

CITY OF COLUMBIA

CITIZENS POLICE REVIEW BOARD 2023 ANNUAL REPORT

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2023 CITIZENS POLICE REVIEW BOARD MEMBERS

(as of December 31, 2023)

Reece Ellis

(appointed October 2022 with term ending November 1, 2024; elected chair June 14, 2023 and served as Chair through December 13, 2023)

Denise Balazic

(appointed October 2023 with term ending November 1, 2026)

Brandon Barnes

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

Stephanie Coleman

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

Douglas Hunt

(appointed March 2023 with term ending November 1, 2024)

Steven Jeffrey

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

Xavier Scruggs

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

Jamie Thornsberry

(appointed March 2023 with term ending November 1, 2024)

Outreach Subcommittee (Created: December 8, 2021):

1. Brandon Barnes
2. Steven Jeffrey
3. Vacant
4. Vacant

Members who resigned, or who had their service end during the year 2023:

December Harmon - appointed November 2021 and served through January 2023

Laura Gutierrez Perez - appointed May 2022 with term ending November 1, 2022; reappointed October 2022 with term ending November 2024; resigned on February 7, 2023

Rhonda Carlson - appointed February 2021 with term ending November 1, 2023; elected Chair April 2022-October 2022; Term ended November 1, 2023; Member of Outreach Subcommittee

Cheryl Miller - *Commission on Human Rights Liaison to the Citizens Police Review Board* appointed August 2021 term and served through November 1, 2023; elected Vice Chair November 2021-October 2022; elected Vice Chair June 14, 2023; Term ended November 1, 2023; Member of Outreach Subcommittee

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 citizens 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 had an opportunity to focus on its primary purpose - the review of appeals. The Board resumed regular monthly meetings on March 8, 2023.

EXECUTIVE SUMMARY

This annual report includes information on the Citizens Police Review Board's work from January 2023 through the end of December 2023.

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 four different times.
- (2) The Board met with Police Chief Geoff Jones on February 8, 2023, and the Board met with Interim Police Chief Matt Stephens on August 9, 2023.
- (3) The Board is submitting to the City Council the following annual report which outlines the Board's actions from January 1, 2023 through December 31, 2023.
- (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. After their term of service on the Board ended, Rhonda Carlson and Cheryl Miller volunteered to serve as advocates.
- (5) As required by Section 21-55 of the Code, the Board has a mediation program and has a local professional mediator under contract with the City to provide for mediation of complaints.
- (6) The Board audited 28 complaints filed by citizens in 2022.
- (7) The Board also provided recommendations on police training and policies.

SUMMARY OF APPEALS

During this 2023 reporting period, citizens requested civilian review on four occasions.

Of the four appeals filed in 2023, the Board conducted a thorough and fair review of the two appeals, provided its recommendations and noted its concerns. While reviewing the appeals, the Board also noted commendable work of two officers. On one appeal, the Board determined it did not have jurisdiction. The Board provided recommendations to the police chief and city manager related to training, policies and procedures. The fourth appeal was filed on December 28, 2023 and is still pending.

AUDITS AND ANALYSIS OF CITIZEN COMPLAINTS

The Board's duties as set forth in City Code Section 21-49 include conducting audits or reviews of the records of the police department for compliance with Chapter 21 article III requirements. The Board conducted its audits of the 2022 complaints with a focus on complaints involving allegations related to search and seizure, use of force, and discourtesy.

Board members volunteered to audit files within these categories of allegations. Rhonda Carlson, Douglas Hunt and Reece Ellis focused on allegations of discourtesy and completed audits of eighteen complaints. Cheryl Miller, Brandon Barnes and Stephanie Coleman audited allegations involving search and seizure issues and completed three audits. Steven Jeffery, Xavier Scruggs, and Jamie Thornsberry audited seven complaints related to the use of force.

Of the twenty-eight audits conducted, the Board found no significant findings on twenty-seven of the audits conducted. On one audit, the Board reported its findings to the city manager and the police chief and made recommendations on police policies, training, or procedures. In this audit, the Board also commended the work of one officer who was not the subject of the complaint.

RECOMMENDATIONS RELATED TO POLICE POLICY 300

In addition to auditing 2022 citizen complaints related to the use of force, the Board began its review of Police Policy 300 last May. In June, Board members participated in NACOLE webinar on Understanding Forced Used in Effecting Arrests. Board members have also independently researched best practices related to policies about the use of force, response to resistance, and de-escalation. The Board then hosted a public work session on Police Policy 300 on September 14, 2023, where we engaged in a discussion with the public and police representatives. Board member Doug Hunt attended the police in-service training and observed Sgt. Kim German's presentation on de-escalation. During the December 13, 2023 meeting, Sgt. Kim German presented her training on de-escalation to the Board. The training on de-escalation in the video of the Board's December 13, 2023 meeting may be viewed at: <https://www.como.gov/broadcasts/>

Based upon our research, public comments, our investigation of best practices, and in consideration of the police department's existing training on de-escalation, the Board unanimously passed motions to make the following recommendations.

1. Section 300 should be retitled to “Response to Resistance, De-escalation, and Use of Force.”
2. Section 300.1 (Purpose and Scope) should be reworded to read as follows: “The purposes of this policy are (a) to provide officers guidelines for safely dealing with individuals who are belligerent, uncooperative or armed; (b) to provide officers guidelines for distinguishing between situations where de-escalation strategies are the appropriate response and those where use of force is necessary; (c) to provide officers guidelines for responding to situations where the use of less-lethal force is appropriate; and (d) to provide officers guidelines for recognizing situations where the use of deadly force is appropriate.”
3. Section 300.5 subsection A should be amended to read: “A. Except in situations where an officer or a member of the public is threatened with serious and immediate injury, officers will attempt, if practical, to resolve situations by using de-escalation techniques rather than force.”
4. Section 300.5.2(B) (1) and (2) should be removed or rewritten.
5. The single sentence on de-escalation training in Section 300.13 (second paragraph) should be expanded and revised so that CPD’s training on de-escalation exceeds the minimal P.O.S.T. standard. The training should be designed to simulate actual encounters with civilians who are hostile and resistant to commands, civilians who are mentally ill, and civilians who are armed with weapons other than guns (e.g. knives, rocks, or clubs). The de-escalation training should be integrated with training on the use of less-lethal and deadly force in a way that prepares officers to protect the lives of both the civilians involved and the lives of themselves and their fellow officers.
6. In order to ensure that CPD keeps abreast of best practices in de-escalation, the Board encourages the department to send selected members of the command and supervisory staff to receive fresh training via a nationally recognized program such as that provided by Integrating Communications, Assessment, and Tactics (ICAT) Training Center in Decatur, Illinois.

In its letter with these recommendations, the Board encouraged the police chief and city manager to make de-escalation training a priority.

ADDITIONAL RECOMMENDATIONS

The Board provided the following recommendation to the City Council. The Board recommended amending item 5 of Article III, Sec. 21-45 to read as follows: “Notice shall be considered given when it is hand delivered or five (5) business days after it is mailed.” The City Council concurred with the Board’s recommendation and amended the ordinance on September 18, 2023.

The Board provided the following recommendations to the city manager and police chief.

1. Given that mail delivery to persons in facilities such as jails or hospitals may be delayed by institutional practices, the Board recommended that the police department adopt policies or procedures to ensure timely delivery of time-sensitive materials to persons in such facilities.

2. Because some persons filing complaints with the police department may foresee difficulties in receiving mailed responses, the Board recommended that the department allow complainants to request that responses be sent to more than one physical and/or electronic address.
3. The Board recommended that a police policy state:
“When officers arrest or detain an individual, they should, whenever practicable, offer a reason for the arrest or detention.”
4. The Board recommended that a police policy state:
“In cases of detention without arrest, the use of handcuffs or other restraints should be avoided when possible. Such restraints may be necessary, however, if there is an articulable and objective safety risk, or a flight risk, or if the individual’s behavior interferes with an investigation in progress.”
5. The Board recommended that a police policy state:
“Whenever handcuffs or other restraints have been used in a detention or arrest, the officers involved should include the reason for using them in a narrative report.”
6. The Board recommended that the police policies be changed to state:
“To avoid unnecessary conflict, and whenever practicable, officers should offer the individual an opportunity to voluntarily cooperate in being detained or in the application of restraints before applying them.”

In addition to the policy recommendations, the Board provided other recommendations to the City Manager and Police Chief related to the appeals and audit findings, which are closed pursuant to Section 590.502 RSMo. The Board also provided recommendations to the City Council and City Manager related to the attributes of the new police chief.

ADDITIONAL BOARD AND MEMBER ACTIVITIES

During this review period, the Citizens Police Review Board completed the following additional activities.

<u>Date</u>	<u>Topic/Activity</u>
February 1, 2023	Mayor Buffaloe, Kristin Mengwasser, and Rose Wibbenmeyer provided training to the Board. Topics included the form of government, meeting best practices, sunshine law and conflicts of interest, ethics, board operations and procedures.
February 8, 2023	Human Resources Director Kathy Baker, Police Chief Geoff Jones, Sgt. Kim German, Sgt. Andy Muscato,

	and Sgt. Julie Ray provided training to the Board. Topics included: city personnel policies; police department structure and operations; and internal affairs operations.
May 10, 2023	The Board passed a motion approving the 2022 Annual Report.
June 7, 2023	Board members participated in the NACOLE Webinar on Understanding Force Used in Effecting Arrests.
June 14, 2023	Representative David Tyson Smith and James Figueroa-Robinett, Jr. spoke on the history of civilian oversight in Columbia and on the community's expectations of the Board.
June 17, 2023	Board members participated in the Juneteenth Celebration at Douglas Park and met with over seventy people.
July 12, 2023	Doug Hunt commented on the US Department of Justice Report on the Minneapolis Police Department, which stated: "[h]andcuffing a person absent an objective safety risk is an unreasonable seizure and violates the Fourth Amendment." Doug Hunt also noted that the Columbia Police Department Policy includes language which seems to contradict the DOJ's view and a small clarification on how Columbia Police Department trains officers would be helpful. Reece Ellis also commented on reading the Justice Department's reports on Minneapolis and Ferguson.
August 9, 2023	Interim Chief Matthew Stephens met with the Board.
August 10, 2023	Douglas Hunt completed a ride along.
September 14, 2023	The Board had a public work session and reviewed Police Policy 300.
September 25, 2023	The Columbia Missourian published a guest commentary by Doug Hunt, entitled: <u>Columbia residents have ability to shape police department through Review Board</u> . The commentary can be found at: https://www.columbiamissourian.com/opinion/guest_commentaries/columbia-residents-have-ability-to-shape-police-department-through-review-

board/article_85e36500-588e-11ee-81ea-bf4d7583ea7f.html

September 29, 2023	Steven Jeffrey met with new police recruits to discuss civilian oversight.
October 3, 2023	Doug Hunt attended the police department's in service training for officers. Topics covered included domestic violence, search & seizure, legislative updates, and de-escalation.
October 11, 2023	The Board approved an amendment of its bylaws to change the election of officers from October to November.
October 19, 2023	Reece Ellis and Doug Hunt participated in the interviews for the next police chief.
November 12-16, 2023	Reece Ellis and Steven Jeffrey attended the 29 th Annual NACOLE Conference, <u>Building Better Oversight</u> , in Chicago, Illinois.
December 1, 2023	Denise Balazic had a ride along.
December 13, 2023	Sgt. Kim German gave a presentation on De-escalation Training.
December 26, 2023	Doug Hunt met with police recruits to provide information about civilian oversight.

CONCLUSION

This report outlines the work of the Citizens Police Review Board in 2023. The Board performs its duties in accordance with the City of Columbia Code of Ordinances and the Board's adopted Bylaws. The Board 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.