



Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: August 5, 2024

Re: Potential Amendments to Chapter 21 of the City Code Relating to Enactment of SB 754

Executive Summary

The CPRB has prepared and submitted the attached report to Council for its consideration. The Board is requesting two items related to the impact of legislation signed into law by Governor Parsons which will take effect on August 28, 2024, known as SB 754. The new legislation affects Section 590.653 RSMo, which provides for the establishment and powers of any entity appointed by the local governing body to provide civilian review or oversight of police agencies by narrowing the powers of civilian review boards. Staff is providing this additional information along with a preliminary draft bill to amend Chapter 21, Article 3 of the City Code.

Discussion

As amended, Section 590.653 RSMo will limit the powers of the CPRB to the following:

...receiving, investigating, making findings and recommending disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language...

The law expressly preempted any additional powers being granted to the CPRB.

Under its existing configuration, the CPRB only hears appeals from complainants on allegations of misconduct when the complainant is not satisfied with the preliminary determination of the police chief on the complaint. The CPRB is not the primary receiving and/or investigating agency of all complaints. The CPRB currently reviews the investigation conducted by the Police Department and may make a request for the Police Chief to conduct further investigation or conduct its own investigations by interviewing witnesses. Although the CPRB has not hired its own investigator in the past, the use of independent investigators to assist the Board in its investigations of alleged misconduct is also allowed under the existing structure, subject to the availability of appropriated funds. All of the investigative powers of the CPRB remain intact under the 2024 amendments to Section 590.653.

The categories of misconduct for which the CPRB may be granted the power to receive, investigate, make findings and recommend discipline is limited by the new legislation. Currently the Board may hear an appeal on matters related to "any violation of federal law, state law, city ordinance, city regulation or police department policy, guideline, directive, rule, regulation or order in effect at the time of the incident." Under the new legislation, the purview of the Board is limited to incidents "involving excessive use of force, abuse of authority,



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discourtesy, or use of offensive language." Since January of 2022, there have been 15 complaints appealed to the Board. The Board's ability to review four of those complaints would have been negatively affected by the provisions of the new law.

Similarly, the following existing duties of the CPRB will no longer be authorized under Section 590.653, as amended:

- 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 [except to the extent such review may be related to complaints of alleged misconduct "involving excessive use of force, abuse of authority, discourtesy, or use of offensive language." for which the Board has authority to review records]; and
- Reports to the Council on any matter not related to authorized activities of the Board involving the "receiving, investigating, making findings and recommending disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language."

The provisions of Chapter 21 related to the powers and duties of the CPRB will need to be amended to comply with the new legislation. Although State law would allow for the CPRB to take on a more active role as it relates to all complaints involving excessive use of force, abuse of authority, discourtesy or use of offensive language, staff will not be drafting any language which would result in a model change to shift the receiving and investigative functions for such complaints to the CPRB unless there is a request from the Council to bring such language forward for consideration.

The Board has a monthly meeting requirement and will be considering whether to continue to meet on a monthly basis, or less frequently due to the decreased workload. There will continue to be a need to conduct regular and on-going training of Board members to ensure they are prepared when an appeal is heard.

The Board is currently composed of eight (8) members appointed by the City Council who serve three (3) year terms, plus one (1) additional member appointed by the City of Columbia Commission on Human Rights who serves a one (1) year term. Board members are required to be residents of the City and registered voters. They may not be an elected public office holder or a candidate for public office. Members are prohibited from having a serious criminal record and in making appointments a reflection of the cultural and racial diversity of the City is a consideration.



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City staff has prepared a preliminary draft of a bill to address the preemptions contained in the new law. In addition, the draft would incorporate confidentiality and conflict of interest provisions formerly contained within the bylaws of the CPRB. It would also make minor modifications to Section 21-56 relating to advocates due to the difficulty staff has experienced in recruiting and training advocates.

As a reminder, during the FY 2024 budget Council may recall a new position was created in the City Manager's Office to add an assistant city manager with the express purpose of providing a focus on public safety services within the city. Hiring for the new position is underway and once filled the position will serve as a conduit for internal review of police policies, procedures and training as well as additional community outreach and educational programs related to policing and public safety. The new assistant city manager will officially serve as the liaison to the CPRB and will become an integral part of coordinating oversight functions.

Fiscal Impact

Short-Term Impact: Not applicable.

Long-Term Impact: Not applicable.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Safe Community, Secondary Impact: Organizational Excellence, Tertiary Impact: Inclusive and Equitable Community

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
	Not applicable.

Suggested Council Action

Provide guidance to staff on moving forward with amendments to Chapter 21, Article 3 of the City Code.