

ANNUAL REPORT OF THE POLICE CITIZENS REVIEW BOARD

July 1, 1999 to June 30, 2000

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 23 meetings, each lasting one to three hours. The Board also met once with the City Council. Board members assigned to review investigations of complaints and prepare written reports for the City Council spent an average of four hours per complaint to complete these tasks. During the period covered by this report, Board members each dedicated at least 60 hours to the work of the PCRB (for a total of 300 hours).

Administration

During the year, the City Manager approved a proposal that the Board apply for membership in National Association for Citizen Oversight of Law Enforcement (NACOLE), a national organization for citizen review boards. NACOLE provides a variety of relevant services, such as national statistics and information, training, and expert testimony. The NACOLE membership was established at the associate member level and the Board Chair will routinely be listed as the PCRB's contact.

A senior member of the Police Department now routinely attends the open portion of PCRB meetings.

Complaints

Number and Type of Allegations

The Board received 12 complaints in the reporting period covered by this report: nine in 1999 and three to date in 2000. Eight public reports were issued. Four complaints are now under review. One complaint under review contained several timely allegations and several allegations that were dismissed as untimely. The following data are based on the 24 allegations in the eight complaints reported on. Seven of the eight complaints contained more than one allegation.

Allegations

Stop or arrest made on basis of race		4
Officer did not explain reason for stop or arrest	2	
No probable cause		2
No medical treatment offered		2
Excessive force		2
Intimidation to consent to search vehicle	1	
Officer rude and antagonistic		1
Not advised of right to refuse breath test	1	
Breath test poorly administered		1
Officer slapped drink from complainant's hand	1	
Officer threatened to use OC spray		1
Complainant was left in police car for 15 minutes		1
Failure to Mirandize	1	
Officers had previously harassed complainant	1	
Officers planted controlled substance		1
Officer made inappropriate comments to the press		1
ICPD gave media copies of police reports		1

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	7
Level b	Interview or meet with complainant	1
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	0
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. None of the 24 allegations listed in the eight complaints for which Board reports have been released was sustained.

The Board made comments and/or recommendations for improvement in police policy, procedures, or conduct in four of the reports. The following are synopses of the Board's comments and recommendations:

- A complainant stated she felt she had been intimidated into consenting to a search of her car. The Board noted that in his Report the Chief cites the importance of securing voluntary consent for vehicle searches and recommends that the officers named in the complaint review department policy on traffic stops and the law concerning consent to search.
- A complainant alleged that the officer used an inaccurate Preliminary Breath Test (PBT) unit to conduct a breath test or administered it incorrectly. Since there was no record that the officer had signed out a PBT on the date of the incident, it was not possible to determine the accuracy of the unit that he used. The Board recommended that the Chief assure that appropriate administrative policies and procedures be developed and/or followed, to permit routine identification and tracking of each PBT unit in the field.
- A complainant sat in her car for nearly an hour while the officer who had stopped her for minor traffic violations waited to receive confirmation of information about her out-of-state license and registration. The complainant stated that upon receipt of the information, the officer ordered her to get out of the car and it was impounded.

Considering the lateness of the hour of the stop, the time of the year (late fall) and the complainant's expressed concern that she was not dressed appropriately to walk home, the Board concluded that it would have been common courtesy to a citizen in this situation to offer her assistance in arranging transportation. The officer's failure to do so is inconsistent with Section 208 of the Police Policy Manual.

The stop lasted nearly an hour. The Board suggested that a review of department policy, procedure, and practice when a simple traffic stop is of very long duration is warranted.

Although there was a video of the stop, there was no audio record. The Board affirmed that it is most desirable that officers verify that audio is functioning during such stops. In this case, since the complainant alleged that the officer had harangued her, the audio record would have been a valuable part of the case file.

- It is the Board's opinion that Section 402.3 of the ICPD policy manual is too broad. The Board agrees with the basic premise that police officials should be responsive to requests for information from the public and the news media. However, it recommended that the policy be changed to 1) permit the Chief to designate a primary spokesperson for the department for issues or incidents that are potentially sensitive or high profile; and 2) more clearly restrict the release of information that is not factual in nature.

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. Both 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 Board received one request for mediation from a complainant, but the officers involved declined to participate, upon advice of the union.

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.

In 1998-99, there was a great deal of debate over a proposal to discontinue the use of these individual unique identifiers and replace them with a numbering system that would not have permitted the Board to identify (by identifying number only) patterns in complaints against officers. After lengthy deliberations that included several presentations by the Board, the City Council agreed not to change the ordinance but to retain the current practice of preserving officer identity through use of individual unique identifying numbers assigned by the Police Department. The Board continued to follow this practice during the period covered by this report.

Complaint Histories

Thirteen officers were named in the eight 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 October 5, 1999.

Complainant Demographics

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

Category Number of Complainants

Age:

Under 21	1
Over 21	7

Color:

White	3
Black	4
Latino	1

National Origin:

US	1
African	4
Mexican	1
Unknown	2

Gender Identity:

Male	4
Female	3
Unknown	1

Sex:

Male	5
Female	3

Sexual Orientation:

Heterosexual	4
Unknown	4

Marital Status:

Married	1
Single	3
Divorced	1
Unknown	

Mental Disability:

No	1
Unknown	7

Physical Disability:

No	1
Yes	2
Unknown	5

Religion:

Lutheran	1
Baptist	1
Pentecostal	1
Unitarian	1
Unknown	4

Race:

Caucasian	3
Black	4
Latino	1

Some demographic information that was not provided on the sheet attached to the complaint form was taken from the first page of the complaint form.

Board Concerns and Issues

The Board's concerns and issues include:

1. Continuing to address concerns about limits on/obstacles to access the information the Board needs to do a thorough review of the Chief's Reports. Exploring all appropriate ways of obtaining the information we need to execute fair and balanced reviews.
2. Continuing to monitor and address issues related to race-based traffic stops and other race-based (profiling) issues in policing. Reviewing a full year of results of the Iowa City Police Department's new policy on collection of information on race for all traffic stops as soon as they are available.
3. Continuing to address concerns with limits on the authority of the PCRB and with the deferential standard of review in the complaint process.
4. Continuing to work on specific areas of concern with respect to department policies, procedures, and practices.
5. Non-participation of officers in mediation, name-clearing hearings, and release of transcripts.

6. Sunset clause in the Ordinance
7. "Report card" from the City Council

PCRB Goals for 2000-2001

Mission

- Review investigations of complaints of police misconduct
- Help ensure that police department is responsive to community needs

Goals

1. Board Education
 - Continue to streamline Board procedures
 - New Board member briefings
2. Community Education
 - Hold forums
 - Provide information aimed at improving officers' understanding of the Board's function and educating the public about the PCRB
 - Develop a video about the PCRB
3. Policy/Practice/Procedure (PPP) Review
 - Continue to review general police policies, procedures and practices.
 - Address the perception of discriminatory enforcement
 - Community relations

Board Members

John Watson, Chair
Patricia Farrant, Vice Chair
Leah Cohen
Paul Hoeffy
John Stratton