategies.

Note that, when asked by a CPRB member about models adopted by cities similar in size to Columbia, Dr. Fairley pointed to the Monitor model as potentially viable. Dr. Fairley did not elaborate; she stated only that it might be suitable.

Given the CPRB's inability to align on its desired model and the requirements set forth in Sec. 2-47.1(c) of the City Code, the CPRB hereby requests Council's support — in whatever forms it deems appropriate — in determining an appropriate oversight model.

Sincerely,

Rhonda Carlson, Chair

Cheryl Miller, Vice Chair