



CITY OF COLUMBIA, MISSOURI

Citizens Police Review Board

August 15, 2024

Honorable Mayor Buffaloe and Honorable Members of the City Council:

At its August 14, 2024, meeting the Citizens Police Review Board discussed the implications of SB754 and the course the City might take in response to the law. It also invited comments by members of the public on this subject before taking action. One citizen made it clear that she felt it important for citizens to have a public venue where they could criticize the conduct of particular officers and call them by name. Another urged the City Council to consult with David Tyson Smith, whose insights as a founder of the CPRB and a current member of the Missouri House of Representatives, should be valuable.

After hearing these comments, the Board passed the following motion:

Columbia's Citizens Police Review Board recommends that the City Council take the following three actions in response to SB754, recently signed into Missouri law:

1. Unless it learns that it is possible to keep the present CRPB's structure and duties intact, replace it with two civilian oversight boards: the first concerned with police department policy, the second with the conduct of individual police officers.

2. To avoid conflict with SB754, make it clear that the Policy Board will never recommend disciplinary actions against individual officers. Its duties will be

- To host public meetings and educational programs on matters of CPD policies and practices,
- To review and make recommendations to the police chief and city manager on police department policies, procedures, and training,
- To educate itself about police policies, procedures, and training by examining their effect in real-world interactions between officers and citizens, ideally by conducting annually closed-session reviews of police department records regarding citizens' complaints and their resolution,
- To prepare and submit to the city council annual reports that analyze those complaints and the way they were resolved, including demographic data, but excluding information that personally identifies particular officers or citizens,
- To prepare and submit to the city council summaries of other public input it receives, and to suggest ways that the CPD can best address this input.

3. Make it clear that the Conduct Board's duties will be consistent with SB754. Those duties, which will require it to meet primarily in closed session, will be

- To receive, and to investigate the merit of, appeals from citizens who are dissatisfied with the police chief's preliminary findings on complaints involving excessive use of force, abuse of authority, discourtesy, or use of offensive language,
- To submit its findings on these appeals, including any recommendations on disciplinary action, to the chief of police and (if SB754 allows) to the city manager, and to do so in a timely way so that all investigations can be completed within the time limits imposed by state law.

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We want to be clear about what we are trying to accomplish here. We don't think the City's response to SB754 needs to become a source of contention between advocates of civilian oversight and advocates of police officers' rights. By separating policy-level oversight from conduct-level oversight, we can simultaneously assure officers that they will be protected from unfair or ill-informed disciplinary treatment by civilian overseers and assure citizens that they will have meaningful input in shaping the CPD's policies and practices.

Relieved of the present CPRB's duty of hearing appeals, the Policy Board could and should be more ambitious than the CPRB has been in its educational and outreach efforts. It might, for instance, host and design carefully moderated and balanced discussions of policy-level issues that frequently strain relations between the department and the public, such as searches and seizures, uses of force, and responses to mental health crises.

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The above recommendations are based on an assumption that having two oversight boards with cleanly separated missions would present no conflict with SB754. We have discussed this two-board solution informally with lawyers, including one national consultant on police policies and one representative of a police officers' union. Neither objected to the two-board solution, and so we were surprised to hear the head of Columbia's Law Department oppose the two-board solution at the August 5, 2024, meeting of the City Council.

We suspect that her opposition was based on a misunderstanding of the CPRB's intention in advocating such a solution. This is not, as her comments implied, an attempt to circumvent SB754, but an attempt to comply with it. It is an attempt to comply with it in a way that preserves the opportunity for citizens appointed by elected representatives to orchestrate meaningful public discussions of crucial police policies.

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Should the Council decide that the two-board solution described above is not feasible, we would urge it to consider a second alternative. Eliminate the Discipline Board entirely, so that Columbia will have no "entity appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public." This would make it logically impossible for Columbia's system of civilian oversight to be in conflict with SB754.

At that point the Council would be free to appoint a Policy Board that can act robustly and publicly. The present members of the CPRB feel that having citizens concentrate their attention on policy matters is more productive than having it pass judgments on the behavior of individual officers. Citizen input on the effectiveness of the entire system is far more crucial than citizen input on the conduct of some particular officer.

At the same time, Board members reaffirmed their feeling that the present structure of the Board, which allows it to deal with both discipline and policy, has been functioning well and has solid advantages. And so it urges the Council to examine whether other municipalities, in Missouri or elsewhere, have found a way to preserve such a structure after the passage of legislation similar to SB754.

Your consideration of our recommendations is appreciated.

Sincerely,

Doug Hunt
Chair