

Citizen Police Oversight Committee

REPORT (Revised)

October 6, 2008



City of Columbia

Citizen Oversight Committee

Honorable Mayor Hindman
Columbia City Council
P.O. Box 6015
Columbia, MO 65205

October 6, 2008

Dear Mayor Hindman and Columbia City Council Members:

Enclosed please find the final report of the Citizen Oversight Committee. Mayor Darwin Hindman convened this committee on November 28, 2007 in response to repeated calls from various segments of the community for civilian oversight of the Columbia Police Department (CPD). Specifically, the Committee was charged with reviewing the current complaint process, soliciting input from the community regarding the quality of their interactions with members of CPD, examining various models of citizen oversight and the experiences of other cities, and finally preparing a report with recommendations to the City Council.

Provided in the report is a process roadmap that will hopefully help to understand how the committee responded to its charge. It is clearly evident that members took the committee's charge seriously; the committee met on 38 occasions, from November of 2007 until August of 2008. In its early meetings, the full committee met with stakeholders with a wide array of opinions regarding the issue of citizen oversight. We spent considerable time determining how to assess the information provided by CPD, chiefly the data on complaints. In addition to various subcommittee meetings, the committee conducted a series of outreach sessions intended to gauge public sentiment on this issue.

After meeting with stakeholders and conducting the public outreach sessions, the committee sought to determine whether to go forward with a recommendation in favor of citizen oversight to the council. After lengthy discussion, the committee voted unanimously to recommend that the council implement some form of citizen oversight. Many members voted in favor of citizen oversight due to their perceptions of the need to improve relations between the CPD and the community. Of particular concern to some members of the committee was the relationship between CPD and the minority community.

In subsequent meetings, the committee examined CRB models and the final report. As part of the process of determining a suitable model to recommend for Columbia, members of the committee participated in conference calls with members of citizen

review boards in Albany, New York, and in Ft. Collins Colorado. Our aim was to determine how to implement citizen oversight in ways to benefit both CPD and the community.

We've taken the committee's charge seriously. In addition to the considerable time commitment, members had to negotiate occasionally difficult media coverage and the occasionally vociferous input of stakeholders with a variety of views on this topic. Nonetheless, we believe that our recommendation is one that will contribute to the larger aim of making Columbia an even better place to live. **We wish to emphasize that every member of the committee signed at our last meeting that they supported both the report and the model.**

Finally, we would be remiss if we did not call attention to the large amount of hard work that each of the members of the committee did. Every person contributed by making suggestions and comments and in the end, being willing to compromise in order to reach a consensus. Chris Egbert deserves special thanks for drafting the report and serving as an editor. Bill Cantin of the City Staff was helpful at many places along the way. Paula Hertwig Hopkins made excellent suggestions when she was available.

Sincerely,

Rex Campbell, Ph. D.

ca
Chair



Jeff Williams, Ph. D.

Co-Chair



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Citizens Police Oversight Committee Report

ESTABLISHING THE COMMITTEE

Mayor Darwin Hindman announced the formation of the Citizen Police Oversight Committee. Interested citizens were encouraged to apply to serve on the committee. Mayor Hindman appointed Dr. Rex Campbell to chair the committee. Dr. Jeff Williams was appointed as Co-chair by Dr. Campbell.

COMMITTEE MEMBERS

The following are the citizens that were chosen by Mayor Darwin Hindman to serve on the committee:

- Rex Campbell (Chair)
- Jeff Williams (Co-Chair)
- Keith McLaughlin
- Diane Booth
- Joseph Carrier
- Chris Egbert
- Stacy Ford
- Virginia Law
- Ellen LoCurto-Martinez
- Jeffrey Milyo
- David Smith
- Joan Sullivan
- Albert Swanegan (resigned)
- Wynna Faye Elbert

MISSION OF THE COMMITTEE

The purpose of the Citizen Oversight Committee is to become familiar with the Columbia Police Department's present system for reviewing complaints, to understand the concerns of those within the Police Department and the various interest groups that might have a concern, to obtain general citizen comment and to study the various aspects of citizen complaints.

DESIRED COMMITTEE OUTCOMES

The committee agreed that, to accomplish the committee's mission the following deliverables (outcomes) would be needed:

1. A thorough study of the current citizen and past complaint processes utilized by the Columbia Police Department.
2. A thorough study of the community concerns about the processes utilized by the Columbia Police Department to investigate and respond to citizen complaints about Columbia Police Officers.
3. A recommendation to the Columbia City Council for or against a Citizen Review Board that is unbiased, well researched and meets the mission of the committee.
4. A review of the current literature on the effectiveness of a Citizen Review Board.
5. If a Citizen Review Board is recommended, the committee is to provide direction to the City Council on what components should be considered in the formation of a Citizen Review Board.

UNDESIRED COMMITTEE OUTCOME:

The committee agreed that, for the committee to be successful the following should not occur:

1. Violation of the Open Meetings Law
2. Violation of Robert's Rule of Order
3. A biased or unfair recommendation

TIME FRAME

The committee held 16 meetings and 5 public hearings between November 28, 2007 and August 21, 2008. This does not take into consideration the work done or drive time by the committee members outside of the 16 formal meetings or the 5 public hearings held.

PROCESS ROADMAP

The following process “activities” were conducted in order to meet the committee’s five desired outcomes:

1. INPUT FROM INTERESTED GROUPS OR INDIVIDUALS

The committee started their process by developing a list of groups or individuals they wished to hear from in reference to the Columbia Police Department’s internal affairs process, current relations between the police and the community, and the need for or against a Citizen Review Board (CRB).

This list included:

- Dr. Aaron Thompson, Consultant to the CPD
- Chief Randy Boehm, Columbia Missouri Chief of Police
- Mr. Dan Viets, General Council, Mid-Missouri Chapter of the ACLU
- Ms. Mary Ratliff, President of the Columbia NAACP
- Officer Don Weaver, President of the Columbia Police Officers Association (CPOA) and Officer Michael Hestir, Vice-President CPOA
- Mr. William Whitcomb, Region VII U.S. Department of Justice, Community Relations Service
- Mr. Robert Ross, President, Minority Men’s Network
- James Robnett, Jr., Boone County Concerned Citizens

The only groups that declined an invitation to appear before the committee were the Black Police Officers Association and Centro de Latino.

All presentations were in favor or acceptance of some form of civilian oversight of the police department except Chief Randy Boehm. The CPOA questioned the need for such oversight, and Dr. Aaron Thompson stated, “even though CRB’s were not part of his contracted work with the police department, a CRB could complement the internal affairs process.”

2. BASIC UNDERSTANDING OF CITIZEN REVIEW BOARDS

The committee heard a presentation by Dr. Aaron Thompson on CRBs. This presentation contained information on:

1. Types of CRBs
2. Examples of existing CRBs

3. Variables to consider with CRBs
4. Effectiveness of CRBs
5. Court decisions regarding CRBs

3. Gather baseline data/information for the following

Columbia Police Department Internal Affairs (IA) Process Review

The committee received a briefing by Dr. Aaron Thompson on his review of the Columbia Police Department's Internal Affairs Process.

Based on interviews and analysis Dr. Thompson identified seventeen (17) major issues or findings. These ranged from an air of distrust internally and externally for how the agency conducts its IA investigations to a lack of data analysis.

Dr. Thompson recommended the department consider completely revamping the current IA System. He made 40 specific measurable recommendations.

Dr. Thompson concluded that the majority of conclusive findings from the citizens indicate that there are certain perceptions about the IA process including it is secretive, it is biased towards the officers and against the citizens, it is negatively biased towards citizens of color, and the CPD do not police themselves well.

Dr. Thompson went on to say that citizens and communities need to have confidence that the police administration will implement a system that will ensure that police use of force is justified and necessary and will take appropriate action when it is found to be used excessively and/or inappropriately. Police officers need to have confidence that the system will protect them from false allegations.

Columbia Police Department's response to Dr. Thompson's assessment and recommendations

The committee received a briefing from Captain Mike Martin and Lieutenant John White on how the department reacted to Dr. Thompson's report.

Captain Martin admitted the old IA process no longer served the needs of the department. He reported to the committee that the

department was in the process of implementing all of Dr. Thompson's recommendations.

As Dr. Thompson reported in his progress report to the Columbia City Council, "The department is well on its way in establishing standardized procedures which will go a long way in establishing the trust of the citizens they serve."

Dr. Thompson informed the committee that when his recommendations are fully implemented they would ensure fair and equitable treatment of employees. At the same time they would provide a means for redress by the citizens for wrongs allegedly done to them by the police officers.

Community input on the process used by the Columbia Police Department to investigate and respond to citizen complaints against Columbia Police Officers:

- Questionnaires

During the public hearings a questionnaire was distributed (see appendices for the questionnaire template). An analysis was conducted of the questionnaires responses. It should be noted that, due to the small number of responses the surveys are not representative. Of the 19 individuals who filled out the questionnaire a majority were in favor of a civilian review board.

A questionnaire was distributed to the Columbia Police officers. An analysis was conducted of the questionnaire responses. It should be noted that, due to the small number of responses the surveys are not representative. Of those 17 responses some officers were in favor of a Civilian Review Board and thought it would be of value and others were not. They were pleased with the new Internal Affairs system.

The original questionnaires are on file with the city and available for review.

- Public hearings

The following are the dates, locations and number of speakers for each of the public hearings. The concerns

voiced by the speakers were not limited to the African American Community.

Date	Location	Number of Speakers
3/13/2008	Smithton Middle School Oakland Junior High	3
3/20/2008	School Parkade Elementary	9
4/10/2008	School	8
4/12/2008	Black Culture Center	1
4/17/2008	Armory Sports Center	11
	TOTAL	32

- Analyses of Police Misconduct and Malpractice Data Trends derived from Columbia Police Department Records of Citizens' Complaints

Researchers investigating the behaviors of police in their interactions with citizens typically use a number of data collection methods. These methods include:

- trained observers in the field
- citizen questionnaires
- questionnaires of police officers
- analyses of official departmental records
- the use of citizen complaints

Each data collection technique has its relative strengths and weaknesses. Studies by trained observers in the field are time consuming and expensive, and officers might actually alter their behavior when observers are present. Questionnaires of both citizens and police officers measure perceptions of misconduct: citizens may define misconduct more broadly than the departmental definition of wrongdoing, while officers may apply a much more narrow definition.

Analyses of citizens' complaints for police misconduct and malpractice are limited by the reporting philosophy and overall conscientiousness of the individual agency. Further, reliance on complaints filed means that only one dimension is considered, namely, allegations about an officer's behavior. Because the complainant's motivations, rationale and behavior are not visible, the use of group-level data to draw conclusions about individual complainants is problematic. Based on the aggregate level data available, it is difficult to draw definite conclusions about the

characteristics of individuals. We are unable to determine individual level data needed for broader inferences and correlations, such as the complainant's income, employment status, educational status, nature of offense, or prior convictions.

Nonetheless, we are able to reach some tentative conclusions about the data collected by the Columbia Police Department.

Of those that publicly provided testimony to the Committee all indicated they were in favor a Civilian Review Board. Most of those who testified relayed a story about some incident that occurred that brought them in contact with a Columbia Police Officer. Virtually all of these individuals expressed dissatisfaction with the way they were treated. Complaints included being rude, disrespectful behavior, and physical assault. Some of these individuals had filed complaints against the officer. Most were unsatisfied with the results of the complaint. Some thought it a waste of time filing a complaint. Some considered that complaining to the Chief of Police was "filing" a complaint. In those cases no investigation was conducted. It should be noted that in all of the incidents that were described during the public hearings the police side of the incident was not heard. Of those filing a complaint, the citizen did not have a good understanding of the complaint process. Some of the people testifying indicated that they would prefer filing a complaint with a CRB rather that the police department. The people testifying were dissatisfied with the follow-up on their complaint.

Analysis and review of Columbia Police Department complaints from 2005 to 2007 suggest that:

- In the 76 cases in which the complainant's race could be determined, African American citizens accounted for 57 percent of the complaints filed against the Columbia Police Department.
- Relative to the population demographics of Columbia, African American citizens are more likely to file complaints of serious police malpractice, such as the use of excessive force. However, among all complaints, African Americans are not more likely to file complaints of serious police malpractice, such as the use of excessive force.

- In one case out of fifty-one (51) an African American had their complaint found valid. Six (6) out of twenty-six (26) non-African American complaints had their complaint found valid.
- Complaints filed by African Americans had a lower rate of substantiation than complaints filed by whites.

See ATTACHMENT “E” & “F”

- Testimony from stakeholder groups

Of the “Interested Groups or Individuals” mentioned earlier, that spoke to the Committee, all were in favor of acceptance of a Civilian Review Board except the Chief of Police. The Columbia Police Officer’s association didn’t outright oppose a Civilian Review Board but did question the cost expenditure for one.

There was no city wide survey conducted on the topic of citizen complaints against the police. In 2007, the ETC Institute of Olathe, Kansas was hired to conduct a Direction Finder Survey. This survey was not specific to citizen complaints. It does provide some indication of the level of satisfaction the citizens have with certain aspects of police service. The results are as follows:

- 77% were satisfied or very satisfied with the overall quality of police services. This was down 3% from 2005.
- 68% were satisfied or very satisfied with how quickly police responded to emergencies. This was the same as 2005.
- 63% were satisfied or very satisfied with the police department’s effort to prevent crime. This was the same as 2005.
- 47% were satisfied or very satisfied with the enforcement of local traffic laws. This was down 7% from 2005.

The survey indicated that three of the top priorities for the police were preventing crime, traffic enforcement and overall quality of police services.

It should be noted this was designed to be a representative survey (807 households sampled). -

4. Review of baseline/information data

- a. What does the baseline data indicate on how effective the Columbia Police Department is in the thorough, complete and fair investigation of citizen complaints against its officers?

Based on Dr. Aaron Thompson's report the old Internal Affairs system was failing. It was his opinion that if the proposed Professional Standards Unit was implemented, as outlined in his recommendations, this would make the process transparent and greatly improve the manner in which citizen complaints were processed.

There are indications that the Columbia Police Officers are pleased with the new Internal Affairs system. It should be noted that most of the incidents reported to the Committee during the public hearings were before the formation of the Professional Standards Unit.

The one area that is lacking in the new Internal Affairs system is any type of appeal process for the complainant if they are dissatisfied with the decision made on their complaint by the Chief of Police.

- b. What does the baseline data indicate about the community's level of satisfaction with the processes used by the Columbia Police Department to investigate and respond to their complaints against officers?

Based on the information provided to the Committee by the community, specifically the African American community, was dissatisfied with the old Internal Affairs system. There was little trust in the African American community that the police department could, in fact, properly investigate themselves.

Of those that testified, the belief was, if they complained, little would be done about the complaints. They did not believe they were being dealt with fairly by the process. These concerns are decades old.

- c. Does a gap exist between how the Columbia Police Department responds and investigates citizen complaints and what is needed and expected by the community in response to those complaints?

The new Professional Standards Unit has not been in existence long enough to know how well it will function.

Based on the information presented to the Committee, the following are areas for improvement:

1. Building trust with the minority community.
2. Insuring complaints are thoroughly investigated and internal affairs investigations are conducted appropriately.
3. Providing transparency to the internal affairs process.
4. Establishing a complaint appeal process.
5. Ensuring accountability for police misconduct.
6. Ensuring officer due process in the citizen complaint process.
7. Independent confirmation of the professionalism of the police force.
8. Monitoring of the Professional Standards Unit for consistency and fairness.
9. Conducting trend analysis on complaint data to identify patterns of misuse of the system as well as confirm the system is functioning as designed.

The committee believes that a CRB's main focus should be on the improvement of police performance rather than focusing solely on punitive measures.

- d. What does the literature tell us about the effectiveness of a Citizen Review Board?

Based on the review of the literature there is some reason to think that in general CRBs increase both the number of citizen complaints and the percentage of un-sustained complaints. CRBs may also improve public trust, police-community relations and crime rates, but there is also some reason to be concerned about unintended consequences for all of these outcomes. None of these potential consequences of CRBs is really backed up by high quality empirical evidence. In fact, trust and crime have not been much studied in a systematic way at all, while complaints and the disposition of complaints have received more attention, despite the ambiguous nature of these indicators. For a list of the literature reviewed by the committee see attachment "A."

5. Results

Based on the committee's work, the committee unanimously agreed that a Citizen Review Board should be created. Many felt that this would improve the relationship and trust between the minority community and the police department.

While support for citizen oversight of the Columbia Police Department exists in various segments of the community, this issue is most prominent amongst African Americans, even those who reside outside of those census tracts that have been targeted for proactive policing measures. The catalyst for these proactive policing measures has been, in part, the result of directives from city authorities to respond to recent increases in violent crimes.

Many members of the community have grave concerns about how such tactics are implemented. In fact, historically, relations between the Columbia Police Department and the minority community have been tenuous at best.

The baseline data and information collected by this committee over the last few months indicates that the Columbia Police Department responds to calls for service (911 calls) from the minority community at a greater rate than the majority community.

While members of the minority community are equally concerned with recent increases in violent crime, they are often uneasy with the tactics employed by some officers. A fairly common sentiment in the African American community is that some members of the Columbia Police Department are heavy handed, insensitive and disrespectful in their policing tactics.

If the Columbia Police Department is to succeed in changing these perceptions and building greater trust in the public processes such as complaint procedures, it must work to build partnerships with the community.

Such a partnership must be built on a number of levels. At a basic level this change must be cultural. Officers must exhibit an appropriate combination of firmness, fairness and sensitivity in their dealings with all citizens. On another level, this partnership calls for structural changes as well. The Columbia Police Department must strive to establish a greater level of transparency in police operations. They must improve the way they interact with members of the minority community. Police officers must strive to break down the barriers that separate them from productive communication and relationships with members of the minority community.

This partnership must go both ways. The more transparent the police department is the less likelihood of police abuse and more likelihood of increased trust of police by the minority community. The greater the involvement citizens have with the Columbia Police Department the better the chance the police have of being provided with needed information to solve crimes, and helping to improve the quality of life in these neighborhoods.

Columbia's citizens expect both sensitivity and accountability from their police officers. A Citizen Police Review Board (CRB) represents a viable option for building a strong police-community relationship. A CRB can enable the Columbia Police Department and the citizens of Columbia to open lines of communication that benefit everyone. Columbia citizens can be involved directly in accountability issues (citizen and police) as well as gaining a better understanding of the nature of the policing profession. At the same time, Columbia police officers can feel less threatened by what they sometimes view as uninformed public or "antipolice" sentiment.

It is a certainty that individuals who participate in a change process adapt better than those who have change imposed from outside sources. Having the Citizen Police Oversight Committee, community stakeholders and the Columbia Police Department work together on the construction of a CRB will enhance the CRB in two distinct and important ways. It will increase the CRB's responsiveness to those it serves, and it will increase the legitimacy of the CRB in the eyes of the citizens and the police officers.

6. Establish the foundation for the need for a Citizen Review Board

The committee believes that a Citizen Review Board (CRB) will help ensure complaints filed against police officers are properly handled. Holding police officers accountable for their actions is important. Police Officers acting improperly need to be dealt with immediately and appropriately.

The CRB should have "problem solving" as a focal point of its analysis regarding complaints against the police. A large percentage of the complaints against police officers focus on tone of voice, choice of words, attitude, demeanor, behavior, posture, mind-set, insensitivity, and rudeness. These complaints do not rise to the level of serious misconduct such as beating a suspect in custody. A problem solving approach to these issues can lead to policy or procedure changes as well as changes in training.

Citizen complaints can be a valuable source of information on issues negatively affecting police operations. The analyses of these complaints is of great value to police administrators in the day-to-day operations of their organizations and its relationship with the community. These complaints contain a wealth of information that can be used in a preventative fashion. Example: Identification of at-risk officers.

The committee believes that a CRB is not intended to replace police management; it is intended to supplement police management. It is intended to help the police identify issues before they become problems.

A CRB can serve as the medium to ensure the public understands that their concerns are being addressed. The police, on the other hand, need to have the confidence the CRB is fair and not antipolice.

The committee believes that a CRB should:

1. Make complaint processes more transparent.
2. Provide an appeal process for complaints.
3. Ensure that the complaint information can be used in trend analysis and problem solving.
4. Foster positive relationships between the police department and the community.

7. Committee Recommendation

The committee is recommending a model that contains fourteen (14) sections which the committee believes should be the “foundational” components of a Citizen Review Board (CRB) (see attachment “B”).

The committee believes that the model is in keeping with the ethical and professional standards of the National Association for Civilian Oversight of Law Enforcement in promoting public trust, integrity and transparency.

The committee is recommending to the Columbia City Council that input from appropriate stakeholders be sought on how the model should be properly implemented.

The committee did not make any recommendations concerning budget or staffing.

The committee had two additional non-mission related areas they wanted the City Council to be aware of. (See attachments “C” & “D”)

ATTACHMENT "A"

A literature review was conducted and the committee was provided information pertaining to CRBs from the following sources:

- Civilian Review Board Powers and Duties (Missouri Revised Statutes)
- Kansas City Office of Community Complaints
- Sample Citizen Review Board Model (ACLU)
- "Building Better Civilian Review Boards" (FBI)
- "Investigating Citizen Complaints is Different" from the San Francisco Office of Citizen Complaints
- City of Stuart Civilian Review Board
- Chicago Independent Police Review Authority
- A Review of Civilian Review (John Chasnoff)
- Citizen Review of the Ashton Police (Robert E. Worden)
- Richmond Kentucky Citizens Advisory Board
- Civilian Review Boards and Garrity
- Citizen Review of Police (Peter Finn)
- Prendergast, Canice. 2001. "Selection and Oversight in the Public Sector, with the Los Angeles Police Department as an Example," National Bureau of Economic Research #8664 (Cambridge, MA); and Social Science Research Network working paper series (www. ssnr.com).
- Schell, Grogger, Ridgeway, Dixon, Turner and Riley. 2007. "Police Community Relations in Cincinnati: Year Three Evaluation Report." RAND Safety and Justice Technical Report (RAND Corporation: Santa Monica, CA).
- Shi, Lan.2005. "Does Oversight Reduce Policing? Evidence From the Cincinnati Police Department After the April 2001 Riot," invited presentation at the annual meetings of the Allied Social Science Associations (Boston, MA, January 6-8, 2006); and Social Science Research Network working paper series (www.ssrn.com).
- Shi, Lan. 2008 (forthcoming). "The Limit of Oversight in Policing: Evidence from the 2001 Cincinnati Riot," *Journal of Public Economics*.
- Walker, Samuel. 2001. *Police Accountability: The Role of Citizen Oversight*. (Wadsworth/Thomson Learning: Belmont, CA).
- Worrall, John. 2002. "If You Build It They Will Come: Consequences of Improved Citizen Complaint Review Procedures," *Crime and Delinquency*, 48(3): 355-379.

ATTACHMENT "B"

City of Columbia
Citizen Police Review Board (CRB)
Model

SECTIONS:

- 1 CITIZENS POLICE REVIEW BOARD (CRB)
INTRODUCTION AND OVERVIEW
- 2 APPOINTMENT AND REMOVAL OF CITIZENS POLICE
REVIEW BOARD MEMBERS
- 3 CITIZENS POLICE REVIEW BOARD SCOPE
- 4 DUTIES AND RESPONSIBILITIES OF CITIZENS POLICE
REVIEW BOARD
- 5 CONFIDENTIALITY OF RECORDS AND INFORMATION
- 6 RELATIONSHIP BETWEEN THE CITIZENS POLICE
REVIEW BOARD AND THE COLUMBIA POLICE
DEPARTMENT
- 7 COOPERATION WITH THE CITIZENS POLICE REVIEW
BOARD
- 8 INDEPENDENCE OF THE CITIZENS POLICE REVIEW
BOARD
- 9 FALSE REPORTS
- 10 RIGHTS PRESERVED
- 11 INVESTIGATOR
- 12 ADVOCATE
- 13 EVALUATION OF CRB
- 14 IMPLEMENTATION OF THE CRB

SECTION 1

CITIZEN POLICE REVIEW BOARD INTRODUCTION

The Citizens Oversight Committee recommends that the Columbia City Council adopt an ordinance creating a new city board called the Citizens Police Review Board (hereafter referred to as the CRB). The CRB will report to the City Council.

The CRB will conduct its duties in a manner governed by transparency and accountability in accordance with the ordinance and city, state and federal laws. The goal is to increase public confidence in our police officers and the policies and procedures which govern them.

The mission of the CRB is to provide fair, impartial, thorough, accurate and objective oversight of the Columbia Police Department (CPD), including their internal affairs process. The CRB shall also have the requisite authority and responsibility to review and make recommendations to the Chief of Police and City Manager on complaints and compliments about sworn officers made by citizens or by other members of the police force. The CRB will also implement other duties as described below.

The CRB will conduct itself in a non-adversarial manner and adhere to an unimpeachable standard of independence, objectivity, and fairness.

The CRB acknowledges that most officers endeavor, often under dangerous and stressful circumstances, to carry out their duties in a restrained, lawful and professional manner.

The CRB also acknowledges that the citizens of Columbia, Missouri have an expectation that adequate processes are in place to review and investigate questionable or unacceptable actions of CPD officers. The CRB will protect the due process rights of citizens and officers throughout the complaint process.

The CRB will be responsible for:

1. Improving communication between the Columbia Police Department and the community they serve by hosting public meetings and educational programs for Columbia residents and police officers.
2. Hearing appeals in public from complainants (citizens and officers) who are not satisfied with the results of their complaints; directing additional investigations to be conducted if warranted; and issuing recommendations to the Chief of Police and City Manager on their findings.

3. Instituting reviews and recommendations to the Chief and City Manager on police policies, procedures and training.
4. Preparing an annual report and other periodic reports for the Columbia City Council that assesses the overall performance of the Columbia Police Department. These reports shall analyze citizen and police complaints; include demographic data on complainants, complaint disposition, investigative findings and disciplinary action for improper findings; and report on community outreach and educational programs and recommendations made on police policies, procedures and training.

Section 2

APPOINTMENTS AND REMOVAL OF CITIZENS POLICE REVIEW BOARD (CRB) MEMBERS

1. APPOINTMENT

The CRB members shall be appointed as follows:

- The City Council shall solicit applications from the general public for individuals wishing to serve on the CRB.
- The applicant shall be a resident of Columbia, Missouri and a registered voter.
- The City Council shall obtain information about the applicant including a criminal history check to ensure he or she is qualified to serve on the CRB.
- The applicant shall not be a party in any pending litigation against the City of Columbia or any employee of the City of Columbia
- Members may not be either a holder of or a candidate for elective office.
- The members of the CRB shall reflect the cultural and racial diversity of Columbia.
- The City Council shall elect nine members to serve on the CRB.

- The members shall include an ex-officio, non-voting member from the Columbia police department. The ex-officio, non-voting member is in addition to the nine. The ex-officio, non-voting member is the Chief of Police or his or her designee.

The CRB member terms shall be as follows:

- 3 members are appointed for 2 year (eligible for reappointment)
3 members are appointed for 3 years (eligible for reappointment)
3 members are appointed for 4 years (not eligible for immediate reappointment)
- After the first rotation cycle for each of the 3 groups the appointment period is for 3 years.
- The members shall not serve more than six consecutive years.
- Chair shall be elected by the CRB membership for a 1 year term. Individuals may be elected to consecutive terms as Chair.

The CRB members shall upon appointment:

- Participate in orientation and training activities that shall include, but are not limited to, review of the Professional Standards Unit's operating policies and procedures, and a ride-along with officers. Blocks of training may include, but are not limited to the following topics: false arrest, use of force, search and seizure, traffic stops, racial profiling, and cultural diversity.

2. REMOVAL

Prior to the expiration of his or her appointed term, the CRB may recommend to the City Council that a member of the CRB be removed from the board. This will require a majority vote of the CRB membership. Cause includes:

1. A persistent failure to perform his or her duties on the board
2. The City Council can remove a member of the CRB for cause.

Section 3

CITIZENS POLICE REVIEW BOARD (CRB) SCOPE

The CRB shall have the authority to exercise its duties and responsibilities, as outlined in sections four (4) through fourteen (14), with regard to police officer activities conducted under authority of the City of Columbia.

Section 4

DUTIES AND RESPONSIBILITIES OF CITIZENS POLICE REVIEW BOARD (CRB)

A. CONDUCT MEETINGS.

The board shall conduct monthly meetings, with time set aside for public comment. A meeting shall be held to present its annual report to the public and to hear public comment. In addition, the CRB shall from time to time meet with citizens groups to learn of citizen concerns and to inform the citizens of relevant information regarding the activities of police and the CRB.

The CRB shall meet semi-annually in public with the Chief of Police to discuss any issues of concern and to make recommendations for ways that the police can improve their relationship with citizens. Recommendations may also be made regarding policies, rules, hiring, training, and the complaint process.

The board shall fix the time and place of its monthly meetings.

The board shall maintain records of its meetings and make them available to the public.

All public meetings of the CRB shall be subject to the open meetings law.

The Columbia City Manager will provide all necessary clerical assistance to the CRB.

The Columbia City Attorney shall be legal advisor to the CRB.

The number of CRB members required for a quorum shall be five.

B. ADVISE ON POLICE DEPARTMENT OPERATIONS

The CRB shall review methods for handling complaints and advise the Chief of Police on such areas as external accountability, transparency, fairness, equity, public relations, etc.

C. APPEAL PROCESS

Any external complainant or police officer may file with the CRB an appeal of the findings of an internal investigation conducted by the Professional Standards Unit of the Columbia Police Department. Upon receipt of such an appeal, the CRB shall:

1. Review the completed investigation.
2. Determine whether or not further investigation is warranted and, if necessary, ensure that a timely, thorough, complete, objective and fair follow-up investigation is conducted. The CRB may contract with an independent investigator for follow-up and/or additional investigations. The CRB may direct the Professional Standards Unit to conduct a supplemental investigation as it deems necessary.
3. Provide timely updates on the progress of the review and any follow-up investigation to the complainant and the employee who was the subject of the original investigation, unless the specific facts of the investigation would prohibit such notification.
4. Based on the review of the original investigation and the results of any follow-up investigation (if conducted), reach an independent finding as to the facts based on a preponderance of evidence. If the CRB is not satisfied with the results of the investigation it shall make its concerns known in writing to the City Manager and the Chief of Police.
5. Communicate these findings on a timely basis to the person filing the appeal, the police officer who was the subject of the original investigation, and the Chief of Police, who will have the final decision.
6. Issue a final public report to the City Manager on each complaint appealed to the CRB which sets forth factual findings and a written conclusion which explains why and the extent to which the complaint is either "sustained" or "not sustained"
7. The CRB shall have on hand a current copy of the Columbia Police Department's Standard Operating Procedures for reference.

8. The CRB has the authority to contract with an independent investigator as needed.

D. MEDIATION

The CRB shall develop an alternative dispute resolution process for resolving those citizen complaints which involves conduct that may most appropriately be corrected or modified through less formal means.

E. POLICY RECOMMENDATIONS

The CRB shall develop specific recommendations as to the policies, procedures, practices and training of Columbia Police Officers. Such recommendations should have as their goal improved professionalism, safety, effectiveness, accountability, and community relations of the Columbia Police Department.

The CRB shall make recommendations to the Chief of Police and/or the City Council as appropriate.

F. COMMUNITY OUTREACH

The CRB may disseminate information pertaining to their role in improving police-community relations.

The CRB may ensure the citizen complaint process is accessible to the entire community.

The CRB may take an active role in recommending community outreach programs between CPD and the public, to improve community relations.

G. REPORTING

The CRB shall review internal investigations conducted by the Professional Standards Unit of the Columbia Police Department to ensure the investigations are complete, thorough, objective, fair and accurate.

The CRB shall file annually a public report with the Columbia City Council which shall at a minimum contain:

1. Analysis of citizen/police complaints
2. Demographic data on complainants
3. Complaint disposition
4. Investigative findings and disciplinary action for improper findings
5. Community outreach efforts
6. Educational programs presented

7. Recommendations made on police policies, procedures and training.
8. No report to the Columbia City Council will contain the names of any individual police officer.
9. Analysis of false reports appealed to the CRB

Section 5

CONFIDENTIALITY OF RECORDS AND INFORMATION

The CRB shall comply with all state and federal laws requiring the confidentiality of law enforcement records, information, and confidential personnel records; and respect the privacy of all individuals involved.

Section 6

RELATIONSHIP BETWEEN THE CITIZENS POLICE REVIEW BOARD (CRB) AND THE POLICE DEPARTMENT

The Chief of Police shall, jointly with the CRB, develop standard operating procedures to govern the relationship and flow of communication and work products between the CRB and of the Columbia Police Department.

The CRB shall provide the Chief of Police and the Professional Standards Unit with expeditious notification of appeals and findings and with such information and cooperation as is appropriate and necessary.

Section 7

COOPERATION WITH THE CITIZENS POLICE REVIEW BOARD (CRB)

The Professional Standards Unit shall be required to cooperate fully and truthfully with the CRB operating within the course and scope of this ordinance, by providing the CRB with any and all information, evidence, interviews, or other material as requested.

The CRB shall make a request, in writing, to the Chief of Police to cooperate on further investigation whenever the CRB determines that further investigation by the police is warranted. Unless the CRB receives a satisfactory written response from the Chief of Police, the CRB shall make a request, in writing, for further investigation to the City Council.

No person shall directly or indirectly force, or by any threats to person or property, or in any manner willfully intimidate, influence, impede, deter, threaten,

harass, obstruct or prevent, another person from freely, fully and truthfully cooperating with the CRB under the penalty of law.

Section 8

INDEPENDENCE OF THE CITIZENS POLICE REVIEW BOARD (CRB)

The CRB shall, at all times, be totally independent. Any findings, recommendations and requests made by the CRB shall reflect the views of the CRB alone.

No person shall attempt to unduly influence or undermine the independence of the CRB in the performance of the duties and responsibilities set forth in this Ordinance.

Section 9

FALSE REPORTS

The Citizens Police Review Board (CRB) shall have the discretion to decline further action on an appeal to the CRB if it is found that there is a reasonable belief that the alleged acts of misconduct in the appeal are false and that the person(s) filing the complaint knew them to be false at the time the appeal was filed.

Section 10

RIGHTS PRESERVED

All rights enjoyed by sworn police officers employed by the City of Columbia are preserved in this ordinance, and nothing herein is intended to wave, diminish or interfere with any such rights.

All common law rights enjoyed by complainants and police officers, such as privacy and freedom from defamation, shall be protected during the process set out in this ordinance, and it shall be the Citizens Police Review Board's (CRB's) duty to protect said rights.

Notwithstanding the above provisions, no CRB member shall be liable to any person for damages or equitable relief by reason of any investigation or recommendation or report made by either a CRB member or by the CRB itself.

Section 11

CRB INVESTIGATOR

The CRB may employ the services of an investigator as needed.

The Investigator would be responsible for conducting investigations, producing reports and presenting information on investigations to the CRB.

Section 12

Advocate

The CRB will recruit community members to serve as advocates for complainants and will provide training to all people whose names will be maintained on a roster of potential advocates.

Every person who inquires about filing a complaint will be offered an advocate by the CRB. Every person who requests mediation will be encouraged to be assisted by an advocate.

An advocate may be any person selected by the complainant to serve as his or her advocate, including but not limited to an advocate trained by the CRB.

Section 13

EVALUATION OF CRB

On a set schedule a review shall be made of the effectiveness of the CRB.

The City Council may consider a sunset of the ordinance if it is found that the CRB is not effective.

Section 14

IMPLEMENTATION OF THE CRB

The City Council shall provide adequate staff and funding for the CRB.

ATTACHMENT "C"

The committee believes the Columbia Police Department should maintain a professional and documented data base system that collects all relevant data related to citizen complaints. This will enable meaningful reports to the city council and provide raw data that may be audited by the CRB.

Such a system should:

- Help to make sure that a police agency attains the highest level of professional standards and excellence.
- Assist police departments in identifying potential problems early on, so that proactive action can be taken.
- Provide a means to analyze and identify areas of concern.

ATTACHMENT “D”

The committee believes that the Columbia City Council should consider having the Columbia Police Department accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards upon which the Law Enforcement Accreditation Program is based reflect the current thinking and experience of law enforcement practitioners and researchers. Among the many benefits of accreditation there were two that the committee felt were particularly important:

1. CALEA Accreditation is a means for developing or improving upon an agency’s relationship with the community.
2. CALEA Accreditation strengthens an agency’s accountability, both within the agency and the community, through a continuum of standards that clearly define authority, performance, and responsibilities.

The Law Enforcement Accreditation Program was the first credentialing program established by CALEA after its founding. It was originally developed to address what was seen as a need to enhance law enforcement as a profession and to improve law enforcement. That mission continues today. The program is open to all types of law enforcement agencies, on an international basis. It provides a process to systematically conduct an internal review and assessment of the agency’s policies and procedures, and make adjustments wherever necessary to meet a body of internationally accepted standards.

Since the first CALEA Accreditation Award was granted in 1984, the program has become the primary method for an agency to voluntarily demonstrate their commitment to excellence in law enforcement. The standards upon which the Law Enforcement Accreditation Program is based reflect the current thinking and experience of law enforcement practitioners and researchers. Major law enforcement associations, leading educational and training institutions, governmental agencies and law enforcement executives internationally acknowledge CALEA’s Standards for Law Enforcement Agencies and its Accreditation Program as benchmarks for today’s law enforcement agencies.

- CALEA Accreditation requires an agency to develop a comprehensive, well thought out, uniform set of written directives. This is one of the most successful methods for reaching administrative and operational goals, while also providing direction to personnel.
- CALEA Accreditation standards provide the necessary reports and analyses a CEO needs to make fact-based, informed management decisions.

- CALEA Accreditation requires a preparedness program be put in place so an agency is ready to address natural or man-made unusual occurrences.
- **CALEA Accreditation is a means for developing or improving upon an agency's relationship with the community.**
- **CALEA Accreditation strengthens an agency's accountability, both within the agency and the community, through a continuum of standards that clearly define authority, performance, and responsibilities.**
- Being CALEA Accredited can limit an agency's liability and risk exposure because it demonstrates that internationally recognized standards for law enforcement have been met, as verified by a team of independent outside CALEA-trained assessors.
- CALEA Accreditation facilitates an agency's pursuit of professional excellence.

The following are CALEA community involvement related standards for the "Standards for Law Enforcement Agencies, 5th Edition."

45.2.1

The community involvement function provides the following, at a minimum:

- A. Establishing liaison with existing community organizations or establishing community groups where they are needed.
- B. Assisting in the development of community involvement policies for the agency.
- C. Publicizing agency objectives, community problems, and successes.
- D. Conveying information transmitted from citizens' organizations to the agency.
- E. Improving agency practices bearing on police community interaction.
- F. Develop problem oriented or community policing strategies.

Commentary:

Law enforcement agencies should establish direct contact with the community served. Without "grass roots" community support, successful enforcement of many laws may be difficult, if not impossible. Community involvement can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that agency policies accurately reflect the needs of the community.

The intent of this standard is to establish agency accountability for the community involvement function in writing. The function should be developed and operated to effectively meet the needs of the agency, as well as the community it serves.

Because the conduct of each employee reflects on the agency as a whole, the burden of achieving the agency's community relations objective should be shared. A unified, coordinated effort should require the participation, enthusiasm, and skills of all agency personnel.

52.1.1

A written directive requires all complaints against the agency or its employees be investigated, including anonymous complaints.

Commentary:

To ensure the integrity of its operation and personnel, agencies should investigate all allegations of misconduct, regardless of their source. Anonymous complaints can be difficult to investigate; however, the agency should review each complaint for validation before disregarding it for lack of a credible complainant.

Attachment “E”

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Source of material:

Columbia Police Department

Date of Presentation:

May 1, 2008

Purpose of report:

This report describes the outcome of complaints made by citizens between 2005 and 2007 against Columbia police officers. Analysis is disaggregated by demographic characteristics of complainants as well as type of complaint and outcome.

Attachment "E"

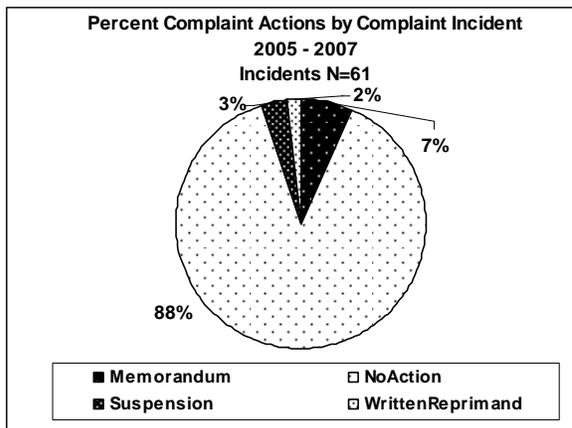
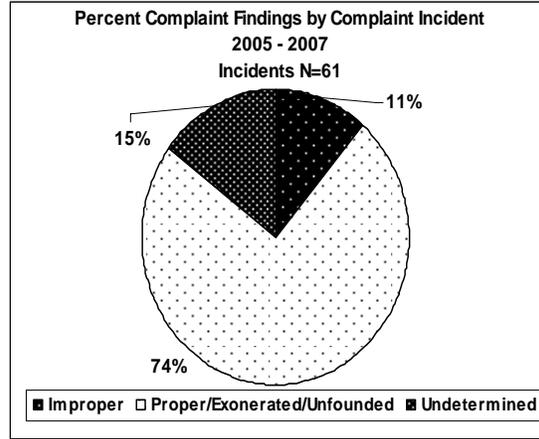
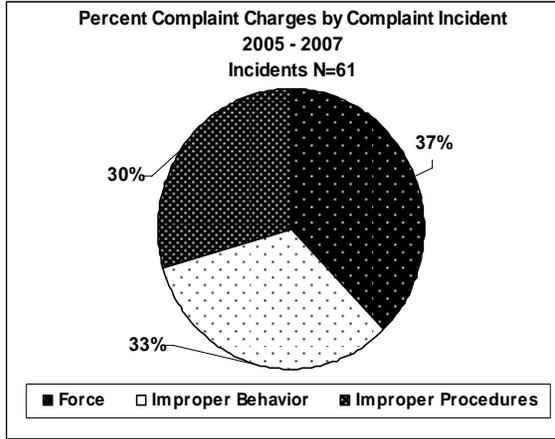
Analysis of Columbia Police Department Reported Complaints 2005 - 2007

This analysis describes complaints lodged against officers in the Columbia Police Department (CPD) in 2005, 2006, 2007 by citizens or on behalf of citizens. Complainants are described by demographic characteristics. Complaints are described by the nature of the complaint, the findings of the CPD of the legitimacy of complaints, and the administrative action for officers based on these findings.

- Analysis includes presentation of data organized by four unique units of analysisⁱ
 - Unique individualsⁱⁱ (demographics) who were directly involved in an incident, witness to an incident, or were the guardian, parent, or family member of someone involved in the incident.
 - Complaints – unique complaints by one or more individual regarding one or more officers (charges, findings, actions by demographics)
 - Unique Incidents of complaint – events from which one or more complaint by one or more individual was made regarding one or more officers (charges, findings, actions)
 - Unique officers by complaintⁱⁱⁱ (charges, findings, actions)

- Preliminary results:
 - Eighty-two unique individuals filed a total of 130 complaints stemming from 61 incidents during the calendar years 2005-2007.
 - Approximately 45 percent of complainants were White and 55 percent were African Americans.
 - Fifty-two percent were female; 56 percent were under 30 years of age; and approximately six percent were 50 or older.
 - Of the 130 complaints, 55 percent were in regard to use of force, 24 percent were in regard to officer's behavior, and approximately 21 percent were in regard to police procedure.
 - Of the complaints, 75 percent were determined to be unfounded. In 16 percent of cases the officer's actions were determined to be improper. The remaining nine percent were undetermined.
 - All undetermined cases involved African American complainants, of which 40 percent were cooperative in the investigation of the complaint.
 - Of the 21 complaints in which the officer's behavior was found to be improper, 14 officers were suspended, six received a memorandum or written reprimand, and one received a verbal caution/counseling.

Unique Incidents of Complaints



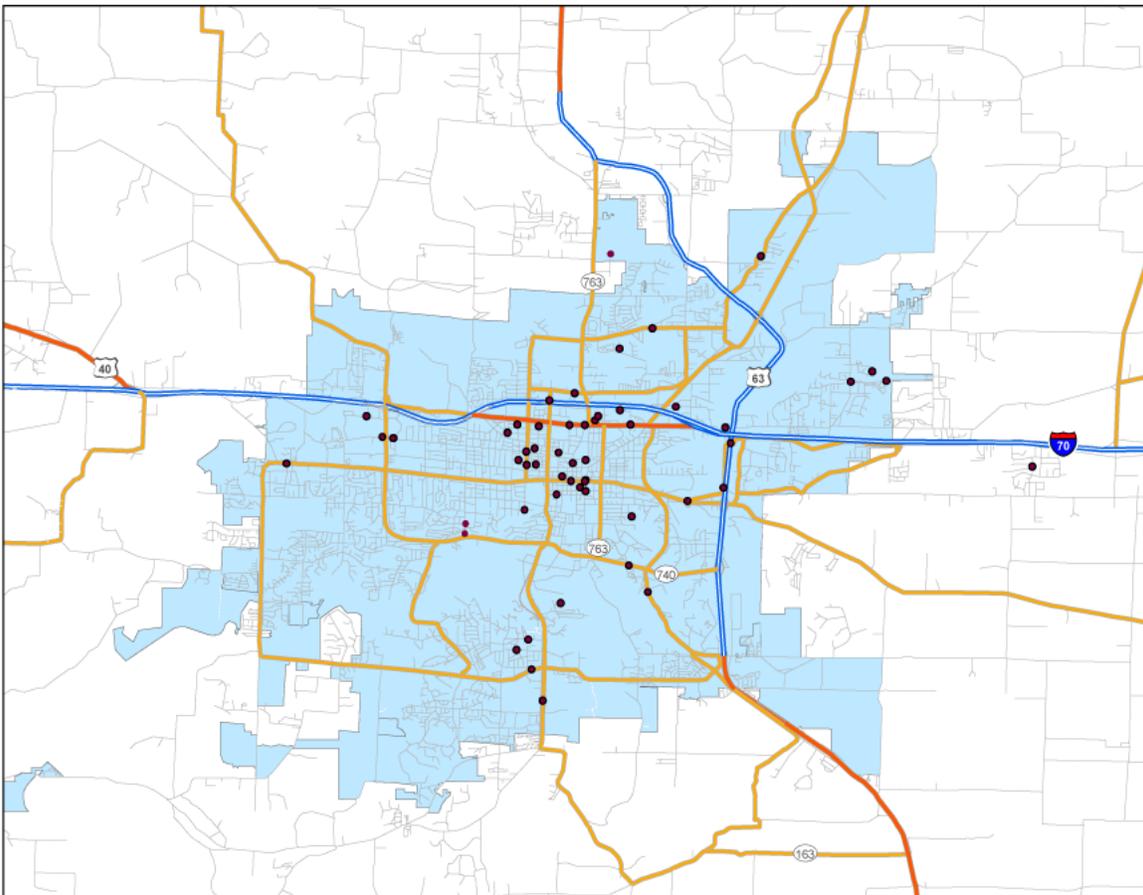
The 'Unique Incidents of Complaints' tables describe the frequency and percentage of charges and related findings and actions stemming from the 61 incidents resulting in 130 complaints made by 82 persons.

The frequency and percentage by incident will vary from analysis by complaint because incidents might involve more than one complainant, and/or more than one charge, and/or more than one officer.

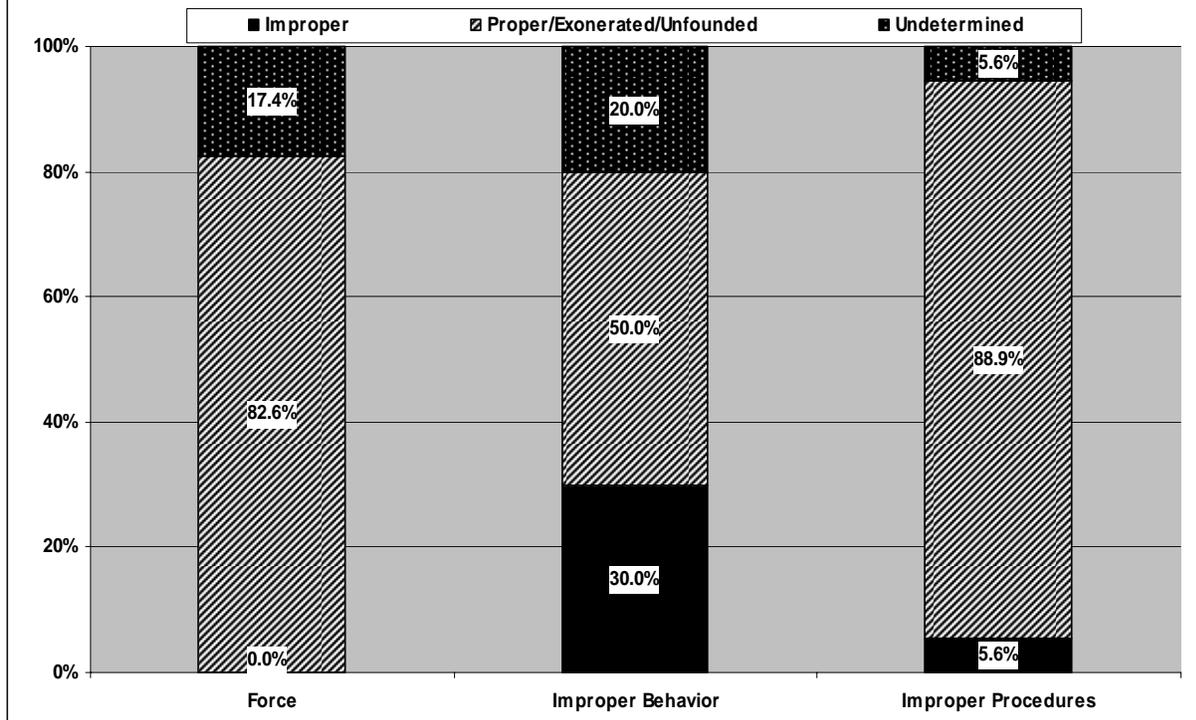
The table on page 3 describes the findings by category of charge by incident.

*** 57 Complainant Incidents mapped**

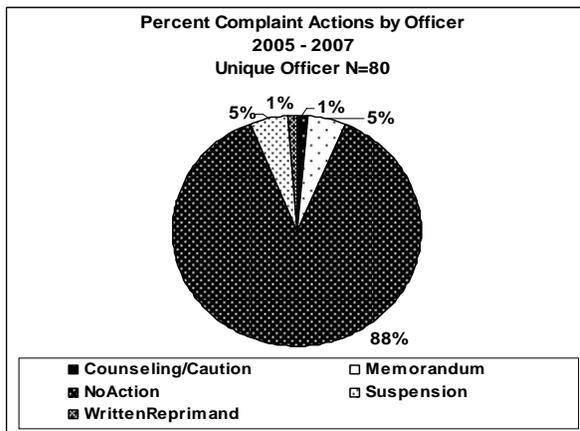
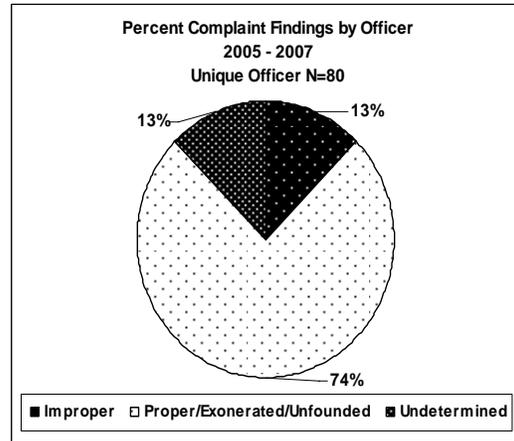
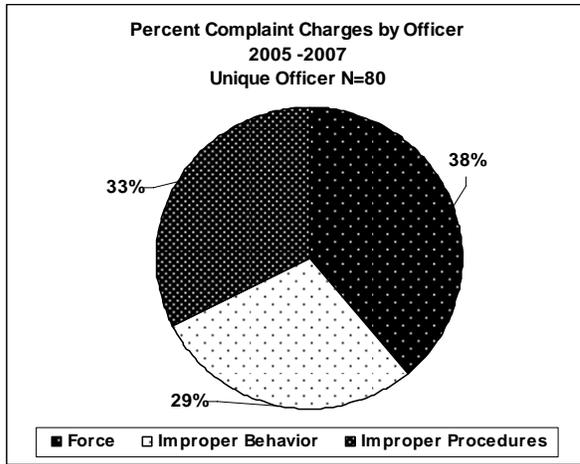
**Location of Complaint Incidents
2005 - 2007 (N=61)**



**Percent Complaint Findings by Charge by Complaint Incident
2005 - 2007
Incidents N=61**



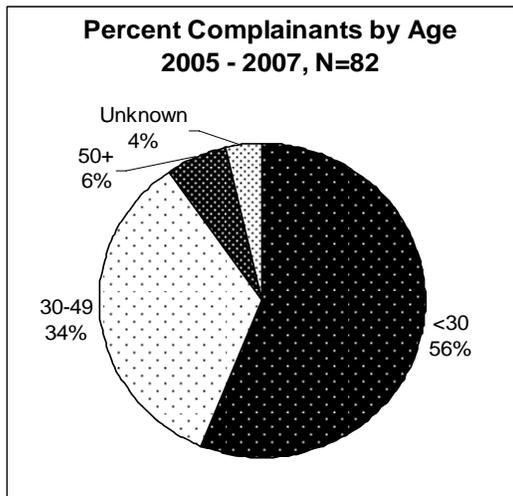
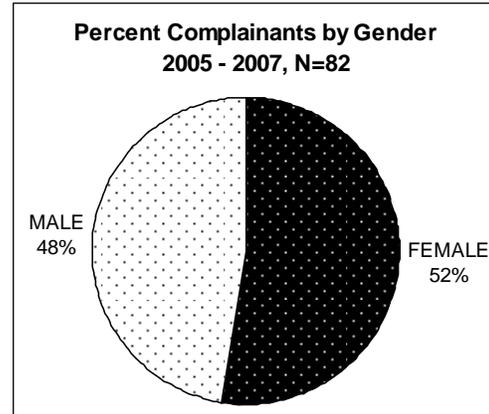
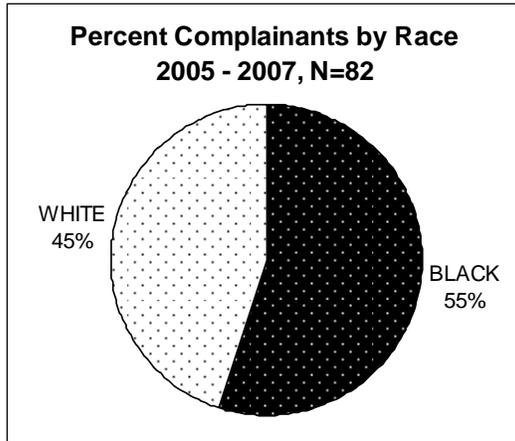
Unique Officers by Complaint



One hundred and thirty complaints were lodged against a total of 80 officers stemming from 61 incidents.

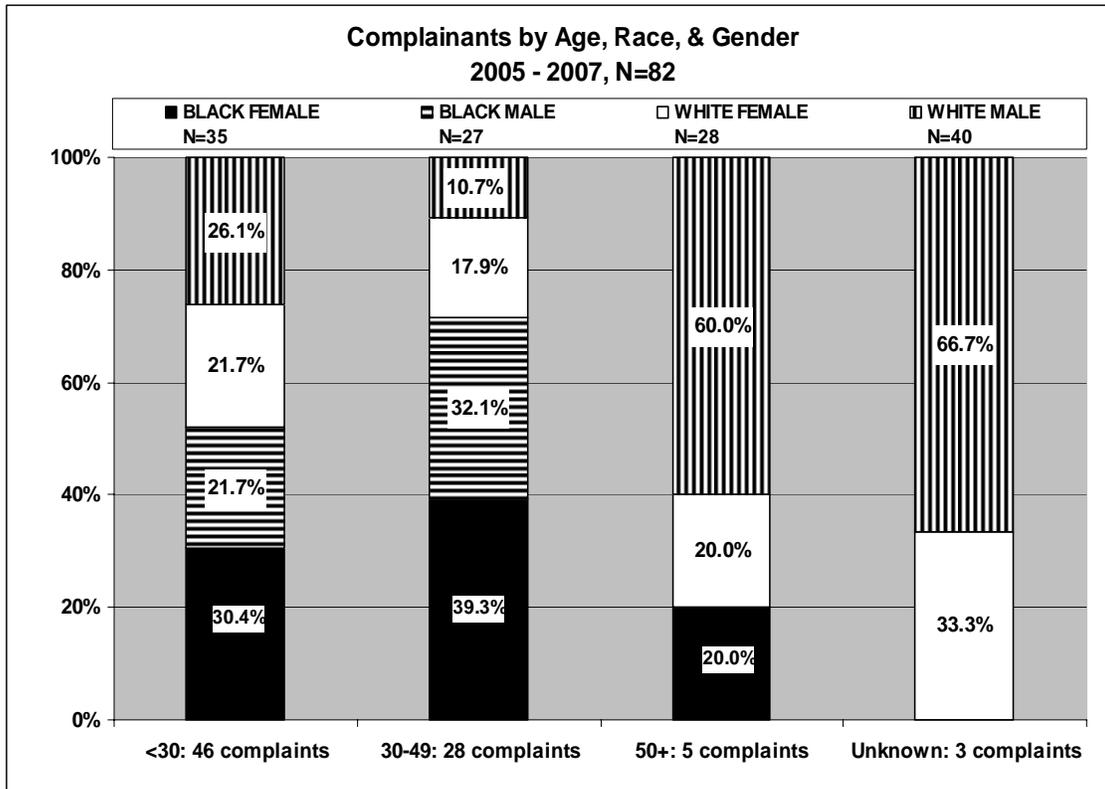
The frequency and percentage by officer varies from analysis by complaint because officers might be the subject of more than one charge and/or more than one complainant at an incident might make a charge.

Unique Individual Complainants



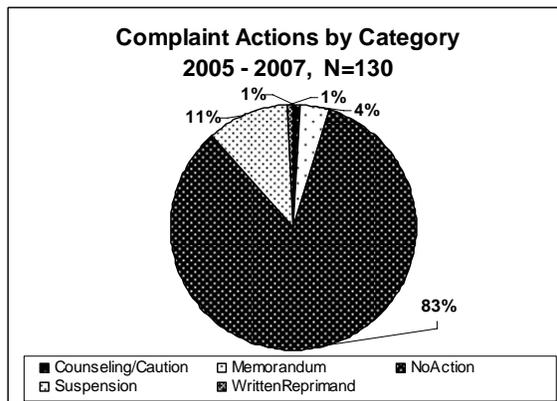
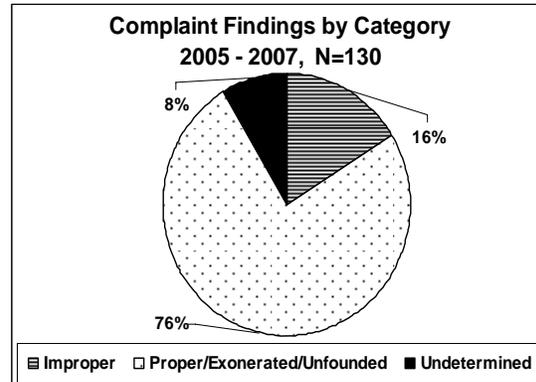
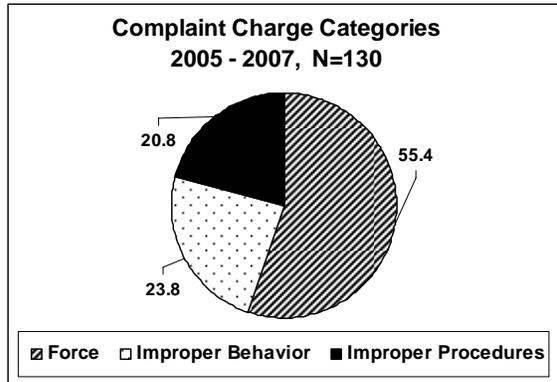
Between January 2005 and December 2007, a total of 82 individuals (see endnote II) lodged 130 complaints from events occurring during 61 incidents.

More than half of individuals lodging complaints were African American. More women than men were registered as the formal complainant (please see endnote I). Of the 96 percent of complainants with a reported age, the majority were under 30 years old.



The bar chart provides a graphic comparison of race and gender by age cohort. Complaints are relatively evenly distributed by gender and race for complainants under 30 years of age.

Unique Complaints

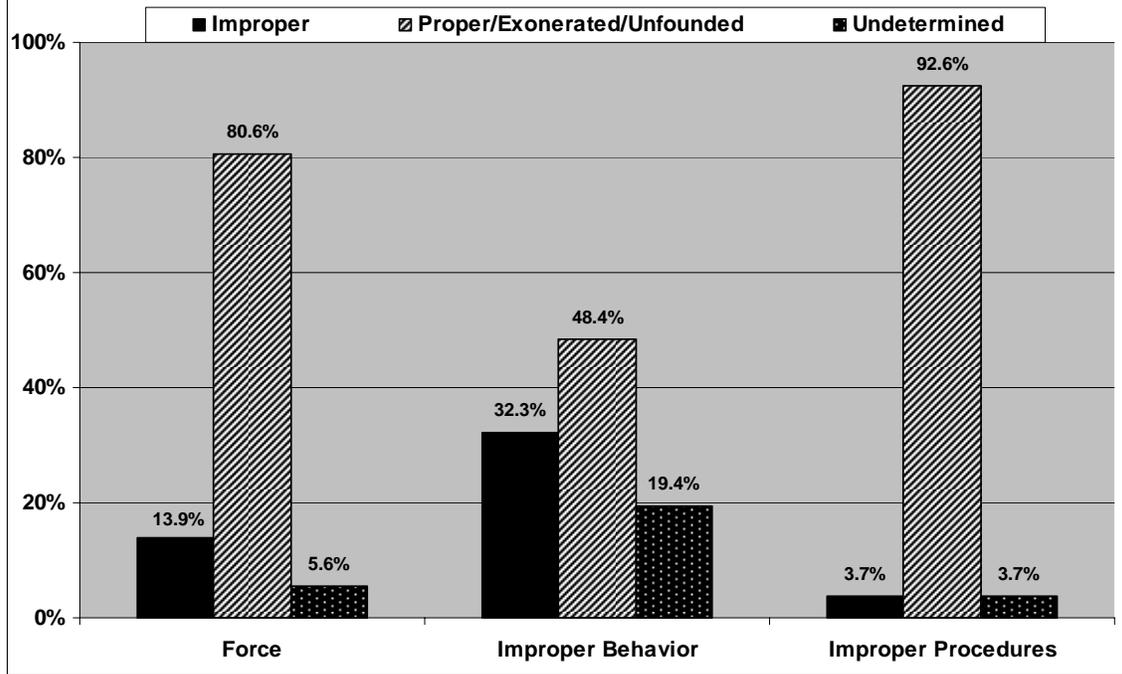


Of the 130 complaints filed, more than half alleged the use of excessive or unnecessary force by an officer. Approximately one-fourth alleged inappropriate behaviors on the part of officers, primarily defined as discourtesy.

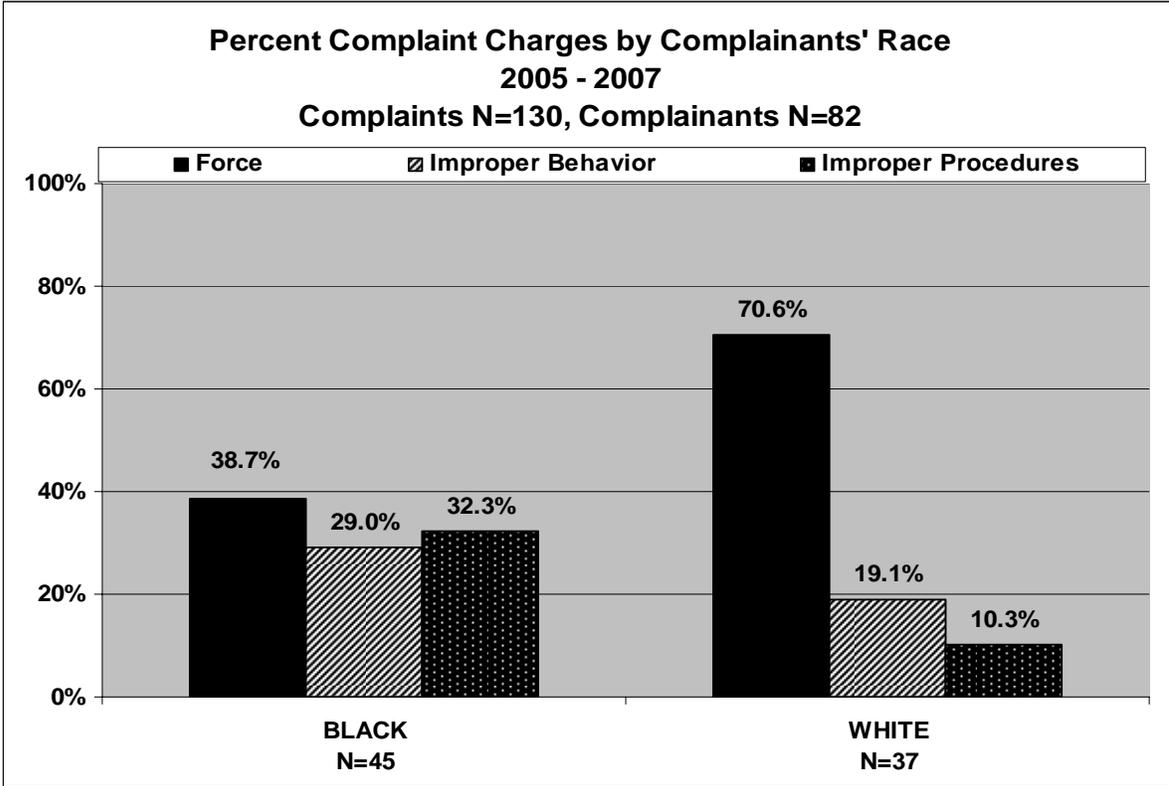
Of all complaints lodged during the three-year period, 72.3 percent were determined to be unwarranted, while in approximately 16% of cases, officers' behavior were considered improper.

No action was taken in 109 of 130 complaints, corresponding to the 84 percent of complaints determined as unwarranted or undetermined. Eleven percent of complaints resulted in suspension, four percent in a memorandum to the officer, and the remainder in the form of a written reprimand or a verbal caution or counseling.

**Complaint Charges by Findings
2005 - 2007
N=130**



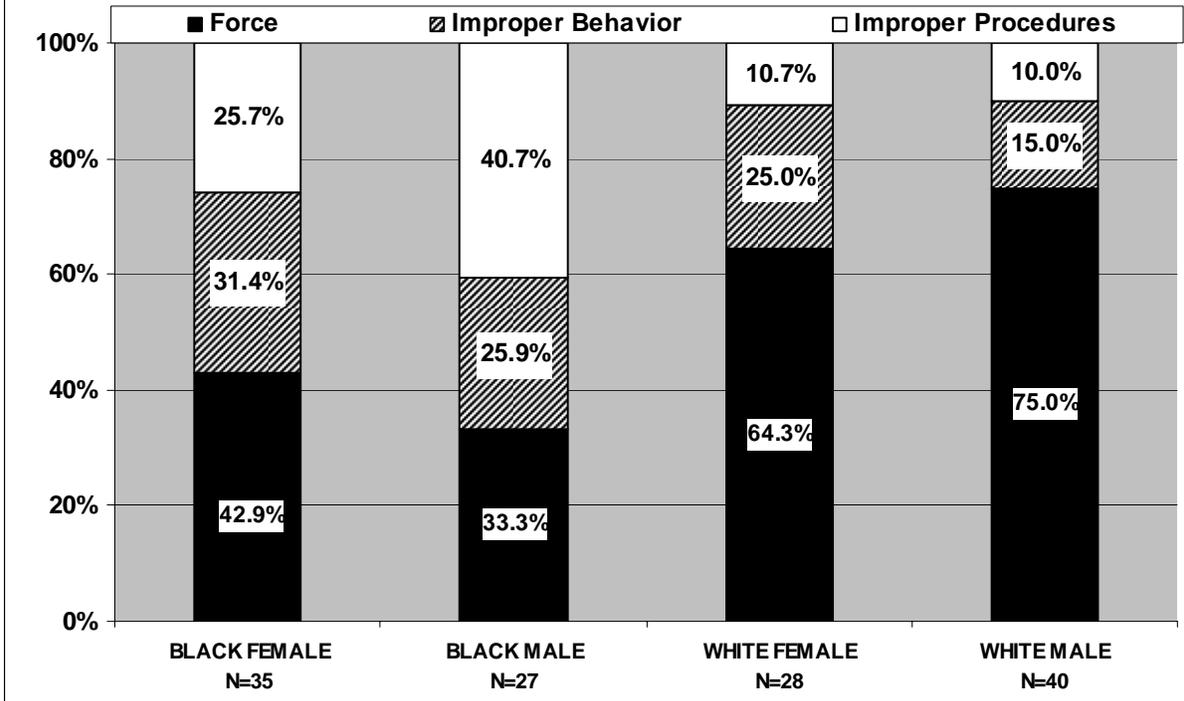
Approximately 80 percent of complaints alleging the unwarranted use of force were determined to be groundless and more than 90 percent of allegations of the improper application of procedures were found to be unwarranted. For all complaints regarding improper behavior by officers, slightly less than half were determined to reflect proper behavior by officers.



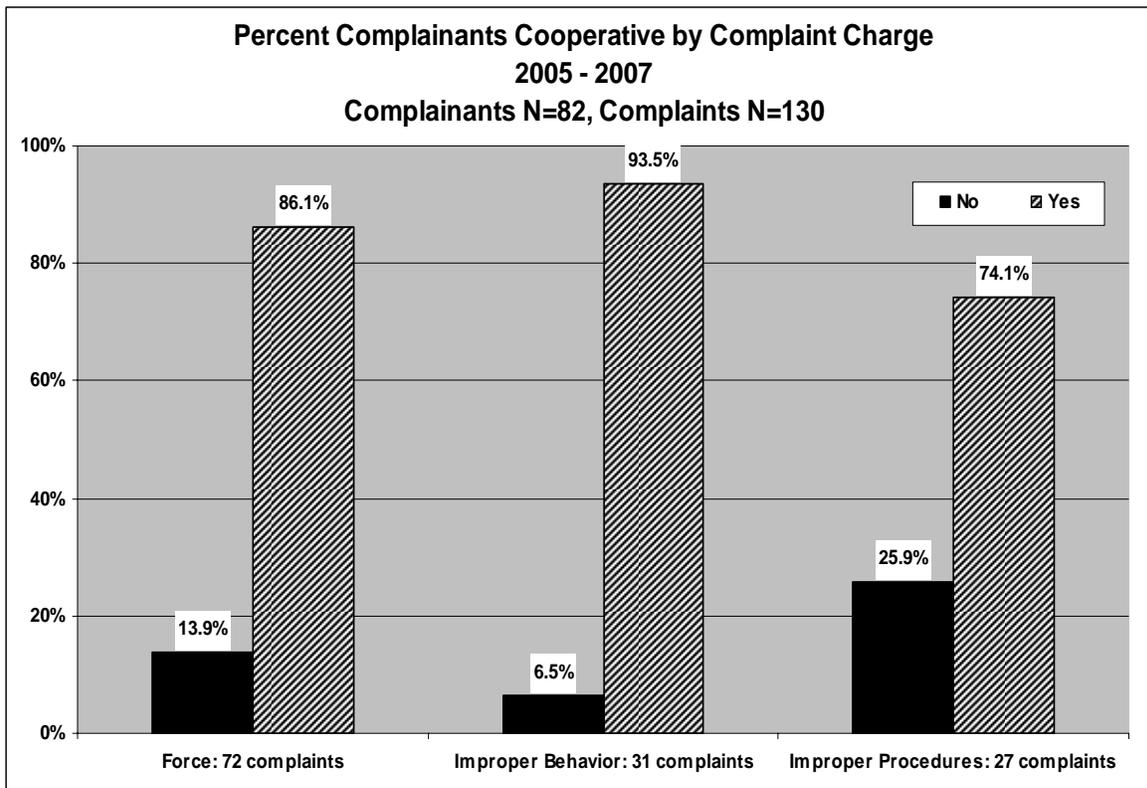
Of all complaints lodged by African Americans approximately 40 percent alleged the use of excessive or unnecessary force, while approximately 30 percent alleged improper behavior and 30 percent alleged the use of improper procedures. Of all complaints lodged by White complainants 70 percent alleged the inappropriate use of force, about 20 percent alleged improper behavior, and ten percent alleged officers conducted procedures improperly.

**Percent Complaint Charges by Complainants' Race & Gender
2005 - 2007**

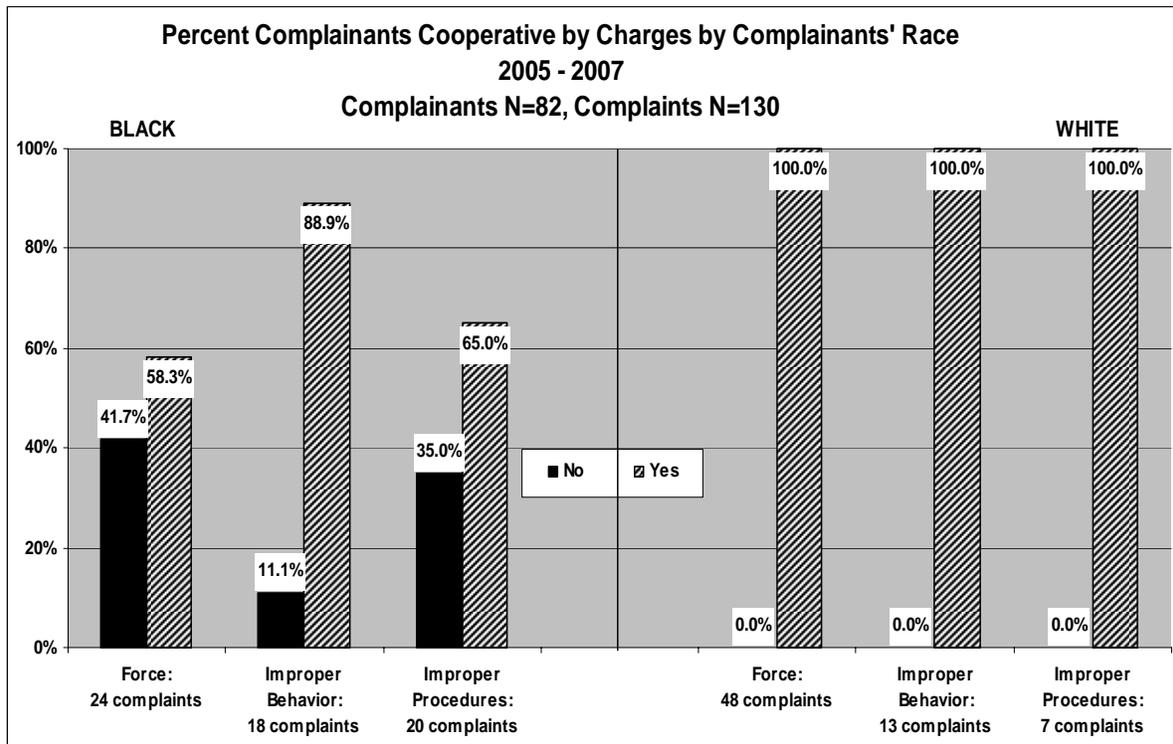
Complaints N=130, Complainants N=82



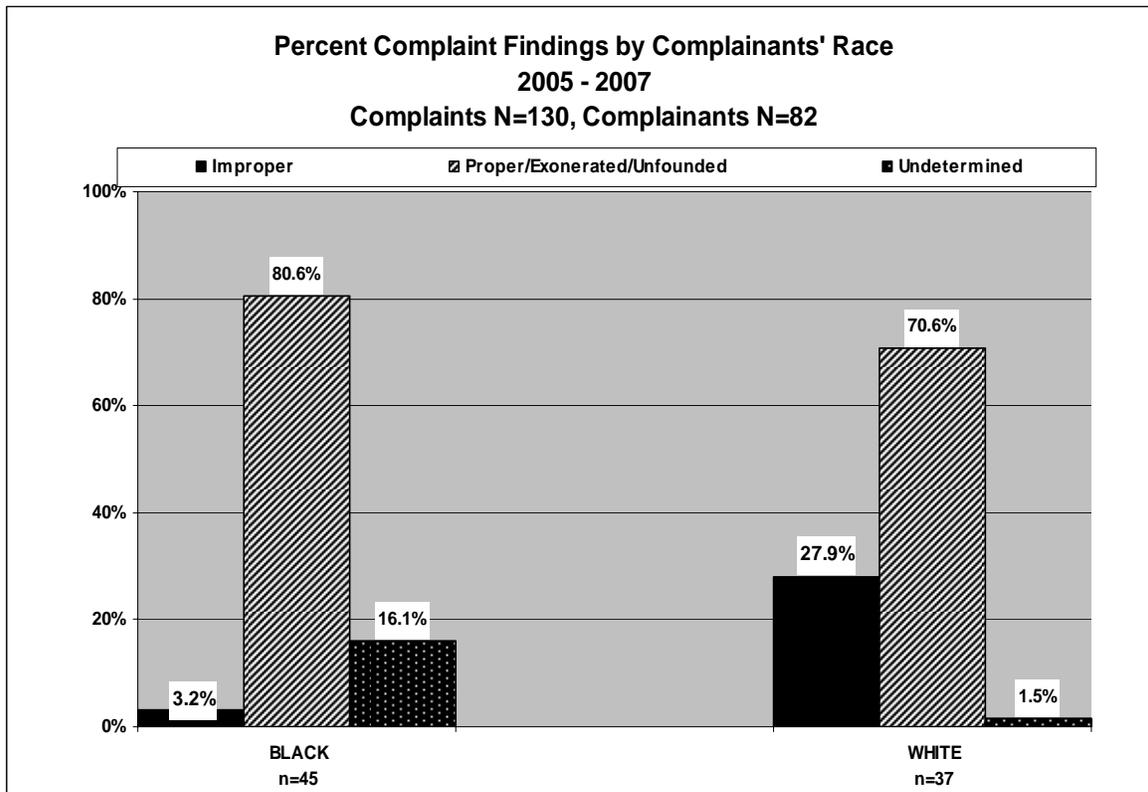
For African American women and both sexes of White complainants, the majority of complaints lodged involved issues of force, whereas the majority of charges made by African American males had to do with alleged misuse of police procedure.



When a complaint has been filed, supervising officers frequently need to follow-up with the complainant to fully determine the validity of the complaint. Of the 130 complaints, 85 percent of complainants were cooperative during follow-up. Complaints regarding 'Improper Behavior' had the highest rate of cooperation.

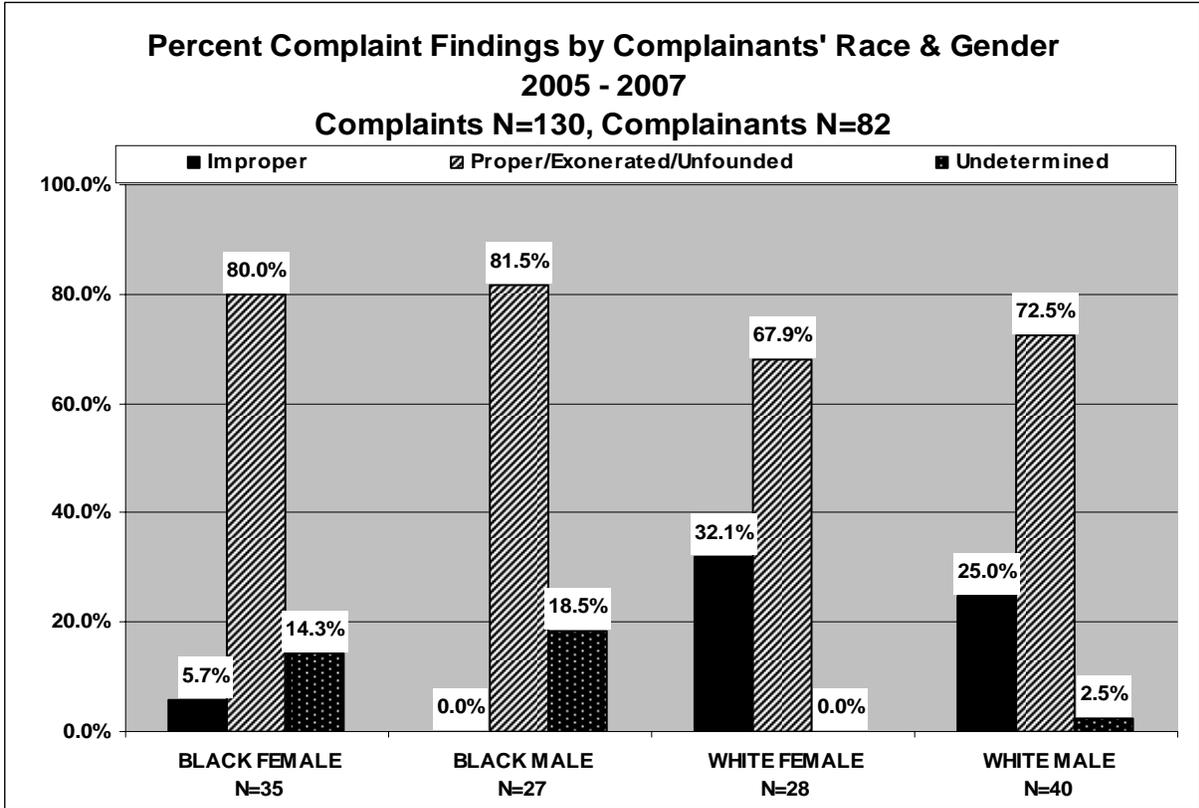


All White complainants were cooperative when a supervising officer contacted them to investigate a complaint regardless of complaint's charge. Approximately 70 percent of African American complainants responded to a supervising officer's investigation, particularly in regard to 'Improper Behavior' charges.

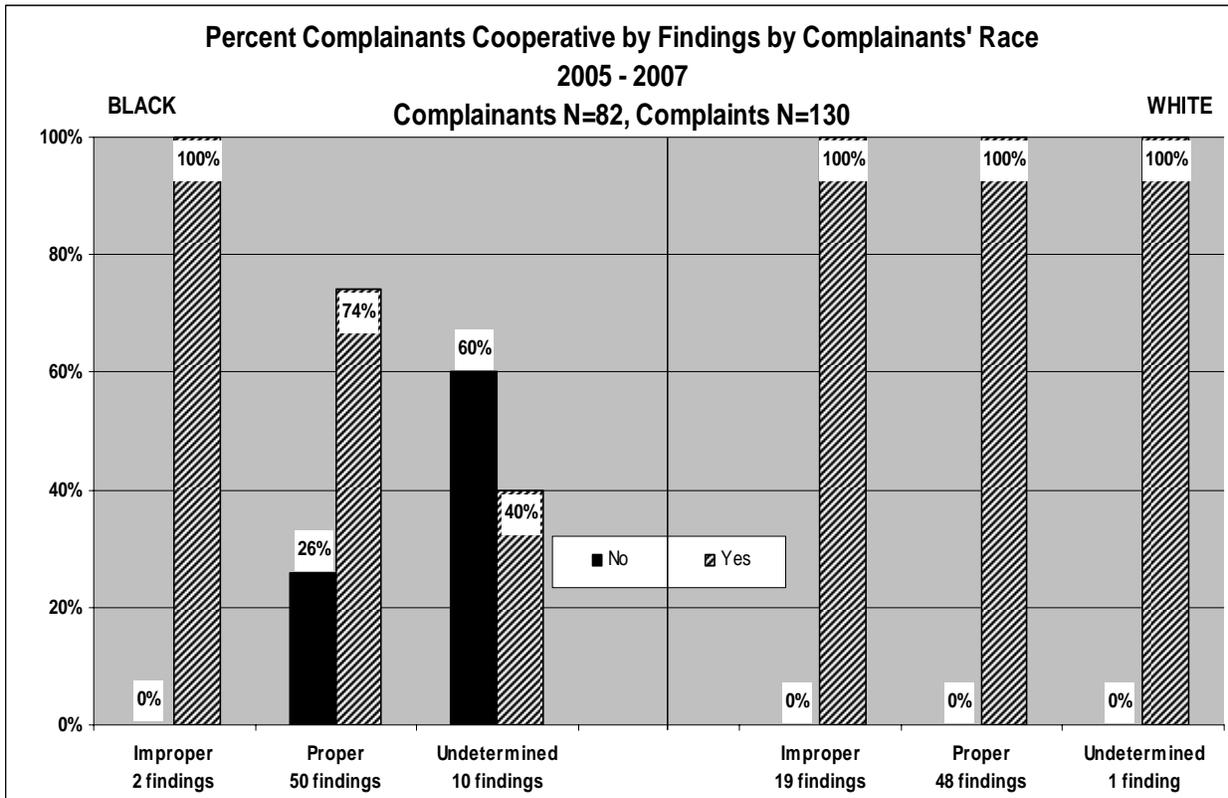


Officer conduct was found to be proper in 80.6 percent of complaints filed by African Americans compared to 70.6 percent of complaints filed by Whites. Nearly 30 percent of complaints by Whites resulted in a finding of 'Improper' compared to 3.2 percent of African Americans.

In cases where no finding was determined, 16.1 percent of complainants were African American compared to 1.5 percent of White complainants.



When considered by race and gender, the highest percentage of complaints found to be credible were made by white females. Conversely, no complaints lodged by black males were found to be improper.

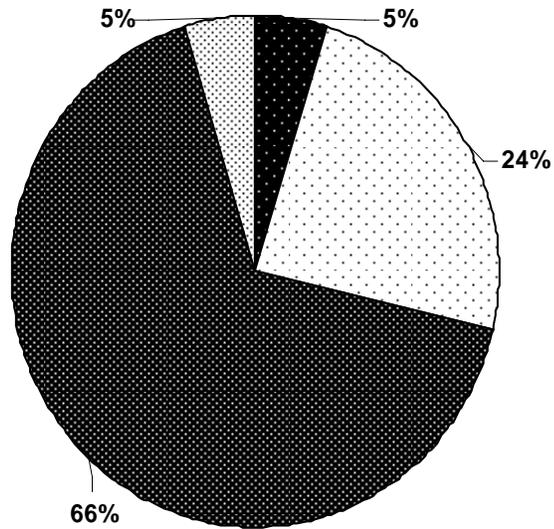


Of the 130 complaints investigated during the three-year period 2005-2007, investigators were unable to determine a proper or improper finding in 11 cases. Ten of the 11 'Undetermined' complaints were made by African Americans. Of those ten, six were not responsive to the investigating officer.

Of complaints determined 'Improper', 19 were made by White and two by African American complainants.

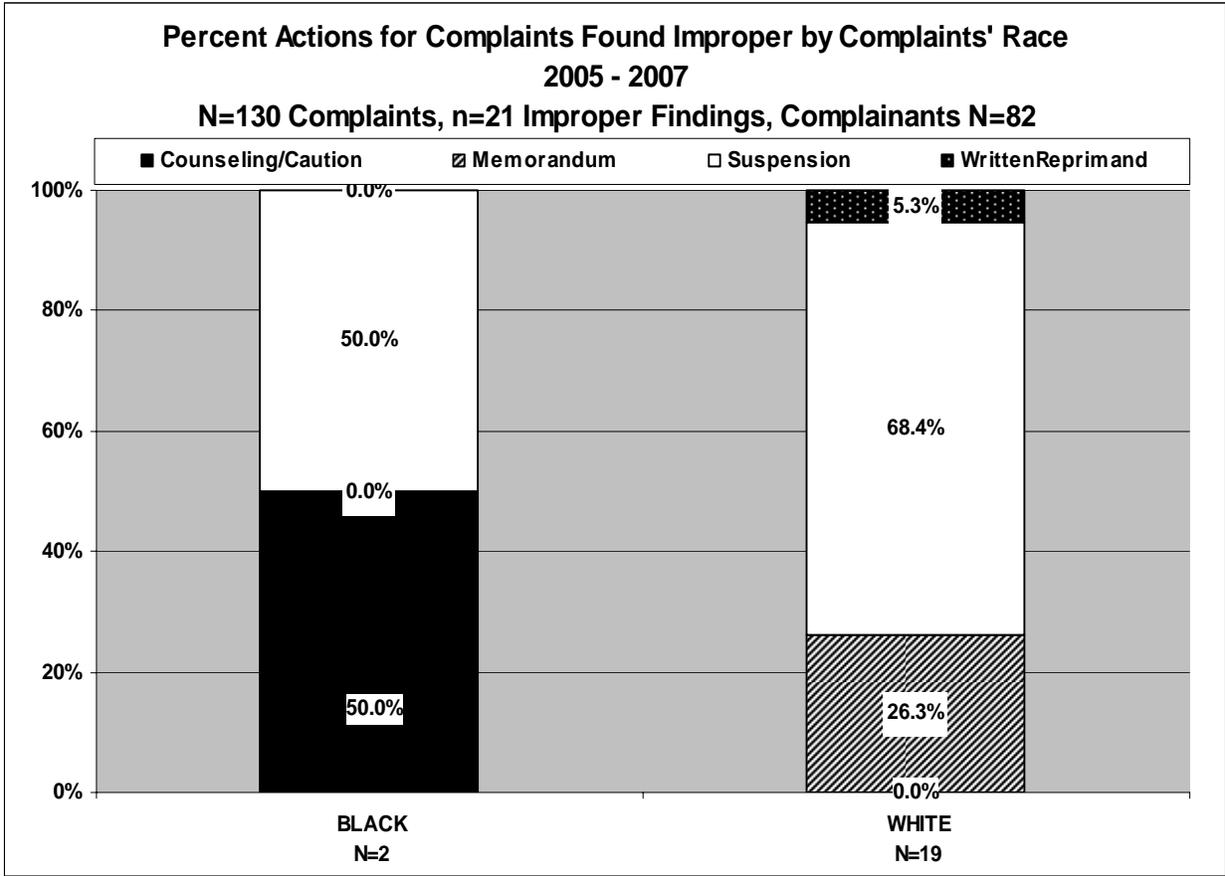
**Percent Actions for Complaints Found Improper
2005 - 2007**

Complaints N=130, Improper Findings n=21



■ Counseling/Caution □ Memorandum ■ Suspension □ Written Reprimand

In cases where an improper finding was determined, 66 percent resulted in an officer's suspension. Twenty-four percent resulted in a memorandum addressed to the officer. The remaining ten percent resulted in a written reprimand or verbal caution.



In the 21 cases where a finding of 'Improper' was determined, the resulting action was 'Suspension' for complaints made by Whites, approximately 70 percent of the time and for African Americans 50 percent of the time.

The other half of complaints lodged by African Americans that were deemed 'Improper' resulted in a recommendation for counseling, and/or a verbal caution was given, whereas the remaining approximately 30% of validated complaints by Whites resulted in a written memorandum or reprimand.

Process

- .PDF document > text editor > SPSS
- Data recoded to consistently represent unique complaints by (file layout):
 - Date of complaint
 - Demographics of complainant (race, gender, age, age cohorts [<30, 30-49, 50>])
 - Unique persons (count of unique individuals per complaint incident regardless of number of charges &/or number of officers complained against)
 - Officer(s) complaint filed against by incident
 - Findings aggregated into three categories from five categories (proper/exonerated/unfounded, improper, undetermined)
 - Charges aggregated into three categories (force, improper behavior, improper procedures)
 - 'Force' includes 'excessive force', 'unnecessary force'
 - 'Improper Behavior' includes 'discourtesy', 'harassment', 'conduct unbecoming', 'malfeasance of office', 'neglect of duty', 'duty to obey the law'
 - 'Improper Procedures' includes 'improper arrest', 'improper entry', 'improper procedures', 'improper search', 'unjustified arrest', 'unjustified search', 'too many officers on scene', 'misuse of authority'
 - Action defined by five codes: 'counseling/caution', 'memorandum', 'written reprimand', 'suspension', 'no action'
 - Notation, Notation2, Charge from original document
 - Year of occurrence of incident
 - Complainant cooperative in investigating complaint

ⁱ While this analysis can speak to the purported behavior of officers that resulted in a complaint and the outcomes of that complaint, data are not available to give context to the event that precipitated the complaint or to understanding the role of the complainant in the incident resulting in a complaint. For example, the complainant might have been under investigation, arrested, a witness to an incident, or a parent or guardian of a minor filing a complaint on the minor's behalf and based on the minor's description of the incident.

ⁱⁱ These are unique individuals by incident. It's not possible to ascertain from these data if an individual made more than one complaint about more than one incident.

ⁱⁱⁱ As with complainants, it's not possible to ascertain from these data if an individual officer is the subject of more than one complaint about more than one incident.

ATTACHMENT "F"

Explanation for Attachment: Understanding Disparity Data: An Application to Traffic Stops and Citizen Complaints about Police in Columbia

Author: Jeff Milyo

Presented: May 29, 2008

Purpose for Inclusion:

The Citizen Oversight Committee (COC) voted to include my report in an appendix to the committee report. I submitted this report to the COC in May 2008 in order to address a grievous misunderstanding among many committee members about the nature and importance of racial disparities in citizen complaints and traffic stops in Columbia.

The COC originally tasked me with conducting an analysis of citizen complaints on December 20, 2007, provided such data could be obtained by the COC chair. The reason that I volunteered to conduct this study for the committee was because of my extensive professional experience in statistical evaluation studies, including teaching a graduate course in the statistical analysis of racial disparities.

Instead, in mid-April 2008, I learned from local media reports that these complaint data had been made available, analyzed and discussed among an ad hoc group of committee members, without the participation or knowledge of the full committee (including myself). Further, my subsequent request to see either the report or the underlying complaint data were denied by the COC chair (although after repeated requests, I was eventually granted permission to access the complaint data at a later date).

On May 1st 2008, Dr. Greever-Rice presented the report on racial disparities in citizen complaints to the COC; Rex Campbell also presented a report on traffic stops in Columbia. Along with several other members of the COC, I was disconcerted by the quality and content of these presentations, as well as the apparent confusion these reports created among some members of the committee. For these reasons, I again volunteered to analyze these same data and report back to the full committee; there was again a consensus on the committee that I should be tasked with doing this. I was given access to the citizen complaint data one week later and I made a brief presentation to the COC on May 29, 2008.

Attached, please find copies of my Powerpoint slides used in the presentation to the committee. I would be happy to discuss my qualifications or the contents of this report in further detail, should there be any interest in doing so.

Submitted by Jeff Milyo
September 6, 2008

Understanding Disparity Data: An Application to Traffic Stops and Citizen Complaints about Police in Columbia

Jeff Milyo
University of Missouri
May 29, 2008

Many Sources of Disparity

- Differences in observed outcomes by race or ethnicity are commonplace
 - e.g., education, family structure, income, health, crime rates and crime victimization rates, etc.
- Policy researchers try to disentangle the extent to which disparities are the product of unequal treatment versus underlying social conditions.
 - This is not a simple task, but it is crucial to rational policymaking. The key question to always ask with disparity data is “compared to what?”

Important Caveats

- Race and ethnicity are associated with large and important differences in social conditions; these differences reverberate “downstream”...
- Consequently, equal treatment within a particular process or organization may nevertheless yield large disparities in outcomes
 - E.g. education, crime, politics

Example: Traffic Stops

- Racial disparities in traffic stops are ubiquitous in the US, but to what extent does this reflect disparate treatment by police or underlying social conditions associated with individual behavior?
- Researchers do not simply examine differences in stops by race or ethnicity because such differences are **expected** to arise because of underlying disparities in social conditions.

Recent Advances in the Analysis of Racial Disparities in Traffic Stops

- Grogger and Ridgeway (2006). "Testing for Racial Bias Behind a veil of Darkness," *Journal of the American Statistical Association*, 101(475): 878-898.
- Knowles and Persico (2001). "Racial Bias in Motor Vehicle Searches", *Journal of Political Economy*, 109(1): 203-229
- Hernandez-Murillo and Knowles (2004). "Racial Profiling or Racist Policing? Bounds Tests in Aggregate Data," *International Economic Review*, 45(3): 959-989.

Comparing "Hit Rates" in Traffic Stops and Searches

- Key insight: Racial bias in traffic stops and searches will result in *lower* "hit rates" for disfavored groups
- 2006 hit rates for whites versus blacks:

Columbia:	21.7% v. 23.4%
Jefferson City:	15.3% v. 11.1%
Kansas City:	20.8% v. 18.2%
St Louis City:	15.5% v. 27.6%
All Missouri:	22.6% v. 18.7%

By this measure, the CPD compares very favorably to the rest of the state...(caveat: more sophisticated analysis can be done than is shown here)

Example: Complaints about Police

- Complaints are an ambiguous measure of police conduct; transaction cost, saliency and trust all affect the number and quality of complaints
- The frequency and quality of complaints is strongly associated with contact with police
 - i.e., disparities are *expected*; the relevant question is whether such disparities are attributable to differential treatment or not.

Columbia Complaint Data (2005-2007)

- Citizen complaints with race identified:
 - 81 complaints
 - 76 complainants (57% black)
 - 60 incidents
- Sustain rate by complainant:
Black = 5%; White = 18%

Complaints by Charge and Race (sustained/complaints)

- Excessive or Unnecessary Force
 - Black: 0/17; White: 0/11; Both: 1/4*
 - *One incident accounts for all four complaints
- Unjustified Arrest or Search
 - Black: 0/7; White: 0/1
- Discourtesy
 - Black: 1/12; White: 1/4
- All Other Charges
 - Black 0/15; White: 5/10**
 - **Two incidents account for 4 sustained complaints

Comparing Complaints and Sustain Rates by Race, 2005-2007

- Columbia, MO (11% black pop.)
- 76 citizen complainants (57% black)
 - 81 complaints; sustain rate = 10%

- Berkeley, CA (13% black pop.)
- 123 citizen complainants (43% black)
 - 606 complaints; sustain rate = 8% (05-06 only*)
 - *Berkeley has closed less than 10% of its 2007 complaint cases despite a full-time staff and an annual budget of \$550,000.

Other cities with CRBs exhibit similar disparities in complaints by race and similarly low sustain rates for complaints.

Conclusion

- Columbia traffic stop and complaint data reveal disparities by race, as expected.
- To this point, Columbia traffic stop and complaint data do **not** indicate disparate *treatment* of blacks relative to whites.
- More detailed analysis is possible.

September 1, 2008

Columbia City Council:

As a member of the Citizens Oversight Committee (COC) I have voted to recommend that the Council create a Citizens Review Board (CRB). The intent of this letter is to first inform you that my affirmative vote was cast based on the hope that a CRB will serve as a means to further build trust between the Columbia Police Department (CPD) and all segments of the community. My affirmative vote was not cast because I believe that the recently implemented complaint process at CPD is inadequate to deal with citizen complaints. In fact I do not believe that enough time has elapsed since the implementation of the new process to properly evaluate its effectiveness. However, after having heard several community members speak to the issue of mistrust in relationship to CPD, it is my hope that a CRB can assist in mending such relations.

The second intention of this letter is to communicate to the Council those components which I feel my support of a CRB is contingent upon.

- Sufficient budgetary funds and adequate staffing to carry out the duties of the CRB to their fullest extent.
- An outside consultant to guide the council in the creation of a CRB.
- CPD policy review.
- A program evaluation component that is tied to a sunset clause.

Over the period which I have served on the COC it has been brought to my attention that CRB's may vary in their reasons for being created, but most seem similar in their lack of evaluating the effectiveness to which the CRB addresses those reasons. It is imperative that components be included to provide tangible measures of effectiveness. The City of Columbia needs to provide a program which addresses the issues of its citizens – not one that placates them.

In closing I would like to extend my appreciation to the Council for allowing me to serve on the Citizen Oversight Committee. The experience has provided me a great learning opportunity, as well as, an opportunity to work with some of the most giving individuals in our community.

Sincerely,

Stacy Ford



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Jeffrey Milyo
Middlebush Professor of Social Science

September 1, 2008

To the City Council of Columbia:

I am a member of the Citizen Oversight Committee and I serve as the chair of the subcommittee on evaluation and analysis for the Citizen Oversight Committee (COC).

The purpose of this letter is to state for the record that my own support for the creation of a Citizen Review Board is conditional on the following:

- 1) that any CRB be established with sufficient staff and budgetary resources to effectively conduct its duties;
- 2) that members of the CRB must be free from conflicts of interest, prejudice about either the police or members of the community, and capable of objectively analyzing data on racial or other disparities in crime, policing and citizen complaints; and
- 3) that the Council understands that there are no scientific evaluation studies of how CRBs affect either community-police relations or crime rates.

I have many years of professional experience in evaluating public policies; in my opinion, it would not be very difficult or time-consuming to provide the city with relevant and valuable information on the benefits and costs of establishing a CRB in Columbia. My own review of the recent experience of communities with CRBs makes clear that there are many important lessons for Columbia regarding what to expect with the institution of a CRB; however, this is an avenue of inquiry that the full COC did not make a serious effort to explore.

For this reason, I recommend that the city commission a professional study of the effects of CRBs on community-police relations and crime rates, as well as the staffing and budgetary requirements of establishing a CRB in Columbia. I would be happy to advise the city in selecting an appropriate outside expert to conduct such a study, as well as how such a study should be designed.

I would be happy to discuss these matters in greater detail, should there be any desire to do so.

Sincerely,

Jeff Milyo and (concurring) Ellen LoCurto-Martinez