

# POLICE CITIZENS REVIEW BOARD

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## 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 2009

### Meetings

The PCRB holds monthly meetings on the second Tuesday and special meetings as necessary. During FY09 the Board held ten meetings and one Community Forum. Two meetings were cancelled due to lack of Board business.

### 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 September of 2008, the Board held its first Community Forum as required by the change in the City Charter.

### Board Members

In September of 2008, Elizabeth Engel and Loren Horton's terms ended and were replaced by Abbie Yoder and Janie Braverman. In October officers were nominated with Michael Larson as Chair and Donald King as Vice-Chair.

## COMPLAINTS

### Number and Type of Allegations

Nine complaints (08-06, 08-07, 08-08, 08-09, 09-01, 09-02, 09-03, 09-04, 09-05) were filed during the fiscal year July 1, 2008 – June 30, 2009. Nine public reports were completed during this fiscal period (08-01, 08-02, 08-04, 08-05, 08-06, 08-07, 08-08, 08-09, 09-01) and one complainant was dismissed (09-02). The remaining complaints filed in FY09 are pending before the Board (09-03, 09-04, 09-05).

### Allegations

#### Complaint #08-01

1. Unlawful Arrest. NOT SUSTAINED.
2. Improper Use of Force. NOT SUSTAINED.

3. Verbal Abuse of a Prisoner. NOT SUSTAINED

Complaint #08-02

1. On January 14, 2008, Officer A cited the Complainant with reckless driving and two additional traffic citations. Complainant stated she was cited because Officer A does not care for her. NOT SUSTAINED
2. On January 15, 2008, the Complainant's car was issued a parking ticket by Officer B for parking on the curb. Complainant claimed her car was parked in her driveway. NOT SUSTAINED
3. On February 17, 2008, the Complainant called in a request for service involving a vehicle blocking her mailbox. Complainant stated the police did not respond to this call for service. Complainant called in the same complaint about the same vehicle on February 18, 2008. NOT SUSTAINED
4. On January 14, 2008, the Complainant called the police department in regard to an assault on her son. Complainant alleges the police would not allow her to file a complaint. NOT SUSTAINED

Complaint #08-04

1. Excessive use of force/Improperly applied handcuffs. NOT SUSTAINED
2. Inadequate investigation of the incident. NOT SUSTAINED
3. Unprofessional behavior/Inappropriate interaction with a citizen. NOT SUSTAINED
4. Interference with a medical emergency. NOT SUSTAINED

Complaint #08-05

1. Inappropriate comments about the complainant's pending marriage and military service. NOT SUSTAINED

Complaint #08-06

1. Slandered the name and reputation of the complainant by calling him a drug dealer. NOT SUSTAINED
2. Harassed the Complainant by issuing the complainant a criminal trespass warning. NOT SUSTAINED

Complaint #08-07

1. Officer was rude. NOT SUSTAINED
2. Officer was bullish. NOT SUSTAINED
3. Officer was unwilling to listen to reason. NOT SUSTAINED

Complaint #08-08

1. Officer harassed her and was not trained in regards to service dog laws. NOT ADDRESSED (untimely)
2. Officer harassed her, was rude, and not trained to proficiency regarding service dogs. NOT SUSTAINED
3. Officer harassed her, was rude to her and failed to recognize her dog was a service dog, even though it was wearing a service dog vest. NOT SUSTAINED
4. Officer did not issue the driver of the vehicle a citation. The complainant believed this was in retaliation for her complaining to Congressman Dave Loebsack's office about the police department. NOT SUSTAINED

Additional Allegations:

1. The complainant alleged that the Police Chief refused to direct Officer C to issue a citation in retaliation for her complaint to Congressman Dave Loebsack's office. NOT SUSTAINED
2. Complainant alleges that the Chief told her that she had no authority to go to Congressman Loebsack's office because she had not been harassed by the police department. NOT SUSTAINED
3. The complainant alleges that the Chief lied to her when he allegedly stated he had spoken with her service dog's vet, who felt that the dog was not hit in the crosswalk. NOT SUSTAINED

Complaint #08-09

1. Complainant had to yell at Officer A to get him to assist in holding the girl. NOT SUSTAINED
2. The officers did not get a blanket to cover the half-naked girl in spite of Complainant's repeated request for one. NOT SUSTAINED

3. Neither Officer A nor Officer B assessed the situation, asked any questions about what was going on or used a flashlight to be able to see what was going on. NOT SUSTAINED
4. The officers prevented critical care of the girl by putting her flat on her back, handcuffing her and arresting the Complainant. NOT SUSTAINED
5. The officers used excessive force by handcuffing the girl and treating her roughly. NOT SUSTAINED
6. The officers used excessive force by yanking the Complainant's left arm and pointing a Taser at his face. NOT SUSTAINED
7. Officer A lied in his ICPD report in saying the Complainant was antagonistic towards the Officers, that Complainant was trying to start a fight or balling his fists, and that Complainant called Officer A a sorry son-of-a-bitch. NOT SUSTAINED
8. Officer A used bad judgment in moving the patrol car out into the roadway while Complainant's wife was standing near the open door. SUSTAINED

Complaint #09-01

1. Officer maliciously made false statements to Complainant's employer about Complainant's driving of a company vehicle which resulted in Complainant being suspended and fired from his job. NOT SUSTAINED

Complaint #09-02

Complaint dismissed for lack of standing based on City Code section 8-8-3 (B).

**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:

<b>Level a</b>	On the record with no additional investigation	9
<b>Level b</b>	Interview or meet with complainant	0
<b>Level c</b>	Interview or meet with named officer	0
<b>Level d</b>	Request additional investigation by Chief or City Manager, or request police assistance in the Board's own investigation	0
<b>Level e</b>	Board performs its own additional investigation	0
<b>Level f</b>	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 thirty-three allegations listed in the nine complaints for which the Board reported, one was sustained.

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

#### Complaint #08-04

The board noted that while the criminal complaint against the Complainant stated that the Complainant “admitted to drinking, but denied it later” such admission was not noted anywhere in the Chief’s report or supporting documentation submitted to the board.

#### Complaint #08-06

The Board is concerned about the issuing of a criminal trespass warning without prior written authorization from the property owner.

The Board is also concerned with the statement made by Officer D, to the Complainant, about purchasing a car that was seized and forfeited from complainant. This comment was made at the time Officer A appeared to be in charge of the situation. The comments could imply that the money found would be seized and forfeited also.

This comment did not appear to further the investigation and the Board feels that Officer D should be spoken with about this behavior.

#### Complaint #09-01

The Board would like to support the Iowa City Police Department in creating a written policy, procedure, rule or regulation which requires officers to request permission to leave city limits while on duty and NOT in pursuit of a violator or suspected violator, as well as requiring that the supervisory staff identify to the requesting officer the limits to such travel permission, and that such policy, procedure, rule or regulation be added to the Operations Section of the Iowa City Police Policy and Operating Procedures Manual.

#### **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 PCRБ 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 nine complaints covered by the FY09 annual report a total of fourteen officers and the Police Chief were named.

#### **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 nine complaints that were completed in this fiscal year. Because complainants provide this voluntarily, the demographic information is incomplete.

**Category/Number of Complainants**

**Age:**

Under 21	0
Over 21	5
Unknown	4

**National Origin:**

US	4
Unknown	5

**Color:**

White	3
Black	1
Unknown	5

**Sexual Orientation:**

Heterosexual	3
Unknown	6

**Gender Identity:**

Female	1
Male	3
Unknown	5

**Sex:**

Female	1
Male	3
Unknown	5

**Marital Status:**

Single	3
Married	1
Unknown	5

**Religion:**

Catholic	1
Unknown	8

**Mental Disability:**

No	1
Yes	2
Unknown	6

**Physical Disability:**

No	2
Unknown	7

**BOARD MEMBERS**

Michael Larson, Chair

Donald King, Vice Chair

Greg Roth

Elizabeth Engel / Abbie Yoder

Loren Horton / Janie Braverman