

POLICE CITIZENS REVIEW BOARD

GENERAL RESPONSIBILITIES

Established in 1997, by ordinance #97-3792, 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 review investigations into claims of police misconduct, 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 2007

Meetings

The PCRB holds monthly meetings on the second Tuesday and special meetings as necessary. During FY07 the Board held thirteen meetings. Three meetings were cancelled due to lack of Board business.

ICPD Policies/Procedures/Practices Reviewed By PCRB

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

Presentations

None.

Board Members

There were no changes to the make-up of the Board during FY07. In October officers were nominated with Michael Larson as Chair and Elizabeth Engel as Vice Chair.

COMPLAINTS

Number and Type of Allegations

Four complaints (06-03, 06-04, 06-05, 06-06) were filed during the fiscal year July 1, 2006 – June 30, 2007. Five public reports were completed during this fiscal period (06-02, 06-03, 06-04, 06-05, 06-06). The five completed public reports involved 10 allegations.

Allegations

Complaint #06-02

1. Intimidation, Harassment, Threats.
2. Officers refused to allow prayer.

Complaint #06-03

1. Personal Conduct.
2. General Conduct on Duty.

Complaint #06-04

1. Inappropriate Behavior.
2. Wrongful Arrest.

Complaint #06-05

1. Unwarranted delay in accomplishing the ticketing and searching tasks.
2. Use of harsh tone of voice, of glaring at the Complainant, of using disrespectful language, of insulting and degrading the Complainant, and showing prejudice.

Complaint #06-06

1. Retaliation.
2. Destruction of Property.

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:

Level a	On the record with no additional investigation	4
Level b	Interview or meet with complainant	1
Level c	Interview or meet with named officer	1
Level d	Request additional investigation by Chief or City Manager, or request police assistance in the Board’s own investigation	1
Level e	Board performs its own additional investigation	1
Level f	Hire independent investigators	0

Complaint Resolutions

The Police Department investigates complaints to the PCRB 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 citizens’ complaint and the Chief’s Report and decides whether its conclusions about the allegations should be sustained or not sustained. The Board prepares a report which is submitted to the City Council.

Of the 10 allegations listed in the five complaints for which the Board reported, none were sustained.

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

Complaint #06-02

The Board feels that the investigative report compiled by the ICPD investigator(s) and the Chief’s Report is very comprehensive and thorough. The complainant refused to speak with investigators.

It is commented in multiple interview/supplemental reports from VA and UIHC staff that the ICPD officers were very patient and respectful with the family while attempting to de-escalate the situation without use of physical means or arrests. No one observed any ICPD officer do anything disrespectful or inappropriate in action or speech while dealing with the family.

Complaint #06-03

The Board wishes that the Chief had addressed formally the allegations of handcuffing and alleged arrest of a juvenile as listed by the complainant and as stated by the Chief in his cover letter and his Report to the Board. The Report included investigation regarding these allegations but did not issue Findings.

Handcuffing and Arrests of Juveniles: The Board recommends a review of OPS-19.1, Juvenile Procedures, with emphasis on handcuffing of juveniles and arrests of juveniles.

In Car Recording Device Activation: The Board does not concur with the internal investigation conclusion that no policy violation occurred when no officer activated an in car recording device.

OPS-12, In Car Recording Devices [effective 8/4/1999], section IV, states, "In addition to traffic stops, officers should manually activate the recording equipment on calls for service and on self initiated field activity." According to Merriam-Websters Collegiate Dictionary, 11th Edition the operant, "should", is "used in laws, regulations, or directives to express what is mandatory" and placed an obligation on the officer(s) at the scene and involved in the field investigation to activate their recording device(s). The existence of a visual/audio documentary of the events which transpired during the detention of the juvenile(s) would have been an invaluable tool for the resolution of PCRB #06-03, if after viewing the recording of the incident, a complaint had transpired at all.

Disrespectful Commentary: The Board suggests that consideration be given to additional training and a review of Leg-01, Civil Rights, III-(D)-(2), "Act, speak and conduct themselves in such manner as to treat all persons with courtesy and with that respect due to every person as a human being." In the Investigator's Report, it was acknowledged by officers at the scene that certain officer(s) did not exhibit the consummate level of professionalism that is typically exhibited by the members of the ICPD.

Officer Communication at the Scene: The Investigator's Report documented conflicting information among the officers who had direct contact with the juveniles. The Investigator's report detailed multiple incorrect assumptions made by officers at the scene due to a lack of communication between the lead officer and those detaining the juvenile(s). i.e.: "Officer II said he had assumed that Juvenile 2 (Juvenile 1) had been arrested by Officer I, and he searched him incident to the arrest."

Incident Documentation: The Board concurs with the Chief's assessment that a review of reporting requirements is necessary. The Board suggests a review of OPS V., Reporting Use of Force, and review of LEG-03, Field Interviews and Pat Down Searches, be included in the additional training.

Complaint #06-04

The Board commends the officer(s) involved for activating the in-car recorder so a video could be reviewed. State law does not require an officer to summon a supervisor upon refusal of a citizen to sign a citation. State law does require that the seat belt be worn properly.

Complaint #06-05

We commend the Officer involved in this case for activating the in-car camera. The evidence from the recorded video made it possible for the investigating officers to compare the accusations received from the Complainant with what was captured by the in-car camera. This Complaint demonstrates the value of consistent use of the in-car cameras when there is need for later review of actions.

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 one name-clearing hearing of which the officer(s) declined.

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 twelve officers in the five complaints covered by the FY07 annual report.

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 that were completed in this fiscal year. Because complainants provide this voluntarily, the demographic information is incomplete.

Category/Number of Complainants

<u>Age:</u>		<u>National Origin:</u>		<u>Color:</u>	
Over 21	3	US	1	African American	2
Unknown	2	Unknown	4	Unknown	2
				White	1
<u>Sexual Orientation:</u>		<u>Gender Identity:</u>		<u>Sex:</u>	
Heterosexual	0	Unknown	5	Male	2
Unknown	4			Unknown	2
Lesbian	1			Female	1
<u>Marital Status:</u>		<u>Religion:</u>		<u>Mental Disability:</u>	
Single	1	Unknown	4	Unknown	5
Married	1	Baptist	1		
Unknown	3				
<u>Physical Disability:</u>					
Unknown	5				

BOARD MEMBERS

- Michael Larson, Chair
- Elizabeth Engel, Vice Chair
- Candy Barnhill
- Loren Horton
- Greg Roth