

**ANNUAL REPORT  
OF THE  
POLICE CITIZENS REVIEW BOARD  
September 10, 1997 to September 30, 1998**

**GENERAL RESPONSIBILITIES**

The Police Citizens Review Board was created by Ordinance No. 97-3792 of the City of Iowa City on July 15, 1997.

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 investigation 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 shall comply with Chapter 8 of the Iowa City Code, the Board's By-Laws, and the Police Citizens Review Board's Standard Operating Procedures and Guidelines.

**ACCOMPLISHMENTS FOR FISCAL YEAR 1998**

PCRB (Board) Establishment

Five Board members were selected by the City Council for staggered terms and took office on September 1, 1997. An administrative assistant was hired through the City Clerk's Office to provide support with administrative and clerical duties. In compliance with the ordinance creating the Board, an independent legal counsel was hired on September 25, 1997 to furnish legal advice and guidance. The City Clerk afforded initial assistance, which was vital during the early period of Board familiarization with procedural rules and regulations.

Beginning in September 1997, all Board members and the administrative assistant attended the Iowa City Citizens Police Academy for a twelve-week program to better understand police policies, procedures and practices.

The Board began its schedule of business meetings on September 10, 1997.

## PCRB By-Laws

By-Laws governing the conduct of the Police Citizens Review Board were drafted by Board members and staff in October and November 1997, and adopted November 6, 1997. The City Council approved the By-Laws on December 4, 1997.

## Standard Operating Procedures and Guidelines

The Standard Operating Procedures & Guidelines for the Police Citizens Review Board were approved by the Board on September 15, 1998. The document covers procedures for the complaint process, formal mediation guidelines, protocol for Board meetings, the complaint review process, the process of the review of police policies, procedures and practices, and the content of the annual report which is submitted to the City Council. The Standard Operating Procedures and Guidelines have been forwarded to the City Council for approval.

## Public Forum

The ordinance provides that the Board may hold general informational hearings concerning Iowa City Police Department practices, procedures or written policies, and such hearings will be public. On July 14, 1998, the Board held its first Community Forum at the Iowa City Public Library, which was attended by nearly seventy persons. Of that number, sixteen chose to address the Board with comments regarding police department activities. The Board also received written correspondence from eight individuals. A second public hearing is scheduled for October 27, 1998, at the Newman Center.

Various issues raised at the Forum have helped the Board to determine its direction in bringing forth police policy matters for further study and public discussion at regular monthly meetings. Professor David Baldus, University of Iowa, College of Law, appeared before the Board on September 8, 1998, to discuss methodologies in the development of studies of police issues such as use of force and age and race-based traffic stops. The Board plans to proceed with further study of these issues.

## Board Meetings

The second Tuesday of each month was selected by the Board for its regularly scheduled meetings. Special meetings may be called by the chairperson or shall be called by the Chairperson or Vice Chairperson at the request of three or more members.

Due to the number and complexity of the complaints which have been or are now before the Board, and the additional time sometimes necessary for more information to be received from the police department, the Board decided to schedule special meetings for every Tuesday of each month through the end of 1998, for which a regular meeting was not already scheduled.

During its first year of operation, the Board has held forty-three regular and special meetings generally averaging two to three hours in length. This number does not include the twelve evening sessions at the Iowa City Citizens Police Academy.

Improving Access:

The Board believes the complaint process must be simple, understandable and accessible for the system of citizen review of the Police Department to work, and for the Board, the City Council and the community to receive a clear picture of the actions of Iowa City police officers. To that end, the Board has:

1. Revised the complaint form to make it simpler;
2. Created a PCRB brochure to help educate the citizens;
3. Established standard operating procedures and guidelines;
4. Established mediation procedures and guidelines;
5. Prepared form letters to facilitate regular correspondence;
6. Agreed to accept written correspondence regarding Iowa City Police Department policies, procedures and practices, including anonymous correspondence;
7. Recommended that the City Council change the period in which complaints may be filed from 60 days to 90 days from the event complained of.

Complaints Received: Types and Number of Allegations

A numbering system for complaints was adopted using the last two digits of the calendar year and the number of the complaint in the order received. For example, the first complaint received in 1997 would be designated 97-1.

The Board has received twenty-four complaints, seven in 1997 and seventeen to-date in 1998. The Board has issued its public report on nineteen of these complaints, and five complaints are pending. The following data is based on the nineteen complaints for which the Board has completed its review. Twenty-two types of allegations have been listed on the citizen complaint forms. Because a complainant may make several allegations on a single complaint form, the sum total of allegations is not necessarily the same as the total of complaints actually reviewed by the Board.

Harassment	15
Denial of Human Rights	5
Verbal Abuse/Profanity/Slander	4
Violation of Civil Rights (videotaping)	4
Denial of Right to Live in Peace	4
Excessive Force	3
Malicious Prosecution	3

Illegal Stop without Probable Cause		2
Property Damage		2
Attempt to Incite		2
Inappropriate response to a citizen complaint		1
Unlawful arrest		1
Improper/Unlawful Search/Seizure		1
Abuse of Power		1
Trespassing		1
Failure to Forward/Respond to		
Written Correspondence	1	
Illegal Investigation		1
Unreasonable Traffic Stop	1	
Officer Misidentified Himself		1
Considered Improper to Take Breath Test		1
Not Allowed to Take Medication		1
Improper Procedure	<u>1</u>	
		56

Complaint Resolutions

Complaints of misconduct of police officers are investigated by the police department. The Police Chief submits the results of the investigation (Chief's Report) to the Board, indicating whether the allegations are sustained or not sustained. If the complaint is against the Police Chief, the City Manager conducts the investigation and submits the report.

Upon receipt of the Chief's or City Manager's Report, the Board reviews it and the citizen's complaint. After review, the Board finds the allegations are sustained or not sustained and forwards its report to the City Council with copies to the Police Chief, the officers involved, the City Manager and the complainant. Of the fifty-six allegations listed in the nineteen citizen complaints, one was sustained and the remainder were not sustained.

Recommendations for improvement in police policy, procedure or conduct were made in four of the Board's reports to the City Council. One of the recommendations was contained in a report by the Police Chief and three were the result of the Board's review.

PCRB # 97-1      The Police Chief expressed the intention to (1) include as part of routine training the recommendation that officers need, whenever possible, to inform other officers of the cause of a particular pursuit, and (2) to train supervisors and others dealing directly with the public in the appropriate objective manner to take complaints from the public.

PCRB #97-4

- and #97-6                      The Board recommended: “The Department may wish to consider the preparation of a guideline or policy clarifying under what circumstances videotaping is necessary or appropriate.”
- PCRB #97-5                      The Board recommended: “The Department might consider further clarifying the policies and procedures governing the arrest and transport of persons cited for public intoxication. The Department should seek assurance that persons released to the custody of the Johnson County Jail routinely receive adequate and appropriate treatment.”

Name Clearing Hearings

The Board is required by ordinance not to issue a report critical of a sworn officer’s conduct until after a “name clearing hearing” has been held, consistent with constitutional due process law. The Board is required to give notice of such hearing to both the police officer and the complainant so that they may testify before the Board and present additional relevant evidence.

During the course of the year, the Board scheduled two name-clearing hearings. One was held with the officer in attendance, and the other was not held because the officer did not attend.

Mediation

Formal mediation is available to the complainant and police officer at any stage of the process until the Board adopts its public report; the request for mediation must be consented to by all parties involved. During the period covering this report, mediation was requested seven times, but no mediation was completed because:

- complainant chose not to follow through, or
- complainant withdrew from the process, or
- request came after the Board completed its review.

Mediation was requested by the individual who filed complaints in #97-2, #97-3, #97-7, #98-2, #98-5, #98-8, and #98-9.

Level of Review

The Board decides, by a simple majority vote, the level of review to give each Police Chief’s or City Manager’s report, selecting one or more of any of the six levels of review in the City Code. For this reason, the number of levels of review does not correspond to the number of complaints filed with the Board. Decisions regarding levels of review were as follows:

- Level a - 10 On the record with no additional investigation.
- Level b - 3 Interview/meet with complainant.
- Level c - 1 Interview/meet with named officer.
- Level d - 4 Request additional investigation by the Police Chief or City Manager, or request police assistance in the Board's own investigation.
- Level e - 6 Performance by Board of its own additional investigation.
- Level f - 0 Hire independent investigators.

### Requests for Extension of Time

The Board's report to the City Council must be completed within thirty calendar days of receipt of the Chief's or City Manager's report. The City Council has the authority to grant requests for extensions to this deadline when good cause is shown. The Board requested extensions of time on five complaints for the following reasons:

- The Board did not have process and procedure in place.
- The complainant expressed an interest in mediation.
- One individual filed several reports in a short period of time. To give adequate attention to each complaint, the Board needed further time.
- Additional information was being requested from other sources.

## Complaint Histories of Police Officers

The City ordinance responsible for establishing the Police Citizens Review Board requires that the annual report shall not include the names of the complainants or officers involved in complaints which were not sustained, and shall otherwise be in a form which protects the confidentiality of all the parties while providing the public with information on the overall performance of the police department. In an early meeting, the Board decided it did not wish to use the names of officers or complainants in cases where the complaint was sustained. For this purpose, all officers, with the exception of the Police Chief, have been assigned number codes by the department. The number in the left-hand column is the number code of the officer, and the numbers on the right-hand column are the numbers of the complaints in which the officer's conduct was complained of.

<u>Number Code of Officer</u>		<u>Complaint Number</u>
950828		#97-1
710416		#97-1
970414	-	#97-2
780911	-	#97-3, #97-4, #97-6, #98-8, #98-9
970309	-	#97-5
900129	-	#97-7, #98-13
970308	-	#97-7
950829	-	#98-1, #98-8, #98-9, #98-15
670916	-	#98-1, #98-8, #98-9
880919	-	#98-1, #98-2, #98-8, #98-9
830701	-	#98-6
770411	-	#98-6, #98-9
780912	-	#98-7
950830	-	#98-8, #98-9
890327	-	#98-13
970106	-	#98-15
891023	-	#98-15

The Police Chief (no assigned number) was named in four complaints - #98-3, #98-4, #98-5, and #98-7.

## **DEMOGRAPHICS:**

The following demographic information provides information from the 19 complaints for which the Board has submitted its report to the City Council (12 complaints are from one complainant, who answered demographic information only once). Because demographic information is provided voluntarily, we have incomplete information to report. Of the nineteen complaints, eight complainants provided **some** demographic information.

**Age:**

Under 21 - 1 complainant  
Over 21 - 18 complainants (1 complainant over 21 filed 12 of these)

**Color:**

White - 18 complainants (1 white complainant filed 12 of these)  
Unknown - 1 complainant

**National Origin:**

US - 1 individual who filed 12 complaints  
Unknown - 7

**Gender Identity:**

Male - 12 (1 male filed all of these)  
Unknown - 7

**Sex:**

Male - 15 (12 complaints were filed by 1 male)  
Female - 4

**Sexual Orientation:**

Heterosexual - 13 (one heterosexual filed 12 complaints)  
Unknown - 6

**Marital Status:**

Married - 13 (1 married individual filed 12 of these)  
Unknown - 6

**Mental Disability:**

Yes - 1  
No - 13 (1 complainant filed 12 of these complaints)  
Unknown - 5

**Physical Disability:**

No - 14 (1 complainant filed 12 complaints)  
Unknown - 5

**Religion:**

Unknown - 19

**Race:**

White/Asian - 1  
Unknown - 18

Some of the demographic information reported was not necessarily provided in the demographic area of the complaint form, but rather from the first page of the complaint form which identifies the complainant.

**RECOMMENDATIONS FOR ORDINANCE CHANGES:**

1. Section 8-8-3 D provides "All complaints must be filed with the Board or the Iowa City Police Department within sixty (60) days of the alleged misconduct."



The Board recommends that the City Council amend Section 8-8-3 D to allow more time for the filing of complaints to read as follows, "All complaints must be filed with the Board or the Iowa City Police Department within ninety (90) days of the alleged misconduct."

2. Section 8-8-7 B(6) provides, "The Board's Report to the City Council shall be completed within thirty (30) calendar days of receipt of the Chief's or City Manager's Report."

The Board recommends that the City Council amend Section 8-8-7 B(6) to allow more time for the Board to complete its investigations and reports and to make it unnecessary to request extensions of the current deadline as often as in the past. The amended Section 8-8-7 B(6) should read, "The Board's Report to the City Council shall be completed within forty-five (45) calendar days of receipt of the Chief's or City Manager's Report."

#### **CONCERNS OF THE BOARD:**

1. There now exist two distinct methods for a person to file a complaint about the Iowa City Police Department. The first is to fill out an ICPD complaint form and file it with the ICPD. These complaints do not come to the PCRB for review. The second is to fill out a PCRB complaint form and file it with either the ICPD or the PCRB. These complaints do come to the PCRB for action.

Both forms are available at the ICPD; which form is given to a complainant or filled out and filed, is completely outside the control of the PCRB.

The PCRB has no knowledge of how many complaints are filed on the ICPD forms, and so has an incomplete picture of the number of complaints filed concerning the ICPD. Accordingly, its annual report to the City Council must be presumed to be incomplete and may be misleading as to the overall number of complaints about the ICPD.

The PCRB will be better able to determine the pattern of allegations of police misconduct and to more accurately fulfill its duty to report to the City Council if a procedure is implemented to give the PCRB access to the total number of complaints filed, whether on an ICPD or a PCRB complaint form.

2. The ordinance imposes very limited authority on the PCRB. The PCRB does not review complaints; it reviews the Police Chief's investigation of those complaints. The ordinance requires that review to be deferential. The PCRB can only recommend changes in the Chief's reports if it concludes that those findings are unsupported by substantial evidence; are unreasonable, arbitrary or capricious, or are contrary to law. The PCRB has some concerns about its ability to review complaints in light of

community standards given its deferential standard of review. The PCRB will continue to monitor this situation.

3. The Board believes it is important to receive adequate information from the Police Department's investigation to allow it to track the allegations of misconduct concerning particular (individual) officers. To this end, it attempts to chart this information in its own reports to the City Council. The Board considers it essential that it continue to receive detailed reports from the Chief identifying officers by code number.

## **PLANS FOR FISCAL YEAR 1999**

1. Continue systematic review of Police Department policies, procedures and practices.
2. Continue to investigate complaints and issue public reports to the City Council.
3. Pursue resolution of the issues related to the existence and use of two distinct complaint forms.
4. Continue to hold community forums, including forums at neighborhood centers and schools, to identify community standards and concerns.
5. Continue to review the ordinance establishing the PCRB, and consider recommendations to the City Council for modification.

## **COMMISSION MEMBERS**

Paul Hoffey, Chairperson  
Leah Cohen, Vice-Chairperson  
Patricia Farrant  
Margaret Raymond  
John Watson