

GENERAL RESPONSIBILITIES

Established in 1997, by ordinance #97-3792, the Iowa City Police Citizens Review Board (PCRB) consists of five members appointed by the City Council. The PCRB has its own legal counsel.

The Board was established to review investigations into claims of police misconduct, and to assist the Police Chief, the City Manager, and the City Council in evaluating the overall performance of the Police Department by reviewing the Police Department's investigations into complaints. The Board is also required to maintain a central registry of complaints and to provide an annual report setting forth the numbers, types, and disposition of complaints of police misconduct. The Board shall hold at least one community forum each year for the purpose of hearing citizens' views on the policies, practices and procedures of the Iowa City Police Department. To achieve these purposes, the Board complies with Chapter 8 of the Iowa City Code and the Board's By-Laws and Standard Operating Procedures and Guidelines.

ACTIVITIES AND ACCOMPLISHMENTS FOR FISCAL YEAR 2010

Meetings

The PCRB holds monthly meetings on the second Tuesday and special meetings as necessary. During FY10 the Board held twelve meetings and one Community Forum. Five meetings were cancelled or not held due to lack of Board business, quorum issues and weather.

ICPD Policies/Procedures/Practices Reviewed By PCRB

The ICPD regularly provided the Board with monthly Use of Force Reports, Internal Investigation Logs, Demographic Reports and various Training Bulletins. The Department also provided various General Orders for the Board's review and comment. A senior member of the Police Department routinely attended the open portion of the PCRB meetings, and is available for any questions Board members have regarding these reports.

Presentations

In November of 2009, the Board held its second Community Forum as required by the change in the City Charter. The PCRB Chair, Donald King, gave a presentation on the complaint process and the Police Chief, Sam Hargadine, gave a presentation on the Use of Force policy. There were six members of the public that spoke at the forum. Topics of discussion included the following: Location and Format of Community Forum, Use of Force, Counseling Following Use of Force, ICPD Priorities, Ammunition Restrictions, and PCRB Past Performance.

Board Members

In September of 2009, Michael Larson and Greg Roth's terms ended and were replaced by Joseph Treloar and Vershawn Young. In October officers were nominated with Donald King as Chair and Janie Braverman as Vice-Chair. Abbie Yoder later resigned and was replaced by Royceann Porter in March of 2010.

COMPLAINTS

Number and Type of Allegations

Four complaints (09-06, 10-01, 10-02, 10-03) were filed during the fiscal year July 1, 2009 – June 30, 2010. Three public reports were completed during this fiscal period (09-03, 09-04, 09-05) and two complaints were dismissed (09-06, 10-02). The remaining complaints filed in FY10 are pending before the Board (10-01, 10-03).

Allegations

Complaint #09-03

1. No medical assessment was conducted when Citizen A was arrested. NOT SUSTAINED.
2. Citizen A's attackers were not pursued. NOT SUSTAINED.
3. No medical assistance or treatment was offered prior to Citizen A being placed in jail. This allegation involves Johnson County Sheriff's Department personnel at the County jail. As it does not involve the Iowa City Police Department. NOT SUSTAINED
4. No continued medical assessment was conducted after Citizen A fell asleep in his cell. This allegation involves Johnson County Sheriff's Department personnel at the County jail. As it does not involve the Iowa City Police Department. NOT SUSTAINED
5. Citizen A who had open wounds was allowed to be in the presence of others in a jail cell. This allegation involves Johnson County Sheriff's Department personnel at the County jail. As it does not involve the Iowa City Police Department. NOT SUSTAINED
6. Due to Citizen A's open wound, he was exposed to contaminants in the jail cell. He was not offered gauze to protect against infection. This allegation involves Johnson County Sheriff's Department personnel at the County jail. As it does not involve the Iowa City Police Department. NOT SUSTAINED
7. Citizen A was in jail for 11 hours and while there, had no access to water to drink or clean up with. This allegation involves Johnson County Sheriff's Department personnel at the County jail. As it does not involve the Iowa City Police Department. NOT SUSTAINED

A statement attached to the original 09-02 complaint was from Citizen A. An investigation was initiated on these allegations and the findings are listed below as Allegations 8 through 13:

8. Citizen A alleges that he was not read his Miranda warning. NOT SUSTAINED
9. Citizen A alleges that he was sworn at by police and demeaned by the officer's language. NOT SUSTAINED
10. Citizen A alleges that he was threatened with force. NOT SUSTAINED
11. Citizen A alleges that he was threatened with having the police car filled with tear gas. NOT SUSTAINED
12. Citizen A alleges that he was not allowed to tell the arresting officer his account of what happened nor did any officer ask him for his account of what happened, nor was there an acknowledgement of him having been assaulted and injured. NOT SUSTAINED
13. Citizen A alleges that while in jail, he was offered no medical attention nor was medical intervention provided by jail staff. This issue does not involve Iowa City Police personnel and should be referred to the other agency involved. NOT SUSTAINED

A statement attached to the original 09-02 complaint was from Citizen B. An investigation was initiated on these allegations and the findings are listed below as Allegations 14 through 18:

14. Citizen B alleges that he was told to leave the area after Citizen A was handcuffed and was not given the opportunity to give a statement about his and Citizen A's assault. He also alleges that the officer was not interested in pursuing the perpetrators of Citizen B's assault. NOT SUSTAINED
15. The statement also includes references to the officers being non-responsive to his inquiries about Citizen A and the assaults. NOT SUSTAINED
16. Citizen A also alleges that the officers threatened him with force if he did not quiet down, and that officers were rough with him when they put him into a police vehicle. NOT SUSTAINED
17. The statement further alleges that later that night, he saw the assault suspect, tried to summon officers who were with another subject, and they refused to assist him and refused to give him their names. NOT SUSTAINED
18. Citizen B alleges that when he tried to pick-up Citizen A from jail, jail staff told him he could pay the Citizen A's fine or leave. NOT SUSTAINED

Complaint #09-04

1. Citizen alleges that Officer A harassed him during the incident of June 19th. NOT SUSTAINED

Complaint #09-05

1. Officer A did not take responsibility for the “safety and protection” of the Citizen while he was under arrest and in his custody; did not treat him humanely; and subjected him to unnecessary restraint by applying handcuffs too tightly to his wrists. (Violation of Iowa City Police Rules / Regulations, Section 345.8 – Arrests, and Section 345.09 – Custody of Prisoners). NOT SUSTAINED
2. Officer A did not take responsibility for the “safety and protection” of the Citizen while he was under arrest and in his custody; did not treat him humanely; and subjected him to unnecessary restraint by failing to loosen handcuffs around his wrists in a timely manner after being advised they were too tight. (Violation of Iowa City Police Rules / Regulations, Section 345.8 – Arrests, and Section 345.09 – Custody of Prisoners). NOT SUSTAINED
3. Officer A did not take responsibility for the “safety and protection” of the Citizen while he was under arrest and in his custody; did not treat him humanely; and subjected him to unnecessary restraint by causing inflammation (soft tissue bruising) and pain in his “carpal area”. (Violation of Iowa City Police Rules / Regulations, Section 345.8 – Arrests, and Section 345.09 – Custody of Prisoners). NOT SUSTAINED

Level of Review

The Board decided, by simple majority vote, the level of review to give each report, selecting one or more of the six levels specified in the City Code per complaint:

| | | |
|----------------|--|---|
| Level a | On the record with no additional investigation | 2 |
| Level b | Interview or meet with complainant | 0 |
| Level c | Interview or meet with named officer | 0 |
| Level d | Request additional investigation by Chief or City Manager, or request police assistance in the Board’s own investigation | 1 |
| Level e | Board performs its own additional investigation | 0 |
| Level f | Hire independent investigators | 0 |

Complaint Resolutions

The Police Department investigates complaints to the PCRB of misconduct by police officers. The Police Chief summarizes the results of these investigations and indicates in a report (the Chief’s Report) to the PCRB whether allegations are sustained or not sustained. (If complaints are made against the Chief, the City Manager conducts the investigation and prepares and submits the reports.) The Board reviews both the citizens’ complaint and the Chief’s Report and decides whether its conclusions about the allegations should be sustained or not sustained. The Board prepares a report which is submitted to the City Council.

Of the twenty-two allegations listed in the three complaints for which the Board reported, none were sustained.

The Board made comments and/or recommendations for improvement in police policy, procedures, or conduct in three of the reports:

Complaint #09-03

Both of these incidents are unfortunate, but both on-scene and post-event investigations were hampered by the victims themselves.

Citizen A was arrested entirely on his level of intoxication and corresponding behavior that night and had nothing to do with the fact that he was a victim of an assault. He was detained initially so officers could

evaluate his role in the conflict. Only as the contact between Citizen A and the police officers escalated was the decision to arrest him made. He was arrested for public intoxication; being under the legal age; being profoundly intoxicated; and unable to attend to his own actions safely and satisfactorily.

Citizen B was aggressive and, by his admission to Officer D, intoxicated. He did not like the way the officer took report information, even though the officer repeated the information back to him. He challenged the manner in which officers were dealing with a separate issue were deployed, asserting that his issue was a priority and was defiant when told differently. He has also failed to show investigators evidence related to his assailants identification (the cell phone photo).

Complaint #09-04

While the Citizen may not have been harassed under the definition of the Iowa Code, the Citizen felt he had been harassed because he was stopped, then let go, and then stopped a second time. Had the officer stopped him and completed his investigation in a single stop, the Citizen would not have felt harassed. The PCRB feels it's important that the officers behave in a way that the citizens don't feel harassed and that this particular agitation could have been avoided

Complaint #09-05

The Iowa City Police Citizen's Review Board did examine records and listened to the recording from the police car as part of their investigation into this complaint.

Name-Clearing Hearings

The ordinance requires that the Board not issue a report critical of the conduct of a sworn officer until after a name-clearing hearing has been held. During this fiscal period, the Board scheduled no name-clearing hearings.

Mediation

Officers and complainants are notified by mail that formal mediation is available to them at any stage in the complaint process before the Board adopts its public report. All parties involved must consent to a request for mediation. No mediations were convened this year.

Complaint Histories of Officers

City ordinance requires that the annual report of the PCRB must not include the names of complainants or officers involved in unsustained complaints and must be in a form that protects the confidentiality of information about all parties. In the three complaints covered by the FY10 annual report a total of five officers were involved.

ICPD Internal Investigations Logs

The Board reviewed the quarterly ICPD Internal Investigations Log, provided by the Chief of Police.

COMPLAINT DEMOGRAPHICS

The following is demographic information from the three complaints that were completed in this fiscal year. Because complainants provide this voluntarily, the demographic information is incomplete.

Category/Number of Complainants

| <u>Age:</u> | | <u>National Origin:</u> | | <u>Color:</u> | |
|-------------|---|-------------------------|---|---------------|---|
| Under 21 | 0 | US | 0 | White | 0 |
| Over 21 | 2 | Unknown | 3 | Black | 2 |
| Unknown | 1 | | | Unknown | 1 |

Sexual Orientation:

Heterosexual 2
Unknown 1

Gender Identity:

Female 0
Male 2
Unknown 1

Sex:

Female 0
Male 2
Unknown 1

Marital Status:

Single 2
Married 0
Unknown 1

Religion:

Unknown 3

Mental Disability:

No 0
Yes 0
Unknown 3

Physical Disability:

Unknown 3

BOARD MEMBERS

Donald King, Chair

Janie Braverman

Michael Larson / Joseph Treloar

Greg Roth / Vershawn Young

Abbie Yoder / Royceann Porter