U.S. Department of Justice Inspector General to Deliver Keynote Address at 19th Annual NACOLE Conference

NAcole is honored that Michael E. Horowitz, Inspector General for the U.S. Department of Justice (DOJ), will deliver the Keynote Address for its 19th Annual Conference in Salt Lake City.

Mr. Horowitz was confirmed as Inspector General for DOJ by the U.S. Senate on March 29, 2012, and sworn in as the fourth confirmed Inspector General on April 16, 2012.

As Inspector General, Mr. Horowitz oversees a nationwide workforce of approximately 450 special agents, auditors, inspectors, attorneys, and support staff whose mission is to detect and deter waste, fraud, abuse, and misconduct in DOJ programs and personnel, and to promote economy and efficiency in Department operations.

Mr. Horowitz previously worked for DOJ’s headquarters in Washington, DC, where he served as Chief of Staff in the Criminal Division, under Presidents Clinton and Bush.

Prior to joining the Criminal Division, he was an Assistant U.S. Attorney for the Southern District of New York from 1991 to 1999. From 1997 to 1999, Mr. Horowitz was the Chief of the Public Corruption Unit, and from 1995 to 1997, he was a Deputy Chief of the Criminal Division. In 1995, he was awarded the Attorney General’s Award for Distinguished Service for his work on a complex police corruption investigation into the city’s 30th Precinct, known as the “Dirty 30.” Former U.S. Attorney Mary Jo White said of Mr. Horowitz’s investigation, “[…] It was probably the biggest police corruption case in decades…and he was just brilliant in the way he handled that, very tenacious.” (“Justice’s New Watchdog Meets Fast And Furious,” Carrie Johnson, National Public Radio, July 09, 2012.)

As Inspector General, he has investigated the FBI’s use of surveillance authorities, management of the terrorist watch list, DOJ’s efforts to address mortgage fraud, and the Civil Rights Division’s enforcement of voting laws.

One of Mr. Horowitz’s most

NAcole Past Presidents Kathryn Olson and Barbara Attard were invited to participate in a project to exchange information about civilian oversight with representatives of two Russian non-governmental organizations. The Eurasia Foundation’s United States-Russia Civil Society Partnership Program supported the project with a $22,000 grant.

The partnership began with a series of teleconferences lead by Melissa Hooper, Country Director, Russia, American Bar Association Rule of Law Initiative, during which the parameters of the project were outlined and project-related reports were developed. The first face-to-face meetings, largely organized by NACOLE Vice-President Brian Buchner, were held on April 1-2 in Los Angeles, and provided a forum for our Russian counterparts to discuss their oversight perspectives and gain first hand knowledge about a variety of models used in this country. U.S. oversight experts who have some authority over jails and prisons were invited to meet with Natalia Taubina, Director, Public Verdict Foundation and Valentin Gefter, General Director, Institute of Human Rights, our Russian partners in the project.

In addition to Olson, Attard, and Buchner, participants from the U.S. included Robert Barton, Inspector General, LA County Public Policy Roundtable

Attard, Olson, Taubina and Gefter met with members of the Public Observation Commissions of Moscow and Moscow Region at the Office of the Ombudsman of the Russian Federation.

In this issue:

<table>
<thead>
<tr>
<th>Message from the President</th>
<th>Conference Highlights</th>
<th>Page 2</th>
<th>Page 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ingenuity in Civilian Oversight</td>
<td>Conference Schedule</td>
<td>Page 3</td>
<td>Page 6</td>
</tr>
<tr>
<td>Salt Lake City PCRB</td>
<td>What We Are Reading</td>
<td>Page 4</td>
<td>Page 8,9</td>
</tr>
<tr>
<td>NACOLE VP at CACOLE Conference</td>
<td>LA County Public Policy Roundtable</td>
<td>Page 4</td>
<td>Page 9</td>
</tr>
</tbody>
</table>
Greetings From the President

The theme of this year’s 19th Annual Conference, Finding the “Right” Balance, is a challenge to the membership, as well as a question. Civilian oversight is required to walk between two worlds. NACOLE Past-President Sue Quinn reminded us at the last conference about the importance of maintaining the appropriate balance between “over-identification with the community” and “over-identification with the police.” Yet, she noted that at this balancing point there will be constructive tension.

This leads me to ask the question whether there ever is a “right” balance, or is civilian oversight set up to struggle because the right balance is one that neither the community, nor the police will approve of, and therefore the oversight agency will lose stakeholder support. As you prepare to attend the conference, I challenge you to read about agencies that have been critiqued in the press recently, or who have touted major accomplishments. What balances have they struck? Is the praise fair? Is the blame fair? How would your agency or entity fare under similar scrutiny?

As civilian oversight of law enforcement matures, nationally and internationally, the spotlight is less frequently on whether to create oversight and more often on how our agencies justify our actions, and our very existence. We are more often called upon to explain our oversight powers, compare them to other oversight in other jurisdictions, defend whether we are performing adequately, and quantify our effectiveness (a difficult task). We need to think through these issues, so we are prepared with answers when the inevitable questions come, so we can educate the public, the politicians, and the press about the balances we strike and why we strike them where we do.

NACOLE is positioning itself to be able to support oversight entities in this area. NACOLE has made a number of important steps forward this year that are raising NACOLE’s profile as a leader in the fields of oversight of law enforcement and police accountability, and allowing it to be a resource to bolster its member agencies. As discussed more fully in the newsletter, NACOLE was awarded a grant by the Eurasia Foundation to participate in training symposia in the United States and Russia for representatives from Russia who are involved in monitoring law enforcement activity there.

Further, NACOLE’s Strategic Planning Committee has undertaken a number of initiatives to bolster NACOLE’s role as the resource for civilian oversight. NACOLE hired a grant writer to pursue grant opportunities for a Peer Review program. A Peer Review program is an important step in promoting civilian oversight as a discipline. Professional associations in other fields conduct reviews of member agencies to ensure their work meets the national professional standards. In fact, the NACOLE membership was challenged in New Orleans to demonstrate our legitimacy by submitting to a peer review process. Agencies across the country have been subjected to outside reviews by “blue ribbon” panels, government consultants, and others. NACOLE Peer Review would ensure an objective, but fair and most importantly, knowledgeable review of how an oversight agency is fulfilling its unique mandate. NACOLE has also identified an academic partner, Dr. Carol Archbold, to work with to pursue funding for a study of all the various models of oversight in the United States. This will help us answer those questions about why our entity has or needs certain powers. It will also lead to an effort to identify proper ways to measure the effectiveness of oversight.

The other NACOLE committees have been equally busy. Our Scholarship program has moved forward and Salt Lake City will be our first conference with attendees receiving scholarship awards. (For more information about scholarships, see the NACOLE website at www.nacole.org/scholarship-program) The Professional Standards Committee has completed a project to update information on the NACOLE website regarding oversight in specific jurisdictions, and that information should be available on the website soon. Membership and Outreach has received lists of individuals who have been members and dropped their membership, or who have attended past conferences, and will be using those lists to reach out to people to determine how NACOLE can better serve its members, as well as encourage renewal of membership. The Finance Committee is completing a financial review of NACOLE’s finances, record-keeping, and procedural safeguards and has also completed formal policies for reimbursement of travel expenses for speakers and Board members. We followed up our Annual Report with our first Webinar. And we did a lot of “not-so-sexy” work to get the website in better working order.

Expanding our public reach, NACOLE will be providing a presentation on civilian oversight at the Annual Conference of the National Organization of Black Law Enforcement Executives (NOBLE). This will build upon presentations in 2011 by Nicole Bershon and me at NOBLE’s Winter CEO Symposium and Annual Conference. NACOLE has also been invited to present on law enforcement oversight at the Annual Conference of the Association of Inspectors General and is providing an article for their newsletter as well as distributing our conference information to their membership. NACOLE Vice-President Brian Buchner attended the CACOLE conference. And, we have had conversations about NACOLE’s work with many entities, including the Harvard Executive Session on Policing and Public Safety, Open Society Foundations, NAWLEE, Better Community Center (Greensboro, NC), and the Public Safety Pride Alliance, in Utah. We have also agreed to participate in a study of law enforcement by LAMBDA. Of course, the Conference Planning Committee, and your entire Board, has been busily planning this year’s conference to ensure we continue the tradition of high-quality, informative sessions.

I am looking forward to the conference in Salt Lake City and hope to see you there. As some of you may have heard, this summer I will be moving with my family to Singapore. I will serve out my term as President and will continue to serve on the Board as Immediate Past-President. I hope you will consider joining the Board and assisting us in these many vital tasks. Elections will be held in Salt Lake City at the next conference, declarations of intent to seek office are due August 26, 2013 (paperwork is mailed to members or can be found at www.nacole.org). I look forward to continuing to work with you on behalf of NACOLE and its members.

Ilana B.R. Rosenzweig
President

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Vice President: Brian Buchner, Los Angeles, CA
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Charles Reynolds, Dover, NH
Dawn Reynolds, Dallas, OR
Jayson Wechter, San Francisco, CA
Ingenuity in Civilian Oversight

By Michael K. Browne and Ryan Patrick

The city of Minneapolis has had a dynamic relationship with the practice of civilian oversight of law enforcement. The primary oversight agency, the Minneapolis Civilian Police Review Authority (CRA), was established in 1991 and has seen numerous revisions and restructuring in the past several decades. Recently, in September of 2012, civilian oversight of law enforcement in Minneapolis underwent its greatest change yet, which coincided with a preceding change to state law.

A debate over an amendment to the Minnesota Peace Officer’s Discipline Procedure Act erupted in early 2012. The proposed amendment would state specifically that civilian review boards and commissions in the state shall not possess the final authority to make a “finding of fact” or “determination” regarding a complaint against a licensed peace officer. No prohibition on findings of fact existed prior to the amendment; in fact, the Minneapolis Civilian Police Review Authority was specifically exempted from the Act. Although a review board or commission could still make a recommendation regarding the “merits” of a complaint, as a result of the amended law, the recommendation no longer carried the same authority.

The legislation was debated by those in law enforcement unions and members of the civilian oversight communities in Minneapolis. Amendment supporters urged the Minnesota legislature to adopt this law. Supporters further argued that the chief of police should have the final authority when dealing with police misconduct. Supporters argue that “agency-issued finding of facts” are harmful to officers because they are admissible in court, even if the chief of police did not follow the agency’s findings.

Opponents feared that the amendment transferred the power to resolve complaints to an “adversary” with no check on the chief’s authority. Opponents also argued that losing the ability to issue “findings of fact” would significantly weaken the civilian oversight agency, giving the police department the ability to ignore civilian input, decreasing civilian engagement. Eventually, supporters of the amendment successfully passed the legislation, and it took effect in August of 2012.

The City of Minneapolis experienced the impact of the amendment. The neighboring city of St. Paul’s Police-Civilian Internal Affairs Review Commission (PCIARC) already required the Chief of Police to be the final decision making authority prior to the Amendment, traditionally called the “audit model.” Agencies with similar models to St. Paul existed across Minnesota, such as the St. Cloud Police Citizens’ Review Board and the Duluth Citizen Review Board. Minneapolis was unique in that the Minneapolis Civilian Police Review Authority Ordinance that outlined investigation and resolution of complaints provided the CRA the authority to issue “findings of fact” and “determinations.” Hence, the Amendment required some change to the CRA Ordinance.

Necessity is the mother of invention, and the City of Minneapolis devised a new agency to engage both supporters and opponents of the Peace Officer’s Bill of Rights Amendment, to maximize buy-in by key stakeholders in the law enforcement community while maintaining a meaningful civilian voice. The Director of the Minneapolis Department of Civil Rights, Velma J. Korbel, brought forth a plan to bring police officers into the civilian oversight model. The plan started with the idea that both civilians and sworn investigators could work together at key stages to resolve misconduct complaints with the expectation that solidarity between the two groups would bestow more weight to the final recommendations issued by the agency.

The City of Minneapolis adopted the plan and created the Minneapolis Office of Police Conduct Review (OPCR) on September 29, 2012. The OPCR now handles allegations of police misconduct for the City of Minneapolis. The civilian director of the OPCR and the commander of the Minneapolis Police Department - Internal Affairs Unit (collectively known as the joint supervisors) collaborate to decide the course of action on each case. If disagreements occur, the director of the Minneapolis Department of Civil Rights and the chief of police resolve the issue as equals. If needed, a representative from the mayor’s office can mediate the issue between the two department heads.

Both civilian and sworn investigators gained access to new resources as part of the restructuring, tools that are now employed to resolve complaints. The joint supervisors can now send complaints directly to the focus officer’s supervisor for immediate action such as additional training, a verbal warning, or a discussion on how to avoid behavior that generates complaints. This earlier intervention avoids a lengthy formal investigation process and provides relevant and timely feedback to the focus officer. Documentation of these “coaching” events is mandatory, and the joint supervisors review the content of the documents.

The joint supervisors also acquired the ability to send complaints to mandatory mediation where complainants and officers meet with qualified mediators to resolve their issues. Repairing relationships between officers and the communities they serve is a critical function of this oversight agency. Providing the agency this resource allows for mediations in cases that previously did not have the option. In response, the OPCR expanded its mediator pool from 3 to 35 volunteer qualified mediators and partnered with the Conflict Resolution Center Inc. (http://www.crcminnesota.org).

Allegations of more severe misconduct still prompt a full investigation, and complainants can express a preference for a civilian or sworn investigator. The OPCR has successfully accommodated those requests in approximately 90% of cases; allegations of criminal misconduct must be handled by sworn investigators pursuant to the Police Conduct Oversight Ordinance. Unlike the former CRA, completed investigations from either civilian or sworn units are reviewed by both the joint supervisors resulting in broader civilian input, including misconduct investigations conducted by sworn officers.

It remains to be seen whether passage of state laws specifically targeting civilian oversight of law enforcement will become a national trend. The success of the Minnesota Amendment may encourage other state legislatures to do so. In the wake of such a change, innovation and ingenuity can preserve the voice of civilians in oversight of law enforcement. This may take the form of adding a sworn component to a process that has traditionally been held out to be independent of police involvement. With change being the constant, embracing a nontraditional approach may be the continuation of meaningful civilian oversight of law enforcement misconduct in those circumstances.

Michael K. Browne is the Director and Ryan Patrick is the Legal Analyst for the Office of Police Conduct Review, Minneapolis (MN) Department of Civil Rights.

Suggestions?

We are constantly seeking suggestions for articles and feedback on what you would like to see in upcoming issues, as well as volunteers to write articles and book reviews.

If you have ideas or would like to help, please contact
Kathryn Olson at kbolson23@comcast.net
NACOLE Vice President Attends the 2013 CACOLE Conference

By Brian Buchner

On behalf of NACOLE and its board of directors, I attended the 2013 Canadian Association for Civilian Oversight of Law Enforcement (“CACOLE”) Conference from May 27 – 29, in Charlottetown, Prince Edward Island. The theme of this year’s conference was “Civilian Oversight: Promoting Accountability, Independence and Transparency.” It featured oversight executives and practitioners from across Canada and around the world, including Brazil and Hong Kong, as well as academics, law enforcement officials, and journalists.

The conference was held at the Rodd Charlottetown, an historic hotel in the center of an historic city.

From right to left: (newly elected CACOLE President) Stan Lowe, Police Complaint Commissioner, Office of BC Police Complaint Commissioner; David Walmesley, Director of News Content, Canadian Broadcasting Corporation; David C. Gavie, Associate Chair, Ontario Civilian Police Commission

Charlottetown is the capital of Prince Edward Island and is known as the “Birthplace of Confederation,” because it hosted the first meeting of the original Canadian Maritime Provinces that ultimately led to the forming of the Canadian Confederation.

Conference highlights included its two keynote speakers, the Honorable Wally Oppal, Q.C., Commissioner, Missing Women Inquiry, and the Honorable Gerard E. Mitchell, Police Commissioner for the Province of Prince Edward Island. Mr. Oppal recounted, in detail—and without very many notes—the Inquiry’s review of the investigation into Canada’s most prolific serial killer, Robert Pickton, who confessed to killing 49 women, mostly from Vancouver’s Downtown Eastside. The inquiry examined all aspects of the original investigation, including interviews with family members of identified victims and other missing women, and a thorough examination of the evidence. Mr. Oppal skillfully threaded together personal stories of some of Pickton’s victims and larger themes of police negligence, willful blindness to the plight of the Downtown Eastside’s residents, and systemic ineptitude that contributed to the inability to convict Pickton for the murders of many of the victims’ deaths (for which he reportedly confessed), or to resolve the unanswered questions or unknown whereabouts of many more women. In addition, Mr. Oppal tied his message directly into the importance of—and need for—an independent, objective civilian oversight of law enforcement.

Mr. Mitchell, whose incredibly perceptive and sharp sense of humor immediately captured delegates’ attention, gave an enlightened and impassioned speech on the evolution and protection of civil rights under the Canadian Charter of Rights and Freedoms. Although he touched on that many important topics, he particularly focused on landmark cases...
19th Annual NACOLE Conference
September 22-26, 2013

For the past 18 years, NACOLE has worked to provide practitioners of oversight, members of the community, elected and professional officials and members of the law enforcement with the opportunity to dialogue and exchange information regarding civilian oversight of law enforcement. The 2013 conference will continue this tradition by providing a forum for education and open dialogue on the most pressing issues facing those of us involved in oversight.

As our planning continues, we are pleased to share with you some of the highlights of this year’s schedule. First, the conference Keynote Speaker will be Michael Horowitz, Inspector General for the U.S. Department of Justice. Mr. Horowitz will speak about his office’s high-profile investigation into the Bureau of Alcohol, Tobacco, Firearms and Explosives’ Operation Fast and Furious, as well as his work prosecuting public corruption, including police corruption, and the transition to, and lessons learned from, overseeing large federal law enforcement agencies.

In addition to the Keynote presentation, we are excited to offer another full schedule of educational and networking events at this year’s conference. First, on Sunday, September 22nd at 1:00 p.m., there will be an opportunity to participate in a Restorative Circle, as a follow up to the well received presentation made at the 2012 conference. An Opening Reception will follow on Sunday evening at the hotel, beginning at 6:00 p.m. There will also be a gathering for the first-time conference attendees, new members and those interested or already participating in the NACOLE Professional Mentoring Program immediately following the Opening Reception at 8:00 p.m.

Starting Monday, September 23rd, each morning of the conference will begin with 1.5 hours of basic and intermediate/advanced-level skills training and development workshops. Monday afternoon, NACOLE will host a forum featuring experts in the field focused on whether there is a “right” model or balance of approaches to civilian oversight—the overall theme of this year’s conference. This forum will be followed by a modified version of our traditional roundtable discussions wherein each group will continue the discussion of finding balance within our own agencies and organizations.

Tuesday, September 24th will be a full day of workshops and plenary sessions. Highlights include a discussion of an innovative partnership between the COPS Office and the Las Vegas Metropolitan Police Department; an examination of outreach efforts to vulnerable and invisible segments of our communities; a closer look at shooting of unarmed subjects; and discussion of a human rights approach to policing. We also invite you to our Keynote Luncheon to hear DOJ Inspector General Horowitz.

Wednesday, September 25th begins with training workshops on performance auditing and use of force reporting. The day also includes sessions covering a wide range of issues and interests in the field of oversight of law enforcement such as the pitfalls of technology in law enforcement, mediating citizen complaints, and a discussion of the current state of research and good practices in investigating and preventing biased policing. The afternoon will feature the Annual Membership Meeting and Elections of officers and Board members. The day will conclude with our Sankofa Reception, to be held at the historic Salt Lake City and County Building.

Thursday, September 26th, the last day of the conference, will feature three sessions discussing what agencies or cities can expect out of the consent decree process and how best to prepare for it; the development of oversight of university/campus police; and immigration and policing. This last panel will feature Salt Lake City Chief of Police Chris Burbank who is an outspoken opponent to the cross-deputization of police officers as immigration enforcement agents. In May of 2009, Chief Burbank received special recognition from the American Civil Liberties Union of Utah for his work in protecting immigrant civil rights.

This is just a small sampling of what will be offered at this year’s conference. Please visit www.nacole.org for a full schedule as well as detailed descriptions of the sessions and panels being offered. We look forward to seeing you in beautiful Salt Lake City!
### Sunday, September 22nd

<table>
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<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>1:00 p.m.</td>
<td>Restorative Circles Demonstration</td>
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<tr>
<td>6:00 p.m.</td>
<td>Opening Reception held at the Little America Hotel</td>
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<tr>
<td>8:00 p.m.</td>
<td>First Time Attendee, New Member and Mentor Program Gathering</td>
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### Monday, September 23rd

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<tr>
<th>Time</th>
<th>Event</th>
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<tr>
<td>7:30 a.m.</td>
<td>Continental Breakfast Begins</td>
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<tr>
<td>8:30 a.m.</td>
<td>Concurrent Session: Basic Skills: Legal Updates</td>
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<tr>
<td>8:30 a.m.</td>
<td>Concurrent Session: Intermediate/Advanced Skills: First Time Performance Audits</td>
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<tr>
<td>10:15 a.m.</td>
<td>General Session: Welcoming Remarks, Ilana Rosenzweig, NACOLE President</td>
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<tr>
<td>10:30 a.m.</td>
<td>General Session: Civilian Oversight of Law Enforcement in Utah</td>
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<tr>
<td>12:00 p.m.</td>
<td>Lunch on Your Own</td>
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<tr>
<td>1:30 p.m.</td>
<td>General Session: Finding the “Right” Balance</td>
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<tr>
<td>3:30 p.m.</td>
<td>Breakout Sessions: Finding the “Right” Balance, Part II</td>
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### Tuesday, September 24th

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<tr>
<td>7:30 a.m.</td>
<td>Continental Breakfast Begins</td>
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<tr>
<td>8:30 a.m.</td>
<td>Concurrent Session: Basic Skills: Effective Reporting</td>
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<tr>
<td>8:30 a.m.</td>
<td>Concurrent Session: Intermediate/Advanced Skills: Analyzing Officer-Involved Shooting and Other Critical Incidents through a Policy Lens</td>
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<tr>
<td>8:30 a.m.</td>
<td>Concurrent Session: Intermediate/Advanced Skills: Planning and Prioritizing Investigations – An Interactive Workshop</td>
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<tr>
<td>10:15 a.m.</td>
<td>Concurrent Session: The Shooting of Unarmed Suspects- A Panel Discussion</td>
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<tr>
<td>10:15 a.m.</td>
<td>Concurrent Session: Securing Access to Police Agency Documents</td>
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<tr>
<td>12:00 p.m.</td>
<td>Keynote Luncheon: Michael Horowitz, Inspector General for the United States Department of Justice</td>
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<tr>
<td>1:45 p.m.</td>
<td>Concurrent Session: The COPS Office Collaborative Reform Process – An Innovative Approach to Police Reform</td>
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<tr>
<td>1:45 p.m.</td>
<td>Concurrent Session: Peace Officer Community Liaisons to Reluctant and Underserved Communities – Using the Boise Police Refugee Liaison Program as a Model</td>
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<tr>
<td>3:30 p.m.</td>
<td>Concurrent Session: Human Rights &amp; Policing – The Implications and Impact of Stop and Frisk, Racially Motivated Stops and Police Brutality through a Human Rights Lens</td>
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<tr>
<td>3:30 p.m.</td>
<td>Concurrent Session: Early Resolution Settlement Process</td>
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*TASER AXON Flex Point-of-View Video System
(Demonstrations beginning at 1:00 pm and available throughout the afternoon)*

### Wednesday, September 25th

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<th>Time</th>
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<tr>
<td>7:30 a.m.</td>
<td>Continental Breakfast Begins</td>
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<tr>
<td>8:30 a.m.</td>
<td>Concurrent Session: Basic Skills: Capturing a Moment in Time – Interpreting Use of Force Statements</td>
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<tr>
<td>8:30 a.m.</td>
<td>Concurrent Session: Intermediate/Advanced Skills: Making the Best Use of Digital Video Evidence</td>
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<td>10:15 a.m.</td>
<td>Concurrent Session: Technology Pitfalls in Law Enforcement Operations</td>
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<tr>
<td>10:15 a.m.</td>
<td>Concurrent Session: Finding an Alternative Path to Resolution: Mediation and Other Techniques to Increase Mutual Understanding between Civilians and Law Enforcement</td>
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<tr>
<td>12:00 p.m.</td>
<td>Lunch on Your Own</td>
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<tr>
<td>1:15 p.m.</td>
<td>Concurrent Session: Fair &amp; Impartial Policing – Tools and Strategies to Identify and Address Biased and Discriminatory Practices and Build Community Trust</td>
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<tr>
<td>1:15 p.m.</td>
<td>Concurrent Session: Public Safety Pride Alliance Training: Law Enforcement, Civilian Oversight, and the LGBTQ Community</td>
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<tr>
<td>3:00 p.m.</td>
<td>NACOLE Annual Membership Meeting &amp; Elections</td>
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<tr>
<td>6:30 p.m.</td>
<td>Sankofa Reception to be held at the Salt Lake City City &amp; County Building</td>
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### Thursday, September 26th

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<th>Time</th>
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<tr>
<td>7:30 a.m.</td>
<td>Continental Breakfast Begins</td>
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<tr>
<td>8:30 a.m.</td>
<td>Concurrent Session: Consent Decree Process: Finding Your Balance</td>
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<tr>
<td>8:30 a.m.</td>
<td>Concurrent Session: UC Davis Embraces Accountability and Transparency: A Panel Discussion about the Path to Oversight</td>
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<tr>
<td>10:15 a.m.</td>
<td>General Session: Immigration &amp; Policing</td>
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<tr>
<td>12:00 a.m.</td>
<td>Conference Concludes</td>
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**Please note, this schedule is subject to change**
Hotel

The Little America Hotel
500 South Main Street
Salt Lake City, Utah 84101
Phone: 800.281.7899
http://saltlake.littleamerica.com

Rates & Reservations

NACOLE has arranged for a block of rooms at a special rate for those attending the NACOLE Conference at the Little America Hotel, located in downtown Salt Lake City. Reservations may be made by calling their reservation line at 800.281.7899. In order to receive the preferred rate, please make your reservations prior to August 30, 2013, and let them know that you are a member of the 2013 NACOLE Conference. Also, please note that, although we will make every effort to assist, NACOLE cannot guarantee the group rate after the room block has filled or after the reservation cut-off date of August 30th, whichever comes first.

Garden Room Single/Double Occupancy Rate: $116.00 per night
Tower Room Single/Double Occupancy Rate: $164.00 per night

This rate will be extended three nights prior to and following the conference. Guestrooms that are requested for dates other than those listed or above the contracted room block will be on a rate-available basis. This rate does not include taxes. Room rates in Salt Lake City are currently subject to a hotel room tax of 12.6%. Please note that these tax rates may change without notice.

Parking & Transportation

The Little America is located approximately 10 minutes from the Salt Lake City International Airport. Once you arrive, there will be several transportation options available to you. An inexpensive and convenient method is utilizing the Utah Transit Authority’s (UTA) TRAX line that will bring you from the airport to downtown for a minimal fee. This new extension of the TRAX line is slated to open for use on April 14, 2013. For information, please visit the UTA’s website. Of course, you may also take a taxi to the hotel for approximately $20, ride one of the many airport shuttles, or call the hotel concierge at 801-596-5799 to arrange for transportation. For those driving themselves, there is complimentary self-parking or valet parking at the hotel.

Local Information

The number of activities available to visitors in Salt Lake City and the surrounding area is probably more than your time there will allow. However, if you wish to explore the city, visit a museum, hike or bike in one of the nearby canyons or national parks, or even research your family’s history at the world famous Family History Library, you can find information to help you plan your trip at the Salt Lake City Convention & Visitors website, www.Visitsaltlake.com.
They Wished They Were Honest: The Knapp Commission and New York City Police Corruption; by Michael F. Armstrong (Columbia University Press, 2012)

Reviewed by Christopher P. Soules

Ten percent of the cops in New York City are absolutely corrupt, ten percent are absolutely honest, and the other eighty percent - they wished they were honest.” Frank Serpico’s words described the extent of corruption within the NYPD in the early seventies. It was a world where graft was the norm and corruption became a way of life for virtually every police officer on the street. Serpico thrust this open secret onto the front pages of the New York Times. The result was a commission appointed by Mayor John Lindsay to investigate corruption within the Police Department. The Knapp Commission’s contribution was to use the weapon of public exposure to help bring about the elimination of the general, pervasive climate that existed in the Department at that time.”

Armstrong notes towards the end of the book that the Mollen Commission all but declared the pervasive “grass eater” dead when it concluded that, “the vast majority of New York City police officers are honest and hard working…” This book also offers insight for those of us currently in law enforcement oversight. Most notably, the author points out that although the Mollen Commission did not find any indication of systemic “grass eaters” in the Department, the “meat eaters” had grown substantially worse, a situation perhaps fueled by drug trafficking.

A Knapp “meat eater” had been a crooked cop who took money to allow serious criminals to operate. By the time of the Mollen Commission, a “meat eater” had come to mean a cop who was himself a crook - in actual competition with those he was supposed to arrest.

As practitioners in oversight, we have all faced political maneuvering, a police culture that is often times adverse to outside scrutiny and budget constraints that hamper our efforts. Perhaps what “They Wished They Were Honest” offers us is the knowledge that an endemic culture of misconduct can be defeated, even with an underfunded agency and borrowed investigators. For those jurisdictions that have overcome patterns of corruption or misconduct, Armstrong suggests that a study of the Knapp Commission may assist in maintaining the vigilance required to prevent their return. For jurisdictions currently enmeshed in corruption or misconduct, Armstrong demonstrates that the task may be daunting, but not impossible.

Christopher P. Soules is an Examining Attorney with the NYC Commission to Combat Police Corruption.

The NACOLE Review is Going Paperless!

Beginning in 2014, the NACOLE Review will be distributed in electronic form, unless you indicate you want to continue receiving a paper copy. The Board of Directors voted to reduce costs associated with publishing paper copies for everyone, by going to an electronic version, which will be available through the NACOLE website, the NACOLE listserv, and e-mail. This change will begin with the Spring 2014 NACOLE Review.

A form will be included with your dues notice where you can indicate if you want to opt out of the change to the electronic newsletter. We also will ask you to list the persons and e-mail addresses for everyone in your agency who wants to receive a copy of the NACOLE Review. Please complete the form and return it to the NACOLE secretary with your dues payment so we have email addresses for everyone. If you currently receive the NACOLE Review in paper form and wish to continue to do so, please e-mail Karen Williams at Williams@nacole.org
T he most recent issue of POLICE Practice and Research: An International Journal (Vol. 14, No. 2) is devoted to the subject of civilian oversight of police. The special issue was edited by New Zealand Police Inspector Garth den Heyer and Australian academic Tim Prenzler. Tim manages the Integrity Systems research project in the Australian Research Council Centre of Excellence in Policing and Security, based at Griffith University, Brisbane.

The issue contains seven original articles and two book reviews. The first four papers provide regional reviews, covering the United Kingdom, Canada and the United States, Asia, and Australia and New Zealand. Next is a paper on one country of particular interest in terms of democratisation, police reform and oversight: South Africa. Following this are two papers dealing with more general issues: stakeholder preferences and experiences in relation to the management of complaints against police, and innovative means by which oversight agencies can work with police departments to improve police conduct.

The first paper, by Graham Smith, examines developments in the United Kingdom, with a focus on England and Wales. The author argues that, despite areas of progress, a more consistent application of the Council of Europe Commissioner of Human Rights standards would advance public trust in the independence and effectiveness of oversight agencies. This paper is followed by an overview of the situation in Canada and the US by Frank V. Ferdik, Jeff Rojek and Geoff Alpert. The authors condense a very complex situation, with case studies that illustrate key developments and issues in this region in more depth. Mahesh Nalla and Chae Mamayek tackle another multiple country review. They summarise the diverse and evolving arrangements for police oversight and accountability in the Asian region. Garth den Heyer and Alan Beckley’s tour around Australia and New Zealand includes in-depth critiques of the pros and cons of oversight systems in place in four jurisdictions in the area. The next paper, by Julie Berg, examines the reasons for the transition in South Africa from an Independent Complaints Directorate to the present Independent Police Investigative Directorate (IPID). She concludes that the enlarged powers and

NACOLE Participates in Los Angeles County Public Policy Roundtable

By Brian Buchner

The Los Angeles County Sheriff’s Department (“LASD”) has received a great deal of attention lately—from the U.S. Department of Justice, including the FBI and Civil Rights Division, the Los Angeles Times, ACLU, civilian oversight agencies, the County Board of Supervisors, and the public—about its treatment of inmates in the nation’s largest jail system (19,000 inmates in 8 geographic facilities), the lack of management oversight, and its delay and failure to implement recommendations for reform. Sheriff Leroy Baca has been elected to the position four times and oversees a department with a $2.8 billion annual budget and about 19,000 positions (patrol and custody). LASD provides policing services to 40 contract cities, unincorporated areas, the county’s public transit system, and community college campuses. Currently, there are numerous internal and external oversight mechanisms overseeing the LASD. Internal oversight includes the Internal Affairs Bureau, Internal Criminal Investigation Bureau, Custody Force Review Committee, Executive Force Review Committee, and the Sybil Brand Commission. External oversight includes Special Counsel, the Office of Independent Review, Ombudsman, ACLU (jail monitor), and the Los Angeles County Board of Supervisors. The sheriff is functionally independent; however, the Board of Supervisors has budgetary authority and the ability to hold public hearings.

In October of 2011, after years of complaints about deputies’ use of unreasonable force in the jails and numerous high-profile incidents, the Board of Supervisors created the Citizens’ Commission on Jail Violence (“CCJV”). The CCJV was tasked with reviewing the “nature, depth and cause of the problem of inappropriate deputy use of force in the jails, and to recommend corrective action as necessary.” The CCJV issued its report on September 28, 2012, with 77 total findings and 63 recommendations. (See http://ccjv.lacounty.gov) One of the recommendations was to create an Office of Inspector General (“OIG”), but there was no suggestion to establish a permanent, independent civilian law enforcement commission.

Dissatisfied with the absence of this particular recommendation, the Board of Supervisors, under the leadership of Board Chair Supervisor Mark Ridley-Thomas, directed County Counsel and the Chief Executive Officer to study the feasibility of creating an OIG and permanent Citizens’ Law Enforcement Commission (“CLEC”).

To further explore a permanent commission, Supervisor Ridley-Thomas convened a Public Policy Roundtable and NACOLE Vice-President Brian Buchner was invited to participate. (Supervisor Ridley-Thomas’ staff approached NACOLE several months ago in early discussions about civilian oversight and the LASD.) The Roundtable met on June 12, 2013, and involved experts in civilian oversight, law enforcement, civil rights, law enforcement, public policy, and community engagement.

Participants included the following: Supervisor Mark Ridley-Thomas and staff, LA County Board of Supervisors; Connie Rice, Founder, The Advancement Project; John Mack, Vice-President, LAPD Board of Police Commissioners; Miriam Krinsky, Former Executive Director, CCJV; Patrisse Cullors, Lead Organizer, Coalition to End Sheriff Violence in L.A. Jails; Raphael Sonenshine, Director, Pat Brown Institute; Richard Tefank, Executive Director, LAPD Board of Police Commissioners; Richard Drooyan, Implementation Monitor, LA County Board of Supervisors and LAPD Board of Police Commissioners; Samuel Paz, Civil Rights Attorney, Law Offices of Samuel Paz; Brian Moriguchi, President, LA County Professional Peace Officers Association; Brian Buchner, Vice-President, National Association for Civilian Oversight of Law Enforcement; Taylor Mayfield, Empowerment Congress Public Safety Committee Co-Chair; and Floyd Hayhurst, President, Association of Los Angeles County Deputy Sheriffs.

As envisioned by Supervisor Ridley-Thomas and as presented to the Roundtable, the CLEC would have focused attention on the LASD, a level of attention that the Board of Supervisors is unable to sustain given other demands. The CLEC would provide for public accountability, inquiry and scrutiny, and increase the public’s trust and confidence in the LASD.

A good discussion was had during the Roundtable and participants offered their input and assessment of whether a permanent CLEC, in one form or another, should be established. Supervisor Ridley-Thomas will continue to host a series of conversations about the idea, and NACOLE will continue to participate.

Brian Buchner is a Special Investigator II with the Los Angeles Board of Police Commissioners, Office of the Inspector General, and the current Vice-President of NACOLE.
well-known efforts involved his office’s high-profile investigation into the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATE") Operation Fast and Furious in which ATF officials lost track of weapons that were allowed to be purchased on behalf of Mexican cartels, some of which were used in crimes, including the murder of a Border Patrol agent. Mr. Horowitz continues to investigate the matter and recently released a report accusing a former Arizona U.S. Attorney of leaking confidential documents to a reporter to undermine a whistleblower in the case.

Mr. Horowitz will speak about his office’s investigation of Fast and Furious, as well as his work prosecuting public corruption, including police corruption, and the transition to and lessons learned from overseeing very large federal law enforcement agencies.

Prior to becoming Inspector General, Mr. Horowitz most recently worked as a partner at Cadwalader, Wickersham, & Taft LLP, where his practice focused on white collar defense, internal investigations, and regulatory compliance. He also was a board member of the Ethics Resource Center and the Society for Corporate Compliance and Ethics. From 2003 to 2009, Mr. Horowitz served as a Presidentially-appointed and Senate confirmed Commissioner on the U.S. Sentencing Commission. As Commissioner, he was instrumental in rewriting the guidelines for corporate compliance programs, and for fraud, antitrust, intellectual property, and money laundering offenses.

Earlier in his career, Mr. Horowitz was an associate at Debevoise & Plimpton and clerked for Judge John G. Davies, U.S. District Court for the Central District of California.

Mr. Horowitz earned his Juris Doctor, magna cum laude, from Harvard Law School and his Bachelor of Arts, summa cum laude, from Brandeis University.

**US-Russia,**

Continued from page 1

Office of the Inspector General, California Department of Corrections and Rehabilitation; Alexander A. Bustamante, Inspector General, Los Angeles Board of Police Commissioners, Office of the Inspector General; Stephen J. Connolly, Executive Director, Orange County Office of Independent Review; Richard Drooayn, Commissioner, Los Angeles Board of Police Commissioners; Robert Miller, Deputy Chief Attorney, Office of Independent Review; and, Camelia Naguib, Special Investigator II, Los Angeles Board of Police Commissioners, Office of the Inspector General.

The first day of the LA meetings was spent in a symposium where Ms. Taubina and Mr. Gefter presented a paper they authored on monitoring and investigation of human rights violations in Russian prisons. The presentation was to a commission that advises the Duma, the Lower House of the Federal Assembly of Russia. After nearly two hours of dialogue, observers noted that there was a genuine desire to understand elements contributing to successful oversight. That evening, the project participants made presentations in a live video-streamed panel on police oversight held at Café Zavtra, an Internet café offering opportunities for open political discussion. The final presentation was with members of the Public Observation Commissions at the Office of the Ombudsman of the Russian Federation, and again, there was much interest in how oversight has evolved in the U.S. Olson and Attard also accompanied a young woman on an unscheduled inspection of a Moscow police station. Observing the banter between the officers and “the inspector” provided insight into the brave efforts being made to ensure oversight in the face of resistance and suspicion on the part of the police.

Though it is clear that oversight work in Russia is different than in the United States, everyone involved with this project agreed the exchange of information that took place was valuable, and that we should continue to explore ways to collaborate. The encouragement and support received from NACOLE and the Eurasia Foundation was much appreciated by everyone involved in the partnership project.

Kathryn Olson was the Director of the Office of Professional Accountability for the Seattle Police Department 2007 – 2013, and is the immediate past president of NACOLE and a current Board member. Barbara Attard is a consultant with Accountability Associates, and a NACOLE past president and Board member.

**CACOLE,**

Continued from page 4

from the Supreme Court of Canada, as well as cases from his time as Chief Justice of Prince Edward Island, that addressed Canada’s exclusionary rule.

Other parts of the program included panels on First Nations policing, surveillance of policing and civilian journalism, and responding to incident-led investigations. Additional panels included a discussion on ethics, honesty, and the duty to disclose police misconduct under McNeil (similar to the preced-ent established under Brady v. Maryland (1963), and the evolution of CACOLE and civilian oversight of law enforcement in Canada.

The last night of the conference offered delegates a special treat – CACOLE hosted a maritime “kitchen party.” (Don’t worry; it had to be explained to me, too.) Essentially, a kitchen party is a maritime Canadian tradition where friends and family gather in the host’s kitchen and engage in revelry and good-natured celebration—and the party never leaves the kitchen.

I attended CACOLE’s annual general meeting and elections, which were held on the first afternoon of the conference. Stan Lowe, Police Complaint Commissioner, Office of the Police Complaint Commissioner, British Columbia, was elected President for 2013-2014. Immediate Past-President Ian Scott deserves recognition as well. Ian is the Director of the Ontario Special Investigations Unit (“SIU”), having served in that post since 2008. He is not seeking re-election and will leave the SIU – indeed, the oversight world – in October. On behalf of NACOLE, thank you, Ian, for all that you have done throughout your career to advance the principles and practices of civilian oversight of law enforcement—in Ontario, across Canada, and around the world.

In the end, I enjoyed meeting passionate, dedicated professionals, increasing NACOLE’s presence, and learning about civilian oversight in Canada. And, perhaps surprisingly or perhaps not, I learned that many of the issues and challenges that Canadian oversight faces are similar to what we face in the United States.

Finally, one of the most important benefits of attending the conference was strengthening the relationship between NACOLE and CACOLE. Our two organizations represent the best that oversight has to offer and it is critical that we remain close partners. I had conversations with many past and current CACOLE board members during the conference about ways we can improve our partnership and better support our members and advance our missions. Look for a closer and more visible partnership between NACOLE and CACOLE in the future.

Next year’s CACOLE conference will be in Victoria, British Columbia, from May 5-7, 2014. I hope to get the chance to attend again and I encourage my American oversight colleagues to consider attending as well. To find updated conference information and learn more about CACOLE, visit their website, www.cacole.ca.

Brian Buchner is a Special Investigator II with the Los Angeles Board of Police Commissioners, Office of the Inspector General, and the current Vice-President of NACOLE.

**Prenzler,**

Continued from page 9

responsible for investigating human rights violations and overseeing public corruption, including police corruption. As the U.S. participants represented a range of strengths and weaknesses of various approaches.

During the second day of meetings, Taubina, Gefter and others toured the LAPD’s Metropolitan Detention Center and attended a weekly meeting held by the Los Angeles County Sheriff’s Department to review in-custody use of force incidents in the LA County jails. These use of force review meetings have been instituted in response to the investigation of jail violence discussed by Commissioner Richard Drooayn during the symposium, and provided an opportunity to observe the depth and breadth of questioning that now occurs when force is used with a prisoner. The tour of the Metropolitan Detention Center highlighted steps the LAPD is taking to prevent violations of civil rights of arrestees. An extensive camera system throughout the Detention Center is monitored from different stations 24 hours/day. Problems with detainees can be quickly detected and addressed, and officer actions are recorded and used as evidence if administrative investigations of alleged misconduct are conducted.

During the second phase of the partnership project, Attard and Olson traveled to Moscow in April to make presentations in several venues about U.S. law enforcement oversight. The first presentation was to a commission that advises the Duma, the Lower House of the Federal Assembly of Russia. After nearly two hours of dialogue, observers noted that there was a genuine desire to understand elements contributing to successful oversight. That evening, the project participants made presentations in a live video-streamed panel on police oversight held at Café Zavtra, an Internet café offering opportunities for open political discussion. The final presentation was with members of the Public Observation Commissions at the Office of the Ombudsman of the Russian Federation, and again, there was much interest in how oversight has evolved in the U.S. Olson and Attard also accompanied a young woman on an unscheduled inspection of a Moscow police station. Observing the banter between the officers and “the inspector” provided insight into the brave efforts being made to ensure oversight in the face of resistance and suspicion on the part of the police.

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Did you know that NACOLE is available to provide technical assistance and advice to jurisdictions and others that are considering the creation or reinvention of organizations in their communities dedicated to civilian oversight of the police? Find out how NACOLE can help by contacting us at www.nacole.org.
Louise Porter found widespread dissatisfaction with existing systems. They argue that a greater focus on independence, and more opportunities for informal resolution and mediation, would improve stakeholder confidence in the legitimacy and fairness of systems. The final paper, by Louise Porter, provides a positive end to this special issue. The paper frames the work of oversight agencies in terms of the problem-oriented policing SARA process (‘scanning, analysis, response and assessment’), and provides a number of case studies of improvements in police conduct resulting from the cooperative efforts of oversight agencies and police departments.

The Journal’s contents page can be accessed at: http://www.tandfonline.com/toc/gppr20/current#

Contact Tim Prenzler by e-mail at t.prenzler@griffith.edu.au with any questions.

The 2013 NACOLE Annual Membership Meeting will be held on Wednesday, September 25, 2013 at 3:00 p.m. MDT Little America Hotel Salt Lake City, UT

NOTICE

Dues notices were sent out May 1 and were due June 30 to remain a current member of NACOLE. Not a NACOLE member? Visit www.nacole.com/membership to join. Questions? Please contact Karen Williams, NACOLE Secretary, at Williams@nacole.org

The NACOLE Review

The NACOLE REVIEW is produced under the supervision of NACOLE’s Board of Directors. The Board thanks those individuals who contributed to this edition of the newsletter. This edition of the NACOLE Review was edited by Kathryn Olson and Karen Williams. In addition, the Board is grateful for the assistance of Cameron McEllhiney, who provides independent contracting services for NACOLE. We would also like to extend our gratitude to Matthew Brooks of Brooks Publications, Inc., www.urbantimesonline.com, for providing layout and publication services to the NACOLE Review.
See you in Salt Lake City!

The 19th Annual NACOLE Conference
September 22-26, 2013
“Finding the Right Balance”