

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. _____

AN ORDINANCE

amending Chapter 21 of the City Code to establish the Citizens Police Review Board; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 21 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be added underlined.

ARTICLE III. CITIZENS POLICE REVIEW BOARD

Sec. 21-46. Establishment; membership; qualifications; terms; and removal.

(a) The citizens police review board is hereby established.

(b) The board shall consist of eight (8) members appointed by the city council, a member of the commission on human rights appointed by the commission and the chief of police who shall be an ex-officio, nonvoting member. Appointed members shall serve without compensation.

(c) Appointed board members must be residents of Columbia and registered voters. Appointed board members may not be employed by the city, be a party to any pending litigation against the city, be an elected public office holder, or be a candidate for elected public office. Appointed board members should reflect the cultural and racial diversity of Columbia.

(d) Three (3) of the members first appointed by the city council shall serve terms of two (2) years, three (3) shall serve terms of three (3) years and two (2) shall serve terms of four (4) years. Thereafter, members appointed by the city council shall serve terms of three (3) years. The member appointed by the commission on human rights shall serve a term of one (1) year. No appointed member shall serve more than six (6) consecutive years. Vacancies shall be filled for unexpired terms in the same manner as the original appointments.

(e) The board may recommend to the city council that a board member be removed from the board if the member persistently fails to perform the duties of office.

Sec. 21-47. Officers; meetings; quorum.

(a) The board shall elect a chair and vice-chair from among its members. The term of these officers shall be one (1) year. The chair shall preside at meetings. The vice-chair shall preside when the chair is absent or otherwise unable to preside.

(b) The board shall meet monthly. The board shall provide an opportunity for public comment at each monthly meeting. The board shall meet semi-annually with the chief of police to discuss issues of concern and to recommend ways that the police can improve their relationship with citizens. The board may also make recommendations regarding policies, rules, hiring, training and the complaint process.

(c) Five (5) members shall constitute a quorum for conducting business.

Sec. 21-48. Training.

New board members shall participate in orientation and training that includes review of the police professional standard unit's operating policies and procedures and a ride along with police officers. Training may include the following topics: false arrest, use of force, search and seizure, traffic stops, racial profiling and cultural diversity.

Sec. 21-49. Duties.

The citizens police review board shall have the following duties:

- (1) Review appeals from the police chief's decisions on alleged police misconduct as provided for in Sec. 21-50.
- (2) Host public meetings and educational programs for Columbia residents and police officers.
- (3) Review and make recommendations to the police chief and city manager on police policies, procedures and training.
- (4) Prepare and submit to the city council annual reports that assess the overall performance of the police department. The reports should analyze citizen and police complaints including demographic data on complainants, complaint disposition, investigative findings and disciplinary actions. The reports should also describe the board's community outreach in educational programs. The reports should also set forth any recommendations made on police policies, procedures and training.

Sec. 21-50. Appeals from police chief decisions.

(a) The police chief shall make a decision on each complaint filed against a police officer that alleges non criminal misconduct of the officer involving interaction with a member of the public. The police chief shall decide whether the complaint was:

- (1) Proper: The incident occurred and the officer acted lawfully and within standard operational guidelines.
- (2) Improper: There was sufficient evidence to prove the allegation and the officer acted outside the law or standard operational guidelines.
- (3) Undetermined: There was insufficient evidence to prove or disprove the allegation.
- (4) Unfounded: The complaint does not allege misconduct.
- (5) Exceptionally cleared: The complaint is closed before final disposition because the complaint has been withdrawn or the officer is no longer employed by the city.

(b) The police chief shall promptly give written notice of the decision to the police officer and to the complainant. The notice shall include information on the right and manner of appealing the decision of the chief to the board. The notice shall be considered given when hand delivered or three (3) days after the notice was mailed.

(c) Any member of the public who filed a complaint against a police officer alleging non-criminal misconduct of the police officer may appeal the police chief's decision on the complaint to the board unless the police officer files an appeal with the personnel advisory board.

(d) Any police officer against whom a complaint was filed alleging non-criminal misconduct involving interaction with a member of the public may appeal the police chief's decision on the complaint to the personnel advisory board if the chief fired, suspended or demoted the officer. Otherwise, the officer may appeal to the citizens police review board.

(e) An appeal to the citizens police review board from the police chief's decision must be made in writing and delivered to the chief of police. The appeal must be received by the chief within ten (10) days after notice was given. The appeal must be either hand delivered to the office of the police chief or sent to the police chief by U.S. mail, facsimile machine or electronic mail.

(f) When an appeal has been filed, the police chief shall promptly forward to the board a copy of the entire record of the investigation pertaining to the complaint.

(g) The board shall review the record of the investigation and may request the professional standards unit to conduct a further investigation. The board may request the city manager to contract with an independent investigator to assist the board.

(h) General public comments will not be allowed as part of the board's review of an appeal.

(i) After completing its review and investigation, the board shall report its findings and recommendation on disposition of the complaint to the city manager.

(j) If the board recommends that an officer should be fired, suspended or demoted and the recommended punishment is harsher than the punishment imposed by the police chief, the city manager may either uphold the police chief or refer the matter to the personnel advisory board. The personnel advisory board will then conduct a hearing on the matter as provided for in chapter 19, unless the officer accepts the punishment recommended by the citizens police review board. The hearing shall be open to the public but the personnel advisory board may meet in closed session to decide the case.

Sec. 21-51. Open records and meetings.

(a) Notwithstanding the provisions of section 2-25.3, all records pertaining to complaints filed by members of the public against police officers alleging non-criminal misconduct of the police officer shall be open records, except those closed by state or federal law.

(b) The citizens police review board shall not meet in closed session to discuss or hear statements concerning alleged non-criminal misconduct of police officers, except to the extent that the subject matter of the discussions or statements, under state or federal law, cannot be discussed or made in an open meeting.