



NACOLE

Review

NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

www.nacole.org

Summer 2015

Vanita Gupta to Deliver Keynote Address at NACOLE Conference

NACOLE IS PROUD TO WELCOME Vanita Gupta as the keynote speaker for the Twenty-first Annual NACOLE conference in Riverside, California.

Vanita Gupta currently serves as Principal Deputy Assistant Attorney General and head of Civil Rights at the U.S. Department of Justice (DOJ). Under Ms. Gupta's leadership, the Division continues its crucially important work in a number of areas, including advancing constitutional policing and other criminal justice reforms, ensuring that individuals with disabilities are afforded an opportunity to live in integrated community settings, protecting the rights of LGBTI individuals, and combating discrimination in lending and voting.

Ms. Gupta is a longtime civil rights lawyer. Prior to joining DOJ, she was Deputy Legal Director of the American Civil Liberties Union and Director of its Center for Justice. While managing a robust litigation docket, Vanita also

worked with law enforcement, departments of corrections, and across the political spectrum to advance evidence-based reforms to increase public safety by promoting greater fairness and trust in our criminal justice system. From 2006-2010, Vanita was a staff attorney with the American Civil Liberties Union's Racial Justice Program. She won a landmark settlement on behalf of immigrant children detained in a privately-run prison in Texas that led to the end of "family detention" at the facility. Prior to that, she worked at the NAACP Legal Defense Fund where she successfully led the effort to overturn the wrongful drug convictions of 38 individuals in Tulia, Texas, who were ultimately pardoned by Governor Rick Perry. She then helped negotiate a \$6 million settlement on behalf of her clients. Vanita also served for several years as an adjunct clinical professor at NYU School of Law, where she taught and oversaw a civil rights litigation clinic.



Vanita Gupta, 2015 NACOLE Conference Keynote Speaker

Vanita has won numerous awards for her advocacy and has been quoted extensively in national and international media on civil rights issues. In 2011, the National Law Journal recognized her as a Top 40 Minority Lawyer Under 40. Vanita is a magna cum laude graduate of Yale University and received her law degree from New York University School of Law. •

Register Now!

The 21st Annual NACOLE Conference

October 4-8, 2015 • The Mission Inn, Riverside, CA

<https://21st-annual-nacole-conference.eventbrite.com>

HURRY!

Early Registration Deadline is July 31!

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President's Message

Many Roads to Reform

IN THE PAST FEW MONTHS, THERE has been a significant shift in how critical incidents involving the police—whether they are caught on camera or result in a person's death—are viewed by the public, by the police, and by officials across all levels of government. Protests that began in Ferguson and spread to other cities such as New York and Baltimore pushed each additional incident into the nation's consciousness, turning each into a part of something bigger. As a part of this movement, civilian oversight has become part of something bigger, too.

On May 18th, the President's Task Force on 21st Century Policing released its final report. NACOLE was invited to provide both written

and verbal testimony to the Task Force. The report made numerous recommendations to improve policing, strengthen the relationship between police and the communities they serve, and build public trust. Importantly, the Task Force recommended communities establish civilian oversight. It reads: "Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community." The Task Force also followed up that recommendation with two proposed action items: (1) "The U.S. Department of Justice, through its research arm, the National Institute of Justice (NIJ), should expand its research agenda to include civilian oversight;" and (2) "The U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) should provide technical assistance and collect best practices from existing civilian oversight efforts and be prepared to help cities create this structure, potentially with some matching grants and funding." The White House's full announcement of the report, as well as numerous other federally supported policing initiatives, is available [here](#).

"The theme of this year's conference, *Many Roads to Reform*, challenges us to recognize the different tools available to the different actors who are all working towards the same goal..."

After meeting with the Task Force and receiving its interim report and recommendations in March, President Obama specifically mentioned oversight in his remarks to the nation. He stated, "There are some recommendations that deal with civilian oversight and how that might be man-

aged." I find it extremely significant that the President specifically spoke about oversight from the panoply of issues and recommendations contained in the report. This is the first time that the Federal government has recommended civilian oversight. The Task Force also urged action on further research to identify evidence-based practices and assist with developing successful civilian oversight mechanisms, called for increased engagement between the COPS Office and oversight and communities looking to establish oversight, and money and resources to support these efforts.

In addition to the Task Force, on May 18th a separate federal interagency working group released its final review of federal programs that support the transfer of equipment to state, local, and tribal law enforcement agencies. The interagency working group's final report is available [here](#). NACOLE was invited to provide recommendations to the working group, which can be found [here](#). The working group recommended important methods for enhancing accountability and transparency in policing that also address the needs of law enforcement and communities. These include prohibiting certain equipment from being used at all by local law enforcement; requiring that some civilian review occur (e.g., by a city council, county council, or mayor); requiring agencies to have general policing training standards in place; requiring agencies to implement protocols on the appropriate use, supervision, and operation of military-style equipment; and mandating data collection and public reporting.

Civilian review is now recognized as a critical part of efforts to strengthen the relationship between the police and communities, build public trust, and promote effective policing. NACOLE, through its Board of Directors, committees, and partners, is working hard to seize upon these opportunities to raise awareness and understanding and advance oversight.

We will explore these issues and more during the 21st Annual Conference in Riverside. The theme of this year's conference, *Many Roads to Reform*, challenges us to recognize the different tools available to the different actors who are all working towards the same goal, that of reform. There is strength in having diverse approaches, and they benefit from each other. The theme also cautions against judging the performance of one by the standard you would apply to another.

This year's attendees will be able to choose from a large and diverse selection of workshops. The program includes such topics as understanding and identifying the many roads to reform, strategies for community engagement, racial reconciliation, prosecuting police officers, and emerging technology in policing.

The conference Keynote Speaker will be **Vanita Gupta**, Principal Assistant Attorney



Brian Buchner, NACOLE President

General and head of Civil Rights at the U.S. Department of Justice. Under her leadership, the Division continues its crucially important work in a number of areas, including advancing constitutional policing and other criminal justice reforms.

The conference schedule will feature invited speakers such as **David Kennedy**, professor at John Jay College of Criminal Justice in New York City and director of the National Network for Safe Communities, and **Jennifer Eberhardt**, associate professor at Stanford University where her research focuses on race and inequality in the context of the criminal justice system. We also look forward to hearing from invited speakers such as **Preetinder Bharara**, U.S. District Attorney for the Southern District of New York; **Ezekiel Edwards**, Director of the Criminal Reform Project of the ACLU; and **Patrisse Cullors**, Truth and Reinvestment Director at the Ella Baker Center for Human Rights, and co-founder of #BlackLivesMatter.

Additionally, chiefs of police and sheriffs from Southern California will speak on a panel about civilian oversight's past, present, and future, as well as emerging issues that will impact their agencies and the communities they serve. Panelists include: Chief Sergio Diaz, Riverside Police Department; Sheriff Stan Sniff, Riverside County Sheriff's Department; Chief Charlie Beck, Los Angeles Police Department; Sheriff Jim McDonnell, Los Angeles County Sheriff's Department; Sheriff Sandra Hutchens, Orange County Sheriff's Department; and Chief Phillip Sanchez, Pasadena Police Department.

The 21st Annual Conference has many more exciting and informative sessions and workshops in the program. The program can be viewed by clicking [here](#) or in the Annual Conference section of this newsletter. I look forward to seeing you in Riverside! •

Brian Buchner is the president of NACOLE and a special investigator with the Los Angeles Board of Police Commissioners, Office of the Inspector General.

Where We Have Been, What We Look Like and Where We Are Headed

By Robin Jackson

THE RIVERSIDE COMMUNITY Police Review Commission (CPRC or Commission) just completed 15 years in operation. Our creation, like many oversight entities, came about because of a controversial shooting in 1998 by the Riverside Police Department that ended the life of Tyisha Miller, a 19-year-old Black woman. The details are important and many, but to summarize, Tyisha was sitting in a parked car with a gun in her lap and appeared non-responsive and in need of medical attention. Four White male officers responded to the scene. One of the officers shattered her window to grab the gun and as reported by the officers, Tyisha reached for the gun and all four officers said they fired out of fear for their lives. The officers lost their jobs but the U.S. Justice Department, the California State Attorney General and local District Attorney found insufficient evidence to criminally prosecute them. This led to protesting in the City and demands for police reforms.

In April 2000, the Riverside City Council passed Ordinance No. 6516, creating the Community Police Review Commission. The ordinance established the membership of the body and defined what its powers, duties and functions would be. It was created to promote effective, efficient, trustworthy, and just law enforcement in Riverside. The Commission would report findings to the City and make recommendations in regards to law enforcement policies and practices. The Commission was tasked with ensuring positive relations between those who enforce the laws and the diverse populace they served. In 2004, in an effort to protect its creation, Riverside citizens voted to add the Community Police Review Commission to the City Charter. Only by a majority vote of Riverside citizens can it be removed. In addition, from 2001 to 2006 the Riverside Police Department was placed under State oversight and was ordered to make changes to increase training, supervision and monitoring.

As described in the ordinance and City Charter, the CPRC is tasked with independently reviewing all citizens' complaints and Officer-Involved Death (OID) cases against sworn Riverside Police Department personnel. Findings are reported to the City Manager's Office and shared with the Chief of Police. Commissioners have the ability to recommend policy and procedure changes as well. The CPRC maintains community relationships through continuous public outreach efforts.

The CPRC consists of nine citizens of the City of Riverside who are appointed by the Mayor and City Council to four-year terms as volunteer Commissioners. Each ward of the City is represented by at least one Commissioner. A manager and Senior Office Specialist are funded through the City Manager's Office and provide necessary support. The Commission has the ability to contract with an Independent Investigator for assistance with OIDs and complaint cases. Each year Commissioners elect a Chair and Vice-Chair to lead monthly meetings and to help guide operations. The CPRC is completely independent from the Police Department and any findings or recommendations remain free from outside influence. The CPRC welcomes the public to attend its monthly meetings and to actively bring comments or questions to the Commission.

Citizens who wish to file a complaint against an officer may do so either through the CPRC or the Police Department. Complaint forms are available at many locations and online. The Police Department reviews all complaints but the CPRC only reviews complaints against sworn police officers that have been filed within six months of the incident. Once the Police Department has completed its investigation, the complaint is forwarded to the



Commission for review. Each Commissioner reviews the case independently. As a group, the Commission reviews the case and deliberates to determine if the officer's actions were in accordance with the Police Department's policies and procedures. Commissioners may also make recommendations at this point for changes to those policies, procedures and practices. The Commission has no previous knowledge of the Police Department findings and therefore

renders a completely unbiased opinion. The CPRC's findings are delivered to the City Manager and shared with the Chief of Police. The Commission has no role in the disciplinary process. Any discussion pertaining to officer complaints is kept confidential per California's government codes. These cases are discussed in Closed Session and the public is not allowed to attend.

Officer Involved Death (OID) cases occur when an individual dies in connection with the actions of a police officer, regardless of whether a complaint has been filed. A review of these cases can consist of hundreds of pages of investigation reports, officer statements, crime scene investigation reports, photographs, coroner's reports and material from additional sources, not to mention the CPRC's Independent Investigator's reports. This material is made available not only to the Commissioners, but the public as well. Findings and any recommendations are sent to the City Manager's office and shared with the Police Chief. Once findings are completed at this level, the case will return administratively to Commissioners and any previously redacted information will be unredacted. Commissioners may render further findings and make recommendations but this discussion is handled in Closed Session and considered confidential per California's government codes.

In order to handle these tasks with proficiency, Commissioners make every effort to conduct research and attend training. Commissioners must have knowledge of Riverside Police Department policies, procedures and practices. They rely on knowledge of California government codes, California Police Officer Standards of Training, case decisions, ethics training, and internal affairs investigations. They attend training classes and seminars in a variety of subjects such as Use of Force or Mental Illness. Commissioners also participate in Citizen Police Academies and ride-along programs in order to see police officer responsibilities.

One of the most positive tasks for any Commissioner is conducting outreach in the community. In an effort to "bridge the gap" between the Police Department and its citizens, Commissioners attend meetings and events throughout the City to allow citizens to have a voice when it comes to their Police Department, as well as their Community Police Review Commission. In addition, it is important for Commissioners to reach out to police officers to hear their concerns. These Outreach assignments can be as simple as attending a neighborhood meeting, or as elaborate as hosting an event that brings professionals of various backgrounds together and encourages communication between all parties and offers opportunities for advanced learning.

Our group so strongly believes in our mission for oversight and outreach that we extended an invitation to NACOLE and won the bid for the CPRC and the City of Riverside to host NACOLE's 21st Annual Conference. This year's theme, Many Roads to Reform, could be describing the story of our Community Police Review Commission. We have been where some cities now find themselves, in the negative spotlight. However, we have made great strides in learning, growing and being a positive influence in the community. We hope to see you in Riverside, California on October 4-8, 2015, where you can hear more about us, where we have been, and where we are headed. •

NACOLE Hosts Inaugural Academic Conference

By Kathryn Olson and Kim Hendrickson

NACOLE HELD ITS FIRST ACADEMIC conference on February 6, 2015 and it was a rousing success! The one-day event sold out with a long wait list and some sitting in the lobby with the hope they could sneak in for a session or two. There was high praise from both attendees and participants alike.

The idea for holding an academic symposium developed in response to the growing interest around the country in civilian oversight that encompasses more than just complaint review and officer discipline. It also reflects NACOLE's interest in encouraging more evidence-based research about oversight practices. NACOLE partnered with Seattle University's School of Law and the SU Criminal Justice Department to host the event, entitled, "Moving Beyond Discipline: The Role of Civilians in Police Accountability."

In September 2014, a call for papers was issued, seeking proposals for research related to the role of civilians or oversight agencies in developing policy, influencing effective police communication strategies, advancing neighborhood safety, identifying standards of police leadership, and other subjects outside of police misconduct and discipline. Authors of accepted research proposals were invited to present their work at the Symposium and incorporate feedback they received into final papers to be published in the *Criminal Justice Policy Review* and the *Seattle Journal of Social Justice*. Twenty proposals were received and, working with an Advisory Committee, twelve papers were selected. Our authors came from varied disciplines and fields (e.g. law, criminal justice, political science, and conflict resolution) and prepared papers considering community and police perceptions of civilian oversight, data used by oversight practitioners to assess police practices, how police body cameras may impact existing oversight practices, and new and/or unexplored ways that civilians and law enforcement can partner to enhance relationships and advance police professionalism.

On the day of the symposium, criminal justice scholars, policing professionals, community stakeholders, and oversight practitioners came together to consider a spectrum of topics related to the role of civilians in policing. They heard from NACOLE President Brian Buchner, Judge Terrence Carroll (Ret.), and Jonathan Smith, Chief of the Special Litigation Section, U.S. Department of Justice, on the evolution of civilian oversight in the United States. Issues about community input and what works with police accountability were explored with Dr. Samuel Walker, Irfan Chaudhry, and Reverend Aaron Williams. Next, aspects of police department



transparency were reviewed with Joshua Chanin, Marielle Moore, and Marc Landy. The idea that there can be tension between local, state and federal policing standards was considered by Roger Goldman and Sue Rahr, while using benchmarks to promote constitutional policing was addressed by Matthew Hickman, Joseph De Angelis, and Dawn Reynolds. The symposium ended with the audience breaking into two groups to discuss issues that had been presented throughout the day, and then coming back together again to identify research topics moving forward.

Most who submitted evaluations rated the event very highly, with 90% indicating that the symposium was a good forum to explore research issues related to police accountability. Attendees appreciated the respectful, collaborative dialogue that took place among the many different stakeholders who were present. While there were some law enforcement officers in the audience, and two police representatives involved in the planning and facilitation of the symposium, we hope that forums like this will be even more inclusive of law enforcement in the future to ensure police representation in the full spirit of partnership.

The participants offered a number of issues for NACOLE to consider related to civilian oversight in general and its own institutional role: (1) Is it possible to create a set of shared definitions relating to oversight models and roles to help facilitate research? (2) Should NACOLE certify oversight agencies as being trained to make informed decisions about discipline matters? (3) What kind of quantitative and qualitative data will help us understand the effectiveness of civilian oversight? (4) What are ways to educate the community about different approaches to oversight, use of force, etc.? (5) Are there effective ways that law enforcement and civilians can

partner to promote police responsibility outside of the oversight context? (6) What is NACOLE's role in facilitating research on civilian oversight and police practices? and, (7) How does the concept of procedural justice apply to the work of civilian oversight?

Building on the success of the inaugural Symposium, NACOLE's Training, Education, and Standards Committee is exploring options for a second academic event in 2016. As criminal justice scholars and oversight practitioners collaborate on research, we can better understand how civilians can most effectively contribute to constitutional policing and enhanced trust between police and the communities they serve.

Draft papers that were submitted and discussed at the Symposium are available online at <https://nacole.org/training/academic-symposium/>. Final papers will be published later this year in the *Criminal Justice Policy Review* and the *Seattle Journal of Social Justice*. •

NOTICE

2015

NACOLE Annual Membership Meeting

Wednesday, October 7, 2015
at 3:00 p.m. PDT

Riverside Convention Center
Riverside, CA



Many Roads To Reform

Riverside, California • October 4-8, 2015

The 21st Annual Conference of the National Association for Civilian Oversight of Law Enforcement

Summary

RECENTLY, ISSUES ABOUT POLICING AND COMMUNITIES, JUSTICE and the role of civilian oversight have been a major focus of a national conversation—from living rooms to city councils, to the highest levels of government and everywhere in between. NACOLE has been a part of that conversation, and this fall we will bring it to Riverside, California during our 21st Annual Conference. Riverside, the city of “art and innovation,” provides a mix of California history, art and culture, and outdoor activities that will provide attendees with a unique California experience. Our conference hotel, the Mission Inn Hotel & Spa is an excellent example of what Riverside has to offer and is just one block away from the Riverside Convention Center where our conference sessions will be held.

Over the past several years, we have all watched as the national dialogue surrounding civilian oversight has continued to grow. With such growth, conference attendees have continued to ask for more content—and for discussions and training that are responsive to current events and emerging trends. This year, delegates will be able to choose from a large and diverse selection of workshops focusing on subject matter such as understanding and identifying the many roads to reform, strategies for community engagement, and prosecuting police officers. In addition, to meet the needs of our attendees, NACOLE has moved to a schedule that will feature three concurrent sessions on both Tuesday and Wednesday of the conference. In doing so, we have also been able to organize the sessions into three unique tracks, better serving the needs of the variety of people involved and interested in oversight.

The first track will present information geared towards those who are new to oversight training. Sessions in this track will touch on training topics such as effective boards and commissions, assessing the credibility of wit-

nesses, and search and seizure. A second track, geared toward those who would consider themselves at more of an intermediate skill level, will focus on more advanced training topics such as police tactics, open data, early intervention and implicit bias.

Our conference will continue to address current and emerging issues in oversight through our third track. Some of the issues that will be addressed in these sessions will be strengthening oversight in jails and prisons, LGBTQ policing policies, and issues surrounding body-worn cameras. In addition, due to their importance in the current national climate and this point in our history, NACOLE will give special focus to effective community engagement and racial reconciliation.

With the shift to a three-track schedule, we are ensuring that people may find information valuable to them in any of the three - regardless of their level of knowledge or interests. This will also allow us feature even more national experts, community activists and presenters from diverse backgrounds, experiences and expertise.

With each conference we feel that we are given the opportunity to improve upon the last. We truly feel that our 21st Annual Conference is shaping up to be one of our best. We hope that you will join us in Riverside as we, once again, bring together the growing community of civilian oversight practitioners, community members, law enforcement officials, journalists, elected officials, students and others to meet and exchange information and ideas about issues facing civilian oversight of law enforcement.

Additional information regarding our Annual Conference may be found on our website, www.nacole.org or by emailing our Director of Training & Education, Cameron McElhiney at mcelhiney@nacole.org.



Daily Schedule

Sunday, October 4th

2:00 p.m. – 4:00 p.m.	New Member, First-Time Attendee and Mentor Program Open House
6:00 p.m. – 8:00 p.m.	Opening Reception at the Riverside County Superior Courthouse

Monday, October 5th

9:00 a.m. – 9:15 a.m.	Welcoming Remarks	
9:15 a.m. – 10:30 a.m.	The History of the Riverside Community Police Review Commission	
10:45 a.m. – 12:15 p.m.	Many Roads to Reform	
12:30 p.m. – 1:30 p.m.	Lunch on Your Own	
	Current & Emerging Issues (Concurrent Session)	Current & Emerging Issues (Concurrent Session)
1:30 p.m. – 3:00 p.m.	Part I: Racial Reconciliation, Truth-Telling and Police Legitimacy	Expanding and Strengthening Oversight in Jails and Prisons
3:15 p.m. – 4:45 p.m.	Part II: Building a Roadmap to Community Trust	Prosecuting Police Misconduct
6:30 p.m. – 8:30 p.m.	NACOLE Annual Conference Scholarship Fundraising Dinner (Additional Ticket Required)	



Tuesday, October 6th

	Beginner/Intermediate Track (Concurrent Session)	Advanced Track (Concurrent Session)	Current & Emerging Issues (Concurrent Session)
8:30 a.m. – 10:00 a.m.	Effective Boards & Commissions	Police Tactics	International Perspectives in Oversight
10:15 a.m. – 11:45 a.m.	Civilian Oversight's Past, Present & Future: A Discussion with Southern California Chiefs of Police		
12:00 p.m. – 1:30 p.m.	Keynote Luncheon: Vanita Gupta, Principal Assistant Attorney General and head of Civil Rights at the U.S. Department of Justice		
1:45 p.m. – 3:15 p.m.	Community Engagement for Oversight Agencies: Why it Matters and How to do it Right	Effective Evaluation of Officer-Involved Shootings	Police Use of Emerging Technology: The Implications for Oversight
3:30 p.m. – 5:00 p.m.	Legal Updates	Early Intervention Systems in Law Enforcement: Using Research and Experience to Guide Practice	Strategies for Conducting Systemic Oversight Investigations

Wednesday, October 7th

	Beginner/Intermediate Track (Concurrent Session)	Advanced Track (Concurrent Session)	Current & Emerging Issues (Concurrent Session)
8:30 a.m. – 10:00 a.m.	Assessing the Credibility of Witnesses	Part I: Using Transparency and Open Data to Enhance Accountability	Developing Inclusive LGBTQ Policies & Practices
10:15 a.m. – 11:45 a.m.	Investigating and Prosecuting Non-Fatal Force Complaints	Part II: Using Data to Challenge and Change Police Policy	The Justice System and Mental Health Issues
12:00 p.m. – 1:00 p.m.	Lunch on Your Own		
1:15 p.m. – 2:45 p.m.	What You Should Know About the Search and Seizure of Persons	Implicit Bias	Civilian Oversight and Community Participation and Representation
3:30 p.m. – 5:00 p.m.	NACOLE Annual Membership Meeting and Elections		
6:30 p.m. – 8:30 p.m.	NACOLE's Annual Sankofa Reception at the Mission Inn Hotel & Spa		



Daily Schedule, continued

Thursday, October 8th

	Current & Emerging Issues (Concurrent Session)	Current & Emerging Issues (Concurrent Session)
8:30 a.m. – 10:00 a.m.	Body-Worn Video Cameras: Finding Common Ground for Both Communities and Law Enforcement	De-Escalation: Changing the Focus of Policing
10:15 a.m. – 11:45 a.m.	Developing Issues for Law Enforcement and Civilian Oversight	
12:00 p.m.	Closing Remarks	

Hotel Information

NACOLE has secured special rates at three of the major hotels in Riverside that are all within close proximity to the Riverside Convention Center where the daily conference sessions will be held. Our main conference hotel is the Mission Inn but the other two are great options as well. Our room blocks are filling up quickly. To insure that you receive the lowest rate, we suggest you make your reservations soon. Information on completing the reservation process at each of the hotels may be found below:

MISSION INN

The Mission Inn is offering a special rate of \$130.00 for single and double occupancy. To receive this rate, please make your reservations prior to September 11, 2015 and let them know that you are part of the 21st Annual NACOLE Conference 2015. Reservations for this property may be made by calling 1.800.843.7755.



MARRIOTT RIVERSIDE

The Marriott is offering a special rate of \$135.00 for single and double occupancy. To receive this rate, please make your reservations prior to September 11, 2015 and let them know that you are part of the 21st Annual NACOLE Conference 2015. Reservations for this property may be made by calling 1.800.228.9290.

HYATT REGENCY PLACE

They Hyatt Regency Place is offering a special rate of \$115.00 for single and double occupancy. To receive this rate, please make your reservations by September 20, 2015 and mention our group code, G-NACL. Reservations for this property may be made by calling 1.888.492.8847.



Race, Police Accountability and the Value of Community Attitudinal Surveys

By Joseph De Angelis, Ph.D.

OVER THE LAST THIRTY YEARS, A GREAT DEAL OF SOCIAL science scholarship has been devoted to exploring the predictors of public attitudes toward the police. We know, for example, that community members are more likely to cooperate with law enforcement when they have trust and confidence in the police. We also know that trust in the police can vary considerably by race, ethnicity, and neighborhood. For example, there is strong evidence that a majority of Americans hold generally positive attitudes toward local law enforcement. However, it has been repeatedly demonstrated that African Americans and Latino/Hispanic Americans consistently report less confidence and trust in the police than White Americans.

At the same time that academics have been studying public attitudes toward the police, the US has experienced rapid growth in both the number and kinds of accountability mechanisms designed to increase community confidence in the police. For example, the implementation of citizen review boards, police auditors, and police monitors have often been catalyzed by high profile critical incidents involving residents from communities of color (e.g., officer-involved shootings or incidents of biased policing). These accountability mechanisms are often framed by policy makers as organizational tools that can be used to repair the public's trust and restore confidence in both the police and local government. Yet, even though one of the common goals of citizen oversight is to restore public confidence, very little academic research has explored public attitudes toward police accountability initiatives or whether those attitudes vary by race, ethnicity, or neighborhood.

Recently, NACOLE and the Seattle University co-sponsored an academic symposium titled, *Moving Beyond Discipline: The Role of Civilians in Police Accountability*. As a conference participant, I presented the results of a recently completed public opinion research study focusing on community attitudes toward police accountability. The data for this project were drawn from mailed surveys administered five times between 2006 and 2011 to a systematic random sample of residents in one large U.S. city ($n=3,891$). While limited space prevents me from describing all of the findings from the study, I would like to devote some attention to the study's results relating to the relationship between race, ethnicity, and satisfaction with police accountability. In particular, the surveys asked respondents to indicate their

level of agreement with the statement: "The [City] government does a good job of handling officer conduct." While this question is relatively straightforward, it was designed to allow the oversight agency from this jurisdiction to monitor changes in public attitudes toward police accountability over time.

If we look at the results for that specific question, it becomes apparent that public satisfaction with police

accountability in this jurisdiction was not stable across the five years (see Figure 1). While a majority of the community members who responded to the survey were satisfied with the city's handling of officer conduct for the first three years, levels of satisfaction began to decline precipitously in the final two years of the study period. More precisely, overall respondent satisfaction with accountability varied between 60-67% between 2006 and 2008, but had dropped to 49% by 2011.

Perhaps more importantly, attitudes toward the control of police officer conduct varied significantly across different demographic groups. When the respondents were separated out by race and ethnicity, African Americans and Latino/Hispanic respondents were much less likely to report satisfaction with the handling of officer conduct than White respondents. Interestingly, while patterns in reported satisfaction were similar for African Americans and Latinos between 2006 and 2008, the decline in respondent satisfaction was far steeper among African Americans in 2010-2011 than it was for Latino/Hispanics. African American satisfaction with accountability dropped from 61% in 2008 to 29% in 2011, while Latino/Hispanic satisfaction was 62% in 2008 and 54% in 2011.

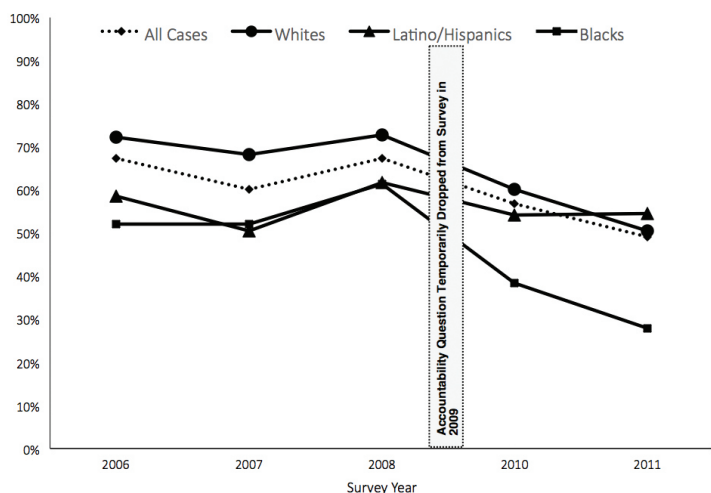
In looking over these results, it is reasonable to ask why it may be useful for oversight agencies to use community-level surveys to examine attitudes toward police accountability. What value is there in knowing the demographic or contextual predictors of satisfaction with police accountability initiatives? First, community-levels surveys can help oversight agencies engage in early, proactive identification of community concerns. For much of their early existence, the work of police oversight agencies has generally been organized around reacting to allegations of misconduct on a case-by-case basis through the review, auditing, or monitoring of individual complaints and internal affairs investigations. However, even though complaints are an important source of information, the concerns of individuals who file police complaints are not necessarily representative of larger community attitudes. In contrast, a well-designed community-level survey can help oversight agencies systematically identify broad patterns in community concerns, which can facilitate the development of more effective data driven policy recommendations.

Community-level surveys, if administered repeatedly across time, can also help oversight agencies document the impact that the mishandling of officer misconduct can have on community trust and confidence. This kind



Joseph De Angelis, Ph.D.

Figure 1: Percentage of Survey Respondents Reporting they Agree/Strongly Agree that: "The [City] government does a good job of handling officer conduct."



Please turn to "Attitudinal Surveys" on page 16

Civilian Oversight as Bridge-Builders

Collaborating With Communities and Police To Develop Trauma-Reducing Procedures for Children of Arrested Parents

By Samara Marion

EXCITED THAT HER DAD CAME TO HER 5th grade promotion ceremony, an 11-year old girl watched in horror as police officers shoved her dad against the wall and handcuffed him in front of an audience of teachers, students and parents. A 10-year old boy recalled officers breaking through his front door and pointing a gun at him. A teenager described officers pushing her aside to grab hold of her father to arrest him and then quickly leaving her home alone without saying anything to her.¹ These children did nothing wrong. Yet police treated them as if they were invisible, at best, or worse, that they deserved the terror and humiliation of their parent's arrest.

Imagine how the 11-year old girl's humiliation could have been eased had police waited until after the promotion ceremony and then arrested her dad outside of her presence. Instead of the teenager not knowing what was going to happen to her or her father, picture an officer letting the father telephone a relative to stay with his daughter. Envision the difference had the father and daughter been given the chance to say good-bye before police took him away. What if the presence of children was considered when police were planning the time and logistics of executing a search warrant?

For years, families of the incarcerated and the organizations that serve them have urged that law enforcement adopt procedures that address the fear and confusion that children experience during and after their parent's arrest. To avoid children returning to an empty home where they are left to fend for themselves after their parent's arrests, advocates have suggested that officers be instructed to ask arrestees if they are responsible for a child under 18 years old. They have proposed that arrested parents be permitted to arrange for a family member or trusted adult to care for their children. Advocates have recommended that when safe to do, officers should allow parents to say good-bye to their children and then handcuff parents out of the sight and hearing of their children. They have also urged that officers not leave the scene until arrangements for the care of the arrestee's children have been made.²

The staggering number of children with an incarcerated parent has been called an "invisible crisis."³ More than 2.7 million children have a parent in jail or prison. Approximately half of these children are under ten years old. One out of 9 African American children, 1 out of 28 Hispanic children and 1 out of 57 Caucasian children have an incarcerated parent.⁴

For decades, most law enforcement agencies have ignored the profound impact that a parent's arrest and incarceration has on children. Recog-

nized now as an "adverse childhood experience,"⁵ parental incarceration increases a child's risk of "alcoholism, depression, illegal drug use, domestic violence and other criminal behavior, health-related problems, and suicide" in adulthood.⁶ One researcher observed that children who had witnessed their mothers' arrests experienced post-traumatic stress disorder symptoms, including flashbacks to the arrest, and an inability to sleep or concentrate.⁷

Most police departments do not have any written procedures instructing officers about their responsibilities when they arrest a parent who has dependent children. Most departments do not train officers on how they can reduce the risk of trauma associated with a parent's arrest.⁸ However, there is an emerging recognition within law enforcement that not only are arrest procedures that safeguard children the hallmark of good policing, but that these procedures can positively influence how children view law enforcement now and when they become adults.⁹ On June 12, 2013, the United States Deputy Attorney General James M. Cole highlighted several federal initiatives to promote the well-being of children of incarcerated parents from the time of their parents' arrest to their parents' reentry into their communities. He announced that the International Association of Chiefs of Police (IACP) was developing a model policy and training for law enforcement to protect children during and after their parents' arrest.¹⁰ As an initiative of the United States Deputy Attorney General and White House Domestic Policy Council and sponsored by the Bureau of Justice Assistance, in August 2014 the IACP released a report entitled "Safeguarding Children of Arrested Parents." The IACP report includes a model policy to assist law enforcement agencies develop procedures for children of arrested parents and addresses ways in which law enforcement can lessen the adverse impact of parental arrests on children.

With a spotlight on the staggering challenges children with incarcerated parents face, civilian oversight agencies have an opportunity to address this national crisis. Through outreach and the complaint process, many civilian oversight agencies have contact with families of the incarcerated. Incarcerated parents and the community organizations that assist them have often reported the traumatic manner in which parents and their children have been treated during and after arrests. Civilian oversight agencies are in a unique position to bring together law enforcement and community stakeholders to collaboratively improve policing procedures for children of arrested parents. Civilian oversight



Samara Marion

agencies that draft policy and training recommendations typically research best practices, may have investigated or reviewed cases involving the police practice called into question, and typically gather information from a variety of perspectives, including those directly impacted by the policing practice. They can anticipate officer safety concerns, organizational hurdles and officer training challenges that a new policing procedure can create. Thus, many civilian oversight agencies have gained experience and expertise in the types of strategies and sustained efforts that are required to bring law enforcement and community stakeholders together to achieve these goals.

During the last two years, the San Francisco Office of Citizen Complaints has worked collaboratively with the San Francisco Children of Incarcerated Parents Partnership (SFCIPP), Project WHAT (We're Here And Talking), the San Francisco Youth Commission, and the San Francisco Police Department to improve policing procedures and officer training for children of arrested parents. On May 7, 2014, these efforts culminated in the San Francisco Police Commission's unanimous adoption of Department General Order 7.04, a written policy that delineates officers' responsibilities to children of arrested parents.¹¹ The policy's goal is to "minimize the disruption to the children of an arrested parent by providing the most supportive environment possible after an arrest, to minimize unnecessary trauma to the children of arrestee, and to determine the best alternative care for the children that is safe." The policy states that arrested parents have the right to choose who shall take care of their child in their absence. It instructs officers to ask arrestees if they have children for whom they are responsible. If safe to do so, officers are encouraged to arrest the parent away

Please turn to "Bridge Builders" on page 12

Body Cameras Still Not A Panacea

By Marielle Moore

AMIDST THE RACIAL TENSION THAT Michael Brown's death catapulted to the front pages of American newspapers, the question remains whether equipping police officers with body-worn cameras will truly constitute a change in the police administration paradigm the way that Brown's family, President Obama, and others suggest.

At around the same time as the Metropolitan Police Department in Washington, DC came under scrutiny for allegations of heinous sexual misconduct committed by two of its officers, Chief Cathy Lanier was planning the pilot phase of MPD's body-worn camera program. At a January 2014 public oversight hearing, the Chairman of the Committee on the Judiciary and Public Safety of the Council of the District of Columbia referred to police body cameras as part of the changing paradigm of police accountability. For a while, body-worn cameras really seemed like a game-changer for police oversight. Departments with plans to implement camera programs accelerated deployment. Other police departments began announcing their own plans to deploy cameras. Indeed, Los Angeles Police Department Chief Charlie Beck called the on-body cameras "the future of policing."¹

Flash forward to the shooting death of Michael Brown, an African-American teenager, by white Ferguson, Missouri police officer Darren Wilson. Brown's death spurred nationwide protests against racially discriminatory police practices. These protests continued for several months and intensified with the failure of a Ferguson grand jury to indict Officer Wilson for the shooting. The movement drew out hundreds and sometimes thousands of peaceful protestors. Brown's death and the national wave of protests created a media frenzy, drawing attention to the deaths of several more young black men at the hands of police and calling into question police practices nationwide.

The Ferguson controversy dovetailed with the issue of officer-worn cameras when Michael Brown's family called for "Mike Brown Laws" mandating the use of cameras by all police officers. After the grand jury failed to indict the officer who shot their son, the family released a statement calling on the nation to, "Join with us in our campaign to ensure that every police officer working the streets in this country wears a body camera."² The statement continued, "We need to work together to fix the system that allowed this to happen."³

The effectiveness of body-worn cameras as a deterrent to police misconduct and a way to ease the tension between communities of color and law enforcement received a fair share of the media attention that Michael Brown's death generated. President Obama, in response to pressure from activists from across the nation, announced plans to "strengthen community policing and fortify the trust that must exist between law enforcement officers and the communities they serve."⁴ As part of this plan, the President proposed a \$263 million investment package to increase police use of body-worn cameras, among other things. According to a White House Fact Sheet, "[a]s part of this initiative, a new Body Worn Camera Partnership Program would provide a fifty percent match to States/localities who purchase body worn cameras and requisite storage. Overall, the proposed \$75 million investment over three years could help purchase 50,000 body worn cameras."⁵

Now that these cameras have begun to hit the streets in cities around the nation, what has changed? The Ferguson Police Department still has not released Officer Darren Wilson's use-of-force report containing his narrative account of the shooting of Michael Brown, even though an investigation by the Department of Justice exposed racist e-mails sent by police, repeated examples of racial bias in law enforcement, and a system of using arrest warrants to squeeze money out of Ferguson's residents of color.

Police departments in Fairfax County, Virginia, Washington, DC, and Los Angeles, California—among others—have refused to release camera footage to the public. Many of these departments are hiding behind cumbersome, outdated public records laws. In Florida, the legislature is actually proposing a bill that could exempt camera footage from disclosure at all. Other departments are citing privacy concerns to avoid public release of body-

worn camera footage. And yet, prosecutors in Washington, DC have already used footage from their pilot program to secure a criminal conviction.

In the meantime, communities of color continue to decry racist police practices and demand broader cultural solutions to the problems of racial profiling, mass incarceration, and generational poverty. Activists are proposing more money invested in job training and youth counseling, as well as pre-booked diversion programs for a panoply of non-violent criminal offenses. At a recent American University panel hosted by the International Association of Chiefs of Police, when asked about the number one thing that police could do to earn the trust of the communities they serve, an African-American woman speaking on behalf of Faith Tabernacle of Prayer and the Reintegrating Alternatives Personal Program said simply, "Stop killing us."⁶

Notably absent from these conversations are suggestions that the police need more money for more surveillance technology. As Michael Tobin, Executive Director of the District of Columbia Office of Police Complaints recently testified, we are at a crossroads. According to Mr. Tobin, "Police departments in the past have been driven to improvements because of technology changes. What we're seeing now are improvements in policing driven by a need and a desire for social change and a desire and a need for cultural change within the police department. I see a huge cultural shift that's going to be necessary...that every police department in the nation is going to have to undergo."⁷ Police officials need to recognize that they are standing on the brink of a cultural, not merely a technological, shift in policing.

The unfortunate death of Eric Garner at the hands of New York Police Department (NYPD) Officer Daniel Pantaleo shows just how far video footage falls short of addressing the problems of racial profiling and community mistrust.⁸ Officer Pantaleo used a chokehold that NYPD banned from use to subdue Mr. Garner, who refused without violence to comply with another officer's verbal commands.⁹ Despite the existence of a video that captured the entire incident, a grand jury refused to indict Officer Pantaleo in Mr. Garner's death, which spurred more protests and more public outrage. The lack of indictment in the case of Eric Garner called into question the effectiveness of cameras in curbing and helping to punish police misconduct. To date, Officer Pantaleo has not been disciplined.

The Eric Garner case suggests that video footage of use of force incidents will be construed in favor of the police, regardless of whether the officers depicted are in violation of internal regulations. In order for body-worn cameras to truly change the paradigm of police accountability, police officials must take community input on these programs and write their policies in advance of deployment. Furthermore, police departments will need to address directly the concerns of communities of color and embrace, in earnest, the kind of cultural paradigm shift that Mr. Tobin referred to in his testimony. Finally, the police must be willing to turn to the cameras around and allow themselves to be subject to scrutiny. •

Marielle Moore is an Attorney-Advisor with the Social Security Administration and previously interned with the Office of Police Complaints in Washington, DC.

1. Joel Rubin, LAPD Begins Testing On-Body Cameras on Officers, LOS ANGELES TIMES (Jan. 15, 2014), <http://articles.latimes.com/2014/jan/15/local/la-me-ln-lapd-cameras-20140115>.

2. Josh Sanburn, The One Battle Michael Brown's Family Will Win, TIME (Nov. 25, 2014), <http://time.com/3606376/police-cameras-ferguson-evidence/>.

3. Id.

4. Eyder Peralta, Obama to Ask for \$263 Million for Police Body Cameras, Training, THE TWO-WAY (Dec. 1, 2014), <http://www.npr.org/blogs/thetwo-way/2014/12/01/367721705/obama-to-meet-civil-rights-leader-to-talk-about-mistrust-of-police>; Breaking: Ferguson Activists Meet with President Obama to Demand an End to Police Brutality Nationwide, FERGUSON ACTION (Dec. 1, 2014), <http://fergusonaction.com/white-house-meeting/>; FACT SHEET: Strengthening Community Policing, THE WHITE HOUSE (Dec. 1, 2014), <http://m.whitehouse.gov/the-press-office/2014/12/01/fact-sheet-strengthening-community-policing>.

5. Id. (Fact Sheet).

6. Police-Community Relations Town Hall: Advancing a Culture of Cohesion and Community Trust, (Mar. 25, 2015), <http://www.american.edu/spa/jlc/events/police-community-town-hall.cfm>.

7. Hearing Video, Committee on the Judiciary Performance Oversight Hearing, COUNCIL OF THE DISTRICT OF COLUMBIA (Mar. 10, 2015), http://dc.granicus.com/MediaPlayer.php?view_id=34&clip_id=2580.

8. 'I Can't Breathe': Eric Garner Put in Chokehold by NYPD Officer—Video, THE GUARDIAN (Dec. 4, 2014), <http://www.theguardian.com/us-news/video/2014/dec/04/i-cant-breathe-eric-garner-chokehold-death-video>.

9. Id.

Bridge-Builders

Continued from page 10

from the child or at a time when the child is not present. Safety permitting, officers are to allow the parent to assure the child that they will be safe and provided for. Officers are also instructed to consider the ages and likely location of children when determining the time, place and logistics of executing an arrest or search warrant. Officers are required to conduct a preliminary criminal background check and contact the city's child welfare agency to confirm that the person willing to take responsibility for the child does not have any child abuse history. If a child is at school at the time of the parent's arrest, an officer is required to contact the school about the parent's arrest.¹²

During the public hearing on Department General Order 7.04, two youths from Project WHAT,

“As a bridge between law enforcement and community stakeholders, civilian oversight agencies are keenly positioned to advance a collaborative approach to officer training.”

an organization for youth with incarcerated parents, spoke to the Police Commission. One youth described that in the wake of her mother's arrest, she was left alone at home for two months without any adult caring for her or her two teenage siblings. A second youth recounted her father's arrest at her 5th grade graduation. Their testimony underscored the profoundly damaging impact on children when police departments do not have an arrest procedure that prioritizes the physical and emotional well being of children. Their testimony also made visible the reality of real harm caused to real children.¹³

Civilian oversight agencies can also play a vital role in assisting law enforcement agencies to implement their arrest procedures for children of arrested parents. As a bridge between law enforcement and community stakeholders, civilian oversight agencies are keenly positioned to advance a collaborative approach to officer training. They can propose that training be developed with input from the community, police personnel, and professional educators. Oversight agencies can help define training goals, participate in its development, and monitor its progress and implementation.

The officer training video on children of arrested parents that SFPD produced was a collaborative project.¹⁴ In consultation with SFCIPP and SFPD, the OCC wrote the script. The OCC also facilitated interviews with Project WHAT youth who had witnessed their parent's arrest so that their experiences are included in the officer training

video. When Project WHAT proposed a focus group to enable youth to talk directly with patrol officers about their interactions with youth and their experience with arresting parents, the OCC enlisted the police department's help. Two important recommendations emerged from the officer-youth focus group. Officers pointed out that often on the street or during a traffic stop, there are no signs that an arrestee is a parent. Thus, the OCC revised the training script to address this common situation. Officers also recommended changes to the incident report so that officers can more easily comply with the documentation requirements of the procedure.

With national attention on the formidable challenges that children of incarcerated parents face, civilian oversight agencies can play a role in this vital discussion. By bringing law enforcement and community stakeholders together, civilian oversight agencies can advance the collaborative work of improve policing procedures for children of arrested parents. •

Since 2000, Samara Marion has been an attorney for the San Francisco Office of Citizen Complaints. For more information about how civilian oversight agencies can collaborate on parent arrest procedures, see the Urban Institutes' Webinar, "Promising and Innovative Practices for Children of Incarcerated Parents: Arrest through Pre-Adjudication," <http://www.urban.org/events/promising-and-innovative-practices-children-incarcerated-parents-arrest-through-pre-adjudication> and International Association of Chief of Police's Webinar, "Developing a Policy To Protect Children of Arrested Parents," (Monday, June 15, 2015 from 1:00 to 2:30 p.m. EST). Both webinars include presentations by Ms. Marion.

1. A 1998 study estimated that almost 70 percent of children observed police handcuffing their parent and nearly 30 percent of the children were confronted with drawn weapons. S. Phillips, "Programming For Children of Female Offenders," Fourth National Head Start Research Conference, Washington, DC, 1998, in "Children of Incarcerated Parents Project: Report to the Oregon Legislature on Senate Bill 133," December 2002, 2. For an in-depth look at how children are affected by their parent's incarceration, see Nell Bernstein, *All Alone In The World: Children of The Incarcerated* (New York: The New Press, 2005).

2. See e.g. Ginny Puddefoot and Lisa Foster, "Keeping Children Safe When Their Parents Are Arrested: Local Approaches That Work" (California Research Bureau, July 2007).

3. John Mason, "New Group Addresses Children of Inmates: Hope For Kids Whose Moms or Dads Are Behind Bars," Register-Star, April 2, 2015.

4. The Pew Charitable Trusts: Pew Center on the States. Collateral Costs: Incarceration's Effect on Economic Mobility. Washington, D.C., 2010; Marc Mauer et. al; "Incarcerated Parents and Their Children—Trends 1991-2007," The Sentencing Project, Washington, D.C., February 2009.

5. Adverse childhood experiences are traumatic childhood experiences that change the developing brain's architecture, thereby producing lasting effects on the individual's emotional and physical health. See Felitti VJ et al, "Relationship of Childhood Abuse and Household Dysfunction To Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study," American Journal of Preventive Medicine 1998;14:245-258.

6. See Ginny Puddefoot and Lisa Foster, "Keeping Children Safe When Their Parents Are Arrested: Local Approaches That Work," California Research Bureau, Sacramento, July 2007 and "Adverse Childhood Experiences (ACE) Study," Centers for Disease Control and Prevention, <http://www.cdc.gov/ace/findings.htm>.

7. Christina Jose Kampfner, "Post-Traumatic Stress Reactions in Children of Imprisoned Mothers," in Katherine Gabel and Denise Johnston, M.D., eds., *Children of Incarcerated Parents* (New York: Lexington Books, 1995), 95.

8. See "Safeguarding Children of Arrested Parents," International Association of Chiefs of Police and Bureau of Justice Assistance (August 2014), p.1.

9. Commenting that children sometimes called his jail looking for their missing parents after an arrest, San Francisco Sheriff Michael Hennessey observed that "[a]dult lives are shaped by childhood experience. If they are treated fairly, and see government as a place to receive assistance as opposed to something that takes away rights, they will be more likely to reach out to and respect government as adults." Nell Bernstein, *All Alone In The World: Children of The Incarcerated* (New York: The New Press, 2005), page 12. See also, "Safeguarding Children of Arrested Parents," International Association of Chiefs of Police and Bureau of Justice Assistance (August 2014).

10. Ibid, p.xi.

11. Formed in 2000, San Francisco Children of Incarcerated Parents (SFCIPP) is a coalition of social service providers, government representatives and advocates dedicated to improving the lives of children with incarcerated parents. Through SFCIPP's persistent efforts and partnership with the San Francisco Police Department (SFPD), in 2007 SFPD issued a Department Bulletin, renewable every two years, which outlined officers' responsibilities when arresting a parent. In 2013 the San Francisco Office of Citizen Complaints recommended that SFPD's parent arrest procedures be codified into a permanent Department General Order and that officer training be provided.

12. Department General Order 7.04 is available on the San Francisco Police Department's website. <http://sf-police.org/modules/showdocument.aspx?documentid=27381>.

13. In January 2015 The Police Chief magazine featured an article on SFPD's parent arrest procedure that discusses the impact of these two youths' testimony on the Police Department. Rachael Kilshaw, "Protecting Children of Arrested Parents: Steps for Developing and Implementing An Effective Policy," The Police Chief 82 (January 2015): 52-55.

14. SFPD's training video is available at <https://www.youtube.com/watch?v=ha7XOV98oaQ>.

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Lessons Learned and Considerations for Effective Community Involvement

By Betsy Graef

THE SEATTLE COMMUNITY POLICE COMMISSION (CPC) WAS PLEASED to participate in NACOLE’s February 7, 2015 symposium “Moving Beyond Discipline: The Role of Civilians in Police Accountability.” The following are highlights from a paper prepared for the symposium, “The Seattle Community Police Commission: Lessons Learned and Considerations for Effective Community Involvement” which will be published soon in the Seattle Journal for Social Justice.

Community Involvement in Seattle Compared to Other Cities

We reviewed the mandated community role in 15 jurisdictions required to reform their police departments (see chart below) to assess how arrangements for community involvement in Seattle compares with provisions elsewhere.

Year of Action	Number	Location
1997	1	Pittsburgh, PA
2001	3	Los Angeles, CA; Riverside, CA; Washington, DC
2002	1	Cincinnati, OH
2003	1	Detroit, MI
2004	2	Oakland, CA; Prince George’s County, MD
2012	1	Seattle, WA
2013	2	Maricopa County, AZ; New Orleans, LA
2014	4	Albuquerque, NM; New York, NY; Portland, OR; Suffolk County, NY

The arrangement for community involvement in Seattle appears unique. In many cities, mandates for community participation were limited or non-existent, or structures were informal and resources inadequate to undertake the community charge. Recent mandates for more robust community involvement are in place for several cities, but it’s too early to assess their experience.

The Seattle Experience

The U.S. Department of Justice (DOJ) investigated the Seattle Police Department (SPD) at the request of the American Civil Liberties Union and 34 community organizations. A strong community role in the reform process recommended by these community groups was included in the settlement and memorandum of understanding.

The CPC has 15 Commissioners, including police union representatives, appointed by the Mayor and confirmed by the City Council. It is supported by three permanent staff members and paid consultants. The CPC is broadly representative of Seattle’s diversity and collectively its members have a deep understanding of community interests and needs, particularly among groups that have had difficulties interacting with SPD. All Commissioners have knowledge of police accountability matters and some have extensive subject matter expertise. Most work is conducted in subcommittees that meet frequently and the CPC as a whole meets twice monthly to review workgroup reports and vote on workgroup recommendations. The CPC benefits from the contributions of many technical advisors.

The settlement outlines specific CPC responsibilities to recommend revisions to key SPD policies and provide input on training and training curricula. The memorandum of understanding calls for the CPC to assess SPD community engagement activities; review the police accountability system; evaluate SPD investigatory stops data collection and reporting practices; assess SPD officer mentoring programs; review SPD public disclosure policies and practices; and work with SPD and the City to develop and implement a public education program on filing police misconduct complaints.

Commission Work

The CPC convened in March 2013. In late 2013 it issued policy recommendations on bias-free policing, stops and detentions and use of force which informed the policies subsequently submitted by the Police Monitor and approved by the Federal Court. At the request of the Police Monitor, the CPC also issued recommendations on SPD’s In-Car Video Recording policy. In a number of areas the CPC made substantive contributions to the final policies. Over time, the CPC will review these and other SPD policies for possible revision.

The CPC engaged the community extensively in late 2013 to obtain feedback about SPD and the reform process, and to get input prior to finalizing its policy recommendations. This effort brought together 3,400 community members at 150 meetings. Both quantitative and qualitative feedback was received, with participants completing 3,000 survey questionnaires. Details are in the CPC’s outreach report on the project. A similarly extensive outreach activity is planned for 2015 and will include a second community survey. This year the CPC will administer its first survey of SPD officers to obtain their views of the reform process, which will provide a baseline measure of police attitudes.

The CPC completed a comprehensive review of SPD’s accountability system and issued extensive system recommendations for policy, practice and structural changes in 2014. A key recommendation is for the CPC to become the permanent civilian oversight body for SPD’s accountability system. Along with many of its other recommendations, this critical structural change has been endorsed by the Mayor and the CPC is working with the Mayor’s Office to prepare legislation that incorporates its recommendations into City ordinance. The CPC is also collaborating with SPD to develop educational materials and establish community-based channels to facilitate public access to the accountability system.

The CPC issued training recommendations in 2014 which identified basic principles of all SPD training practices and key elements critical to ensuring training effectiveness. Later, the CPC contributed to SPD’s training curriculum for its new bias-free policing and stops and detentions policies and participated directly in the department’s bias-free policing training sessions. SPD is responsible for collecting and analyzing data on disparate impact and for consulting with the CPC in identifying alternative practices to reduce such disparities. The CPC is collaborating with SPD in this area during 2015.

The CPC is assessing SPD’s community outreach activities to Seattle’s racial minority, ethnic, and immigrant and refugee communities. The focus is on SPD’s recruitment and retention of officers from these communities; and its relationships and the quality of its communications with these communities. After the assessment, the CPC will work with the community and SPD to finalize recommendations, action steps and an implementation plan to strengthen SPD’s community outreach efforts. The assessment will be completed in late 2015 and future studies are planned on the effectiveness of SPD’s outreach to other targeted groups.

Key Lessons Tailor Community Involvement to Meet Local Needs

The essential elements for successful community involvement depend on unique conditions in each city such as size and demographics, political structures, the arrangements in place that govern and oversee police, and the current and historical context of community issues with police practices.

Institutionalize Community Involvement

The CPC’s charge and structure are codified in City ordinance and pending legislation to broaden its mandate will likely be passed soon. This institution-

Please turn to “Community Involvement” on page 16

Book Review

Policing Major Events: Perspectives from Around the World

Reviewed by Ilana Rosenzweig

POLICING MAJOR EVENTS: *Perspectives from Around the World*, edited by James F. Albrecht, Martha C. Dow, Darryl Plecas, and Dilip K. Das (CRC Press 2015), contains fourteen self-contained chapters, each with an article addressing an aspect of policing major incidents in various circumstances running a broad spectrum from sporting events to political protest to United Nations' missions. The quality of these articles, and their relevance to policing in the United States varies greatly. A few of the chapters, highlighted below, succeed in going beyond general conclusions to provide objective support for the conclusions reached and specific usable information that advances understanding of these policing issues.

Chapter 2, "Policing Political Protests in the United Kingdom," contains a thorough and informative discussion of the need to approach the policing of protests with a full understanding of the context in terms of history, culture, and police legitimacy. It provides important foundational knowledge.

Chapter 3, "Policing International Football Tournaments and the Cross-Cultural Relevance of the Social Identity Approach to Crowd Behavior," provides the most specific information about policing tactics, with potential applicability to the vexing problem of dealing with crowds that contain both law abiding protesters and individuals whose goal is to create chaos. It reports the results of a study of the impact of low profile policing on the conduct of football (soccer) hooligans. The officers were instructed to maintain a low profile in soft and street attire,

and if they identified a threat in the crowd, they were to intervene directly with the individual(s) posing the threat, and not against the crowd as a whole. The result was a shift in how the fans perceived both the police and their fellow

fans. Typically football fans strongly identify with all fans of their same nationality, stating they would feel compelled to automatically defend (even physically) fans of their own nationality. However, the study found that when the police differentiated unruly fans from others, the fans also differentiated. The fans began to identify more with the police, and even with lawful fans of other nationalities, rather than the trouble-makers of their own nationality.

Chapter 11, "Effective Planning for Major Events and Incidents, Examining

the New York City Police Department Protocols and Guidelines," provides detailed information about policies and plans NYPD developed to assist in responding to both anticipated and unanticipated incidents. While discussing the plans implemented by a large law enforcement agency, the information is readily scalable to all size agencies and jurisdictions. It is a useful read for anyone concerned about or hoping to advocate for better pre-planning for both anticipated and unanticipated events and provides a detailed outline of the types of pre-planning and policies that should be in place.

Chapter 13, "Police Leadership and the Strategic Management of Mega Events: Policing the 2012 London Olympic and Paralympic Games," contains an enlightening discussion of the leadership qualities that were needed to successfully

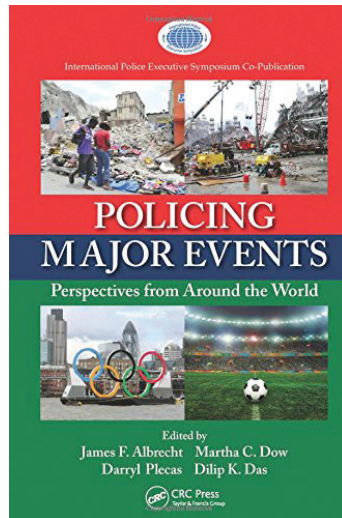
plan security for the London games. It compares these qualities to standards that have been developed for senior officer education and training by the National Police Improvement Association. This identification of specific skills can be informative in evaluating the skills and training of local law enforcement command personnel.

Chapter 14, "Planning for Major Events on Aboriginal Lands in Canada," provides some information and a starting point for gathering more about the framework used in Ontario for policing major events involving aboriginals. With some additional analysis and tailoring, this information could be useful not only to issues of policing Native Americans in the United States, but also to policing any culturally or otherwise distinct population.

This review would be incomplete without a mention of Chapter 5, "Sports Fan Violence in Serbia: Shadow of Turbulent Sociopolitical Circumstances." While not relevant to policing in the United States, it describes the fascinating history of Serbian football (soccer) fan clubs, their criminal behavior and extreme violence, and their roles promoting ethnic discord in the former Yugoslavia, fighting in elite military forces in the Balkan Wars, and leading arms of political parties in Serbia that promoted political unrest and played key roles in the Velvet Revolution.

Taken together, all the articles make the point that policing of major events requires good leadership, strong planning including planning in advance for unanticipated events, an understanding of the context in terms of history and culture, clear communication, and tactics that may allow for some disorder, but ultimately minimize overall disorder. The ones highlighted can advance the reader's understanding of these issues and assist in promoting better policing of major events. •

Ilana Rosenzweig is the Immediate Past-President of NACOLE.



The NACOLE Review

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Quis custodiet ipsos custodies?

Independence and the Police Ombudsman in Northern Ireland¹

By Dr. Michael Maguire, Police Ombudsman for Northern Ireland

THE YEAR 2011 WAS A TUMULTUOUS ONE in the history of the Police Ombudsman in Northern Ireland. It began with the resignation of the Chief Executive who strongly criticised the relationship between the Ombudsman's Office and police and senior civil servants, suggesting the independence of the Office had been compromised.² It was followed by an extremely critical report by a nongovernmental human rights body into the handling of historic cases relating to Northern Ireland "troubles." These cases involved serious allegations into police criminality and misconduct during the conflict including allegations of murder, conspiracy to murder and other misconduct in public office by police officers. The report raised concerns about the independence of the Office from the Police Service of Northern Ireland.³

The Independence Of The Office Had Been Lowered

Two investigations were then commissioned into the work of the Office. One of these was conducted by the Criminal Justice Inspectorate in Northern Ireland. At the time, I was Chief Inspector of Criminal Justice. My conclusions could not have been starker. My report stated: "The way in which the OPONI deals with the investigations of historic cases has led to a lowering of its operational independence. The investigation of historic cases has the capacity to undermine the entire work of the OPONI and serve to decrease public confidence in the Office in the work that it undertakes."⁴

Serious questions were being asked about the ability of the Office to undertake this work, its independence from the Police, the resources it had available and the quality of its investigations. The Office had certainly had lost the confidence of many of those who had engaged with it. It was, in many ways, a perfect storm of criticism all pointing towards the need for radical change and radical change quickly. The year ended with the announcement by the then Police Ombudsman of his intention to resign in 2012.

For an organization that had been regarded as the "gold standard" of civilian police oversight, this was a massive shock to its reputation. The wider political context within which the Office operates saw claims and counter claims about who had been responsible and calls for action.

The criticism that independence has been lowered struck at the core of the Office and its relationship with the police. Dr. Maurice Hayes authored the Report which would provide the foundation for the establishment of the Office in 2000. He wrote, "The overwhelming message I got from nearly all sides and from all political perspectives was the need for investigations to be independent and to be seen to be independent...the value that

was impressed on me was independence, independence, independence."⁵

The completion of "legacy cases"—effectively cold case reviews into allegations against police officers—is a major political issue which puts the work of the Office at the centre of debates about Northern Ireland's troubled past. It also demonstrates the effectiveness (or otherwise) of the criminal justice system in bringing to justice those who have committed serious crimes in Northern Ireland. Investigation into historical cases also highlights the importance of accountability and its centrality to public confidence in policing.

My report as Chief Inspector made a number of significant recommendations. A critical recommendation was that investigations into historic cases should be suspended. I was firmly of the view that the plane could not be fixed while it was still flying. It needed to land and take some time to review what needed to be changed. I was acutely conscious of the impact this would have on families waiting for their investigations to be completed. However, at the time I believed this was the only way the Office could begin to fix what was required in this area of work. Other critical recommendations included the need for additional resources, appropriate prioritization of cases and the need to develop the investigative skills base of the Office.

Implementing Change

At the time of my 2011 Inspection, I had no intention of becoming the Police Ombudsman. I decided to apply for the vacant position, however, and was appointed in July 2012. I was faced with the unusual position of having to implement my own recommendations. The process of change has focused on a number of areas.

In organizational terms, for example, there have been considerable changes within the senior management team (SMT). Five out of the eight members of the SMT have joined since 2013, including a new Chief Executive. The SMT was described as "dysfunctional" in 2011. Under the leadership of the new CEO, we now have an effective and coherent senior management group focused around a common goal. Staff within the Office have worked extremely hard to deliver on the new agenda.

A new management statement was developed with the Department of Justice and a new Memorandum of Understanding with the Police Service of Northern Ireland (PSNI). These arrangements provided a new basis for the development of working relationships which codified the operational independence of the Office.

The Office received additional resources from the Department of Justice which facilitated the recruitment of experienced and skilled investigative staff. The additional resources for evaluating his-

torical events provided initial support and some of the critical mass necessary to tackle how previous investigations were undertaken and reported on and to address underlying problems.⁶

Two particular areas are worth highlighting: the need to improve the quality of investigations and a new approach to communicating with families. The establishment of a communications unit within the History Directorate facilitated a new way of engaging with those who brought complaints to the Office. Specifically, it allowed for the development of a consistent approach to communication across cases with all stakeholders—particularly in relation to the publication of public statements. This was a particular concern arising from the Inspection Report which talked about the "buffeting" of the Office in relation to the publication of reports.

A second area related to the ways in which investigations were being undertaken. The work of additional experienced investigators was underpinned by a more systematic approach to quality assurance and the testing of investigative conclusions. It also provided for a more strategic approach to the investigation of cases—allowing for the linking together of cases in ways that had not been done before. Once again, we began to publish reports into legacy complaints.⁷

The goal of bringing improvements to the Office has not been without its challenges. In particular I had to undertake a legal challenge to the PSNI with regard to access to confidential and sensitive information. This challenge underlined the importance of the legislative powers of the Office in accessing the information required to undertake its work. This was a clear issue of accountability. I said at the time that the Office did not do investigation by negotiation. Those subject to investigation could not decide what information was given to those undertaking the investigations. All of the information that was subject to challenge was accessed and the legal challenge was withdrawn.⁸

Since 2012 the Office has had two further inspections from the Criminal Justice Inspectorate, the most recent having taken place in September 2014: the results of the inspection provided that the "independence of the Office had been restored."⁹ The work of the Office has also been publicly praised by nongovernmental bodies that represent many of the families who have cases with the Office including the Committee for the Administration of Justice (who wrote the critical report in 2011) and Amnesty International.¹⁰ A current review of the press clippings associated with the Office now would reveal a very different and more positive picture.

Conclusions

The last three years has been a difficult time for the
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Attitudinal Surveys

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of “hard data” can then be used to build a case for organizational reform. For example, in this particular jurisdiction, the sharply declining satisfaction with the city’s control of police officer conduct emerged shortly after the local police oversight agency published a series of reports that were highly critical of the light discipline imposed on officers involved in alleged excessive force. The oversight agency’s criticism (and accompanying video of the conduct) catalyzed several months of intense media coverage. The survey data, which was collected both before and after the public controversy, quantified in very clear terms the damage that could be done to public confidence when officers are not held adequately accountable for their conduct.

Community-level surveys can also help oversight agencies identify areas where they can focus their limited outreach resources. As one example, community surveys can be designed to measure public awareness of the oversight agency and the different avenues for filing police complaints. Community-level surveys can also be designed to help oversight agencies identify groups of individuals who may be more skeptical of reform efforts and who might benefit from increased outreach. Does the public trust the process for investigating and resolving police complaints? Does that trust vary by community group or neighborhood? Is there variation among different groups in terms of their willingness to file police complaints? By using community-level surveys to identify trust deficits in the community, oversight agencies may be able to craft targeted outreach and/or policy changes that may remediate some of the conditions underlying those trust deficits.

While community surveys may offer some benefits, they can also entail significant costs. They can be expensive to administer and require significant expertise in research methods to administer effectively. Even so, there are several potential strategies that may help agencies overcome these costs. First, the growing ubiquity of cellphones and social media have opened up new avenues for collecting data on public opinion. For example, oversight agencies may be able to deploy new measurement tools such as application-based surveys, interviews via text-messaging, and web-based surveys to lower data collection costs. Second, oversight agencies may be able to recruit academic partners from local universities who might be able to help them design and administer community surveys. Third, oversight agencies may also be able to piggy-back on larger surveys conducted by other governmental agencies in their jurisdiction. For example, many mid-to-large counties and municipalities conduct community-level surveys designed to gauge community satisfaction with government services. While adding a few accountability-related questions to these types of broad surveys will not answer all the questions that an oversight agency may have, they might be useful for addressing key areas of organizational need.

Further Reading

The full paper will appear in a forthcoming special edition of the academic journal, *Criminal Justice Policy Review*. You can read an early draft of the paper here: https://nacole.org/wp-content/uploads/DeAngelis.What-do-Citizens-think-about-Police-Accountability-Measures_Lessons-from-Community-Attitudinal-Surveys.DRAFT_.pdf or by [clicking HERE](#).

Several other authors have examined the potential of uses of community-level surveys. For example, Samuel Walker includes a short but useful section on public opinion surveys at the end of his book, *Police Accountability: The Role of Citizen Oversight* (Wadsworth Publishing, 2000). Ronald Weitzer and Seven Tschui have also written extensively about the impact of race and ethnicity on support for police reform efforts in their book *Race and Policing in America: Conflict and Reform* (Cambridge University Press, 2006). •

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Community Involvement

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alization gives the CPC status and ensures its activities are protected from changes in political priorities.

Ensure Credible Representation and Maintain Diversity, Cohesion and Commitment

It is important that those serving in a structured community role are respected and collectively represent the city’s diversity. Experiential and professional knowledge of police accountability issues is vital. This mix supports the group’s credibility and aids in obtaining political support. The group’s role and priorities will change over time and turnover is inevitable. New members bring different skills, backgrounds and perspectives. Over time, it is critical to maintain a diverse, knowledgeable and highly committed group that shares core values and norms.

Provide Sufficient Staff and Resources

Sufficient professional staff and resources are critical to ensure the community group meets its obligations in a timely way. Funded by the City, the CPC’s annual budget of \$862,000 is important to its success.

Understand Different Roles and Attend to Relationships

While it might be expected that the CPC should be a natural ally of certain stakeholders in the settlement, different roles and frames of reference have contributed in the past to disagreements. It is important to understand these differences, acknowledge that friction is likely, accept those dynamics and keep communication channels open. Disagreements are inevitable, but regular communication builds respectful relationships, supports consensus and prevents misunderstandings.

Be Outcome-Oriented and Pragmatic

The CPC is outcome-oriented and focused on finding solutions to complex issues. It collaborates with a wide range of parties, takes into account myriad interests, and is respectful of different perspectives. It has balanced various interests well, compromising when necessary to find common ground. The CPC acknowledges the need for police accountability and public safety, and the need to honor community values and support police in meeting their responsibilities. The CPC’s pragmatic and inclusive orientation contributes to its credibility and is why the CPC’s “stamp of approval” is increasingly sought.

Manage Expectations

There are high expectations in the community for the CPC to deliver police reform, but it is primarily an advisory body, influencing but not dictating SPD policy and practice reforms. True reform also depends on a culture shift within the police department that it alone must drive. Neither a community group nor other stakeholders of mandated reforms can make this culture change happen.

Stay Focused, Nimble and Connected

The CPC has built a bridge between the police and community, and has honored the values and expectations of both. As its role expands, it must keep focused on principles and priorities, be strategic in addressing critical policy and practice issues and find even more effective ways to build trust and deepen relations with line officers and community members. In doing so, the CPC will meet its core responsibilities, while also having the capacity to effectively respond to emerging and immediate issues of public interest involving police accountability.

The issues are complex and cannot be easily resolved, but we are all in this together and genuine partnerships are necessary to achieve success. •

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Northern Ireland

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Office. We have, however, turned the corner and addressed the problems that were causing some difficulty; 90% of the public in Northern Ireland are aware of our existence and 77% are confident we deal with things in an impartial way, according to the latest independent research.

In arguing for the creation of the Police Ombudsman, Dr. Hayes cited the importance of independence, primarily organizational and legislative independence. What the experience of the last few years has shown is that even when these arrangements are in place, the independence of civilian oversight of the police cannot be taken for granted. Systems and procedures and organizational culture ("the way things are done around here"), can, if left unchallenged, undermine the core of civilian oversight. Independence as a concept and as an operational reality is easily lost and extremely hard to win back. The Police Ombudsman's Office in Northern Ireland has won that back.

But the struggle is not over. We live in times of "austerity," as some have described the contemporary period. Budgets are being cut and resources withdrawn. Having put in place, or in our case having restored, an independent accountability mechanism is one thing. Society must go the next step and properly fund those mechanisms. •

1. Quis custodiet ipsos custodies – translated as "Who will guard the guards themselves"
2. Vincent Kearney, NI Police Ombudsman chief quits post over "meddling," BBC NEWS (April 14, 2011), <http://www.bbc.com/news/uk-northern-ireland-13086936>
3. Committee on the Administration of Justice, Human Rights and Dealing with Historic Cases: A Review of the Office of the Police Ombudsman for Northern Ireland, CAJ (June 2011), http://www.caj.org.uk/files/2011/08/08/OPONI_report_final1.pdf
4. Criminal Justice Inspection Northern Ireland, An Inspection into the Independence of the Police Ombudsman for Northern Ireland, CJINI (September 2011), <http://www.cjini.org/CJINI/files/fee7c8c8-4e16-4492-ba70-febfaf39427f.pdf>
5. Maurice Hayes, A Police Ombudsman for Northern Ireland?: A Review of the Police Complaints System in Northern Ireland, (London: Stationery Office, 1997).
6. Vincent Kearney, Police Ombudsman to Resume Investigating Historical Events, BBC NEWS (January 23, 2013), <http://www.bbc.com/news/uk-northern-ireland-21151194>
7. The Office of the Police Ombudsman was established in 2000. Further information & reports can be found at www.policeombudsman.org
8. Vincent Kearney, NI's Chief Constable Accused of Obstructing Troubles' Investigations, BBC NEWS (June 27, 2014), <http://www.bbc.com/news/uk-northern-ireland-27682154>; Steven McCaffery, Police Ombudsman takes legal action against the PSNI, THE DETAIL (June 3, 2014), <http://www.thedetail.tv/articles/police-ombudsman-takes-legal-action-against-psni>; Police Ombudsman: Attacks at Centre of PSNI Legal Action, BBC NEWS ONLINE (June 4, 2014), <http://www.bbc.com/news/uk-northern-ireland-27695895>
9. Criminal Justice Inspection Northern Ireland, The Independence of the Police Ombudsman for Northern Ireland: Follow-Up Review, CJINI (January 2013), <http://www.cjini.org/CJINI/files/51/511cbd9d-363e-4064-a474-d6ff93bb127e.pdf>; Criminal Justice Inspection Northern Ireland, The Office of the Police Ombudsman for Northern Ireland: A Process Verification Assessment, CJINI (September 2014), <http://www.cjini.org/CJINI/files/a8/a8bb24bc-7b40-401f-a329-9227f416b523.pdf>
10. Committee on the Administration of Justice, The Apparatus of Impunity, CAJ (January 2015), http://www.caj.org.uk/files/2015/01/30/No_66_The_Apparatus_of_Impunity_Human_rights_violations_and_the_Northern_Ireland_conflict_Jan_2015_1.pdf

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