

NACOLE Review

NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

www.nacole.org

Spring 2013

The Good Life in Salt Lake City

By Rick Rasmussen

REGARDLESS OF THE WEATHER OR SEASON, you'll discover dozens of wonderful things to do year-round in Salt Lake City and its surrounding area, from festivals to farmers markets. However, autumn is the best time to visit, as the leaves on the trees reach their brilliant peak color in the mountains in mid to late September, perfectly timed to coincide with the NACOLE Conference!

The fall weather is also usually drier and warmer than spring, with comfortable temperatures ranging from 45° F to 80° F (7-27°C) during the daytime. Visitors can travel the 20-mile Alpine Loop Scenic Byway winding through the rugged alpine canyons of the Wasatch Range for stupendous views of Mount Timpanogos and other glacier-carved peaks, while enjoying the grandeur of the fall colors.

The Salt Lake Metro Area in its entirety has over a million people and is one of the largest cities in the US Southwest, offering a range of cultural experiences.

There are numerous museums to visit including the Utah Museum of Contemporary Arts, the Natural History Museum of Utah, and the Utah Museum of Fine Arts. NACOLE attendees can take a stroll down gallery row, visit the Living Planet Aquarium, Utah's Hogle Zoo, the Tracy Aviary, Red Butte Gardens, the Clark Planetarium, and the Great Salt Lake, or tour Historic Temple Square. There are several theaters offering



Salt Lake City Skyline. Photo credit: Douglas Pulsipher

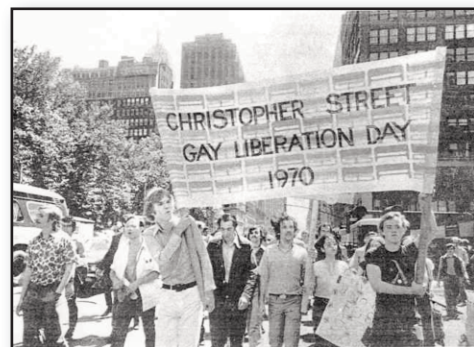
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OUT for Justice: A Call for Civilian Oversight Outreach in LGBTQ Communities

By Nicole S. Junior, Esq.

IN APRIL 2011, JONATHAN SIMCOX AND HIS partner Steven Ondo engaged in a lovers' quarrel upon leaving a Cleveland, Ohio nightclub. The couple's neighbor, an off-duty Cleveland police officer, confronted the couple, shouting, "Shut up, you're disturbing the peace." Simcox attempted to push past the officer. The officer slammed him to the ground before unleashing blow after blow to Simcox's body. Within minutes, more Cleveland police officers arrived. The couple was arrested, only to be released without any charges. No more than a week later, the couple was awakened at their home by loud banging at the front door. Dressed in underwear, the couple answered, only to see

Cleveland police officers. The police, again, arrested them. This time for assault on a peace officer. Simcox asked the reason for their arrests and was answered by repeated punches to his face. Simcox's brother asked police if he could get the couple pants and shoes. An officer responded, "You can get them shoes, but faggots don't deserve to wear pants in jail." Sadly, this is not an isolated incident. During his 2013 inaugural speech, President Barack Obama prompted national discourse about police misconduct against lesbian, gay, bisexual, transgender and queer (LGBTQ) individuals by equating Stonewall to other historically significant, course-changing events



Christopher Street Gay Liberation Day March

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Greetings From The President

By Ilana B.R. Rosenzweig

I REMEMBER MY FIRST COUPLE OF NACOLE conferences - Denver in 2001 was the first. I would see members of the NACOLE Board of Directors introduced at the Sankofa Reception. They were some of the most open and welcoming people I have met and really helped me feel supported as a new entrant in the field of civilian oversight. But I had no idea what the Board did or how they did it.

Bringing more transparency to NACOLE governance has been a focus at least since I joined the Board and continuing those efforts is one of my primary goals as President. Your Board and committees are currently addressing this from several directions at once. First, we are increasing our communication with the membership and past conference attendees. Second, we are continuing our efforts over the past several years to normalize and add transparency to various NACOLE policies and procedures such as the budget and NACOLE finances, selection of conference workshops, awards decisions, and Board travel. Third, we hope through the new Annual Conference Scholarship Fund to reach out to people who might join NACOLE and continually find new ways to support our current members.

We have already begun to communicate more frequently. You received an email wrap up after the 18th Annual Conference in San Diego. All members should have received the 2011-2012 Annual Report. In returning to the practice of publishing an annual report, we have added new information about the work performed by each Board committee over the preceding year, as well as the committee goals for the 2012-2013 year. When you read what has been accomplished, and stop to think about the amount of work and thought that goes into these efforts, it is remarkable that all that work is done by volunteers. We are also exploring other means of communication and hope to try to host either a webinar or similar virtual membership forum soon.

Over the last two years, among other NACOLE procedures, we standardized the process for nominating and

awarding NACOLE's highest honors: the Flame Award and the Achievement in Oversight/Contribution to Oversight Award. The process, published on our website, makes transparent how awards decisions are made. The nomination process is now open to any NACOLE member. We have established specific and uniform criteria to be applied by a sub-committee of Board and NACOLE members, including past award recipients, who recommend recipients to the Board, which makes the final decision. There are so many deserving members of our community and no shortage of remarkable accomplishments in civilian oversight. In the spring, you will receive an invitation to nominate colleagues for recognition this year. I hope you will consider nominating someone.

This will also be the inaugural year for the NACOLE Annual Conference Scholarship. I want to thank Brian Buchner and Jayson Wechter for their work establishing our scholarship fund. I would also like to thank Ainsley Cromwell for leading the effort to create our first application and selection process, one that will be open to broad participation and transparent in how recipients are selected. I especially want to thank the 39 Founding Donors who contributed more than \$3,300 for the Scholarship Fund. Their names are posted on the website.

To those who want a greater voice in NACOLE, if you really want to know how NACOLE operates, participate in making decisions about our future direction, help plan the annual conference, or shape the future of the annual scholarship fund and awards, then I invite you to join a committee. The committees are where the work of NACOLE is done - all by volunteers. It is also a great place to learn how the Board functions and meet oversight colleagues from around the country.

As the Board met for its mid-winter meeting in Salt Lake City in January, I was struck by how lucky NACOLE is to have so many people - on the Board, on committees, and as active members - who are committed to NACOLE flourishing. The enthusiasm and desire to do more, take on more projects, advance NACOLE further faster, had at times to be checked to prevent the



Ilana B.R. Rosenzweig, NACOLE President

Board from overcommitting. But that enthusiasm is vital to NACOLE and is what makes NACOLE special.

I hope to see each of you in Salt Lake City, September 22 to 26, 2013. The Board and Conference Planning Committee have already committed countless hours to thoughtfully selecting a cross-section of presentations that will cover the Core Competencies identified by the NACOLE Board and you, as well as other areas of vital interest to practitioners of oversight. The Board and Committee will put in hundreds more hours working to ensure that the quality of the training at the conference continues to meet the high standards we have all come to expect.

I look forward to working with you as we continue to promote civilian oversight of police and help NACOLE mature as an organization.

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Efforts to Establish Oversight in the Eastern and Western United States

Do-it-Yourself Civilian Oversight: A Report from Bainbridge Island, WA

By Kim Hendrickson

IN LATE 2010, A MENTALLY ILL MAN ON Bainbridge Island called 911 and asked for assistance. The man, Doug Ostling, was shot and killed by one of the responding officers.

To veteran observers, the Ostling tragedy may not be remarkable. A recent *Portland Press Herald/Maine Sunday Telegram* study found that around half of the 375-500 people shot and killed each year by police suffer from some sort of mental illness. Residents of our idyllic island, however, were shocked by the death and disturbed by the details: officers at the scene lacked training in mental illness, shots were fired through a partially closed door, and there was an inexplicable delay in providing medical aid to the victim. To make matters worse, our former Chief of Police voiced a number of significant misstatements about the incident.

The shooting of Doug Ostling fueled an already widespread sense of distrust among community members toward the BIPD. It also exacerbated tensions within the department, where some officers had grown resentful of what they saw as an incompetent and dishonest Chief. In May 2012, a federal jury found the city liable for damages on the grounds that the city had failed to adequately train its officers. A month later, the Police Guild announced a vote of “no confidence” in the Chief, who subsequently resigned. Recently, the second-in-command also resigned following complaints about her management practices. The general sense on Bainbridge is that something has gone terribly wrong at the BIPD.

BIPD’s unpopularity raises a question that may be of interest to NACOLE members: What can local residents do when they are troubled by police practices but have no meaningful way to influence them? Bainbridge Island has no civilian oversight agency that monitors police activities and no citizen organization with responsibility for public safety. The City Council has little authority

over police department operations. Under a city manager form of government in Washington (at least as understood on Bainbridge Island), councilmembers cannot criticize the job performance of a police chief or express dissatisfaction with department practices. The only external power over department personnel and operations is vested in the city manager, and he or she has no obligation to consider community input.

Islanders for Collaborative Policing (ICP) is a grassroots citizen group that was formed in 2011 with the goal of strengthening police/community relations. ICP lacks status or resources, and depends entirely on volunteer efforts to function. It was founded less out of specific concern for policing practices than from a general sense of frustration over the lack of citizen involvement in policing issues. The “collaborative” part in our name reflects our belief that citizens should work with their police, and not just be policed by them. The big city model of a closed, hierarchical organization charged with keeping order is inappropriate, we think, in a place where crime is low and citizens like an active role in local government.

ICP conducts research, analyzes police policies, hosts community forums, communicates with the public, and offers policy recommendations. We believe, like NACOLE, that a community that is knowledgeable about policing issues will be able to work most effectively with



Pictured: Kim Hendrickson

law enforcement personnel—and a community that works with its police will, over time, come to trust and value them. We also assume that the quality of policing services will be improved if our police work actively with local residents. The more collaboration officers have with local agencies, professionals, and engaged citizens, the more responsive and effective they will be.

A recent example of the ICP approach (and its ability to work on a minimal budget) was our December 2012 roundtable on mental illness and policing. We had no money for a venue so we worked with a local church to secure a space. We have no mental health experts on staff, so we leveraged our connections to assemble key players around a table: politicians, mental health professionals, leaders at the state police training commission, representatives from the National Alliance on Mental Illness,

and a representative from the Island school district. We have no institutional control over the police, yet we persuaded two lieutenants to participate and share their perspectives.

The meeting did not directly “solve” any problems associated with mental illness. What it did, instead, was demonstrate that many people are willing to volunteer their time and energy to assist the department and bring some new ideas to the table.

ICP is committed to working with the police to address local needs. Effective advocacy for progress must

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Citizens Coalition For Police Accountability – Fairfax County, Virginia

By Kathryn Olson, in consultation with Nicholas R. Beltrante

THE CITIZENS COALITION FOR POLICE Accountability (CCPA) has been working for a number of years to increase police transparency and accountability in Fairfax County, Virginia. The CCPA, along with private citizens and other organizations, has sought to have a voice in matters that involve acts of police abuse, misconduct and negligence. The CCPA has proposed to the Fairfax County Board of Supervisors that it appoint a Citizen Complaint Review Board to review serious police actions and to provide findings and recommendations to the Board of Supervisors and the Chief of Police. Nicholas R. Beltrante, CCPA Executive Director, reports that the call for involvement of citizens in the assessment of police action has been met with resistance from the County Executive and the Chief of Police.

Under present policies and procedures, when there is a complaint of officer misconduct, the Police Department’s Internal Affairs Division investigates the matter and presents its findings to the Chief of Police for final resolution. The CCPA notes that results of such investigations are seldom made public. In response to the CCPA’s proposal to create a Citizen Complaint Review Board, Fairfax County suggested that the county’s internal auditor review citizen appeals of police misconduct investigations. Beltrante and others expressed concern that the auditor was not independent from the county system and might not be able to offer frank assessments of problems in the police department.

The CCPA reports that 62 civil rights complaints were filed with the Department of Justice between 1987 and 2012 concerning the Fairfax County police. A request has been made by CCPA for a pattern and practice investigation by the DOJ.

CCPA Executive Director Beltrante is uniquely

experienced to criticize the Fairfax County police, in that he is a WW II veteran, a former Washington D.C. police officer, and longtime private investigator. But he is troubled by the law enforcement agency’s refusal to be transparent with its own investigations into high profile incidents and questions whether officers have been held properly accountable for misconduct. Beltrante and others continue to doggedly pursue civilian oversight in Fairfax County to ensure constitutional policing.

Kathryn Olson is the immediate past president and a current member of the NACOLE Board of Directors, and the Director of Seattle’s Office of Professional Accountability. She wrote this article in consultation with the Fairfax County Citizen Coalition for Police Accountability Executive Director Nicholas R. Beltrante.

Independence Of Police Officers' Notes In Officer-Involved Shootings Going To Canada's Highest Court

By Ian Scott

THE ROLE OF POLICE ASSOCIATION lawyers in the writing up of officers' notes after a police shooting is going to be litigated in Canada's Supreme Court on April 19, 2013.

The underlying facts are these: On June 24, 2009, two Ontario Provincial Police (OPP) officers named Sgt. Pullbrook and Cst. Wood were investigating a boat theft in a remote area in northern Ontario. They questioned a man named Levi Schaeffer on an island about the theft. Mr. Schaeffer, who had been previously diagnosed with a major mental disorder, had a knife. An altercation took place and Mr. Schaeffer was shot dead by Cst. Wood. There were no other witnesses to the incident.

In Ontario, all officer-involved shootings are investigated by the Special Investigations Unit (SIU). The SIU is an independent arm's length civilian-led investigative unit with the power to lay criminal charges. While the legislation establishing the SIU permits an involved officer to consult with counsel before their SIU interview and have a lawyer in attendance during the interview, it is silent on whether officers have a right to counsel before they write up their notes. Witness officers must provide their notes to the SIU and submit to an interview. Subject officers have no duty to provide their notes to the SIU, nor submit to an interview, but they may do so voluntarily.

Shortly after the incident, subject officer Cst. Wood and witness officer Sgt. Pullbrook spoke to a police association lawyer who advised them to write notes to counsel which he would later review with them before they wrote up their memo books. A "memo book" is where officers typically keep their hand written notes, recorded shortly after an incident and used in preparation of a more formal use of force report written later. After following their lawyer's advice, the two officers completed their memo book two days after the incident. Witness officer Sgt. Pullbrook provided a copy of his memo book and submitted to an interview with SIU investigators. Subject officer Cst. Wood had no duty to provide his notes or an interview. However, on the advice of counsel, he provided the SIU with a copy of his notes. Both officers declined to produce the first set of notes over which their lawyer claimed solicitor-client privilege.

After the investigation was completed, SIU issued a

report clearing the subject officer but expressing there and in a press release deep concerns about the note writing process. As stated:

This note writing process flies in the face of the two main indicators of reliability of notes: independence and contemporaneity. The notes do not represent an independent recitation of the material events. The first drafts have been 'approved' by an OPPA [Ontario Provincial Police Association] lawyer who represented all of the involved officers in this matter, a lawyer who has a professional obligation to share information among his clients when jointly retained by them. Nor are the notes the most contemporaneous ones – they were not written as soon as practicable and the first drafts remain in the custody of their lawyer. [SIU is] denied the opportunity to compare the first draft with the final entries. Accordingly, the only version of the material events is association lawyer approved notes. Due to their lack of independence and contemporaneity, [SIU] cannot rely upon these notes nor Sgt. Pullbrook's interview based upon them for the truth of their contents.

The Schaeffer family retained a lawyer who took the OPP to court seeking a declaration that this practice of one lawyer acting for both subject and witness officers in SIU incidents and assisting them in writing up their notes must stop. After losing at the first level of court, he took the case to the Ontario Court of Appeal, the province's highest court. The SIU joined the family in an attempt to overturn the lower court's ruling.

On November 15, 2011, the Ontario Court of Appeal issued its ruling in the Schaeffer matter, the full text of which can be found at <http://www.ontariocourts.on.ca/decisions/2011/2011ONCA0716.htm>. In essence, the court rejected the notion that officers had a right to consult a lawyer about their notes and underscored the duty of officers to create independent and contemporaneous notes as part of their role as police officers. The court accepted a submission by the province's Criminal Lawyers Association, interveners in the appeal, that the mischief in seeking legal advice before preparing notes was that it put the offi-

cer's private interests ahead of the officer's overriding public duty. The judgment stated, "The lawyer-induced refinements or qualifications that would almost certainly flow from lawyer involvement in the note-

making process would undermine the very purpose of police officer's notes, namely, to record the officer's independent and contemporaneous record of the incident." The court ultimately ruled that officers involved in SIU investigations are prohibited from having a lawyer vet their notes or assist them in their preparation. But it added a twist, holding that officers were permitted to obtain very limited advice from a lawyer about their rights and obligations when involved in an SIU investigation before they wrote up their notes.

Needless to say, the police were unhappy with this judicial outcome and have instructed their lawyers to appeal to Canada's highest court. They want to return to the former practice of a police association lawyer assisting officers in writing up their notes with a free flow of information between them, all behind the veil of solicitor-client privilege. The SIU is cross-appealing and will be arguing that notes should be written up without any conferring with a lawyer. In the view of the author, the subtext in this precedent setting case is a dispute over who controls these investigations and how truly independent they are.

Stay tuned for the Supreme Court of Canada's decision that will be released after the April 19th hearing.

Ian Scott is the Director of Ontario's Special Investigations Unit and the President of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE).



Pictured: Ian Scott

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 list-serv, 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.

Two NACOLE Board Members to Present at NOBLE Conference

By Karen Williams

TWO MEMBERS OF THE NACOLE BOARD of Directors – Vice President Brian Buchner and Secretary Karen Williams – will be presenters at the 37th Annual National Association of Black Law Enforcement Executives (NOBLE) conference, “Bridging the Pathway to Justice and Equality.” They will be speaking on the topic of “What Law Enforcement Needs to Know about Civilian Oversight,” stemming from both presenters’ experiences in their respective oversight organizations and their knowledge of what does and does not work when establishing oversight in a community.

NOBLE, founded in 1976, was born out of the need to address crime in urban low-income areas. Its mission is to ensure equity in the administration of justice in the

provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to justice by action.

This is not the first time that NACOLE has been invited to speak to NOBLE executives and conference attendees. In 2011, NACOLE President Ilana Rosenzweig presented at both the executive symposium and the annual conference on a similar topic. “Presenting at the NOBLE conference is a natural fit between our organizations” stated NACOLE Vice-President Brian Buchner. “It is important for NACOLE to expand its reach and build relationships with law enforcement organizations whose mission and focus is to promote safe, publicly accountable, and constitutional policing responsive to communities’ needs. An organization such as NOBLE, whose members shape policing policy and practice at the local, regional, and national

levels, needs to hear from NACOLE and its members who work directly in civilian oversight. The law enforcement community, and particularly its leaders and executives, can benefit from interacting with people who work in the field and who can provide an honest assessment of what has worked and what has not, and help them understand the common ground and shared goals of policing and oversight.”

The NOBLE conference will be held from August 3-7, 2013, in Pittsburgh, PA. More information can be found at: <http://www.noblenational.org>.

Karen Williams is an analyst with the Office of Community Complaints in Kansas City, Missouri and the Secretary of the NACOLE Board of Directors.

San Diego Conference Wrap Up

For those of you who might have missed it, we are republishing the San Diego NACOLE Conference summary written by NACOLE President Ilana B.R. Rosenzweig, along with photos that capture some of the highlights of the meeting:

I AM WRITING TO THANK ALL OF YOU WHO attended and participated in NACOLE’s 18th Annual Conference in San Diego, California, “Building Community Trust.” It was a great conference with 285 attendees from more than 29 states, Puerto Rico and the District of Columbia, and 6 foreign countries. The sessions were very informative, the debate was rigorous, and the opportunities for informal networking and dialogue were invaluable. Both featured speakers—Erwin Chemerinsky and Connie Rice—gave powerful talks; Dean Chemerinsky warned of the closing courthouse doors to those injured by

police abuse and misconduct, and Ms. Rice inspired us with the story of her evolution from a combative litigator who frequently sued the Los Angeles Police Department to someone who worked very closely with the LAPD, its top administrators and officers toward achieving real and lasting reform. More than 90 attendees also participated in the NACOLE Trained Practitioner Program. Look to www.nacole.org for more information on this valuable program.

I would like to congratulate Michael Gennaco, recipient of the 2012

NACOLE Flame Award recognizing his long commitment to advancing civilian oversight of law enforcement and civil rights, including eleven years as Chief Attorney of the Los Angeles County Office of Independent Review, where his innovation and creativity have built a national model of influential civilian oversight of the Los Angeles County Sheriff’s Department, the largest sheriff’s department in the country. He has also designed permanent



The 2012 NACOLE Board of Directors with conference attendees

oversight for other entities, has provided independent evaluation of police accountability issues to numerous jurisdictions, and has mentored professionals who now lead agencies nationwide.

André Marin, Ombudsman of Ontario, Canada, was honored with the much-deserved Achievement in Oversight Award for his reports on the undermining by law enforcement and government agencies of the Special Investigations Unit, the civilian oversight entity for police services through-



Participants in one of the many training sessions offered at the San Diego conference

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NACOLE Assists

Did you know that NACOLE is available to provide technical assistance and advice to jurisdictions and others that are considering the creation or reinvigoration 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.

“Salt Lake,” Continued from page 1

ballet, opera, contemporary dance, national plays, musicals and live theater year round. Many music venues within Salt Lake City offer both indoor and outdoor performances. And of course, Utah is host to the Sundance Film Festival, one of the largest independent film festivals in the US.

Winter sports, such as skiing and snowboarding, are popular activities in the Wasatch Mountains east of Salt Lake City. Eight ski resorts lie within 50 miles (80km) of the city. Alta, Brighton, Solitude and Snowbird all lie directly to the southeast, while nearby Park City contains three more resorts. The popularity of these ski areas has increased nearly 29% since the 2002 Winter Olympics. Summer activities such as hiking, camping, rock climbing, mountain biking, horseback riding, scenic air tours, hot air ballooning, and other outdoor activities are popular in the mountains, as well. The many small reservoirs and rivers in the Wasatch Mountains are popular for boating, fishing, and other water sports. Park City Mountain Resort's Alpine Slide is one of the longest slides in the world, with over 3,000 feet of gliding and sliding down a luge-like track. With four tracks to choose from, you can experience a different ride each time!

Any visit to Salt Lake City would be incomplete without stopping by some of our unique stores and shopping malls. In the heart of downtown is internationally acclaimed City Creek Center, recently named “Best Mall in the Americas.” Salt Lake City's Gateway Mall is Utah's largest open air shopping district. Also, there is the Trolley Square Mall, which is in the downtown vicinity and is host to unique shops and restaurants in charming trolley-car barns. Trolley Square Mall is a national historic site and offers free parking and free walking tours.

Salt Lake is home to the Utah Jazz of the NBA, Real Salt Lake of MLS, Utah Blaze of the Arena Football League, Salt Lake Bees, a Pacific Coast League Triple A team, and Utah Grizzlies of the ECHL, and the Utah Avalanche, which competes in the American National Rugby League. The area is also home to two roller derby leagues: the Salt City Derby Girls and Wasatch Roller Derby. All of these many teams contribute to year-round sporting entertainment in the Salt Lake Valley.

When traveling to the area, knowledge of Salt Lake's famous grid system is a big plus. The entire valley lies on the same system. Most major streets are laid out precisely running north-south or east-west. The Utah Transit Authority (UTA) operates an extensive bus system that reaches the entire Wasatch Front as well as light rail (TRAX) that is connected at every stop by several bus routes. There also is a Front Runner commuter rail line that runs daily from Pleasant View (near Ogden) to Provo. By spring of this year, there will be an airport TRAX line that will take NACOLE Conference attendees from the airport to within walking distance of the Little America Hotel. There also will be a bike

share program in operation throughout downtown as well as the already existing U Car Share program that allows a driver to pay online for a vehicle and pick it up at various locations throughout the city. Salt Lake City is increasingly interested in promoting bicycle transportation and was designated as a Silver-level Bicycle Friendly Community by the League of American Bicyclists, placing the city in the top 18 bicycling cities in the US.

Fry sauce is a Utah specialty. Fry sauce is a mixture of ketchup and mayonnaise (and other seasonings depending on the restaurant making it) eaten on French fries. Fry sauce was created many years ago by a local fast food restaurant and has rapidly spread throughout the rest of Utah and surrounding states. In addition to trying fry sauce, conference attendees will discover that the Salt Lake City area offers a wide range of dining options, with a surprising number serving excellent international cuisine. Most major restaurant chains are represented in the city, along with many establishments that are unique to the city. Excellent eateries can be found in all parts of the Salt Lake Valley.

We look forward to sharing our Great State with you!

Rick Rasmussen is the Salt Lake City Police Civilian Review Board Investigator.

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in both the women's and African American civil rights movements. Police misconduct towards LGBTQ individuals is not a recent phenomenon. Long before Stonewall, members of local police forces across the country routinely and systemically victimized LGBTQ individuals specifically because of their sexual orientation and/or perceived gender identities.

In the 1960s, police frequently raided the few existing New York City gay and transgender social establishments. The Stonewall Inn was one of those clubs. Many of the Stonewall's patrons were society's most ostracized: Black and Puerto Rican drag queens, transgender individuals, effeminate young men, “butch” lesbians, and homeless LGBTQ youth. On June 28, 1969, these societally marginalized members of the LGBTQ community gathered at the Stonewall Inn as undercover members of the NYPD Public Morals Squad canvassed the bar from within in order to collect evidence of “sexual deviance.” Ultimately, NYPD officers raided the bar and exacted a course of misconduct against many of the 200 bar patrons. For example, female police officers took customers into the bathroom in order to visually verify their biological sex. Male officers inappropriately groped lesbian patrons under the guise of “frisks.” That night set off a chain of immediate and long-lasting events that forever changed the trajectory of the LGBTQ rights movement.

In 2005, Amnesty International published a study that explored current issues of police misconduct against LGBTQ people. The study confirmed that LGBTQ

individuals continue to be targeted by the police because of real or perceived sexual orientation and/or gender identity and that young, low-income transgender people of color experience the most egregious police misconduct. Although statistics are scarce, experts agree that reported cases of police misconduct against LGBTQ individuals are only the tip of the iceberg. LGBTQ individuals are reluctant to, and often do not, report incidents of police mistreatment to law enforcement authorities. A 2009 Equality and Human Rights Commission study found that one in five LGBTQ people are unlikely to report a homophobic hate crime because they expect to be discriminated against by the police. According to Injustice at Every Turn: A Report of the National Transgender Discrimination Survey conducted in 2011, almost fifty percent of the transgender and gender non-conforming study respondents reported discomfort with seeking police assistance. LGBTQ mistrust of law enforcement and other state agents, rooted in a history of anti-gay and -transsexual hate, is not misplaced. A 2005 study of Texas police officers substantiates the fear. According to the Sam Houston State University study, a majority of Texan police officers endorsed homophobic attitudes. Such attitudes are prevalent among police forces throughout the country. Fear of discrimination is just one of many factors LGBTQ individuals consider when determining whether to report police misconduct. LGBTQ individuals fear that local police will retaliate against them by using violence or criminalization or both. Others do not report such incidents because of a fear that they will be “outed” or, in other words, that their sexual orientation or gender identity will be revealed, to their families, friends, neighbors, landlords, or employers. In order to address LGBTQ reluctance to file complaints with local police departments against local officers, Amnesty International calls for, amongst other things, independent police oversight agencies to perform outreach to LGBTQ communities.

Many LGBTQ organizations believe that there is an absence of civilian oversight outreach to the LGBTQ community. While numerous civilian oversight agencies have executed LGBTQ outreach, there are others that have not. This void presents a myriad of problems, including the propensity to perpetuate the belief commonly-held by LGBTQ individuals that no recourse for police misconduct is available to them. Civilian oversight agencies must not only reach out to, but also build trust among LGBTQ individuals in order to encourage them to report such instances of abuse. The outreach must be consistent and the oversight agency must maintain a presence within the community over a long period of time. For example, oversight agencies should routinely attend LGBTQ organizational meetings and events in order to both learn about the needs of the local LGBTQ community and to establish a consistent relationship with those organizations. Additionally, oversight organizations must conduct LGBTQ workshops and trainings in order to educate the local community about the resources and recourse available to them. Like many LGBTQ individuals, Jonathan Simcox and Steven Ondo's story begs a set of questions that need answers. What is the role of civilian oversight agencies

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.

in an anti-LGBTQ police culture? What can NACOLE do to promote civilian oversight visibility within LGBTQ communities? And, what should civilian oversight agencies do to encourage victimized members of the LGBTQ community to speak out? It's been over forty years since Stonewall. The time for action is long overdue.

Nicole S. Junior is an attorney at the New York City Civilian Complaint Review Board (CCRB), where she prosecutes police officers pursuant to allegations of excessive force, abuse of authority, discourtesy, and offensive language. Prior to her service at the CCRB, Ms. Junior prosecuted Domestic Violence crimes at the Kings County District Attorney's Office.

“Bainbridge,” **Continued from page 3**

amount to more than a hindsight critique of past incidents and behavior. It must offer a path for realizing improvement in the future.

ICP has a short list of goals it will promote in 2013. They include a strategic planning process for the police department that is rich with public input, more and better data sharing between the department and the public, ongoing partnerships concerning mental health, and an intake board, or agent, who can receive citizen complaints about police conduct and behavior. The latter strikes us as particularly important in building trust in our police department. The current system of reporting concerns about an officer to yet another officer is intimidating to many residents, and is fraught with the risk of bias. An approachable, neutral contact to receive public concerns will, over time, build trust in our department.

Is ICP effective? Oftentimes no: this is grassroots civilian oversight without funding, institutional support, or legal authority. In some ways, though, we do succeed. Many of our ideas have gained political traction (department/community outreach, mental health partnerships, data sharing) and some city leaders are supportive. We are changing the conversation about policing from a sense of “us vs. them” to something that promises teamwork, respect, and professionalism. We are grateful to NACOLE, and particularly former president Kathryn Olson, for resources and encouragement. Through ICP, NACOLE's principles are - slowly but perceptively - changing the way policing is carried out on our island.

Ms. Kim Hendrickson is the founder of Islanders for Collaborative Policing, Bainbridge Island, Washington.

“San Diego,” **Continued from page 5**

out Ontario.

Journalists A.C. Thompson of ProPublica, Tom Jennings of PBS Frontline, and Laura Maggi and Brendan McCarthy of the New Orleans Times-Picayune, received the Contribution to Oversight Award for their reporting, which brought to light abuses by New Orleans police officers in the wake of Hurricane Katrina, ultimately leading to successful criminal prosecutions of officers. The New Orleans and oversight communities are forever grateful for their efforts. Great thanks are due to the Conference Planning Committee, chaired by Liana Perez and Brian Buchner and including Jeff Bissonnette, Julie Ruhlin, Francine Tournour, and Maceo Williams, for their hard work. And they would tell you that the conference would not have been nearly as successful without the dedication of the local planning members Patrick Hunter and Sandi Arkin.



Dr. Erwin Chemerinsky speaks at the NACOLE conference in San Diego

We are excited about the NACOLE Annual Scholarship Fund, which debuted at this conference, raising over \$3,300 with 39 Founding Donors. Please consider making your donation today to support conference attendance by individuals interested in oversight who

might not otherwise be able to attend. More information is available at www.nacole.org under Special Programs.

If you have any feedback on the conference, or want to get involved in supporting NACOLE through committee work, please email info@nacole.org. Also, please consider completing an online survey created by the Ad-Hoc Committee on Membership Engagement. The effectiveness and the long-term vitality of NACOLE depends on having as many of its members as possible actively engaged in the work of the organization. The survey will only take a few minutes to fill out, and your responses will be invaluable as our committees begin this year's work on behalf of NACOLE's membership. The survey can be found here: <https://www.surveymonkey.com/s/nacole-membership-engagement-survey>. I hope to see you all in Salt Lake City next September for the 19th Annual NACOLE Conference.

Dues notices and organizational member verification forms will be sent out May 1 and are 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

NOTICE

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

**Registration for the
19th Annual NACOLE
Conference, “Finding
the Right Balance” is
now open. Visit
www.nacole.org for
details and to register.
See you in Salt Lake
City!**

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*

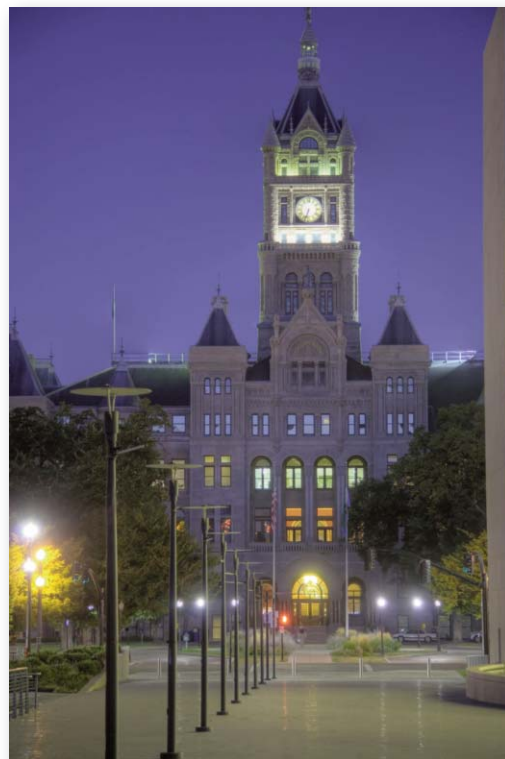


See you in Salt Lake City!

The 19th Annual NACOLE Conference

September 22-26, 2013

"Finding the Right Balance"



NACOLE

P.O. Box 1737

Indianapolis, IN 46206