

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 assure that investigations into claims of police misconduct are conducted in a manner that 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. 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 2004

Meetings

The PCRB holds monthly meetings on the second Tuesday and special meetings as necessary. During FY04 the Board held 11 meetings, each lasting up to two hours. Four meetings were cancelled, two were due to lack of a quorum and two due to lack of board business.

ICPD Policies/Procedures/Practices Reviewed By PCRB

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

Presentations

None.

Board Members

Board member Bev Smith was removed from the Board by the City Council due to lack of regular attendance, according to Board by-laws. Smith was replaced by Greg Roth in August to serve an unexpired term ending September 1, 2005. David Bourgeois resigned in September and was replaced by Roger Williams in November who was appointed to serve an unexpired term ending September 1, 2005. Candy Barnhill was appointed in September to the board to serve a 4-yr term ending September 1, 2007, replacing John Watson.

COMPLAINTS

Number and Type of Allegations

Seven complaints were filed during the fiscal year July 1, 2003 – June 30, 2004 and two carried over from the previous fiscal year. Eight public reports were completed during this fiscal period, and one complaint was withdrawn. The eight completed public reports involved 26 allegations.

Allegations

Complaint #03-01

1. Officer acted inappropriately. Officer was rude and used offensive language. *
2. Failure to provide medical assistance. *
3. Excessive use of force. *
4. Videotape of the incident was altered.

Complaint #03-02

1. Excessive use of force.
2. Inappropriate conversation or comments. **

Complaint #03-04

1. Complainant was unlawfully arrested.
2. Officer (C), (B), and (D) engaged in improper conduct by being mean, rude and not caring causing complainant to feel violated, discriminated against, intimidated and scared.

Complaint #03-05

1. Investigating Officer did not adequately investigate her son's assault complaint resulting in him seeking retaliation.
2. Complainants dissatisfaction with the Press-Citizen publishing her son's name and information when he was charged with assault. *
3. Complainant unhappy that her son spent two days at Linn County Juvenile Detention. *

Complaint #03-06 & #03-07

1. Improper/Unlawful Arrest.
2. Improper Conduct.
3. False Report.

Complaint #03-08, #03-09, & #03-10

1. Rudeness.
2. Assault.
3. Failure to Supervise.
4. Failure to investigate.

Complaint #03-11

1. False statements against Officer A and Officer C.
2. Illegal Search against Officer A and Officer C.
3. Failed to provide medical care against Officer A and Officer C.

Complaint #03-12

Withdrawn

Complaint #03-13

1. Officers failed to identify themselves when they first placed hands on him (Complainant) and arrested him.
2. Officers used excessive force while patting him (Complainant) down by placing an elbow in his back.
3. Officer sprayed him (Complainant) with OC for no reason after he was placed in the back of the squad car.
4. Officer hit him (the Complainant) in the head while he was in the squad car.
5. Post arrest harassment.

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	7
Level b	Interview or meet with complainant	3
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	3
Level f	Hire independent investigators	0

Complaint Resolutions

The Police Department investigates complaints 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 citizen’s Complaint and the Chief’s Report and decides whether the allegations should be sustained or not sustained. The Board prepares a report which is submitted to the City Council.

Of the 26 allegations listed in the eight complaints for which the Board reported, one was sustained** (#03-02) and five allegations were summarily dismissed* as required by City Code, Section 8-8-3 D and 8-8-3 E.

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

Complaint #03-01

There are several troublesome elements about the videotape, which we feel ought to be explained. The videotape begins at 19:56, yet the arrest report indicates that the officer arrived at the scene at 19:41, a discrepancy of 15 minutes. The video camera was not aimed through the windshield at the scene, instead it was aimed down at the hood of car thereby excluding the visual evidence. From 21:01 until 21:16, a period of 15 minutes at the Public Safety Office, there is no sound on the tape and the screen is black. Audio/video resume at the Public Safety Office at 21:16. There is no audio/video during the first 15 minutes of the incident or during another 15 minutes while at the U of I Public Safety Office. The video camera angle changed at 21:25.

We have no comment on whether or not the videotape might have been edited or altered, and as noted in our response to Allegation # 4, we accept the Chief of Police's conclusion. Questions remain: why the video tape was not begun when the officer arrived on the scene; why the video camera remained pointed at the hood of the car instead of where the officer was; and why there are 15 minutes unaccounted for when that period of time could be no different than the immediately preceding and following the unaccounted for time. The purpose of having a video camera in a squad car is to document in an audio and visual form the interactions of an officer and a citizen during an incident of record, then certainly the camera ought to be aimed at the interaction that is taking place. When the camera is inappropriately aimed and the audio is not continuous, the value of the recording is severely compromised. We recommend that the department urge its officers to use this resource efficiently and effectively.

The quality of the tape is poor and the PCRB requests upgrading quality of tapes and/or equipment.

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. The Officer 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. 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 fifteen officers in the eight complaints this report covers. Four officers were named in two complaints; the rest were each named only once.

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 eight complaints reported on in this fiscal year. This excludes information from the one complaint, which was withdrawn. Because complainants provide this voluntarily, the demographic information is incomplete.

Category/Number of Complainants

<u>Age:</u>		<u>National Origin:</u>		<u>Color:</u>	
Under 21	2	US	1	White	1
Over 21	3	Unknown	10	Black	2
Unknown	6			Unknown	8
<u>Sexual Orientation:</u>		<u>Gender Identity:</u>		<u>Sex:</u>	
Heterosexual	1	Female	2	Female	3
Unknown	10	Unknown	9	Male	1
				Unknown	7
<u>Marital Status:</u>		<u>Religion:</u>		<u>Mental Disability:</u>	
Single	3	Christian	2	No	1
Unknown	8	Baptist	1	ADD	1
		Unknown	8	Dyslexia	1
				Unknown	8
<u>Physical Disability:</u>				Epilepsy	1
No	1				
Unknown	10				

BOARD MEMBERS

- Loren Horton, Chair
- John Watson / Candy Barnhill, Vice Chair
- John Stratton
- David Bourgeois / Roger Williams
- Beverly Smith / Greg Roth