

ANNUAL REPORT OF THE POLICE CITIZENS REVIEW BOARD

July 1, 2000 to June 30, 2001

General Responsibilities

The Police Citizens Review Board (PCRB) was created by Ordinance No. 97-3792 of the City of Iowa City on July 15, 1997 (amended by Ordinance No. 99-3877 on April 28, 1999 and by Ordinance No. 99-3891 on July 13, 1999).

The Board was established to assure that investigations into claims of police misconduct are conducted in a manner which 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. 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.

PCRB responsibilities:

1. Review investigations of complaints of police misconduct
 - Review the Chief's reports in a manner that is fair, thorough, and accurate
 - Issue public reports to the City Council

2. Help the Chief, City Manager, and City Council evaluate the overall performance of the Iowa City Police Department (ICPD)
 - Maintain a monitoring system for tracking complaints
 - Provide an annual report to the City Council
 - Review practices, procedures, and policies and make recommendations for change
 - Recommend ways for the ICPD to improve community relations and be more responsive to community needs

3. Assure the citizens of Iowa City that the ICPD's performance is in keeping with community standards.
 - Seek and accept comment, opinion, and advice
 - Hold periodic community forums to gather public input and to inform the public

Activities and Accomplishments

Meetings

The PCRB holds regular meetings on the second Tuesday and special meetings as necessary. To address complaints during the period covered by this report and to handle a variety of administrative tasks and other activities, the Board held 18 meetings, each lasting one to three hours. The Board also met once with the City Council.

ICPD POLICIES/PROCEDURES/PRACTICES REVIEW BY PCRB

The ICPD regularly provides the Board with monthly Use of Force Reports, Demographic Report and various Training Bulletins. 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 this report. The Department also provided various General Orders for the Board's review and comment. During this past year, the ICPD gave presentations to the Board, including:

- "FBI Training" by Sgt. J. Steffen;
- Sgt. Sid Jackson spoke to the Board about his attendance at the Southern Police Institute at the University of Louisville, to include his research paper on Racial Profiling;
- "Arrest Procedures" by Capt. M. Johnson, Sgt. K. Hurd, and Capt. T. Widmer;
- "Internal Affairs and Discipline" by Capt. T. Widmer;
- "ICPD Goals and Objectives for 2001" by Captains Johnson and Widmer;

At the Board's March meeting Professor David Baldus from the University of Iowa Law School presented a discussion on the interpretation of the ICPD Traffic Stop Data and Racial Profiling.

In April, the Board hosted a Community Forum on Community Policing presented by Captain Matt Johnson.

PCR B VIDEOTAPE

The PCR B commissioned the production of a PCR B videotape this year, with the intent to (1) inform and engage the citizens of Iowa City regarding the origin, role, and function of the PCR B, and (2) explore some of the issues that surround the PCR B. 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

The Board received six complaints in the reporting period covered by this report: four in 2000 and two to date in 2001. Four public reports were issued. One complaint remains under review. During the course of the investigation of another complaint, the complainant chose to take part in an informal mediation; at the conclusion of this mediation, the complainant was satisfied with the results and withdrew his complaint. The following are the 14 allegations in the four complaints reported on. Each of the complaints contained more than one allegation.

The Board sustained one of the 14 allegations during the past year.

Allegations

1. Police had a hidden agenda.
2. Police gave false testimony during court.
3. Discrimination based upon gender and race.
4. Police tried to kick in complainant's door, causing damage
5. While arresting complainant, police threw him from wall to wall and then took him to the floor. Complainant further states he had guns placed to his head during the arrest.
6. Officers questioned complainant's three-year-old child without permission.
7. Officers attempted to coerce compliance from complainant's spouse by threatening DHS involvement.
8. Police should not be following up on complaints of personal use of marijuana by confronting single women alone in their apartment at 10:30 p.m. This is a misallocation of police resources and time.
9. Officer was deceptive as to why he wished to enter complainant's apartment, referring to an event in the neighborhood which they wished to discuss with complainant.
10. Officer questioning was accusatory, lacked a reasonable basis in fact, invaded complainant's personal space, and was frightening to complainant at the particular hour and under the particular circumstances.
11. The complainant should have been notified of a warrant for her arrest as the officer had advised her that he would do. She should have been provided the opportunity to turn herself in rather than waiting 38 days after the issuance of the warrant before notification of the warrant. Such a lapse of time may have caused unnecessary embarrassment and inconvenience had she been stopped for a traffic offense or if it were served at any other time which could have caused unnecessary disruption and be a waste of officers' resources and time.
12. The complainant states that during search of her residence, an officer pulled open a drawer in the kitchen. This drawer had knives in it and the officer made a statement to the effect that he didn't like knives and that she should not make any sudden moves. She felt this was very intimidating.
13. Police entry into the residence of the complainant was unlawful.
14. The complainant's residence was searched illegally without a warrant.

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:

Level a	On the record with no additional investigation	3
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	0
Level e	Board performs its own additional investigation	1
Level f	Hire independent investigators	0

Complaint Resolutions

The Police Department investigates complaints of misconduct of 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, with copies to the Chief, the officers involved, the City Manager, and the complainant. One of the 14 allegations listed in the four complaints for which the Board reported was released as sustained.

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

- The Board understood the rationale allowing a walk through of a residence or other edifice, absent a search warrant, to protect officers from unexpected or concealed attack, but is concerned that some officers may not fully understand the restrictions imposed on this limited search. The Board recommended that this topic be incorporated into routine training.
- The Board is unclear to what extent procedural law created for situations involving adults may be used as guidelines for dealing with juveniles, particularly when the circumstances are not identical. For example, if a search of an area near adults who have been arrested for a drug offense is appropriate, is such search appropriate for juveniles who could be taken into custody but are not. The Board recommended clarification of this issue in order to reduce ambiguities in the future.
- The Board recommended that, if a policy doesn't currently exist regarding how Iowa City police officers should handle consent situations involving individuals under 18 years of age, one should be formulated with particular attention to those at the lower end of the age consortium.

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 reporting 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. The ICPD received one request for informal mediation from a complainant, and that mediation was successful.

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, while providing the public with information on the overall performance of the Police Department.

In addition, at one of its first meetings, the Board independently agreed that it did not wish to use the names of officers or complainants in cases in which complaints *are* sustained. The Board and the Police Chief agreed to use only the unique code numbers the Police Department has assigned to each officer.

Complaint Histories

Fourteen officers were named in the four complaints this report covers. Two officers were named in two; the rest were each named once.

ICPD Internal Investigations Logs

The Board reviewed the ICPD Internal Investigations Log, provided by the Chief of Police on May 11, 2001

Complainant Demographics

The following is demographic information from the four complaints discussed in this report. Because complainants provide it voluntarily, the demographic information is incomplete. All four complainants provided **some** demographic information.

Category	Number of Complainants
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<u>Age:</u>	
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Under 21	0
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Over 21	4
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Color:

White	3
Asian	1

National Origin:

US	1
China	1
Unknown	2

Gender Identity:

Female	4
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Sex:

Female	4
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Sexual Orientation:

Heterosexual	1
Unknown	3

Marital Status:

Single	2
Divorced	2

Mental Disability:

No	2
Unknown	2

Physical Disability:

No	2
Unknown	2

Religion:

Unknown	4
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Race:

Caucasian	3
Asian	1

Board Members

John Watson, Chair
Leah Cohen
Paul HOFFEY
John Stratton
Loren Horton