CITIZENS POLICE REVIEW BOARD (CPRB)

2021 ANNUAL REPORT

January 27, 2021 - December 31, 2021



SPECIAL ACKNOWLEDGEMENTS

CPRB Chair

Rashad Mujahid

CPRB Vice-Chair

E. Edward Gaines, Jr.

CPRB Administrator

Dennis Sutton, Inspector General

CPRB Ombudsman

TPD Deputy Chief Jason Laursen

Legal Counsel

City Attorney, Cassandra K. Jackson Assistant City Attorney, Jennifer Painter (Current) Assistant City Attorney, Hannah Monroe (Former)

2021 Annual Report Subcommittee Members

Edward Gaines, CPRB Vice Chair Niya Hubbard, CPRB Board Member Barry Munroe, CPRB Board Member

Tallahassee City Commission

John E. Dailey, Mayor Curtis Richardson, Mayor Pro-Tem Jeremy Matlow, Commissioner Jacqueline "Jack" Porter, Commissioner Dianne Williams-Cox, Commissioner

> Tallahassee City Manager Reese Goad

Tallahassee Chief of Police Lawrence Revell

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Letter from CPRB Chair

The creation of a Citizens Police Review Board (CPRB or Board) was a response by the City Commission to citizen requests for more transparency and accountability of the Tallahassee Police Department (TPD). The CPRB is a form of citizen oversight of the TPD to hold the department and its members accountable to the public for their actions. The CPRB was established to focus on policy whereas, the TPD Citizen Advisory Council (CAC) had been established by the TPD to enhance citizen involvement. Both oversight agencies may help respond to public concerns regarding high-profile incidents.

The charge of this inaugural Board was tremendous. The CPRB was tasked with learning and understanding policing policy and procedure and making recommendations for policy changes or enhancements. In fact, the Board must consider the Police Officers' Bill of Rights when making recommendations to the Chief of Police. The recommendations made to the Chief of Police for consideration were issues of importance expressed to CPRB by citizens of Tallahassee. The CPRB reviewed and discussed several high-profile cases. The public's expectation that the CPRB be involved in the discipline of officers, contrasted with the Board's actual jurisdiction to only recommend policy changes to the police department, has posed a public information/relations challenge.

One of the CPRB's goals this year was to help increase the public's understanding of law enforcement policies, procedures, and operations. CPRB reviewed and discussed 'TPD General Order 60 – Response to Resistance", specifically the portion of the policy relating to officers discharging a firearm at or from a moving vehicle. Board recommendations were aimed at strengthening and clarifying the policies and providing increased public understanding and transparency.

The CPRB cannot provide all the answers and solve all the issues of policing the community and public relations concerns. However, this inaugural Board has dealt with the stumbles and growing pains that come with being the first to attempt addressing these difficult issues. We appreciate every small victory and pledge to continue working to develop CPRB into an impactful, viable, and integral voice to be heard in the city of Tallahassee.

I extend many thanks to the City Inspector General and staff who worked tirelessly to ensure that the Board had the needed information and tools to tackle the Board's work. Many thanks to the Chief of TPD, TPD officers, and especially to our CPRB Ombudsman who worked to ensure the Board received timely information and feedback. Thanks to the City Attorney and staff. Thanks to the Mayor of Tallahassee and the City Commission for their courage and foresight to establish the CPRB. Thanks to all the CPRB members who gave of themselves to take on this humbling responsibility. Thanks to Smith-Williams Service Center and the technical support team. Most of all, thanks to the citizens of Tallahassee for giving the CPRB their input, cooperation, and mostly, their trust. May we be blessed to continue to grow as a respectful, inclusive, city of patience for the benefit of all who visit and for those who call Tallahassee home.

Roohad L. Mujahil

Rashad Mujahid CPRB Chair, 2021

MEMBERSHIP SECTION

ABOUT CPRB

The CPRB is a nine-member volunteer board of citizens with five members appointed by one of each of the five members of the City Commission, and four members appointed by the full City Commission from nominations by community-based civic and social service organizations. The purpose of the CPRB is to foster transparency, enhance communication, and ensure a relationship of trust and respect between the TPD and the community by creating an unbiased panel of citizens to review completed TPD internal affairs investigations, special investigations, and other cases and issues relating to law enforcement that are of importance or of interest to the community and the city, and to demonstrate and increase police accountability and credibility with the public.

The CPRB reviews matters of importance or interest based on its own discretion, and at the request of the Chief of Police or the City Commission. Following said review, the CPRB may make recommendations to the Chief of Police and the City Manager for revisions or additions to TPD policies, procedures, and practices. The CPRB may only review closed TPD investigations, may not conflict with the Police Officer's Bill of Rights or any other rights afforded to officers pursuant to Florida law or collective bargaining agreements. On these matters, the CPRB is advised by the City Attorney or her designee.

CPRB members serve staggered terms of one, two, and three years. Upon expiration, a member's term may be extended until requalification and re-appointment or until a qualified replacement, but such extension may not exceed 180 days. A member may not serve more than three consecutive terms. All appointments to the CPRB should be made with sensitivity to the racial, gender, age, ethnic, religious, linguistic, and cultural diversity of the city of Tallahassee.

The initial chair must be selected by the City Commission to serve for one year. The CPRB must annually elect a chair and a vice-chair from among its members. CPRB members may not be a City of Tallahassee employee or related to a TPD employee, have been previously employed by the department, currently work for any law enforcement agency, hold political office or be campaigning for office, have any pending criminal proceeding, including probation, or have a prior felony conviction or felony with adjudication withheld within the last three years.

Requirements to Serve on City of Tallahassee CPRB

CPRB members must also meet the following requirements:

- Be at least 18 years of age.
- Be a current resident, property owner, or utility customer of the city of Tallahassee, or own or be principal in a business or non-profit organization in the city of Tallahassee.
- Complete a written application.
- Successfully complete the TPD Citizens Academy and two hours of diversity/equity training within one year of appointment.
- Devote a minimum of two hours to participate in a ride-along with a TPD officer in each of the TPD's three districts for a minimum of six hours within 60 days of appointment.
- Conduct themselves in accordance with and be subject to the City of Tallahassee Code of Ethics.
- Attend a minimum of three-quarters of the scheduled meetings annually.

The CPRB must meet at a minimum on a quarterly basis. All meetings of the CPRB must be open to the public. The CPRB must annually report its written findings and recommendations to the City Commission, City Manager, and Chief of Police.

Membership

CURRENT MEMBERS				
First	Last	Basis of Appointment	Date of Appointment	Term Expiration
Taylor K.	Biro	At-Large	1/27/21	12/31/23
Dr. Rosezetta	Bobo	C/C Jacqueline "Jack" Porter	10/27/21 Reappointed 12/8/21	12/31/24
E. Edward	Gaines, Jr.	At-Large	1/27/21 Vice Chair	12/31/22
Niya	Hubbard	C/C Dianne Williams-Cox	1/27/21	12/31/23
Adner	Marcelin	C/C Jeremy Matlow	9/22/21	Resigned 12/2/21
Rashad R.	Mujahid	MPT Curtis Richardson	10/27/21 Chair Reappointed 12/8/21	12/31/24
Barry	Munroe	At-Large	1/27/21	12/31/22
Patrick	O'Bryant	Mayor John Dailey	10/27/21	12/31/23
Suzanne H.	Van Wyk	At-Large	1/27/21	12/31/22

INAUGURAL MEMBERS Appointed by City Commission, January 27, 2021				
First	Last	Basis of Appointment	Initial Term Length	Expiration
Taylor K.	Biro	At-Large	3 years	12/31/23
Dr. Rosezetta	Bobo	C/C Jacqueline "Jack" Porter	1 year	12/31/21
E. Edward	Gaines, Jr.	At-Large	2 years	12/31/22
Niya	Hubbard	C/C Dianne Williams-Cox	3 years	12/31/23
Luther	Lee	MPT Jeremy Matlow	1 year	Resigned 7/14/21
Rashad R.	Mujahid	C/C Curtis Richardson	1 year Chair	12/31/21
Barry	Munroe	At-Large	2 years	12/31/22
Tom	Napier	Mayor John Dailey	3 years Vice Chair	Resigned 7/17/21
Suzanne H.	Van Wyk	At-Large	2 years	12/31/22

The inaugural meeting of the Board was held on March 4, 2021 and thereafter has met the 1^{st} Thursday of each month.

Membership Demographics

The purpose of this section is to demonstrate the Board members' diverse backgrounds and that they truly reflect the Tallahassee community that it serves.

MEMBERSHIP DEMOGRAPHICS				
	Current	Percent	Initial	Percent
White	3	38%	4	44%
Black	5	62%	5	56%
Total	8	100%	9	100%
Male	4	50%	5	56%
Female	4	50%	4	44%
Total	8	100%	9	100%



In order to remain on the Board, each member is required to successfully complete the various training.

MEMBER TRAINING					
First Name	Last Name	Citizen Police Academy	City of Tallahassee Workplace Inclusion: Diversity	Ethics Class	TPD Ride Along
Taylor K.	Biro	Partially Completed*	Yes	Yes	Yes
Dr. Rosezetta	Bobo	Yes	Yes	Yes	Yes
E. Edward	Gaines, Jr.	Partially Completed*	Yes	Yes	Yes
Niya	Hubbard	Yes	Yes	Yes	Yes
Luther	Lee**	Yes	No	Yes	Yes
Adner	Marcelin**	Yes	No	No	Yes
Rashad R.	Mujahid	Yes	Yes	Yes	Yes
Barry	Munroe	Yes	Yes	Yes	Yes
Tom	Napier**	Yes	Yes	Yes	Yes
Patrick	O'Bryant	N/A+	Yes	N/A^+	N/A^+
Suzanne H.	Van Wyk	Yes	Yes	Yes	Yes

**Member resigned from CPRB.

+Member appointed to CPRB late in the year. Will complete required training in 2022.

CPRB MISSION

Pursuant to the Mission Statement established by the City Commission (City Ordinance No. 20-O-31), the CPRB views its mission as follows: 1) to enhance trust between the TPD and the community by creating an unbiased panel of volunteers, 2) to review completed Internal Affairs investigation reports involving use of force or other issues of importance to the community and determine if the Department's policies and procedures were followed, and 3) in the Board's discretion or at the request of the Chief of Police, review the Department's policies and procedures related to issues of importance to the community to make recommendations for revisions to the Chief of Police.

CPRB CREATION, PURPOSE, SCOPE OF AUTHORITY, AND DUTIES

The CPRB was created by City Ordinance No. 20-O-31. The purpose of the CPRB is to enhance the trust between the TPD and the community by 1) demonstrating police credibility and responsiveness, 2) ensuring citizen complaints are welcomed and taken seriously by the TPD, 3) identifying trends of conduct departures from TPD policies and procedures, and 4) increasing the public's knowledge about the complaint and investigation process of the TPD. The CPRB does not have the authority to independently investigate cases, administer discipline to officers, or compel officers to attend or testify at CPRB meetings. The duties of the CPRB are to report the findings of the CPRB to the City Commission, City Manager, and Chief of Police and, when appropriate, make recommendations for possible policy changes. CPRB meetings are publicly noticed and open to the public, and its findings and recommendations will be made available on request and in its annual report. Completed Internal Affairs investigations, special investigations, and other relevant reports are placed on the final agenda under Review of Investigations. The Administrator is responsible for ensuring that only cases which meet the criteria for review are placed on the initial agenda for the Chair's consideration. Each case under Review of Investigations is presented by the Ombudsman who provides the investigative findings of each case. After each case presentation, the Chair opens the forum for discussion by the CPRB. After the discussion, the Chair entertains a motion from a CPRB member, as well as a second from another CPRB member. Motions related to case presentations may include, but are not limited to, "motion to find consistent" which means the investigation and disposition of the case are consistent with TPD Policies and Procedures, "motion to find inconsistent" which means the investigation and disposition of the case are not consistent with TPD policies and procedures, or a motion for further consideration at another meeting of the Board. Motions that pass by a majority vote will go on to consider whether any recommendations will be reported to the Chief of Police. CPRB members have an opportunity to discuss and vote on all motions. Written recommendation(s) are signed by the Chair, or designee, and forwarded to the Chief of Police.

COMMUNITY AND TALLAHASSEE POLICE DEPARTMENT MATTERS

Issues of importance and/or interest to the community or the TPD will be placed on the final agenda once approved by the Chair under community matters. Items placed on the agenda under community matters will either have been requested by the CPRB or the Chief of Police. In order for the CPRB to place an item on the agenda under community matters, the CPRB must determine by a majority vote that the matter is an "issue of importance and/or interest to the community or has been requested by the Chief of Police." The CPRB may then place the matter on a CPRB agenda and request that the Ombudsman present information on the matter provided any TPD investigation or review has been completed. Each item placed on the agenda under community matters will be presented by the Ombudsman with any support from the TPD that he or she may deem needed. After each presentation, the Chair will open the forum for discussion by the CPRB. After the discussion, the Chair will entertain a motion from a CPRB member, as well as a second from another CPRB member. Motions related to community matters may include, but are not limited to, "motion that no further action is necessary," or "motion to recommend revisions or additions to TPD policies and procedures." Motions to recommend revisions or additions will be accompanied by comments as to the policies and/or procedures that were not followed. CPRB members will have an opportunity to discuss the motion and then vote on the motion. Written recommendation(s) will be signed by the Chair, or designee, and forwarded to the Chief of Police.

LEGAL COUNSEL

The City Attorney or her designee shall attend all CPRB meetings in order to assist CPRB members with legal issues as to jurisdiction, procedure, and rules of order. However, the unexpected absence of Legal Counsel shall not preclude the CPRB from going forward with its meeting. Legal Counsel shall annually review the CPRB's Policies and Procedures, evaluate for revision, and submit any proposed revision(s) to the City Commission for approval.

OMBUDSMAN AUTHORITY AND DUTIES

The provisions of this section will be administered by the Ombudsman as designated by the City Manager. The Ombudsman's duties include, but are not limited to, the following: maintain a thorough understanding of Department policies and procedures, the governing collective bargaining agreements, the Police Officers' Bill of Rights, and present cases as provided by Sections V and VI of the Board's policies and procedures. The Ombudsman may also assist with the training of CPRB members in accordance with the requirements of this section. Training topics may include, but shall not be limited to, the following: TPD's written directives, general orders, policies and procedures, the TPD's Manual of Regulations, relevant Florida Statutes, the TPD's law enforcement ethics, the writing and understanding of offense reports, the professional standards complaint process, and grievance procedures. He or she will serve as the administrative liaison between the CPRB and the Chief of Police and report the CPRB findings and recommendations to the Chief of Police.

Administrative Procedures

Any Internal Affairs investigation reports which will be discussed at CPRB meetings will be provided to the CPRB in advance of the meeting.

EFFECTIVE DATE

Any changes to the CPRB policies and procedures will be reviewed and approved by the City Commission and filed with the City Treasurer-Clerk. These policies and procedures shall become effective upon adoption by the City Commission.

CPRB RECOMMENDATIONS AND TPD CHIEF RESPONSES

Summary of CPRB Recommendations to TPD's Chief of Police

CPRB selects cases to review when requested by any of the following: the community/general public, CPRB Members, City Commission, or TPD Chief of Police. Below are the recommendations that the Board unanimously voted to submit to the Chief of Police in 2021.

1. ROOK POLICY

The Rook is an armored vehicle that includes a hydraulic breaching tool, forklift, and grapple claw. The TPD acquired the Rook from the Florida Regional Domestic Security Task Force for use in jurisdictions throughout the Big Bend Region. The CPRB made two recommendations to the TPD Chief regarding the TPD's use of the Rook. First, the CPRB recommended that *"If the Rook is to be pre-staged at any protest or crowd control event, the Police Chief will notify the City Commission prior to the Rook arriving at the event."* The CPRB recommended that the Rook not be pre-staged at any protest or crowd control issue unless there is active intelligence of a known threat where it would need to be utilized. Second, the CPRB recommended a change to the language of the Rook Deployment policy to clarify that the Rook could only be used for protests and crowd control issues when the listed criteria are met.

Police Chief's response: As to the first recommendation, the Chief responded that pre-staging of the Rook would limit TPD's capability of providing that service. The Police Chief found the recommendation he notify the City Commission prior to the Rook arriving at an event conflicted with the City charter which states "Neither the Commission nor any member thereof shall give orders to, nor make demands of, any of the subordinates of any appointed city official, either publicly or privately." TPD does not report to the City Commission on day-to-day operations and interference by the City Commission is expressly prohibited. The Police Chief stated that he "would most likely make notification to the Deputy City Manager or City Manager of the [Rook's] utilization." As to the second recommendation, the Police Chief concurred with the changes to the language of the policy statement regarding the use of the Rook for protests or crowd control issues.

2. Shooting at or from Moving Vehicles

The CPRB made a recommendation to amend 'TPD General Order 60 – Response to Resistance' for circumstances when it is permissible for officers to discharge firearms at, into, or from moving vehicles. The current TPD Policy stated that shooting at or from moving vehicles "is discouraged." Since 2007, there have been a total of seven officer-involved shootings in which vehicles were driven at, toward, or into a TPD officer. A 2015 Police Executive Research Forum report recommended that TPD should include an absolute prohibition against shooting from a moving vehicle or shooting at a moving vehicle when the vehicle is the only "weapon" being utilized by a suspect. Under the CPRB recommendation, "Firearms are not to be discharged into a moving vehicle unless, 1) a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle, or 2) the vehicle is operated in a manner deliberately intended to strike an officer or another person, and 3) all reasonable means of defense have been exhausted (or are not present or practical) which includes moving out of the path of the vehicle." Additionally, under the recommendation, an officer may not discharge a firearm from a moving vehicle, except in exigent circumstances, and the officer must have an articulable reason for the use of force.

Police Chief's response: The Chief agreed on the Board's recommendations to strengthen and clarify General Order 60 in reference to discharging a firearm at or from a moving vehicle. The recommended changes were re-written to follow TPD's standardized policy format and structure while keeping the prohibitions as recommended by the CPRB.

3. TPD BODY CAMERAS*

The Tallahassee community expressed concern that all body cameras worn by all four officers during a May 16, 2021, DUI arrest fell off during a struggle with the driver. TPD addressed the insecurity of these magnet-mounted models prior to the May 16th DUI arrest and subsequently adopted the use of a new model of camera mount. The new model now requires that all officers wear the hitch-mount models. This newer model locks the camera to the officers' uniforms and significantly reduces the risk of the cameras falling off.

The CPRB unanimously supported this decision.

*Please note this was <u>not</u> a policy change recommendation by the Board to an existing TPD Policy.

Additional Issues for Board Review

Below are additional policies initiated for consideration in 2021 and a reference to the case that prompted the review. The Board will continue its review in 2022.

- 1. TPD General Order 60 relating to the use of impact weapons/batons (May 16, 2021, DUI arrest of Jacquez Kirkland).
- 2. TPD General Order 8 relating to mentally ill persons and General Order 50 relating to sexual battery (Oluwatoyin "Toyin" Salau case).

Community Outreach

The CPRB is committed to community outreach and improving relations with ALL Tallahassee citizens. In addition to its policy oversight role, the CPRB invests in community engagement to maintain a visible presence and to educate the public about both the role of the Board (what it has the power to do, as well as not do) and the importance of continuous citizen input. To continue engagement of the Tallahassee community, the CPRB plans to do the following in 2022, provided adequate funding availability:

- Conduct a CPRB Community Fun Day at a public location to allow the Board to interact with the public in an informal setting. The plan is also to provide refreshments. The Board is also considering partnering with TPD's Citizen Advisory Council (CAC) for its 1st Annual CPRB Community Fun Day.
- Develop a Communication Plan to ensure the community is aware of all upcoming meetings and other events that CPRB plans. The Communication Plan may include:
 - A dedicated page on the City of Tallahassee's website,
 - A presence on television, radio, and social media (i.e., Facebook, Twitter, etc.), and
 - Posting and disseminating flyers, brochures, and posters throughout the entire city.
- CPRB will also explore the opportunity (and feasibility) of conducting a Focus Group and/or surveys.
- Conduct community presentations with local community groups. These presentations will allow members of the community to engage in open, candid dialog, voice opinions, and ask questions.

FREQUENTLY ASKED QUESTIONS (FAQ)

In an effort to ensure that the Tallahassee community clearly understands the roles and responsibilities of CPRB, as well the scope of its authority, the information below should be extremely helpful.

1.	Can the CPRB review open/active investigation cases?	No
2.	Can the CPRB review closed/cleared investigation cases?	Yes
3.	Can the CPRB review open internal investigation cases?	No
4.	Can the CPRB review closed internal investigation cases?	Yes
5.	Can the CPRB make changes to TPD's policy?	No
6.	Can the CPRB make TPD policy recommendations?	Yes
7.	Can the CPRB fire or hire TPD staff?	No
8.	Can the CPRB investigate TPD staff?	No
9.	Can the CPRB do ride-alongs with TPD?	Yes
10.	Can the CPRB hear citizen complaints?	Yes
11.	Can the CPRB make discipline recommendations?	No
12.	Can the CPRB make organizational changes to itself?	No
13.	Are the minutes following each meeting available to the public?	Yes
14.	Is CPRB's Annual Report available to the public?	Yes
15.	Can the public and media attend ALL CPRB meetings?	Yes

CITIZEN INPUT

The CPRB encourages members of the community to attend all of its meetings and provide input and feedback. Meetings included a combination of in-person and virtual attendees, as well as various media outlets. Prior to starting each Board meeting, members of the public are encouraged to address the Board with matters of importance to the Tallahassee community. In 2021, 125 members of the public attended either the full CPRB or Subcommittee meetings. Of the 125 attendees, 50 were community members who attended in person (of those 50, 19 spoke directly to the Board regarding their concerns and how they would like to see the Board address various issues), 75 attended virtually, 21 submitted written comments, and 10 members of media outlets attended.

The CPRB will continue to encourage input and feedback from the community at all meetings.

Board meeting minutes and CPRB's Annual Report can be requested via a 'Public Records Request' through the City Treasurer-Clerk's Office. The website is: <u>https://www.talgov.com/doingbusiness/treasurer-records.aspx.</u>

CPRB generally meets on the 1st Thursday of each month @ 5:30PM-8:30PM at Smith-Williams Service Center. Board meetings are publicly noticed at: <u>https://www.talgov.com/Main/CityofTallahasseeMasterCalendarEventDetail.aspx?list=y.</u> Instructions for registering to speak in person or virtually are provided. A WebEx link is also provided for virtual observation.

Recommended Changes for 2022

The Board will recommend the following changes in the CPRB policies to the City Commission.

- 1. Require annual attestation by Board members that they 1) are free from bias when reviewing cases and recommending policy changes, and 2) will maintain neutrality towards the community and police officers.
- 2. Require one, two-hour TPD ride-along in any section of the city annually.
- 3. Request authorization to explore the ability to expand CPRB authority without violating the Police Officers' Bill of Rights.
- 4. Request a small level of funding to, 1) support community outreach efforts, 2) engage with other boards (at both a state and nationwide level) to better understand best practices related to community-driven police oversight boards, 3) provide relevant and continuous education to the Board, and 4) other issues of importance to the Board.

Conclusion and Looking Forward

The Board, in its inaugural year, has been focused on, and committed to, listening to the needs of the community, reviewing various cases of importance to the community, making policy recommendations to the Chief of Police, and reflecting on the key areas of opportunity and improvement in serving the needs of Tallahassee's citizens. As we move into 2022 and beyond, the Board has made a commitment to the following:

- Have several Board members join The National Association for Civilian Oversight of Law Enforcement (NACOLE). NACOLE is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States. NACOLE is dedicated to promoting greater police accountability through the establishment or improvement of citizen oversight agencies by the following.
 - Organizing an annual training conference to increase the knowledge and skills of staff members and volunteers who work in oversight.
 - Acting as a resource to jurisdictions considering the creation or revitalization of oversight bodies.
 - Identifying best practices as they emerge from the experiences of members.
 - Encouraging networking, communication, and information-sharing to counter the isolation inherent in the profession.
 - Furnishing information to government officials and community representatives that will support their advocacy of oversight in their states, counties, cities, and towns.
- Continue to listen to the public and solicit feedback from the community, review completed Internal Affairs investigation reports involving use of force or other cases or issues of importance or interest to the community or the City to determine whether the investigations and dispositions were consistent with the TPD's policies and procedures, and review completed handling by the TPD of issues of importance and/or interest to the community and the TPD in order to make recommendations to the Chief of Police for any revisions or additions to TPD policies and procedures after the TPD's completed handling of the matter.

Finally, as the Board begins 2022 and its 2nd year of serving Tallahassee, CPRB is looking forward to continuing its service to the citizens and community and making Tallahassee the "Best City in the World!"