

## **POLICE CITIZENS REVIEW BOARD**

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### **GENERAL RESPONSIBILITIES**

Established in 1997, 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 assure that investigations into claims of police misconduct are conducted in a manner that is fair, thorough, and accurate, 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. It may recommend that the City Council hold public forums and/or hearings designed to encourage citizens to provide information, recommendations, and opinions about police policies, procedures, and practices. 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 2002**

#### **Meetings**

The PCRB holds monthly meetings on the second Tuesday and special meetings as necessary. This year the Board held 17 meetings, each lasting one to three hours, with two being rescheduled due to lack of a quorum.

#### **ICPD Policies/Procedures/Practices Reviewed By PCRB**

The ICPD regularly provides 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 attends the open portion of the PCRB meetings, and is available for any questions Board members have regarding these reports.

#### **Police In-Service Training**

Various board members participated in MATS training, presenting information regarding and responding to questions and comments about the history, structure, and functions of the PCRB. One hour presentations were made beginning January 9, 2002 at 5 weekly sessions.

#### **PCRB Videotape**

The PCRB commissioned the production of a PCRB videotape with the intent to (1) inform and engage the citizens of Iowa City regarding the origin, role, and function of the PCRB, and (2) explore some of the issues that surround the PCRB. The video, when completed, will be used for presentations to community and neighborhood groups, service clubs, City boards, commissions and employees, and for broadcast.

## COMPLAINTS

### Number and Type of Allegations

Four complaints were filed during the fiscal year July 1, 2001 – June 30, 2002. Of the four complaints, one complaint was withdrawn after the complainant spoke with a supervisor within the police department. Four public reports were completed during this fiscal period, which included one complaint filed from the previous fiscal year. The four public reports involved 16 allegations. Each of the complaints contained more than one allegation.

### Allegations

1. Officers abused their authority by provoking complainant's husband, not informing him of the charges against him, and not reading him his rights.
2. Officers were rude and ill mannered.
3. Officers caused damage to property in the apartment.
4. Police printed lies in the newspaper regarding incident.
5. Officers used improper force during the arrest by utilizing pepper spray in close proximity to a three-year old child.
6. Officer engaged in exaggerated enforcement and aggression in handling the case.
7. Officer was verbally condescending and belittled the complainant.
8. Officer screamed at the complainant when he arrested and handcuffed her.
9. Officer slammed backpack and sandwich to the ground destroying the sandwich.
10. Officer inappropriately handcuffed the complainant so tightly as to leave red indentations, which persisted for hours after the cuffs were removed.
11. Officer intentionally kept the complainant on public display for a protracted period of time.
12. Officer abused the power associated with his position.
13. Officers initial decision not to arrest an intoxicated person after the person had attempted forcibly enter a residence, was improper.
14. Officer's use of the word "vindictive" to describe the complainant's wish to have the person be arrested was inappropriate.
15. Complainant was inappropriately arrested for public intoxication.
16. Complainant was inappropriately arrested for obstruction of justice.

### 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	1
<b>Level b</b>	Interview or meet with complainant	3
<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	3
<b>Level f</b>	Hire independent investigators	0

## **Complaint Resolutions**

The Police Department investigates complaints 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 citizen's Complaint and the Chief's Report and decides whether the allegations should be sustained or not sustained. The Board prepares a report for the City Council.

Two of the 16 allegations listed in the four complaints for which the Board reported were sustained.

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

- Although two officers were dispatched as recommended by the ICPD General Order on Domestic Abuse, one officer arrived several minutes before the second. The Board recommends that the Chief review the General Order to determine whether the General Order should be more specific regarding the circumstances requiring an immediate response by one officer and/or the circumstances that might require the presence of two officers.
- Although the officer was legally justified in charging the Complainant with obstruction and arresting her for identification purposes, and hence did not violate the law or departmental policy, a more temperate style might have reduced the Complainant's outrage. The Board supports the Chief's decision to counsel Officer A in regard to the intent of the law and other approaches to effective enforcement of the City's ordinance in the downtown area.
- The Police Citizens Review Board could not find a General Order or Standard Operating Guideline that specifically addresses public intoxication. We recommend that the Chief consider whether such a written policy should be created to provide clearer guidance for officers in the handling and disposition of such incidents.

## **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 two name-clearing hearings. Officers waived the right to the hearing and did not attend.

## **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. Complaints were filed against seven officers in the four complaints this report covers. One officer was named in two; the rest were each named once.

## **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 five complaints reported on in this fiscal year. Because complainants provide this voluntarily, the demographic information is incomplete.

**Category/Number of Complainants (\*One complaint was filed by 2 individuals)**

<b><u>*Age:</u></b>		<b><u>National Origin:</u></b>		<b><u>*Color:</u></b>	
Under 21	2	US	1	White	3
Over 21	1	Greek	1	Unknown	3
Unknown	3	Jewish	1		
		Unknown	3		

<b><u>Sexual Orientation:</u></b>		<b><u>Gender Identity:</u></b>		<b><u>Sex:</u></b>	
Heterosexual	3	Female	2	Female	2
Unknown	3	Male	1	Male	1
		Unknown	3	Unknown	3

<b><u>Marital Status:</u></b>		<b><u>Religion:</u></b>		<b><u>Mental Disability:</u></b>	
Single	2	Christian	1	No	3
Married	1	Greek Orthodox	1	Unknown	3
Unknown	3	Jewish	1		
		Unknown	3		

<b><u>Physical Disability:</u></b>		<b><u>Race:</u></b>	
No	3	Caucasian	3
Unknown	3	Unknown	3

**BOARD MEMBERS**

- John Stratton, Chair
- Loren Horton, Vice Chair
- John Watson
- Bill Hoeft
- Beverly Smith