

POLICE CITIZENS REVIEW BOARD

A Board of the City of Iowa City
410 East Washington Street
Iowa City IA 52240-1826
(319)356-5041

March 10, 2010

Iowa City City Council
City of Iowa City
410 E Washington St
Iowa City, IA 52240

Re: November 18, 2009 Police Citizen Review Board Community Forum

To Whom It May Concern:

The second annual Police Citizen Review Board Community Forum was held at 7:00 pm on Wednesday, November 18, 2009, in Emma J. Harvat Hall, 410 E. Washington Street. The purpose of this letter is to summarize the Community Forum and to set forth the PCRB's report and recommendations to the City Council. A copy of the transcript of the Community Forum is available from the City Clerk.

The meeting was called to order at 7:00 pm by Don King, Chair. Other members present were Janie Braverman, Joseph Treloar (7:14) and Vershawn Young. Abbie Yoder was absent. Catherine Pugh, Legal Counsel; Kellie Tuttle, Staff; and Sam Hargadine, Chief of Iowa City Police Department, were also present. We are pleased that Mayor Regenia Bailey also attended.

Mr. King announced that copies of the following were available at the door: (i) applications for the 13th Annual Citizens Police Academy, (ii) the PCRB complaint form and information sheet, and (iii) the Iowa City Police Department's written Use of Force Policy, General Order 05.

The board members introduced themselves, then Mr. King presented an overview of the PCRB. In addition to describing the PCRB's charge and jurisdictional limits, he reported that during fiscal year July 2008 to June 2009, nine (9) complaints were filed with thirty-three (33) allegations. Of those allegations, thirty-two (32) were not sustained and one (1) was sustained.

At the request of the PCRB, Chief Hargadine then gave a presentation on the Iowa City Police Department's Use of Force Policy.

Approximately nine (9) members of the public attended. Six (6) residents of Iowa City spoke during the public discussion with the PCRB, including one (1) Iowa City Police Department officer, who spoke as a private citizen. Their comments and questions can be summarized as follows, with the PCRB's comments following in italics:

1. Location and Format of Community Forum. There appeared to be a consensus among those speaking that the PCRB should hold future forums in differing venues, going to the neighborhoods rather than asking the residents to come to City Hall. There was also a specific request to focus the forum on public discussion rather than presentations by either the PCRB or the ICPD or, at the least, to have the presentations at the end of the forum, rather than the beginning. There was also a suggestion that better publicity was needed.

The PCRB concurs that better public attendance at the forums and better public access to the PCRB is desirable. The PCRB intends to schedule future forums in other locations in the future and will seek citizen questions prior to the forum, so that we may be better prepared to answer those questions. One forum that the PCRB is considering would be held in one of the southeast Iowa City neighborhoods and would focus on the new juvenile curfew ordinance.

The PCRB will attempt to make PCRB complaint forms available at locations other than the City Clerk's office and/or the ICPD, such as the community centers and the public libraries.

The PCRB will also post this letter on the City website.

2. Use of Force. There was lengthy discussion about the ICPD's Use of Force Policy. Questions included whether the police officers were armed with too much weaponry; whether less lethal force could be used other than shooting for center body mass – such as shooting for other body parts or firing warning shots; whether police officers should be given the benefit of the doubt in the event of the lethal use of force; whether police officers have any discretion in the use of lethal or less lethal force; whether a person with a knife is a real threat to a police officer armed with a gun.

Training and education were discussed. Several people talked about the value of training, education and more interaction with the community on the part of the ICPD. Concerns were raised about the racial and class overtones of some of the tension in parts of Iowa City. Mr. King mentioned the new Community Crime Prevention Officer.

There was discussion as to the source of various portions of the Use of Force policy – local ordinances, state law and federal law as interpreted by the United States Supreme Court – and what it would take to make changes to the policy.

Dr. Young pointed out that part of the PCRB's charge is to look at policy so that even if an officer does nothing that is contrary to policy, the PCRB will look at whether the policy is appropriate or should be changed.

The PCRB encourages the ICPD to continue its efforts in public education through the Community Crime Prevention Officer and other efforts.

3. Counseling Following Use of Force. In his presentation, Chief Hargardine stated that he had the discretion to send officers involved in use of force resulting in death or serious injury to post-traumatic stress counseling. One resident asked if the PCRB had any information on how many, if any, officers had been sent to counseling.

The PCRB inquired of the Police Chief and was told that the information is a personnel matter and could not be disclosed.

4. ICPD Priorities. One resident asked specifically how one would register any kind of opinion about how enforcement priorities are set for the ICPD, whether it would be the PCRB, the City Council, the Police Chief, and/or the City Manager. This is a question that has been raised to the PCRB in the past.

The PCRB supports and concurs with the Mission Statement and Department Goals and Objectives of the ICPD as set forth in General Order 95-02, which is available for review at <http://www.icgov.org/site/CMSv2/File/police/generalOrders/genorder5.pdf>. The PCRB believes that any complaints regarding the Goals and Objectives or allocation of resources should be directed to and answered by the City Council.

5. Ammunition Restrictions. One resident asked about ICPD policies with regard to ammunition, expressing a specific concern about the use of hollow point bullets.

General Order Number 00-08, Weapons, describes ICPD policy with regard to weapons and ammunition. The PCRB will send a copy of that General Order to the resident who inquired. A copy is also available for review at <http://www.icgov.org/site/CMSv2/File/police/generalOrders/genorder14.pdf>.

6. PCRB Past Performance. One resident asked whether, in light of the fact that thirty-two (32) out of thirty-three (33) complaints in the last fiscal year were held to be not sustained, the PCRB is doing its investigative job.

The PCRB has discussed this question. Our board is composed of a diverse group of citizens of Iowa City who bring a broad range of experience and perspective to bear on the matters before us. We believe that the time we spend on each Complaint, as well as the level of review regarding each Complaint, is appropriate, and that our work as a Board, rather than statistics about our findings, is the measure of how we are doing our investigative job.

The PCRB is available to discuss any of the foregoing, should the City Council wish.

Sincerely,

Donald King, Chair
Police Citizens Review Board

cc: Chief Sam Hargardine, ICPD