

**ANNUAL REPORT
OF THE
POLICE CITIZENS REVIEW BOARD
October 1, 1998 to June 30, 1999**

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).

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, the Board's By-Laws and Standard Operating Procedures and Guidelines.

PCRB Responsibilities Include:

1. Review all complaints of police misconduct
 - Review Chief's Report in a manner that is fair, thorough and accurate
 - Issue public report to 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 FROM 10/1/98 TO 6/30/99

Meetings

The PCRB holds regular meetings on the second Tuesday and special meetings on the fourth Tuesday of the month. To address complaints during the period covered by this report and to handle a variety of administrative tasks and outreach activities, the Board held 30 meetings, each lasting one to three hours in length. Board members assigned to review investigations of complaints and prepare written reports for the City Council spent up to four hours per complaint to complete these tasks. The whole Board also devoted about 16 hours to discussions, preparations, meetings, and presentations related to changes in By-Laws, Standard Operating Procedures (SOPs), and the City Ordinance. During the period covered by this report, Board members each dedicated at least 84 hours to the work of the PCRB (for a total of 420 hours).

Administration

Bylaws, Standard Operating Procedures, City Ordinance Changes

During the year, the Board worked with City staff and the Council to make minor revisions to its By-Laws and to obtain formal approval for the Standard Operating Procedures (SOP) the Board originally implemented in September 1998. In addition, the City revised the Ordinance under which the Board was established and operates. During this lengthy process, the full Board and individual members met a number of times with City staff and the City Council, and the full Board made a formal presentation to the Council expressing concerns related to proposed SOP and ordinance revisions.

One of the Board's major concerns was that it continue to have access to information with which to track patterns in complaints against officers, though not necessarily information that would identify individual officers. Satisfactory resolution of this issue and other matters were ultimately reached and are reflected in the ordinance amendment passed on April 28, 1999 and on July 13, 1999, and in the changes approved for the SOPs.

Complaint Procedures

To streamline the complaint process for complainants, the Board redesigned and simplified the complaint form to collect only essential information. It also initiated development of a simple message to accompany both the PCRB form and the Police Department complaint form. This message was designed to help complainants choose which form to complete and, thereby, to designate the process by which their complaints will be handled.

The Board also developed form letters and procedures for addressing untimely filed complaints and standardized the content of routine board correspondence.

Ordinance 99-3877 extends the time complainants have for filing complaints from 60 to 90 days of the alleged misconduct.

Time Required to Complete the Complaint Review Process

To complete the Board's review and reporting on complaints in the reporting period covered by this report, both the Board and the Police Department consistently found it necessary to request extensions of the time limits specified in the ordinance establishing the Board. Both groups requested that these limits be extended. Ordinance No. 99-3877 specifies that the Chief's Report to the Board must be completed within 90 calendar days after a complaint is filed, and that the Board's report to the City Council must be completed within 45 calendar days of receipt of the Chief's Report.

Community Forums

The PCRB held two public forums during the reporting period covered by this report. Approximately 60 people, including a number of Iowa City police officers, attended the forum at the Newman Center on December 1, 1998. Discussion and comments focused mainly on concerns of university students.

The Police Chief made a presentation at the forum held at the Broadway Neighborhood Center on April 28, 1999. The Board heard comments from neighborhood young people, landlords, and other citizens, mainly about neighborhood concerns.

Issues raised at community forums help determine the direction of Board activities and are addressed in its long-term goals.

To provide more flexibility in options for future forums, the Board modified its By-Laws to permit forums to be held in non-City buildings.

Complaints

Number and Type of Allegations

The Board received thirteen complaints in the reporting period covered by this report, nine in calendar year 1998 and four to date in calendar year 1999. Nine public reports have been issued by the Board; one was dismissed as not timely filed; three are now under review. The following data is based on the twenty-eight allegations in the nine complaints reported on. All nine complaints contained more than one allegation.

Allegations

Excessive force		5
Rude behavior or "attitude"	4	
Racial discrimination/racially motivated behavior		3
Unreasonable search		3
Disagreement with officer assessment of the situation	3	
Unprofessional conduct		2
Unwarranted charged filed	2	
No probable cause		1
Arrest for intoxication on private property		1
Complainant not informed of outstanding warrant		1
Complainant not permitted to take medication	1	
Unnecessary administration of breath test		1
Profanity used		1

Level of Review Selected for Complaints Covered in this Report

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

		10/1/98 to <u>6/30/99</u>
Level a	On the record with no additional investigation	4
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	5
Level e	Board performs its own additional investigation	4
Level f	Hire independent investigators	0

Complaint Resolutions

Complaints of misconduct of police officers are investigated by the Police Department. 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.

Of the twenty-eight allegations listed in the nine complaints for which Board reports have been released, twenty-six were not sustained and two were sustained.

Comments and/or recommendations for improvement in police policy, procedures, or conduct were made in four of the Board's reports. The following is a synopsis of the Board's comments and recommendations:

- An officer was summoned to a situation that was complicated by cultural and language differences. The Board recommended that officers receive further training in awareness of cultural differences, and suggested that officers exercise more flexibility when responding to clearly "non-standard" situations.
- The Board questioned the appropriateness of using plainclothes police officers in unmarked vehicles for traffic stops.
- The Board suggested that the Chief make it clear that the use of profanity by officers while acting in an official capacity is unprofessional conduct; that the Chief enhance training in methods to de-escalate situations and to prevent escalation, and; that the Chief reinforce efforts to insure racial and cultural neutrality in all policies, practices, and procedures.
- The Board concurred with the Chief's plan to provide formal counseling on public contact and demeanor for an officer.

Name Clearing Hearings

The ordinance requires the Board not issue a report critical of the conduct of a sworn officer until after a name clearing hearing has been held. During the period covered in this report, the Board scheduled two name-clearing hearings; in both cases, the officers waived their 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 request for mediation. The Board received no requests for mediation during the reporting period covered by this report.

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 department has assigned to each Iowa City police officer.

During the reporting period covered by this report, 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 department.

Complaint Histories – 10/1/98 to 6/30/99

Of the ten complaints this report addresses, eleven officers were named. One officer was cited in four of these complaints, and one officer was cited in two. The remaining officers were each cited once.

ICPD Internal Investigations Logs – 1/1/98 to 6/2/99

The Board reviewed the ICPD Internal Investigation Log dated June 22, 1999, provided by the Chief of Police.

DEMOGRAPHICS OF COMPLAINANTS

The following demographic information provides information from the 10 complaints for which the Board has submitted its report to the City Council. Because demographic information is provided voluntarily, the Board has incomplete information to report. Of the ten complaints, eight complainants provided **some** demographic information.

Age:

Under 21 - 1 complainant
Over 21 - 6 complainants
Unknown - 3 complainants

Color:

White - 4 complainants
Black - 2 complainants
Unknown - 4 complainants

National Origin:

US - 1

African - 1
Irish - 1
German - 1
Unknown - 6

Gender Identity:

Male - 4
Female - 2
Unknown - 4

Sex:

Male - 4
Female - 4

Sexual Orientation:

Heterosexual - 3
Unknown - 7

Marital Status:

Married - 3
Unknown - 7

Mental Disability:

No - 4
Unknown - 6

Physical Disability:

No - 4
Unknown - 6

Religion:

Agnostic - 1
Catholic - 2
Unknown - 7

Race:

Caucasian - 4
Black - 2
Unknown - 4

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

BOARD CONCERNS, ISSUES

The Board concerns and issues include:

1. Continuing to monitor and address issues related to race-based traffic stops and other race-based (profiling) issues in policing. Closely monitoring the results of the Iowa City Police Department's new policy on collection of information on race for all traffic stops.
2. Completing the information "card" to be distributed with complaint forms (both ICPD and PCRB) and specifying uniform procedures for its distribution.
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 - for example, interview techniques.
5. Continuing to address concerns about limits on Board access to information needed to do a thorough review of the Chief's reports. Exploring alternative ways of obtaining the information we need to execute fair and balanced reviews.

PCRB GOALS FOR YEAR 2000

I. Mission

- A. Review complaints of police misconduct**
- B. Help ensure that police department is responsive to community needs**

II. Goals

A. Board Education

- Hold forums (minimum of two a year)
- Continue to streamline Board procedures
- Decide whether to affiliate with national boards and associations

- Establish a baseline of information to analyze different types of reports
- New Board member briefings
- Visit Police Academy at Camp Dodge

B. Community Education

- Hold forums
- Provide information aimed at improving officers' understanding of the Board's function and educating the public about the PCRB

C. Policy/Practice/Procedure (PPP) Review

- Review general police policies, procedures and practices, to include the use of force
- Address the perception of discriminatory enforcement
- Community relations

COMMISSION MEMBERS

Leah Cohen, Chair

John Watson, Vice Chair

Patricia Farrant

Paul HOFFEY

Margaret Raymond – resigned, effective June 1, 1999

John Stratton – appointed June 29, 1999