



Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: August 19, 2024

Re: Amendments to Chapter 21 of the City Code Relating to Enactment of SB 754

Executive Summary

This legislation has been prepared for Council for its consideration to make changes to the City Code based upon changes to Section 590.653 RSMo, which will go into effect on August 28, 2024.

Discussion

As amended, Section 590.653 RSMo limits the powers of a civilian oversight board to the following:

...receiving, investigating, making findings and recommending disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language...

The law expressly preempts any additional powers being granted to the CPRB.

Under its existing configuration, the CPRB hears appeals from complainants on allegations of any type of misconduct related to "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 categories of misconduct for which the CPRB may be granted the power to receive, investigate, make findings and recommend discipline is limited by the new legislation. Under the new legislation, the purview of the Board is limited to incidents "involving excessive use of force, abuse of authority, discourtesy, or use of offensive language."

Except as may be a part of the findings associated with the review of a complaint, the following independent duties of the CPRB will no longer be authorized under Section 590.653, as amended:

- Host public meetings and educational programs for Columbia residents and police department;
- Review and make recommendations to the Police Chief and City Manager on police policies, procedures and training [except to the extent such recommendations may be related to findings on complaints of alleged misconduct "involving excessive use of force, abuse of authority, discourtesy, or use of offensive language." for which the Board has authority to review records];
- Conduct audits or reviews of the records of the Police Department for compliance with the requirements of this article [except to the extent such review



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may be related to complaints of alleged misconduct "involving excessive use of force, abuse of authority, discourtesy, or use of offensive language." for which the Board has authority to review records]; and

- Reports to the Council on any matter not related to authorized activities of the Board involving the "receiving, investigating, making findings and recommending disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language."

City staff prepared an ordinance to address the preemptions contained in the new law and submitted a draft to Council in a report at the August 5, 2024 Council meeting. **The bill prepared for Introduction and First Reading is identical to the draft presented on August 5, with the exception of an edit made to Section 21-48(c) relating to Board member participation in ride alongs with police officers and an edit made to Section 21-52(f) related to written notifications by the board to the police chief, city manager, police officer and complainant.**

The revised language to Section 21-48(c) was developed in response to feedback requesting the retention of stronger language which would require members to participate in ride alongs. The revised language strongly encourages the participation in ride alongs but stops short of mandating participation. There have been times in the past when Board members were unable to participate in a ride along, but have been unable to do so for medical or other personal reasons.

The revised language to Section 21-52(f) was developed in response to feedback expressing concern for language contained in SB 754 which specifies the board's findings "shall be submitted to the chief law enforcement official". The concern expressed was that such phrase, combined with the pre-emption language also contained in the legislation, means there is no authorization to report the findings to anyone other than the chief of police. The city code otherwise requires the police chief to provide a notice of findings to the police officer, complainant and city manager, so deleting this requirement as an obligation of the board does not have any substantive effect on the transmittal of the information to those additional individuals.

In addition to what is required by SB 754, the proposed amendments incorporate confidentiality and conflict of interest provisions formerly contained within the bylaws of the CPRB. It also makes minor modifications to Section 21-56 relating to advocates due to the difficulty staff has experienced in recruiting and training advocates.

Although it will no longer be a duty of the CPRB, there is a strong desire to retain an open and robust citizen engagement, education and community feedback on police policies. The need to establish a framework for implementation of new policies and revision of existing policies to ensure a meaningful and transparent process is utilized going forward has been communicated by both the CPRB and the police chief. The design and implementation of a



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citizen engagement protocol for police policies is not the subject of this legislation, but could be considered in the future.

As a reminder, during the FY 2024 budget, a new position was created in the City Manager's Office to add an assistant city manager with the express purpose of providing a focus on public safety services within the city. Hiring for the new position is underway and once filled the position will serve as a conduit for internal review of police policies, procedures and training as well as additional community outreach and educational programs related to policing and public safety. The new assistant city manager will officially serve as the liaison to the CPRB and will become an integral part of coordinating oversight functions.

Fiscal Impact

Short-Term Impact: Not applicable.

Long-Term Impact: Not applicable.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Safe Community, Secondary Impact: Organizational Excellence, Tertiary Impact: Inclusive and Equitable Community

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
08/05/2024	REP51-24: Communication from the Citizens Police Review Board relating to Chapter 21 Amendments associated with Civilian Oversight of Law Enforcement.

Suggested Council Action

Take action on the ordinance to bring the City Code into compliance with the limitations imposed by SB754.