

Press Conference  
City Hall  
Columbia Missouri  
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Statement by Police Chief Ken Burton

On February 11, 2010, officers with the Columbia Police Department's SWAT Team served a search warrant at 1501 Kinloch Court, in Columbia. This case has stirred the emotions of many people for many different reasons. Before publicly sharing the findings of this internal investigation, I feel compelled to provide some context from a police officer's view.

Many people believe that marijuana should be legalized, and I would imagine that some police officers might even agree with you. Right now, it is illegal to distribute marijuana, and to possess it. Police officers are expected to enforce the laws, whether they are popular or not. We are not here to stand in the way of any citizen from approaching his or her senators or representatives at the state or federal level.

There are also many different opinions about what constitutes aggressive behavior on the part of an animal; in this case, two dogs. The officers in question were there that evening. The rest of us weren't. They had to evaluate the dogs, face to face, and assess the behaviors they were exhibiting, and determine what those behaviors may mean. Several people have referred to the SWAT officers as "armored" and so they don't understand how an aggressive dog could pose a threat. Even in full SWAT gear there are many parts of an officer's body that remain at risk to a biting animal. Also, having to divert their attention away from the matter at hand to deal with the animal creates a risk that simply cannot be minimized once entry is initiated. The entry itself, and the bigger picture of this particular search warrant, are things we must discuss, as well.

Many people have expressed concern that since the officers found a small amount of marijuana, and drug paraphernalia, that the basis for establishing probable cause for this warrant was flawed. However, the probable cause affidavit states that we had information that the defendant had a large amount of high grade marijuana in the home. This information was presented to a judge who concluded it was sufficient to establish probable cause to search the residence for evidence of drug trafficking.

It's very important that I talk with you about the actual service of the warrant. I have already stated that even though it is clearly within the confines of the law, the long-time CPD practice of waiting for days after obtaining a warrant and then using dynamic entry to serve it is unacceptable. The day after this incident, in February, I took immediate action to ensure that the practice of waiting ceased. Since then, I have continued to review our practices. We must consider the presence of children and animals when evaluating the risks involved in the use of a dynamic entry. This is one of the areas where I have made adjustments.

We want the citizens of Columbia to know that this investigation was initiated by our own department. We realize that while people have waited for the outcome of the investigation, they have questioned our policies and our practices. I want the people in this community to know that I will continually review our department's policies and practices so that they best serve our citizens and our officers alike. And so we as a department, I as your Chief, initiated this investigation to determine the following two things:

One: were the actions of the police officers involved, within Columbia Police Department policy, and were they appropriate, based on all the information they had available to them at the time? Those are the only criteria by which the actions of these officers can be evaluated fairly.

And two: did any of our policies or practices put our officers, the defendant, or his family at unnecessary risk? Was this an example of what we call "best practices"? Did we as a department do anything wrong in preparing for and choosing to serve this warrant? Should we do things differently in the future?

And I have two very different answers to those two very different issues.

So, to answer question one, were the actions of the officers on scene appropriate, based on policy, law, and what they knew? Yes. Based on the facts in this investigation, I have concluded that the actions of the officers were within Columbia Police Department policy and State law regarding the use of force against the animals. The dog described as a Pit Bull exhibited aggressive behavior toward the officers three times during the very short time it took them to enter the residence and gain control. We'll discuss this in more detail when I cover the investigative findings, for you.

To answer question two, should we do things differently in the future so this doesn't happen again? Yes.

In your packet there are three items, in addition to a copy of these comments. One is a news release which includes the summary of the investigation and the findings, one is a departmental directive outlining the changes I have made, and one is a summary of the video that we took to record the service of the search warrant. I want to speak briefly about these items, and then take questions.

We want to assure the citizens who have heard misinformation that some of what they heard about this incident is simply not true. Neither dog was confined. Neither dog was shot in front of or near the people in the house. This happened at 8:30 in the evening, not the middle of the night. Officers did not "break in". The door was actually unlocked, and no force was used on the door. And, the search warrant was not issued for a misdemeanor amount of marijuana.

However, one of the “rumors” was correct. It was the truth. And I’m going to tell you about it. A Columbia resident, a neighbor of the defendant, called the police department to ask what was going on. Why were shots fired in the neighborhood? And that person was not answered honestly. Why? And what have we done about that?

When the neighbor called to ask about what was happening, the call was given to a young officer who had no knowledge about the search warrant. We’re still finalizing the separate investigation into this, but he definitely told the caller bad information. He said something to the effect of this being a training exercise, or drill. And that was simply wrong. As I said, that is being handled as a separate investigation in itself and it is being dealt with.

So let me discuss the investigative findings with you. You will find a summary in your packets. A summary of the video, that we took, and that most, if not all of you have seen, is included in your packets.

- The investigation began in February.
- The officers knew a child was present. They did not know dogs were present.
- The officers’ decisions were based on the safety priorities they are taught to adhere to.
- Both dogs presented either a threat to the officers or a substantial tactical obstacle, initially. The first dog retreated and then no longer posed a threat or tactical obstacle. The other dog did not retreat, and continued to pose a threat or substantial tactical obstacle.
- Please look at the summary of the investigative findings for more details, as well as the video’s summary.

Finally, let me go over the changes we have made, and what we have yet to do.

- From now on, Bureau Commanders or the Investigative Commander will make the decision about whether or not a narcotic search warrant will be served, and the manner in which it will be served
- This means the captain will receive a briefing about the warrant, review all intelligence related to the warrant
  - This includes an assessment of all potential dangers to the suspects and officers, and any innocent uninvolved people
  - And, the Captain must clearly identify what the law enforcement purpose of serving the warrant is-
- When officers with our department have established probable cause to obtain a search warrant, they will keep the address under surveillance. If surveillance is interrupted, they won’t serve the warrant, or they may have to serve it in a different manner.
- Surveillance must include all available information to include the presence of children and animals.

- Policy has been changed to state that narcotic search warrants must be served within eight hours of receiving the warrant. If eight hours pass, the service of the warrant must be re-approved, through the Deputy Chief or his designee.
- Dynamic entry into a residence will be restricted. Dynamic entry is a very intrusive way to serve a search warrant, and less intrusive ways must be considered first.
- Our policy regarding the use of paid informants to establish any element of probable cause to search a private residence is being reviewed. The Investigative Commander will be taking a more active role and will routinely audit every informant and transaction.
- Officers will identify and obtain arrests warrants to be served in conjunction with search warrants, whenever possible.
- Helmet cameras are being purchased for every member of the SWAT Team's entry team.

To summarize, the Columbia Police Department has a very lengthy and structured SWAT manual, outlining search warrant service along with other operational guidelines, their mission and philosophy, as well as technical components such as equipment and training. What I know, as your chief, is that while our SWAT members are well trained and are held to strict guidelines, we have utilized SWAT routinely, in circumstances and situations where we should not. We have utilized dynamic entries in circumstances, and situations, where we should not. This practice has now changed. The change is for the benefit of our citizens, and our officers.

In addition, the Narcotics Unit's detectives work very diligently and thoroughly on their investigations. What happened in this incident shows very clearly that there was not the necessary coordination between divisions. We had a good investigation that culminated in the detectives receiving a search warrant. Then, the timing of serving the search warrant fell in the hands of another group of officers. That is not acceptable. We did not coordinate this properly as a department, and that will not happen again.

I will now take questions.