

February 15, 2010

Mayor, City Council Members and
Members of the Columbia Citizens Police Review Board

Re: City's Failure to Comply with CRB Ordinances

Dear Mayor, Council Members and Members of the Columbia Citizens Police Review Board:

After many years of discussion and debate in our community, the City of Columbia finally established a Citizens Review Board to provide for an independent and external review of citizen complaints regarding police misconduct. The ordinance was passed in July of 2009. It is very disappointing that the City has failed to even provide forms for appeals or make information about the process of pursuing appeals available to citizens seven months later, either on-line or in print.

I was contacted in January by an individual who filed a complaint with the Columbia Police Department regarding his interactions with Columbia Police Department officers on December 13, 2009. His complaint resulted in his receiving a letter from Sergeant Don Hawkins, 3rd Shift Patrol Supervisor with the Columbia Police Department, dated January 7, 2010.

In that letter Sergeant Hawkins tells this gentleman that he has concluded that the actions of the police officer on December 13 were "proper". However, in apparent violation of Section 21-51(c), of the Columbia City Code, this letter does not give the complaining citizen any information whatsoever about the option and process of appealing the decision to the Citizens Police Review Board. Enclosed herewith are a copy of the letter from Sergeant Hawkins and Section 21-51 of the City of Columbia Code of Ordinances.

Further, and also in apparent violation of the ordinance, the Police Chief apparently had no role in this matter. The ordinance also states in paragraph "c", "The Police Chief shall promptly give written notice of the decision and any disciplinary action to the police officer and the complainant." Further, an "editor's note" attached to the ordinance states that, "The authority of the Citizens Police Review Board to review appeals from the Police Chief's decisions on alleged police misconduct shall only apply to decisions made by the Police Chief after January 1, 2010."

It does not appear that the Police Chief has made any decision in this matter, nor has he notified the complainant of any decision. Therefore, it is not clear that the CPRB has any authority to act since it apparently only has jurisdiction over decisions made by the Police Chief.

My staff and I attempted to assist this gentleman in pursuing an appeal to the CPRB. On January 19, my secretary called the City Manager's office asking for information about a CPRB appeal. She was referred to the office of the City Counselor. She was in turn referred by the City Counselor's office to the City Clerk's office.

On January 20 she spoke to a member of the City Clerk's staff who said that they have a "staff liaison", Penny. Penny in return referred my secretary to Rose Wibbenmeyer but said that Rose was not available.

Ms. Wibbenmeyer called my secretary back and told her that the forms for filing complaints had not yet been created. She suggested sending a letter to the Police Department, the City Clerk and to the City Counselor.


It is not surprising that there have been no appeals filed at this point with the CPRB. Not only does their jurisdiction apply only to decisions of the Police Chief made after January 1, but there are apparently no forms available and no information available to the general public as to how such appeals may be filed. The City's website contains very little information which would enlighten any citizen as to how to pursue such an appeal.

I am respectfully suggesting that the Council and CPRB ask the City Staff to make this matter a high priority and to take the following actions as quickly as possible: first, get detailed information about how to file complaints and appeals available to the public, not only on the City's website, but also in a printed brochure which should be made available at many locations throughout the city. Second, the Police Chief should comply with the ordinance and make a ruling in regard to each complaint of misconduct filed by a citizen. This appears to be a legal prerequisite to any appeal to the CPRB. Third, letters to complainants and police officers from the Chief should always inform the citizen and officer of specifically how to pursue an appeal to the CPRB, including the time limits for doing so. Finally, the forms for pursuing such appeals should be made easily and readily available to all citizens.

You are welcome to contact me for further information. **My cell phone is always the best way to reach me quickly and that number is 819-2669. My email is DanViets@Justice.com.**

Thank you very much for your service to our community.

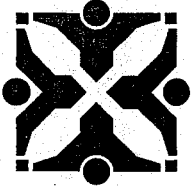
Sincerely,

Dan Viets 

DV: mls

Enclosures: January 7, 2010 Letter from Sergeant Don Hawkins
Columbia Code Section 21-51

PC: ACLU/MM Board of Directors
ACLU of Eastern Missouri Executive Director



CITY OF COLUMBIA, MISSOURI



POLICE DEPARTMENT

January 7, 2010

Mr. Derek T. Billups
3916 S. Phoenix Rd.
Columbia, MO. 65202

Dear Mr. Billups,

I have completed my investigation into your complaint against Officer Turner reference his actions during a disturbance at Nephew's Nightclub on 12/13/09. In your complaint you stated you were concerned about him handcuffing and slamming you to the ground.

As the reviewing officer in this incident, it is my responsibility to find an officer's actions as one of three classifications: Proper, Improper or Undetermined.

After careful investigation of this incident, to include interviewing yourself, the original 911 caller and the officers involved, I find the actions of Officer Turner on the night in question to be "Proper".

I fully understand that your perspective and view of this incident might be different from my findings. I hope these findings do not discourage you from communicating with the Columbia Police Department in the future. Please feel free to contact me with any questions regarding this investigation at (573) 874-7652.

Sincerely,


Sergeant Don Hawkins
3rd Shift Patrol Supervisor

Chapter 21 POLICE*

Section 21-51 Complaints, police chief decision on complaint; appeals to board.

(a) Complaints may be filed with the police department or with the city clerk. The city clerk shall promptly forward complaints to the police chief. Complaints must be filed within one (1) year from the date of the alleged police officer misconduct. The board shall take no action on a complaint alleging misconduct that the police department is treating as a criminal matter unless and until the police determines that the officer's alleged conduct was not criminal or a prosecutor has declined to prosecute the alleged offense or a prosecution of the alleged offense has concluded.

(b) Unless the complaint has been withdrawn or the police officer is no longer employed by the city, the internal affairs process shall conclude with a decision by the police chief that the officer's actions were proper, the officer's actions were improper or there was insufficient evidence to prove or disprove the allegations in the complaint. If the officer's actions were found improper, the police chief shall take appropriate disciplinary action.

(c) The police chief shall promptly give written notice of the decision and any disciplinary action to the police officer and the complainant. The notice shall include information on the right and manner of appealing the decision of the chief to the citizens police review board.

(d) Both the police officer and the complainant have the right to appeal the police chief's decision to the board. An appeal to the board must be made in writing and delivered to the city clerk. The clerk must receive the appeal within twenty-one (21) days after the notice of the chief's decision was given. The appeal must be either hand delivered to the office of the city clerk or sent to the city clerk by United States mail, facsimile machine or electronic mail.

(e) When an appeal has been filed, the city clerk shall promptly notify all board members and the police chief. The police chief shall promptly forward to each board member a copy of all police department records pertaining to the complaint and the investigation of the complaint.

(Ord. No. 20331, § 1, 7-20-09)

Editor's Note: The authority of the Citizens Police Review Board to review appeals from the police chief's decisions on alleged police misconduct shall only apply to decisions made by the police chief after January 1, 2010.

(Ord. 20331, Added, 07/20/2009)