

CITY OF COLUMBIA

CITIZENS POLICE REVIEW BOARD
2011 SUPPLEMENTAL SPECIAL REPORT

September 15, 2011

Members of the Citizens Police Review Board:

James C. Martin, Chair
Stephen Alexander, Vice Chair

Members
Gabriel Scott Dean
Carroll Highbarger
Roger Dowis
Susan M. Smith
Betty K. Wilson
Steve Sheltmire

INTRODUCTION

At the July 5, 2011 City Council meeting, Mayor McDavid requested that the Citizens Police Review Board, Chief Burton and the Columbia Police Officers Association prepare and submit reports to the City Council. On July 13, 2011, Mayor McDavid provided the Board with additional information and told the Board that he wanted the special report to contain information on where the Board has been, where the Board sees itself in the future, and if any changes are needed in the ordinance. At public meetings, the Board discussed Mayor McDavid's request and developed recommended changes to the ordinances and a procedure for reviewing and evaluating proposed changes by the police chief or by the Columbia Police Officers Association. The Board incorporated this information into a special report to the City Council.

In its report, the Citizens Police Review Board recommended the following three changes to the ordinances:

1. The Board recommended that the City Council amend the ordinances to require the police to post their policies online.
2. The Board recommended that the City Council amend the ordinance to define misconduct as "any violation of federal law, state law, city ordinance, city regulation or police department policy, guideline, directive, rule, regulation or order."
3. The Board recommended that the City Council amend the ordinance to require the police to provide the Board with monthly and annual reports on complaints.

Because all three reports were submitted to the Council at the same time, the Board outlined the process it would use to review any suggested changes to the ordinances that were proposed by the police chief or by the Columbia Police Officers Association. In its special report, the Board stated that the Board would ask the public to comment on any changes proposed by the police chief or by the Columbia Police Officers Association. As stated in its special report, the Board intended to solicit public comment and to provide the council with information regarding the citizens' concerns and with the Board's perspective on any such proposals.

The Board's report, the police chief's report, and the Columbia Police Officers Association report was formally submitted to the City Council during the August 1, 2011 City Council meeting. At the meeting, Mayor McDavid outlined seven areas or differences and proposed that the groups be given sixty days to discuss these issues in more detail.

Mayor McDavid outlined the following areas.

1. Should the ordinance be amended to define misconduct?

2. Should the ordinance be amended to place additional restrictions on who can file an appeal to the Citizens Police Review Board?
3. Should Section 21-54(a) be amended to close records relating to complaints and the investigation of complaints?
4. Should the ordinances be amended to close meetings during which the Board interviews witnesses?
5. Should the ordinances be amended to require additional training standards for the Board members?
6. Should the ordinances be amended to require the police to post their policies online?
7. Should the ordinances be amended to require the police to provide the Board with monthly and quarterly reports?

In response to Mayor McDavid's request, the Citizens Police Review Board heard public comment during a public hearing followed by a work session on all seven proposed ordinance changes on August 24, 2011. See Exhibit A. During the work session portion of the meeting, the Board engaged the police chief and representatives of the Columbia Police Officers Association in a discussion of the issues. The Board then met again on August 30, 2011 to further discuss all seven issues. See Exhibit B. As a result of these meetings, the Board has prepared this supplemental special report for the City Council.

RECOMMENDATIONS BY THE CITIZENS POLICE REVIEW BOARD

1. Should the ordinance be amended to define misconduct?
On this issue, the Board unanimously agreed to recommend that that the City Council amend the ordinance to define misconduct as "any violation of federal law, state law, city ordinance, city regulation or police department policy, guideline, directive, rule, regulation or order in effect at the time of the incident."

In late 2010, Chief Burton requested that the Board recommend the ordinance be changed to define misconduct and he suggested the definition be based upon wording in Section 590.653 RSMo. During the Board's meeting on January 12, 2011, Chief Burton announced that he was withdrawing his request to base the definition of misconduct on Section 590.653 RSMo because he did not want to be perceived as narrowing the functions of the Board. Instead, Chief Burton asked the Board to use the police department's Code of Conduct as a guide in evaluating the complaints to determine if the complainant had alleged misconduct. The Board agreed to do so.

Subsequent to the January 12, 2011 meeting, the Board, using the police department's Code of Conduct, prepared its definition of misconduct. The Board's proposed definition of misconduct is a simple summation of all of the provisions of the police department's Code of Conduct document. See Exhibit C. In addition, the Board's definition of misconduct would hold police officers to the similar standards as any other City employee.

Chief Burton, in his July 25, 2011 report to the City Council, has recommended that the City Council define misconduct based upon language in Section 590.653 RSMo in lieu of the police department's Code of Conduct. The Columbia Police Officers Association preferred the definition proposed by Chief Burton. The language proposed by Chief Burton would define misconduct as "excessive use of force, abuse of authority, discourtesy, or use of offensive language, including but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability." During the work session portion of the meeting on August 24, 2011, Chief Burton stated that he wanted the ordinances to include a definition of misconduct, but that he did not care if the Council adopted the Board's definition or the definition he had proposed in his report to the City Council.

On August 30, 2011, the Board discussed the definition of misconduct issue and unanimously agreed to recommend that the City Council amend the ordinance to define misconduct as "any violation of federal law, state law, city ordinance, city regulation or police department policy, guideline, directive, rule, regulation or order in effect at the time of the incident."

2. Should the ordinance be amended to place additional restrictions on who can file an appeal to the Citizens Police Review Board?

On this issue, the Board unanimously agreed to make no additional recommendations for changes to Section 21-51. The Board's consensus was that the City Council amended the ordinance recently and that the Board had no additional recommendations to make on this issue.

Section 21-51 currently states: "Complaints may be filed with the police department or with the city clerk only by the following: (1) Any person who is an alleged victim of misconduct of a police officer; or (2) Any family member, friend or attorney of an alleged victim of misconduct of a police officer; or (3) Any person who witnessed alleged misconduct of a police officer in person; or (4) Any resident of Boone County." Chief Burton has requested additional restrictions on who can file an appeal. The Board unanimously agreed to make no additional recommendations to the Council on this issue because the Board felt that the City Council's August 16, 2010 amendments to the ordinance resolved this issue.

3. Should Section 21-54(a) be amended to close records relating to complaints and the investigation of complaints?

On this issue, the Board unanimously recommended that the City Council make no changes to Section 21-54(a).

Section 21-54 (a) currently states: “[n]otwithstanding the provisions of section 2-25.3, all records pertaining to complaints filed against police officers alleging misconduct of the police officer shall be open records, except those closed by state or federal law and except that records or portions of records that would disclose the identity of an officer working undercover shall be closed.”

Section 21-54(a) does not open a police officer’s personnel file. Section 21-54(a) only opens all records pertaining to complaints alleging misconduct, except those closed by state or federal law or those portions of records that would disclose the identity of an undercover officer. The Board unanimously agreed that no changes were necessary to Section 21-54(a) and felt that the internal city processes were sufficient to ensure that there was careful review of any documents prior to release to ensure that the requirements of Section 21-54(a) are followed.

4. Should the ordinances be amended to close meetings during which the Board interviews witnesses?

On this issue, a majority of the Board recommended that the ordinance be changed to allow the Board to go into closed session with a two-thirds majority vote.

On April 13, 2011, the Board approved a motion to recommend an ordinance change which would allow the Board to go into closed session with a two-thirds majority vote. After reviewing the Board’s request on May 2, 2011, the City Council asked the Board to prepare guidelines for closed sessions. The Board is continuing to work on guidelines for when closed sessions would be appropriate.

Section 21-54 (b) currently states: “[t]he 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 and except that the board shall meet in closed session to discuss or hear statements that would involve disclosure of the identity of an officer working undercover.”

5. Should the ordinances be amended to require additional training standards for the Board members?

The Board unanimously agreed that the current ordinance sufficiently articulates the necessary training standards.

Section 21-48 states: “[n]ew 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 shall also include topics suggested by NACOLE in its recommended orientation and training for board members.”

In addition to the requirements set forth in the ordinance, the Board has adopted bylaws which require an orientation program for new members. Article I, Section 4 of the Board’s Bylaws state: “[w]ithin thirty days following the appointment of a new member, the Board Chair and Vice Chair shall meet with the new member(s) to review all pertinent City Ordinances and governing laws. A new member packet will be presented which will consist of the following: prior two years’ agenda and minutes; Citizen Police Oversight Committee Report; City Attorney’s memorandum on the Sunshine Law; City Ordinance No. 0203331; appropriate CPD Internal Affairs policies, NACOLE information; and any other material deemed appropriate. As soon as practicable, the new board member will participate in a ride along with a CPD officer and any other pertinent training.”

The Board is a member of NACOLE, the National Association for Civilian Oversight of Law Enforcement. Current Chair Martin and former Chair LoCurto-Martinez attended the 2010 NACOLE conference in Seattle. Board members Smith and Dean are attending the 2011 NACOLE conference in New Orleans. In addition, the Board has had sixteen different public training events in Columbia including a full day training session on February 26, 2011 with presenters from NACOLE. The Board unanimously agreed that the current ordinance sufficiently articulated the necessary training standards and that the Board has received sufficient training in compliance with the requirements of Section 21-48 and the Board’s bylaws. The Board has received training from many different presenters on a variety of topics. The Board looks forward to having continued training by both the police and other groups and individuals and encourage all to suggest programs.

6. Should the ordinances be amended to require the police to post their policies online?

A majority of the Board recommends that the ordinance be amended to require the police to place their policies online, except those policies that reveal tactics which might jeopardize the safety of the officers.

During the Citizens Police Review Board meeting on Jan.12, 2011, Chief Burton agreed to place the police department’s policies on the internet, except those that would reveal tactics. He agreed that placing the police department’s policies on the internet was a good idea. Chief Burton did not address this issue during the meeting on August 24, 2011. He did not appear or send a representative to the meeting on August 30, 2011.

7. Should the ordinances be amended to require the police to provide the Board with monthly and quarterly reports?

The Board unanimously agreed to recommend that the ordinance be changed to require the police to provide the Board with summaries (without naming officers) of all externally generated complaints, all internally generated complaints, all mandatory reviews and all contacts categorized as an inquiry or a referral.

The Board believes that this information is necessary to provide oversight and to fulfill its duties as outlined in Section 21-49 of the Code. Chief Burton and CPOA did not express any opinion on this issue. The Board proposes that the police department's summaries should be in the format recommended by Dr. Aaron Thompson's report and generated by the department for the years 2005-2007. See Exhibit D.

Exhibits:

Exhibit A - Meeting Minutes 8/24/2011;

Audio Recording of 8/24/2011 Public Hearing and Work Session (can be accessed at the following City website:

http://www.gocolumbiamo.com/Council/Commissions_Archive/Citizen_Review_Board/082411_police_review_board.mp3

Exhibit B - Meeting Minutes 8/30/2011

Exhibit C - City of Columbia Police Department's Code of Conduct

Exhibit D - One Page of Summaries Prepared by the Police Department

MINUTES

Citizens Police Review Board Meeting

August 24, 2011

7:00 p.m.

City Hall Building - New Addition

Council Chamber

701 East Broadway

Columbia, Missouri

Board members present: Dr. Martin, Mr. Highbarger, Ms. Smith, Mr. Dean, Ms. Wilson, Dr. Alexander, Mr. Dowis and Mr. Sheltmire.

Staff Present: Rose Wibbenmeyer.

Councilperson Schmidt was present.

Members of the public, the Columbia Police Department and the Columbia Police Officer's Association were present.

The special public hearing and work session of the Citizens Police Review Board was called to order on Wednesday, August 24, 2011, at 7:00 p.m., in the City Council Chamber. The Chair announced that the Board would take public comment for one hour before beginning the work session. The Board heard public comment. Twenty-two members of the public shared their views.

Ms. Wilson moved to extend the public comment for twenty minutes. Mr. Sheltmire seconded the motion. The motion was passed unanimously by the Board. The Board then heard additional public comment.

At the conclusion of the public hearing, Chief Burton and Sgt. Wieneke joined the meeting. At 8:35 p.m., the Board began the work session with Chief Burton, Eric Dearmont and Ashley Cuttle.

Chief Burton directed the Board to his July 25, 2011 memo which outlines the changes he proposed. Chief Burton said that he did not care which definition of misconduct is used (his or the Board's), as long as there was consistency with the definition the Board uses and the definition that the police department uses.

Eric Dearmont, on behalf of the Columbia Police Officer's Association, discussed the organization's proposed ordinance changes as outlined in their report to the City Council.

Ms. Wibbenmeyer provided clarification on several points. Ms. Wibbenmeyer stated that Sec. 21-52 of the City Code outlines the investigatory powers of the Board. Ms. Wibbenmeyer explained that if the Board found that they needed more information on which to base their decision, the ordinance allows the Board to request additional information from the police department, hire a private investigator or question witnesses to the incident. In response to concerns regarding retention of audio or video recordings that may contain evidence, Ms. Wibbenmeyer explained that audio or video recordings can be tagged by the police so that they are saved until the case is finally disposed. She explained that the police can and do save audio or video recordings as evidence or for possible use on civil and criminal cases. Ms. Wibbenmeyer stated that the Board's definition of misconduct was based upon what was expected for every City employee and was developed in response to Chief Burton's request during the Board's meeting in January of 2011 in that the Board use the police department's Code of Conduct to determine what is and is not misconduct. Additionally, Ms. Wibbenmeyer explained that Sec. 21-54 of the City Code only opens records pertaining to a complaint and does not open the police officer's entire personnel file.

Chief Burton discussed his belief that the Board previously heard complaints that did not involve allegations of misconduct. Chief Burton expressed his disagreement with the standing requirement and his desire to see the individuals that have the ability to file a complaint limited. Ms. Smith stated that the City Council had decided the standing issue when the Council last amended the ordinance. She also explained that the example that Chief Burton mentioned occurred before Chief Burton requested that the Board use the police department's Code of Conduct as a guide to decide what is and is not misconduct.

Mr. Dowis offered his thoughts about the ability of the Board to make recommendations regarding policy. Ms. Wibbenmeyer offered clarification of the Board's authority and cited Sec. 21-49 of the City Code as the basis for the Board's authority to make policy recommendations to the Columbia police department.

Ms. Smith asked Chief Burton if he would offer some of his training budget to assist the Board in receiving training. Chief Burton agreed that training, particularly training at the NACOLE conference, would be beneficial to Board members. While he agreed training was important and was willing to talk about training, Chief Burton did not agree to use his budget to pay for Board members to attend the NACOLE conference.

Ms. Smith expressed the need for the Board to have more time to work through the process before offering significant changes to the ordinance.

Ms. Smith asked for clarification regarding the Board's use of the police department's Code of Conduct document. Ms. Wibbenmeyer responded that the Board did not vote on adopting it as a definition of misconduct. Rather, the Board did reach a consensus on using the police department's Code of Conduct as a guide and subsequently drafted the Board's definition of misconduct from the police department's code of conduct document.

Ms. Smith proposed a work session where the Board would submit its recommendations to the City Council. Dr. Alexander discussed the importance of a consistent definition of misconduct. Dr. Alexander stated that it was his desire to come back and work on each of these proposed changes and issues one by one. Chief Burton asked if he was to attend the next meeting. Dr. Alexander stated that he believed that it was important for Chief Burton to attend the meeting when the Board discusses each issue and stated that he appreciated certain clarifications that the Chief provides on issues. Dr. Alexander stated that he was not sure if the Board would ask a lot of questions of the police chief. Chief Burton said he would be certain that he or his sergeant would be present for the meeting. Chief Burton stated that if the meeting was scheduled for September 1, 2011, he would not be able to attend, but if the work session was scheduled for August 30th or August 31st, he would be in attendance. Ms. Smith motioned to have a special meeting in Conference Rooms 1A and 1B in City Hall on August 30, 2011 at 7:00 p.m. Ms. Wilson seconded the motion. The motion passed unanimously.

Ms. Smith moved to adjourn the meeting. Dr. Alexander seconded the motion to adjourn. The Board passed the motion unanimously and the meeting adjourned at 9:43 p.m.

MINUTES

Citizens Police Review Board Meeting

August 30, 2011

7:00 p.m.

City Hall Building – New Addition

Conference Rooms 1A and 1B

701 East Broadway

Columbia, Missouri

Board members present: Dr. Martin, Mr. Highbarger, Ms. Smith, Mr. Dean, Ms. Wilson, Dr. Alexander, Mr. Dowis and Mr. Sheltnire.

Staff Present: Rose Wibbenmeyer.

Councilman Dudley was present. Members of the public were present. Ms. Cuttle with the Columbia Police Officers Association was present.

The special meeting of the Citizens Police Review Board was called to order on Tuesday, August 30, 2011, at 7:01 p.m., in Conference Rooms 1A and 1B in City Hall. Ms. Smith discussed her concerns regarding independence of the Board and the role of the Board.

The Chair announced that the Board will review all seven points the Mayor asked the Board to address.

The Board discussed the proposed definitions of misconduct. Mr. Highbarger said that the Board should follow the police department's code of conduct. Ms. Smith asked Ms. Wibbenmeyer to read the definition of misconduct provided by the Board in its report to the Council. Ms. Wilson indicated that the police department code of conduct covers everything.

Ms. Smith moved for the Board to accept the definition proposed by the Board in the special report. Mr. Dowis seconded the motion. Ms. Wilson moved to amend the definition proposed by the Board to add "in effect at the time of the incident" after the last word in the proposed definition. Dr. Alexander seconded Ms. Wilson's proposed amendment. The amendment passed unanimously. On the amended motion to recommend that the City Council amend the ordinance to define misconduct as "any violation of federal law, state law, city ordinance, city regulation or police department policy, guideline, directive, rule, regulation or order in effect at the time of the incident." The Board then unanimously passed the motion to define misconduct as amended.

The Board discussed the proposal by Chief Burton and the Columbia Police Officers Association to recommend additional restrictions on who can file an appeal. Dr. Alexander indicated that the current ordinance is appropriate. Ms. Smith discussed a possible component of the mediation program which could address some of the concerns. Ms. Wilson moved that the Board make no additional recommendation on the standing issue. Mr. Highbarger seconded the motion. The Board unanimously passed the motion.

The Board discussed changes to Sec. 21-54 of the City Code regarding records relating to complaints. Ms. Smith moved to recommend no changes to Section 21-54. Ms. Wilson seconded the motion. The motion passed unanimously.

The Board discussed the possibility of an ordinance change that would allow the Board to go into closed session. Ms. Wibbenmeyer stated that the Board, on April 13, 2011, approved a motion to recommend an ordinance change to allow the Board to go into closed session with a two-thirds majority vote. On May 2, 2011, the City Council sent it back to the Board to determine guidelines for closure. Mr. Highbarger felt that the guidelines were a separate issue. Dr. Alexander was concerned that if guidelines were written into the ordinance, that such guidelines would limit its ability. Ms. Wilson expressed her opposition to closing the meetings. Ms. Wilson believes the presumption of openness is very important. Ms. Smith moved that the report to the council include the Board's previous recommendation that the Board be allowed to go into closed session with a two-thirds majority vote and that the report state that the Board is continuing to work on guidelines for when closed sessions would be appropriate. Mr. Sheltmire seconded Ms. Smith's motion. The motion was passed with Dr. Alexander, Mr. Dean, Mr. Dowis, Mr. Sheltmire and Ms. Smith voting yes. Mr. Highbarger, Ms. Wilson and Dr. Martin voted no.

The Board discussed the police recommendation that specific training requirements be included in the ordinances. Mr. Sheltmire stated that he believed training is important. Mr. Dowis discussed his views relating to information provided to jurors. Mr. Dowis believed that more training is important. Ms. Wilson said that training is important, but that it should be voluntary. Mr. Dowis said he was disappointed in his ride along. Mr. Dowis recommended that the ride alongs be with a supervisor and that they be allowed to be present. Ms. Wibbenmeyer read the current ordinance training requirements. Ms. Smith moved that the current ordinance is sufficient with respect to training. Ms. Wilson seconded the motion. Dr. Alexander felt that the training has been very good and thorough and that the Board will continue to do training as it has been done. The motion passed unanimously.

The Board discussed its proposal that the police place their policies on the City's website. Because Chief Burton was not present, Ms. Wibbenmeyer recalled the minutes from the Board's January 12, 2011 meeting in which Chief Burton stated that it was a good idea to place the police department's policies on the internet except those policies that would disclose police tactics. Ms. Wilson moved that the Board recommend that the ordinance be changed to require police policies to be placed

online. Mr. Highbarger stated that policies should not include any that might jeopardize police safety. Mr. Dowis felt that the policies should not include any that jeopardize police safety and should avoid tactics. Dr. Alexander felt that he was satisfied with the tactics exception. Mr. Dowis moved to amend the motion to exclude the posting of policies that reveal tactics. Ms. Smith seconded the motion. The Board unanimously passed the motion as amended.

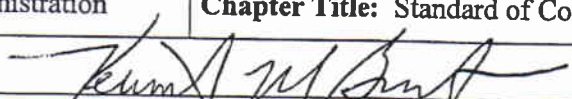
The Board discussed its proposal to recommend the ordinances be revised to require the police to provide the Board with monthly and annual reports on complaints. Ms. Smith asked for clarification. Mr. Dowis indicated that he wanted to see everything, including things that did not get appealed to the Board and things that the police did not believe constitute misconduct. Dr. Alexander believed that would be an expansion. Mr. Dowis stated that he can see a problem with how they determine what is or is not misconduct. Mr. Highbarger stated that he wanted information regarding any mandatory reviews, any internally generated complaints, and any externally generated complaints. Mr. Highbarger pointed out that Dr. Thompson's report was followed up until about two years ago. Dr. Alexander indicated that he wanted more information on complaints. Dr. Alexander believes that it is reasonable for the Board to have a look at what is coming in. Ms. Smith said she wished that the police department would include those contacts that the police are designating as an inquiry or as a referral. Mr. Dowis withdrew his motion. Dr. Alexander wanted it to be more specific. Mr. Highbarger said that the Board should recommend that the ordinance be amended to require the police to provide the Board with summaries of all externally generated complaints, internally generated complaints, and mandatory reviews and that the summaries should not include the officers' names. Ms. Smith seconded the motion. Ms. Smith inquired if the motion included inquiry referrals. Ms. Smith then moved to amend Mr. Highbarger's motion to include inquiries and referrals. Mr. Dowis seconded Ms. Smith's motion to amend. The Board unanimously passed the motion as amended to recommend to the City Council that the ordinances be amended to require the police department to provide the Board with summaries of all externally generated complaints, all internally generated complaints, all mandatory reviews, and all contacts that the police department is categorizing as an inquiry or a referral and that these summaries should not include the officers' name.

Ms. Wibbenmeyer asked if the Board wished to schedule another meeting or if the Board wished to review and approve the report at the next Board meeting. The Board agreed to review for approval the draft report during its next regular meeting in September. Ms. Wilson made comments on her observations as a Board member.

Ms. Smith moved to adjourn the meeting. Mr. Dowis seconded Ms. Smith's motion to adjourn. The Board passed the motion unanimously and the meeting adjourned at 8:59 p.m.

COLUMBIA POLICE DEPARTMENT

Standard Operating Guideline

Effective Date: 01/21/2011	Issue Date: 01/21/2011	Review Date: 01/01/2012	SOG Number: 103.01
Accreditation Index: 1.1.1, 1.1.2, 1.3.1, 1.3.8, 12.1.3, 12.2.1, 26.1.1			
Part Title: Administration		Chapter Title: Standard of Conduct	
Chief of Police: 			

Code of Conduct

I. Policy

The Columbia Police Department demands that all of its officers and employees conduct themselves in such a manner so as to garner the utmost respect and so as not to bring discredit to the Department. To accomplish this goal, the Department has established certain specific rules of general conduct.

II. Definitions

Credible – offering reasonable grounds for being believed.

Willful omission – the act of intentionally omitting facts relative to any official duty or responsibility.

Truthfulness – the communication in writing or speaking of the truth by being complete in relaying all of the facts as they are known and understood. This also includes the willful omission of material facts.

III. Procedure

1. Oath of Office (1.1.1)

Prior to assuming sworn status, officers shall take an oath to enforce the laws of the City of Columbia and the State of Missouri and to uphold the Constitutions of the United States and the State of Missouri. The oath of office shall be administered by the City Clerk.

Oath of Office

I, do solemnly swear that I possess all qualifications for the office of Police Officer for the City of Columbia, Missouri; that I am not subject to any of the disqualifications set forth in the charter of the City of Columbia; that I will support the Constitution and laws of the United States and of the State of Missouri, and the charter and ordinances of the City of Columbia; and that I will faithfully discharge the duties of my office, so help me God.

GO 103.01
Code of Conduct

2. Columbia Police Department Statement of Values
Employees shall conform their conduct to the Department values statement.

Columbia Police Department Statement of Values

To succeed in our mission we uphold these values:

** We demonstrate integrity in all actions. Because freedom and justice depend on law enforcement being carried out by people with high integrity.*

** We treat all people with respect. Because responsibility and involvement can only be encouraged in those whom we treat with respect.*

** We create partnerships. Because lasting solutions require identifying and solving problems with the community we serve.*

..and we will never forget that we are here to serve.

3. Law Enforcement Code of Ethics
Officers shall conform their conduct to *The Law Enforcement Code of Ethics*, as adopted by the International Association of Chiefs of Police. (1.1.2)

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill

Code of Conduct

will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

4. Duty to Acquire Information

4.1 Employees shall acquaint themselves, daily when on duty and immediately upon return from an absence, with all available information that is pertinent to themselves or to their assigned duties.

4.2 Employees shall read Department email, retrieve Department voicemail messages, and review information posted on Department bulletin boards.

5. Duty to Act Only Where Authorized

Employees shall act only within the scope of their lawful authority.

6. Duty to be Attentive

6.1 Employees shall attentively, faithfully, and diligently execute every aspect of their assigned duties.

6.2 While not an exhaustive list, the following specific tasks are required by this rule:

6.2.1 Employees shall properly receive and act upon all complaints and requests for service in accordance with Department Standard Operational Guidelines.

6.2.2 Employees shall complete assigned tasks and reports within a reasonable time.

6.2.2.1 Offense reports involving custodial arrests, felonies, missing persons, and crimes of domestic violence, and incident reports

received from Crimestoppers, shall be completed by the end of shift unless a supervisor approves otherwise.

6.2.2.2 All other offense and incident reports shall be completed by the end of the last shift preceding any scheduled days off.

6.2.3 Employees shall respond to email and voice mail messages within a reasonable time.

7. Duty to be Courteous

7.1 Employees shall treat coworkers, subordinates, superiors and members of the public with due consideration, courtesy, dignity, regard, and respect.

7.2 Employees shall not use profanity when communicating with, or in the presence of, the public.

7.2.1 However it is possible that the use of some language that would ordinarily be unacceptable may be excused in extraordinary circumstances.

7.2.2 Complaints regarding the use of such language will be thoroughly investigated and the employee's conduct will be evaluated in light of the totality of the relevant circumstances.

8. Duty to be Honest

Employees shall avoid dishonesty or any other conduct which may compromise their integrity, that of their fellow officers, or that of the Department. Employees will be truthful in their communications when reporting their activities, reporting facts as they are learned, and when answering questions regarding elements of official duty. Lying relative to any matter arising out of job responsibility or any matter that could compromise the employee's credibility may result in termination, even on the first offense.

8.1 Every employee will sign the Disclosure of Information in Reference to Misconduct form (Form # 103.01.01), acknowledging the importance of being truthful and honest as it pertains to their official employment status.

9. Duty to be Loyal

9.1 Employees shall be loyal to the objectives of the Department.

9.2 Officers shall be loyal to their oath of office.

GO 103.01
Code of Conduct

9.3 Employees shall not allow personal considerations to in any way affect a decision, official action, or course of action made in the performance of assigned duties.

10. Duty to be Prepared

10.1 Employees shall report for duty wearing the appropriate attire.

10.2 Employees shall be prepared for duty with all items and equipment necessary to carry out their assigned duties.

11. Duty to be Punctual

11.1 Employees shall report for duty at the time and place designated by their supervisor.

11.2 Anticipated tardiness or absence, due to illness or otherwise, shall be reported to a superior as soon as practicable and prior to the time the employee is scheduled to report for duty.

12. Duty to Complete Assigned Training

Employees shall complete all assigned training activities within the time specified for completion and attend scheduled training unless specifically excused by a supervisor.

13. Duty to Cooperate

Employees shall cooperate with one another, other units and divisions within the Department, other City departments, and other agencies and their employees.

14. Duty to Coordinate

Employees shall coordinate their efforts with one another, other units and divisions within the Department, other City departments, and other agencies so as to utilize resources most efficiently.

15. Duty to Drive Safely

Employees shall operate Department vehicles in a legal, careful, prudent, and courteous manner.

16. Duty to Identify Oneself

16.1 Employees shall carry their Department identification card and, where applicable, a badge on their person while on duty, unless doing so would be impractical or dangerous.

16.2 Employees that are either on duty, in Department uniform, or acting in an official capacity, shall furnish their name and, where applicable, badge number to any person so requesting unless withholding the information is either authorized by a superior or necessary to carry out a proper police function.

GO 103.01
Code of Conduct

17. Duty to Know City Rules and Department Guidelines

17.1 Employees shall learn, and maintain a current knowledge of, Department Standard Operational Guidelines.

17.2 Employees shall learn and maintain a current knowledge of, the Administrative Rules established by the City Human Resources Department.

17.3 For purposes of disciplinary action resulting from a violation of a Standard Operational Guideline or an Administrative Rule it is presumed that all employees are fully aware of the provisions thereof.

18. Duty to Know the Law

Employees shall learn, and maintain a current knowledge of, the provisions of the Code of Ordinances, City of Columbia, Missouri; the Revised Statutes of Missouri; and the United States Code that are relevant to the employee's assigned duties.

19. Duty to Maintain Driver License

Officers and employees required to operate a motor vehicle in the course of employment shall maintain a valid Missouri driver license.

20. Duty to Maintain Physical Fitness

Employees shall maintain a level of physical fitness such that they are at all times able to perform the essential functions of their job.

21. Duty to Maintain Telephone Service

Employees shall maintain either residential telephone service or cellular telephone service such that the employee can be reasonably contacted by telephone.

22. Duty to Meet Personal Financial Obligations

Employees shall pay all just debts when due and shall not undertake any financial obligations which they know or should know they will be unable to meet.

22.1 An isolated instance of financial difficulty will not be grounds for discipline.

22.2 Repeatedly failures to meet personal financial obligations may result in discipline.

23. Duty to Notify Upon Commencement of Court Proceedings

23.1 Employees shall promptly notify the Chief of Police, via the Chain of Command, upon being cited, arrested, or charged with any crime, ordinance violation, or infraction except parking violations.

23.2 Employees shall promptly notify the Chief of Police, via the Chain of Command, upon being served with a temporary or full order of protection.

- 23.3 Employees shall promptly notify the Chief of Police, via the Chain of Command, upon becoming a defendant in a civil action except marriage dissolution.
- 24. Duty to Obey Department Guidelines and Directives
Employees shall fully comply with all written guidelines, directives, rules and orders promulgated by the Department; including Standard Operational Guidelines; directives, and any other written rule or order promulgated or authorized by the Chief of Police.
- 25. Duty to Obey the Law
 - 25.1 Employees shall conform their conduct to the laws of the United States and those of any state or political subdivision in which the employee is present.
 - 25.1.1 A criminal or ordinance conviction is conclusive proof of a violation of this rule.
 - 25.1.2 However, the lack of a conviction does not necessarily establish compliance with this rule.
 - 25.2 Employees shall conform their conduct to the provisions of the Chapter 19-Personnel Policies, Procedures, Rules and Regulations of the Code of Ordinances, City of Columbia, Missouri.
- 26. Duty to Report Conduct of Others
Employees shall report to a supervisor or to the Internal Affairs Unit the acts of other employees that are criminal or dishonest, or those which may compromise the integrity of any employee, that of the Department, or that of the City.
- 27. Duty to Reside Within 30-Mile Response Area
Paid officers shall reside within, and maintain a true and permanent home within, a 30-mile radius, of the Columbia Police Department, as measured through the air without regard to roadways.
 - 27.1 Officers residing outside of Boone County have an affirmative duty to ensure that their residence is within the radius.
 - 27.1.1 Ignorance of the distance of any residence or proposed residence shall not alleviate or mitigate an officer's responsibility to comply with this rule.
 - 27.1.2 Should an officer be uncertain, specific prior approval should be sought from the Chief of Police.

27.1.3 As a visual guide, the radius has been outlined on a map provided by the University of Missouri Geography Resources Center and maintained by the Chief of Police.

27.2 The Chief of Police may require that officers produce proof of compliance with this rule.

27.3 Personally-assigned Department vehicles may not be driven home by officers that reside outside of Boone County. Such vehicles shall instead remain at the Department upon completion of duty unless the Chief of Police approves otherwise.

28. Duty to Safeguard Information

28.1 Employees shall safeguard all information obtained by any Department employee in the performance of official duties.

28.2 Employees shall not release, or permit access to, any confidential record, report, compilation or database to any unauthorized person, group, or entity.

29. Duty to Safeguard Official Identification

Employees shall not reproduce, permit the reproduction of, loan, or give away any official Department photograph, identification card, and badge except upon prior authorization by the Chief of Police.

30. Duty to Update Contact Information

Employees shall notify their immediate supervisor, in writing, of any change in address or telephone number within twenty-four (24) hours of the change.

31. Duty to Uphold the Constitution

Officers shall not knowingly violate any Constitutional right of any person.

32. Duty to Use Reasonable Force (1.3.1)

Officers shall only use reasonable force to accomplish lawful objectives.

33. Prohibition Against Collecting Contributions

Employees shall not solicit, collect, or receive any money or other thing of value from any person, for any purpose, during work hours or while acting in an official capacity except upon prior authorization by the Chief of Police.

34. Prohibition Against Conduct Unbecoming an Officer

Employees shall conduct themselves, at all times, in such a manner so that they do not bring discredit to themselves, the Department, or the City.

35. Prohibition Against Conducting Non-duty Activity

GO 103.01
Code of Conduct

Officers shall not shop, barter, or trade while on duty nor shall employees devote any of their time at work to any activity other than that which pertains to their work.

36. **Prohibition Against Contacting Council Members**
Employees shall not contact members of the City Council regarding any department matter.
37. **Prohibition Against Criticizing the Criminal Justice System**
Employees shall not, while either on duty, in Department uniform, or acting in an official capacity, make any public comment that criticizes or derogates any criminal justice agency or department, or any employee thereof.
38. **Prohibition Against Defamation**
Employees shall not knowingly make any malicious, false, or defamatory statement orally, in writing, or in any digital medium, about any coworker, subordinate, supervisor, or superior.
39. **Prohibition Against Discrimination**
Employees shall provide the same high level of service to all people without regard to the race, color, religion, sex, age, national origin, ancestry, marital status, disability, or sexual orientation of any person.
40. **Prohibition Against Endorsements**
Employees shall not use or authorize the use of their name, likeness, or official title in testimonials, advertisements, or campaigns of any kind except upon prior authorization of the Chief of Police if such use in any way identifies the employee as an employee of the Department.
41. **Prohibition Against False Reports**
Employees shall not knowingly make, file, or cause to be made a false or inaccurate report, record, or entry.
42. **Prohibition Against Gratuities**
Employees shall not solicit or request any gift, discount or gratuity offered or given in whole or in part because of the recipient's status as a Department employee.

Employees shall not accept any gratuity under circumstances in which it could reasonably be inferred that the gratuity was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
- 42.1 Officers shall generally not accept discounted rent or lease terms unless such discount is given as payment for the performance of security or other duties, unless specifically authorized to do so by the Chief of Police.

GO 103.01
Code of Conduct

- 42.2 Officers may accept discounted rent from the Columbia Housing Authority even if the officer is not expected to perform security or other duties in return.
- 43. Prohibition Against Harassment
Employees shall not subject coworkers, subordinates, superiors or members of the public to harassment, mockery, scorn, or ridicule, even if purportedly in jest, on account of that persons race, color, religion, sex, age, national origin, ancestry, marital status, disability, or sexual orientation.
- 44. Prohibition Against Insubordination
Employees shall not be insubordinate to a supervisor or superior.
 - 44.1 Employees shall not address a supervisor or superior in a discourteous, abusive, profane, or threatening manner.
 - 44.2 Employees shall fully comply with the lawful directives, orders, and commands of a supervisor or superior whether such is communicated orally or in writing, and whether such is communicated directly or relayed from a superior by an employee of the same or lesser rank. (12.1.3)
 - 44.2.1 If an employee receives conflicting lawful orders, the employee shall notify the supervisor issuing the conflicting order of the conflict. If, after being notified of the conflict, the supervisor reissues the order, the employee shall comply with the order. The conflict shall be reported to the superior who issued the initial order soon as practicable. (12.1.3)
- 45. Prohibition Against Interceding in Criminal Prosecution
Employees shall not intercede, or order, ask, suggest that another person intercede in the filing or adjudication of traffic or criminal charges except in the course of legitimate duties and as authorized by a supervisor.
- 46. Prohibition Against Misuse of Position
Employees shall not use their official position for financial or other personal gain.
- 47. Prohibition Against Police Action in Personal Affairs
 - 47.1 Officers, whether on-duty or off-duty, shall not make arrests or engage in police actions within their families, or personal affairs, except such as using measures of self-defense or immediate defense of others; to apprehend a criminal who may otherwise escape apprehension; or to lawfully protect property.
 - 47.2 Where possible, officers shall not involve themselves in any investigation that, due to personal relationships, involves actual, perceived, or probable conflicts of interest.
- 48. Prohibition Against Political Activity On-Duty

GO 103.01
Code of Conduct

Employees shall not participate in political campaigns or solicit contributions, endorsements, or services for any political cause, political party, or political candidate during work hours or while acting in an official capacity.

49. Prohibition Against Posting Bail

Employees shall not post bail for any person except a member of the employee's immediate family.

50. Prohibition Against Recording Other Employees

Employees shall not make video or audio recordings of other employees without express consent. This does not apply to recordings made in conjunction with a bona fide police investigation.

51. Prohibition Against Referrals to Attorneys and Bondsmen

Employees shall not, in the course of their assigned duties, directly or indirectly, recommend a specific attorney or law firm or a specific bail bondsman or bail bonding company to any person.

52. Prohibition Against Referrals to Council Members

Employees shall not refer any person to the city council or any individual council member regarding any Department matter.

53. Prohibition Against Seeking External Influence

Employees shall not seek the influence or intervention of any person outside the Department for the purpose of personal preferment, advantage, transfer, or advancement within the Department.

54. Prohibition Against Sleeping on Duty

Officers shall not sleep while on duty.

55. Prohibition Against Striking

Employees shall not participate in the planning or execution of any strike, work stoppage, work slowdown, or any other similar concerted activity.

56. Prohibition Against Using Department as Mailing Address

56.1 Employees shall not use the Department address as their own address for any purpose not directly relating to the employees' assigned duties.

56.2 Employees shall not receive mail or shipments at the Department unless the mail or shipment relates to the employees' assigned duties.

57. Rules Governing Contacting the City Manager

Employees shall notify the Chief of Police prior to contacting the City Manager about a Department matter.

58. Rules Governing Public Statements

GO 103.01

Code of Conduct

When communicating with the public, employees shall only communicate true, accurate, and objective information.

59. Rules Governing the Use of Department Bulletin Boards

59.1 Employees shall not post any notice which in any way derogates the Department, the City, or any department, division, unit or employee thereof.

59.2 Employees shall not mark, alter, or deface any printed or written notices that are posted on a Department bulletin board.

60. Rules Governing the Use of Department Business Cards

Employees shall use Department business cards for legitimate purposes only.

61. Rules Governing the Use of Intoxicants and Drugs

61.1 Employees shall not consume intoxicants while on duty except as necessary in the performance of an official assignment.

61.2 Employees may use medication while on duty so long as the amount taken is within the dosage recommendations of the manufacturer or the prescribing physician and so long as it does not interfere with the employee's ability to perform assigned duties.

61.2.1 Employees shall notify their immediate supervisor when on-duty and under the influence of any medication, prescribed or otherwise, that has the potential to affect job performance.

61.3 Employees shall not ingest controlled substances except as prescribed to the employee by a physician.

61.4 Employees shall not use marijuana, regardless of whether it is prescribed by a physician.

61.5 Employees shall not consume intoxicants while off duty to such a degree that it impairs their performance on duty.

61.6 Employees shall not consume intoxicants in a public place while wearing any recognizable portion of the Department uniform.

IV. Attachments

1. Disclosure of Information in Reference to Misconduct Form
(Form # 103.01.01)



COLUMBIA POLICE DEPARTMENT

Disclosure of Information in Reference to Officer Misconduct

Officers with credibility problems lose their viability as witnesses based on the constitutional principle that every criminal defendant is entitled to a fair trial. Evidence of lack of candor, prior bad acts, or a reputation of untruthfulness can be used to impeach an officer's testimony against the accused and is a fundamental factor affecting a defendant's right to a fair trial.

Two major factors determine the release of personnel information under the law:

Exculpatory - Exculpatory evidence is any evidence that is favorable to the accused and material to either guilt or punishment.

Brady-Giglio Requirement - This requires that the government disclose to the defense any information regarding the credibility of witnesses including police officers who will testify. Furthermore, the defendant's failure to request favorable evidence does not leave the government free of this obligation.

Information regarding several areas of concern must be provided to the appropriate prosecuting attorneys to ensure their constitutional duty of disclosure. In all instances, the below listed information must be provided to meet the department's obligation to ensure that the prosecutor has the proper information available for discovery. **Lying relative to any matter arising out of job responsibility or any matter that could compromise credibility may result in termination even for the first offense.**

1. Any finding of misconduct, such as a disciplinary letter, that reflects on the officer's truthfulness.
2. Any finding of misconduct that indicates that the officer-witness may be biased.
3. Any **credible** allegation of misconduct, subject of a pending investigation, that reflects on the truthfulness or possible bias of the officer-witness.
4. Any past criminal charges or pending criminal charges brought against the officer-witness.

Officer's Name (Printed)

2011-01-27 14:15:41

Date

Officer's Signature

- #233 09/07/07, Unnecessary Force. Complainant alleges while handcuffed officers threw him to the ground, cursed at him, and caused a laceration to his chin. Officers were dispatched to a physical fight. When officers arrived they located the complainant and another involved in a fight. Officers separated combatants and escorted complainant to a patrol car to de-escalate the situation. Officer's in-car video show the complainant was not handcuffed and became combative. Complainant placed on the ground to secure and handcuff, when the injury occurred. No evidence heard of officers cursing. Video evidence does not show entire incident. Four witnesses refused to cooperate with investigation. Finding = Unfounded.
- #234 Same complaint / complainant as #233 second officer. Finding = Unfounded.
- #236 10/15/07, Malfeasance of Office and Insubordination. Complainant alleges on-duty officer conducted business as a real estate agent on two separate occasions. Officer confirmed allegation. Officer found to have been disciplined previously for same offense. Finding = Improper.
- #242 10/20/07, Inquiry. Complainant alleges an officer denied her service dog access to a restaurant. Officer was working as private security when complainant came into the business. Officer asked if the dog was a service animal. Complainant refused to answer questions, citing ADA requirements. Complainant was denied access by management and the officer refused her entrance. Dept of Justice contacted and agreed the complainant could be denied access if uncooperative during questioning. Finding = Proper.
- #08-016 11/19/07, Unnecessary Force. Complainant alleges that officers threw against a wall and stepped on her while putting handcuffs on too tight. Officers were attempting to take complainant into custody when she began resisting arrest. Two independent witnesses confirmed that the complainant was physically resisting arrest, at which time she placed against a wall to help secure her. The complainant's ankle may have been bruised during the scuffle. Both officers' were found Proper.
- #08-017 Same complaint/complainant as #08-016 second officer.
- #08-005 12/01/07, Unnecessary Force. Complainant alleges officer's used unnecessary force by pushing her against a wall and handcuffing her and another party. Officer's called to a bar for trespass persons. Management advised persons were intoxicated and abusive to employees. When officer's asked complainant and party to leave, they refused. While escorting complainant from the business, complainant's friend interfered with the officer's and arrested. Business video surveillance confirmed multiple witness accounts of the complainant and party failing to cooperate with officers. Finding = Proper.