



CITY OF IOWA CITY MEMORANDUM

Date: July 23, 2015
To: City Council
From: Tom Markus, City Manager
Re: June 17th Robert A. Lee Recreation Center Incident

Introduction:

On Wednesday, June 17th at 7:26 pm an Iowa City Police Officer responded to a call for service at the Robert A. Lee Recreation Center due to "juveniles causing problems and not listening to staff". The officer entered the rear of the recreation center and upon moving upstairs he observed 5 to 6 juveniles on the stairway and approximately 10 juveniles near the restrooms. According to the police report the officer observed a juvenile male involved in an altercation with two females. The officer reports that he instructed the juveniles to leave the recreation center. The officer reports that the majority of the juveniles exited down the stairs. The juvenile male who had been involved in the altercation made it clear according to the officer that he was not leaving despite commands to have him leave the building. Failing to achieve compliance the officer grabbed the juveniles arm and the juvenile resisted at which time the officer took the juvenile to the ground. The juvenile was transported to the ICPD and charged with interference and criminal trespass. The juvenile did not suffer any physical injuries. Upon completion of the juvenile paperwork the juvenile was released to the custody of an adult mentor at the request of the juvenile's mother.

During the course of the arrest a portion of the interaction was videotaped via cell phone and was eventually posted on the Internet. As a point of background, the Parks and Recreation Department has asked for the Police Department to respond to this type of call because the parks staff has not been able to effectively handle this type of incident. Further, the Parks and Recreation Department has reported that two of their staff members have been assaulted when attempting to resolve disputes or achieve compliance with the recreation center policies. These cases have been prosecuted by the Johnson County Attorney's Office. One case resulted in an adjudication of delinquency by the Court after trial and the second is currently pending with the child having admitted to the assault.

Police Administration Response:

In response to negative comments from viewers of the video the Police Department organized a meeting of interested community members on June 19, 2015. The police provided a viewing of the recreation center video captured by the recreation center cameras and a video of subsequent disruptions in other parts of the downtown that occurred the same evening. To a person the interested community members found the video showing the physical interaction between the officer and the juvenile to be very disturbing. Numerous opinions and thoughts were expressed about how this situation could have been better handled, working with the African American youth in the city, police training, police arrest procedures, alternatives to court based process, places for kids to play, withdrawing the charges, diversion programs, corrective personnel action, cultural competency training, etc. Recognizing the recent events involving the deaths of a number of young black males in multiple locations and the AME murders in Charleston, South Carolina the Police Administration committed to reviewing the recreation center incident and reporting back on what actions will be taken to resolve the incident in what is hoped to be an acceptable manner to our community at large. A number of interested attendees wanted to know if the Police Department could drop the charges and the Police Chief indicated that they could not once the charges had been filed and were in the hands of the Juvenile Court

Office. Certain members of the community indicated a desire to pursue the issue with the Johnson County Attorney's office.

Johnson County Attorney's Office (JCAO) and the Juvenile Court Office (JCO):

In a July 21st email from Patricia Weir of the Johnson County Attorney's Office to County Supervisor Rod Sullivan, that Mr. Sullivan provided to me and others along with his response, Ms. Weir summarizes where this incident currently stands:

"On June 25th, Emily Voss & I participated in a meeting with JCO Erin Altheide, Gabe Cook (ICPD Juvenile Detective), & community members at the Juvenile Court Office, and we thought we had it resolved. [However, ██████████ and his mother were not present. Community members were purportedly speaking on their behalf.] I'll find out what has happened since then.

What I do know is this: (1) These charges have never been referred to the JCAO for a court petition. JCAO became involved because on the morning of June 19th, JCO Erin Altheide sent community members to talk to Janet, after they visited Erin asking for dismissal. Janet was working on the mall murder, so the community members spoke briefly with me and we agreed to meet later, as I was headed to trial that morning. We met on June 25th to follow up and left that meeting believing we had resolution. (2) The video posted on the internet does not show the full incident – the recreation center video does show the full incident. (3) There is probable cause for both charges of criminal trespass and interference. (4) Whereas, a more experienced officer may have talked with ██████████ more before going "hands-on," Officer Graves didn't violate the law, or even police policy. However, police training is an issue here – this was an inexperienced officer who was by himself, & ██████████ had an audience. (5) ██████████ has a right to deny the charges and ask for a trial in Juvenile Court, but typically, these minor charges don't come to court – they would be handled informally at the Juvenile Court Office."

The Police Department and the City Administration concur with the comments made by Ms. Weir. Currently, the juvenile is represented by legal counsel and any resolution of the charge requires their participation. It is our understanding that a meeting between the juvenile, his attorney, and the JCO was scheduled for today but has been rescheduled at the request of the child's attorney.

Community Reaction:

A number of community members are most unhappy about the Police Department's interaction with the juvenile. I have learned a community rally will be held in front of the City Hall Washington Street entrance and there will likely be public comment at the formal City Council meeting. I would urge you to be mindful that this is a juvenile and while others may choose to use his name, I suggest that you do not. Further, the community may not know all of the details of this incident and therefore may not have the same context that the police and court system is privy to. Having said that we need to make clear what further actions the City will be taking.

Police Actions and Recreation Center Staff Training:

In reviewing the incident the Police Department found the officer did not violate law or department policy. However, the Police Department recognizes that the officer moved very quickly to a physical control technique that was likely not the most effective way to have dealt with this situation. To that extent the Police Department has modified their arrest procedures and policies to deploy more de-escalation techniques prior to deploying use of force. The officer will receive further training which will reinforce and emphasize this technique especially when

dealing with juveniles. The Chief wants to be clear that appropriate corrective action and additional training will be provided to modify any unacceptable police conduct. Further, the Parks and Recreation staff will undergo further training which will provide them with tools to use in seeking compliance with the recreation facilities rules before calling for service from the Police Department. The objective is to provide a safe and welcoming place for all community members to recreate in.

Going Forward:

The Police Department understands that the tragic incidents that have taken a number of black lives in the recent months across this country are creating a higher degree of public monitoring and examination of police departments throughout the country and will likely cause further need to examine police procedures and practices that have been in existence for a number of years. The Police Department is committed to providing a safe community and developing practices that our community finds acceptable to all persons who are in this city. Everyone in this community deserves to be treated fairly and with respect.