

NACOLE Review

NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

www.nacole.org

Summer 2012

NACOLE Conference to Feature Erwin Chemerinsky

By Socorro Moraza

ATTENDEES AT THE 18TH ANNUAL NACOLE Conference in San Diego will have the opportunity to listen to and interact with Erwin Chemerinsky, the founding dean of the University of California, Irvine (UCI) School of Law and legal luminary.

Dean Chemerinsky is known as an engaging public speaker and nationally prominent expert in constitutional law, federal practice, civil rights and civil liberties. He is also an experienced trial lawyer, having argued before federal appeals courts, the California Supreme Court and the United States Supreme Court in *Scheidler v. NOW* (2005), *Van Orden v. Perry* (2005), *Tory v. Cochran* (2005) and *Lockyer v. Andrade* (2003). Moreover, he has published over 200 articles in top law reviews and has authored seven books, his most recent book being *The Conservative Assault on the Constitution*.

In 2000, Chemerinsky played a key role in evaluating the Rampart scandal in Los Angeles in which gang officers in the Rampart Division of the Los Angeles Police Department (LAPD) planted and stole evidence, committed perjury and used excessive force against suspects. He was asked by the then-President of LAPD's rank-and-file police union to analyze a report of the incident issued by the LAPD Board of Inquiry.

Chemerinsky recruited five other prominent Los Angeles civil rights attorneys—Paul Hoffman, Laurie Levenson, Sam Paz, Connie Rice and Carol Sobel—to work with him. This distinguished panel found six major failings of the Board of Inquiry report, including its failure to reference or analyze the “code of silence” within the police department, the report's avoidance of the obvious need for structural reform and strengthening the power and independence of the Inspector

General and its failure to identify and offer remedies for significant problems with the internal disciplinary system and processes for responding to and investigating serious uses of force, particularly officer-involved shootings. Chemerinsky released his report on September 11, 2000.



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Featured Speaker – Civil Rights Lawyer Connie Rice

CONNIE RICE HAS RECEIVED MORE THAN fifty major awards for her leadership and unorthodox approaches to challenging brutality and reversing the raw deal for kids struggling to survive in the thin soil of poverty. She is a graduate of Harvard-Radcliffe Colleges and New York University School of Law. At her organization, Advancement Project, she continues her crusade for basic rights with her Urban Peace team after the 2007 release of their seminal report on gang violence in Los Angeles—A Call To Action.

Rice's race for excellence began at home: her father broke racial barriers as a U.S. Air Force major, and her mother, a teacher, imbued a passion for learning and culture into Connie and her brothers Phil and Norman, a

zeal equal parts vigor and pride. Connie was raised to look up to women leaders of history: Queen Elizabeth I, Anne Frank and Representative Barbara Jordan. Her father's career took them to 17 different homes during her childhood, including periods in England and Japan, but these heroines stayed with her as constant reminders of the high potential of her future. After college at Harvard and law school at NYU, where she spent summers working on high profile death penalty litigation for the NAACP Legal Defense and Education Fund (including the far-reaching *McKleskey v. Kemp* case), Rice began the work that would win her national acclaim for its attention to civil rights.

Over the course of her career, the “Lady

Lawyer,” as Rice would come to be known to the Los Angeles gang members with whom she struck a pioneering partnership, would take on the Los Angeles Police Department, a transit



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Greetings from the President: Serving the NACOLE Membership

EFFECTIVE LAW ENFORCEMENT IS dependent on trust and respect from the community served, without which a police agency will not be granted the legitimacy it needs to do its job. Civilian oversight mechanisms are often created in response to police incidents in which that sense of trust has been breached, and the police and community are looking for ways to rebuild their relationship. "Building Community Trust," the theme of NACOLE's 2012 Conference, is at the heart of our work in oversight, yet paths to establishing and maintaining trust are many and varied.

Preparing for a recent presentation titled, "Police Oversight Models – One Size Does Not Fit All," led me to think about how the public strives to address universal trust issues in the context of unique local affairs. While civilian oversight across the country has resulted from excessive use of force, racial profiling, abuse of power, and other police misconduct, each community decides for itself how to approach these significant concerns. Even where civilian oversight is in place, a single high profile event can challenge the fragile relationship between a police agency and the public. Some might closely watch how oversight professionals respond to the incident, while others in the community might argue for strengthening or changing the oversight model that has been in existence, on the assumption that another approach would have prevented the event from occurring in the first place.

Certain communities determine that the best way to address these issues is through civilian involvement in handling or reviewing police misconduct complaint investigations, others find that oversight of policy development and training is vital, some give civilians the power to hire and fire the chief of police, while still others focus on enhancing communication between citizens and law enforcement. As civilian oversight has evolved, hybrid models that involve civilians on multiple levels are becoming more common.

While every approach to oversight has its strengths and weaknesses, the particular model adopted by a community represents its best effort at a given point in time to create a structure that will give reassurance that its law enforcement agency can be trusted to provide effective policing within the confines of the law. Of course, local politics, budget constraints, police collective bar-

gaining rights, and other factors also play a role in the selection of a particular oversight approach.

Furthermore, all of these influences can interact in different ways at different points in time, such that all oversight models are subject to on-going review and modification.

When we meet in San Diego October 14 - 18 for the NACOLE Conference, we will have the opportunity to reflect on how our oversight efforts contribute to "Building Community Trust," as we learn from our presenters and network with each other. Connie Rice, our featured luncheon speaker, was Chair of the 2006 Blue Ribbon Rampart Review Panel, which considered responses to widespread police corruption discovered in the Los Angeles Police Department seven years earlier. She also has worked closely with gang members, LAPD and the LA County Sheriff's Department to develop unique approaches to reducing violence throughout the LA community. Another featured speaker, Erwin Chemerinsky, Founding Dean of the University of California, Irvine School of Law, also reviewed investigations into the LAPD Rampart scandal, helping to identify reforms necessary to rebuild community trust. Dean Chemerinsky is one of the nation's top experts in constitutional law and civil rights and liberties. He and Connie Rice will bring their insight and experience to help conference attendees appreciate what is necessary for a mutually respectful police/community relationship.

In addition, skill enhancement sessions will review trust building through the investigation process, policy development, and community outreach. Law enforcement agencies across the U.S. and around the world have been challenged by the Occupy movement, and presentation on policing mass protests will address the delicate balance between freedom of expression and protection of property and public safety. A panel presentation on systemic performance audits will help us appreciate how to move from the individual misconduct level to conduct broader organizational analyses to improve police accountability and transparency.

Throughout these and many other stimulating presentations planned for the conference, I invite you to consider questions central to the theme of "Building Community Trust." First and foremost, how do we measure trust between the police and community? How do we know when our efforts are improving the police/community



Kathryn Olson, current President of NACOLE

relationship? Where there are diverse communities within a locality, how do we help build trust with all? Is building trust between civilian oversight and the law enforcement community an important consideration? What factors aside from civilian oversight are essential to building trust between law enforcement and the community? How can our efforts be sustained during harsh economic times? I will bring these and other questions to the conference and very much look forward to hearing your questions and learning from your experiences.

I hope you take advantage of the early registration rate and sign up for the conference by August 13. I will see you in San Diego in October!

Kathryn Olson is the President of NACOLE and a member of its Board of Directors. She also serves as the Director of the Seattle Police Department Office of Professional Accountability.

NACOLE Board of Directors

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The following changes to the NACOLE Board of Directors took place in July of this year. Marcos Soler resigned as Treasurer and a member of the Board. However, he will continue to serve on the Finance Committee. Ainsley Cromwell has assumed the duties of Treasurer. Also, Charles Reynolds has stepped down as Secretary but remains a member of the Board. Karen Williams is now Secretary. The Board wishes to thank both Marcos and Charles for their past and continuing service to NACOLE.

Oversight Developments from Around the U.S.

By Dan Reed

Atlantic City, New Jersey

Population: 39,558 (2010 Census)

Police Force: 145 (Press of Atlantic City, Feb. 2012)

This past spring, the Atlantic City Council voted unanimously to create a two-tier volunteer citizen review board. The first tier will consist of the director of public safety, 18 Atlantic City residents to be appointed by the city council, and two mayoral appointees. The second tier will be comprised of the city council members themselves.

First-tier members will investigate police misconduct complaints from the public, conduct community outreach, hold monthly public meetings, publish semi-annual reports, and report their initial investigations to the second-tier for further fact findings. Second-tier members have the power to subpoena witnesses to provide testimony at board hearings, sanction police officers for misconduct, and ensure that all complaints are resolved within 120 days.

The president of the local police union was positive about the “spirit of the Civilian Review Board,” but claimed that the board has been granted too much power in its current form. He added that based on informal talks with the union’s lawyer, the union does not believe that the board has the power to compel testimony from officers or directly discipline them.

The board was created largely in response to an increase in complaints following an encounter between sworn officers of the Atlantic City Police Department (ACPD) and a 15-year-old boy, which resulted in the teen suffering a concussion and other injuries. ACPD Internal Affairs is currently addressing those complaints.

Atlanta, Georgia

Population: 420,003 (2010 Census)

Police Force: 1,751 (APD website)

Two years after it was granted subpoena power, the Atlanta Citizens Review Board (ACRB) has come under scrutiny regarding its transparency and effectiveness. Created in 2007, the ACRB has faced staffing shortages and resistance from the police force, among other problems.

The executive director of the ACRB, Cristina Beamud, left the agency in November 2011 after mounting frustration with the city government and some board members. One member of the board stated that the agency is “in crisis at the moment,” and that the future effectiveness of the board will depend upon whether the mayor appoints a strong successor.

The Atlanta Police Department (APD) favors an audit model of review, as opposed to the current investigative model, and argues that the ACRB’s independent review is redundant given the functions performed by the APD Office of Professional Standards. Neighborhood safety groups rebut the APD’s argument



Atlanta Midtown Skyline (Photo: Mike Schinkel)

by citing the \$2.6 million that the city spent in the past year settling lawsuits over incidents in which the ACRB found misconduct, but the APD did not.

Albuquerque, New Mexico

Population: 545,852 (2010 Census)

Police Force: 1,097 (2011 APD Annual Report)

Albuquerque Police Department (APD) officers are now required to wear small cameras in order to record all interactions with the public. The requirement, instituted in early May 2012, was recommended by the city’s Police Oversight Commission (POC). In addition to issuing policy recommendations, the POC has the authority to investigate citizen complaints, audit and monitor APD Internal Affairs investigations, and submit findings to the chief of police for disciplinary action. Under prior procedures, officers were instructed to wear and activate the lapel-mounted cameras only while performing searches and disorderly conduct arrests.



Albuquerque (new design for squad car announced June 4, 2012)

San Jose, California

Population: 945,942 (2010 Census)

Police Force: 1,100 (SJPD website)

The Independent Police Auditor (IPA) of San Jose has recommended a similar policy for that city, and the city council has already begun the process of securing funding. In an op-ed piece published December 20, 2011, in the San Jose Mercury News, IPA LaDoris Cordell said that cameras would provide “instantaneous accountability” and argued that their use would lead to a drop in civil suits against the city because recordings would likely obviate the need for a trial in many cases. The camera policy was one of 30 recommendations that the IPA issued this year—nearly three times the number issued in 2010.



SJPD Patch

Minneapolis, Minnesota

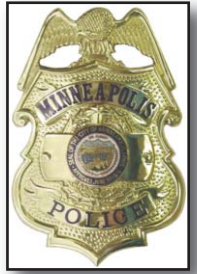
Population: 382,578 (2010 Census)

Police Force: 800 (MPD website)

The Minneapolis Civilian Police Review Authority, a division of the Minneapolis Department of Civil Rights, will soon undergo major changes as a result of the department’s plans to grant police officers a larger role in agency investigations. In addition to being renamed the Police Conduct Oversight Commission, investigation findings will be determined by a panel of two citizens and two police officers.

Minnesota Governor Mark Dayton also recently signed a bill that eliminated the agency’s authority to issue findings of fact. However, the agency will continue to issue recommendations for discipline. Supporters of the change argue that agency-issued findings of fact

are harmful to officers because they are admissible at trial, even where the police chief rejects the agency’s findings. Opponents argue that losing the ability to issue those fact findings will significantly weaken the agency, and claim that Minneapolis Police Chief Tim Dolan has mostly ignored the board’s disciplinary recommendations based on findings of misconduct. Dolan announced in April that he will retire at the end of the year.



(from Wikipedia – image source listed as MPD website)

Sanford, Florida

Population: 53,570 (2010 Census)

Police Force: 140 (SPD website)

In the wake of the Trayvon Martin shooting in February of this year, Sanford City Manager Norton Bonaparte Jr. has announced that he is in talks with the U.S. Department of Justice (DOJ) about creating an independent agency to address citizen complaints about the Sanford Police Department (SPD).

Sanford’s existing Citizen’s Advisory Board (CAB) hears complaints from the public and has the power to present suggestions and recommendations to the chief of police, but the board does not issue findings or disciplinary recommendations. A 2009 report commissioned by then-city manager Sherman Yehl, revealed that CAB members were not familiar with the ordinance that created the board, SPD’s complaint brochure, or even the complaint process itself. The report also recommended that the structure of the board be examined “to ensure it is representative of the community’s diversity to include race, ethnicity, gender, age and geography.”

In addition to consulting with the Justice Department, Bonaparte has hired Richard Myers, former police chief of Colorado Springs, CO, to serve as interim chief pending DOJ’s inquiry into former chief Bill Lee. Myers is anticipated to serve for three to five months and has stated that he will conduct an “A-to-Z review” of the department and serve as a “bridge between the officers and the community.”

Dan Reed is a summer law clerk with the Office of Police Complaints in Washington, D.C., and a third-year law student at the University of Iowa College of Law.

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 Pierce Murphy at:

PMurphy@cityofboise.org

Civilian Oversight In San Diego County

City of San Diego

THE CITIZENS' REVIEW BOARD ON POLICE Practices (CRB), established by the voters of San Diego in 1988, reviews and evaluates investigations into serious complaints brought by the public against the San Diego Police Department (SDPD). It also reviews officer-involved shootings (OIS), in-custody deaths (ICD), and the administration of discipline resulting from sustained complaints. When appropriate, the CRB makes policy and procedural recommendations to the SDPD resulting from this review.

The CRB reports directly to the Mayor through its half-time Executive Director. The case review of the CRB is accomplished by 23 dedicated citizen-volunteers who represent a wide diversity of San Diegans in terms of ethnicity, gender, physical ability, gender identity, occupation, geography, age, education, and religion. These volunteers are recruited from throughout the City of San Diego and are trained for their duties through a variety of activities including discussions, presentations, ride-alongs with SDPD officers, and police procedure and policy classes at the San Diego Regional Law Enforcement Academy located at the San Diego Regional Public Safety Training Institute. Additionally, during monthly training sessions, members are exposed to presentations by professionals representing such entities as the ACLU, Public Defender's Office, Psychiatric Emergency Response Team (PERT), and the Homeless Outreach Team. This balance in training is crucial so that when it is time to review cases, they are reviewed

with care, intelligence, and knowledge by a well-informed cadre of citizens. The public can have the confidence that the CRB is committed to a fair and complete process which neither advocates for the public nor for the officer.

CRB members commit to donating ten to thirty hours per month on case review, training, and meetings. This amounts to approximately 5,000 hours per year in donated time to the City of San Diego. Several years ago, the CRB produced a video which highlights the work they do. It is available for viewing at www.sandiego.gov/citizensreviewboard. Under the section marked "About the Board" you'll see a link to "Watch Video About..."

Over the last 24 years, the relationship between the CRB and Internal Affairs (IA) has matured into one which is cooperative rather than adversarial. The CRB and IA recognize the importance of a respectful, professional, and productive working relationship. Because of the manner in which cases are reviewed, the relationship with IA, and the awareness in the community of our impartiality, the CRB is recognized as an effective model of civilian oversight of law enforcement.

Since the inception of the CRB, over fifty changes have been implemented by the SDPD as a result of the input and recommendations by the CRB. For example, the CRB has influenced policy changes on vehicle tows and impound procedures, the assignment of PERT-trained Sergeants at large special events, how detainees are escorted to the restroom at PETCO Park, how officers handle money, and a recommendation to ensure that motorists and others are informed in a timely manner of

the reason for their contact and detention by a police officer.

The CRB, in its relevant and important role as civilian oversight of the San Diego Police Department, remains a strong, visible, and viable organization which provides valuable service to both San Diego's citizens and to the SDPD. The City's leaders, including Mayor Jerry Sanders and San Diego Police Chief William Lansdowne, have commended the Board on its effectiveness and value to the City.

County of San Diego

San Diego County voters established the Citizens' Law Enforcement Review Board (CLERB) in 1990 to independently and impartially investigate citizen complaints against San Diego County sworn peace officers performing their duties while employed by the Sheriff's Department or the Probation Department. CLERB also investigates deaths that arise out of, or in connection with, the actions of these peace officers, regardless of whether a complaint is filed.

CLERB Members are volunteers from San Diego County's five Supervisorial Districts, nominated by the County's Chief Administrative Officer, and appointed by the Board of Supervisors. Members are not affiliated with the Sheriff's Department, Probation Department, or the County of San Diego. Current Review Board Members are:

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Overseeing the Policing of Large Demonstrations: A Variety of Approaches

By Jocelyn Waldes

AN EDITORIAL PUBLISHED IN THE Chicago Sun Times in May praised the tactics and operations used by the Chicago Police Department (CPD) in its handling of protests that arose from the city's hosting of this year's NATO summit earlier that month. CPD's successful response to protesters during the summit was the result of months of planning and training, working cooperatively with city, state and federal agencies, including the Independent Police Review Authority (IPRA).

The newspaper piece noted that during the protests, a common utterance heard over CPD radios was "remember your training." Rather than taking on a real-time monitoring role — as some oversight agencies do when a mass protest event like the NATO meeting comes to town — IPRA worked with CPD in advance of the summit. IPRA personnel met with CPD to discuss areas of concern IPRA had identified from prior crowd control events involving CPD. The two agencies had ongoing discussions about CPD's preparations, training and revisions to policy to make sure that these areas were addressed.

IPRA staff members audited the training mentioned in these radio transmissions. IPRA ensured the messages conveyed in the training were consistent with the discussions between IPRA and CPD. In follow-up discussions with CPD command, IPRA was able to draw attention to questions or concerns raised by CPD mem-

bers during training so that the issues could be addressed through revisions to the training or police procedures, or with different equipment.

Finally, through informal question and answer forums at training sessions attended by IPRA personnel, the police review authority was able to address CPD members' concerns directly, in particular issues related to potential allegations of misconduct. IPRA officials used their presence at these sessions to emphasize messages to officers, such as not to obscure their names on their uniforms. According to Ilana Rosenzweig, chief administrator of IPRA, while agency representatives attended training for only a fraction of the time thousands of officers were trained, word of mouth spread. "We got a ton of credit from the officers for being at their training — demonstrating we were committed to knowing how they were being trained to respond in order to be able to properly evaluate their behavior," said Ms. Rosenzweig.

Of course, Chicago is not unique in witnessing large-scale demonstrations. Cities all over the country were home to the Occupy protests in late 2011 and early 2012. The online Occupy Directory lists over 100 Occupy movements that took place in the United States over that time frame. These demonstrations have helped shed light on the various techniques used by independent police review agencies in overseeing the policing of large protests.



Investigators from New York's CCRB are investigating 48 complaints related to the Occupy protests.

Oversight agencies in other cities, including New York and Los Angeles, informally monitored encounters between members of their police forces and local Occupy groups. Although some agencies, like the Office of Police Complaints (OPC) in Washington, D.C., have statutory authority to monitor demonstrations, the experiences in New York and Los Angeles highlight that even agencies without such formal power can take steps to promote the respectful and lawful

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18th Annual NACOLE Conference

October 14-18, 2012



Photos courtesy of San Diego Convention and Visitors Bureau.



SAN
DIEGO

18th Annual Conference Highlights Building Community Trust

Please visit the NACOLE website for additional details.

- NACOLE has arranged for a block of rooms at a special rate of \$133/night at the conference hotel (the Westin San Diego, located at 400 West Broadway Street). Reservations may be made by calling **the hotel at 888.627.9033**. In order to receive the preferred rate, please make your reservations before **September 24, 2012** and let them know that you will be attending the 2012 NACOLE Conference.
- A Welcoming Reception will be held at the Westin on Sunday evening, October 14th, at 6:00 p.m. There will also be a meeting of those interested or already participating in the NACOLE Professional Mentoring Program immediately following the reception.
- Monday, October 15th will begin with nearly four hours of basic and intermediate level skills training.
- Monday afternoon, the official kick-off to the conference will begin with an introduction to the San Diego perspective of oversight featuring the Mayor, Chief of Police, San Diego County Sheriff and other oversight representatives from the region. Following the San Diego panel, conference attendees will hear from one of our featured speakers, Erwin Chemerinski, distinguished constitutional scholar and founding Dean of the University of California, Irvine School of Law. The day will conclude with roundtable discussions focusing on different models of oversight as well as police-complaint mediation and alternative dispute resolution programs.
- Tuesday, October 16th will be a full day of workshops and plenary sessions. Highlights include an examination of police response to the Occupy movement and other public protests, a discussion of loyalty in policing and bystander intervention, and an opportunity to talk to Joel Rubin, staff writer at the Los Angeles Times who covers the Los Angeles Police Commission, Inspector General and the LAPD. In addition, we are honored to welcome this year's featured luncheon speaker, renowned civil rights attorney and champion of police reform, Constance L. Rice.
- Wednesday, October 17th begins with a workshop exploring critical incidents involving the police. The day also includes five other sessions covering a wide range of topics such as officer-involved shooting investigations, legal implications of social media and federal intervention in local policing. The afternoon will feature the Annual Membership Meeting and elections of officers and board members. The day will conclude with our Sankofa Reception which is being held on the USS Midway Museum. As is tradition, the Sankofa reception will be an opportunity to welcome the newly elected board members and celebrate those who have come before them and those who will continue after.
- Thursday, October 18th, the last day of the conference, will feature two very interesting sessions - the first will address when government and other social forces undermine oversight, while the second and final session of the conference will emphasize this year's conference theme, *Building Community Trust*.

DAILY SCHEDULE

Sunday, October 14th

- 6:00 p.m. Welcoming Reception
8:00 p.m. Professional Mentoring Program Gathering

Monday, October 15th

- 8:00 a.m. Basic Skills Session: *Civilian Oversight: Getting Started Without Getting Stuck*
Intermediate Skills Session: *How to Assess the Quality of an Investigation*
- 9:30 a.m. Basic Skills Session: *Basic Legal Standards for Oversight Practitioners*
Intermediate Skills Session: *How to Develop Policy Recommendations*
- 11:00 a.m. Basic Skills Session: *How to Conduct Community Outreach*
Intermediate Skills Session: *Legal Updates: 2011-2012 Year in Review*
- 1:45 p.m. Welcoming Remarks, Kathryn Olson, NACOLE President
Civilian Oversight of Law Enforcement: The San Diego Perspective
- 3:45 p.m. Featured Speaker: *Erwin Chemerinsky, Founding Dean, University of California, Irvine School of Law*
- 5:15 p.m. Roundtable Discussions:
Auditor/Monitor Models of Oversight
Board/Commission Models of Oversight
Investigative Models of Oversight
Citizen Complaints Mediation Programs

Tuesday, October 16th

- 8:30 a.m. *Oversight of Policing of Public Protests*
Law Enforcement and Persons with Mental Illness
- 10:15 a.m. *The Challenges of Investigating Force in Custody: A Case Study of Los Angeles County Jails*
Law Enforcement from the Core
- 12:00 p.m. Featured Luncheon Address: *Constance L. Rice, Esq.*
- 1:45 p.m. *Rethinking Loyalty in Policing*
- 3:30 p.m. *Police Accountability in the Wake of the Copley Decision*
Beyond Complaints: Using Systemic Performance Audits to Augment Oversight Programs
- 5:30 p.m. *Meet the Journalist: Joel Rubin, Staff Writer, Los Angeles Times*

Wednesday, October 17th

- 8:30 a.m. *Critical Incident/Police Oversight Problem Solving Workshop*
Technology in Policing: The Pros and Cons of Wearable Body Cameras
- 10:15 a.m. *Does Pattern or Practice Reform Enhance Police Accountability?*
Officer-Involved Shooting Investigations – New Methodologies, New Mandates, and New Rules
- 1:15 p.m. *Parallel or Consecutive Criminal and Administrative Investigations – Difficult Choices*
Social Media for Police Oversight: Like It or Not, You Better Get LinkedIn
- 3:00 p.m. Membership Meeting and Elections
- 6:30 p.m. Sankofa Reception, USS Midway Museum

Thursday, October 18th

- 8:30 a.m. *Special Investigations Unit: Oversight Undermined*
- 10:15 a.m. *Restorative Circles: Building Community Trust with the Police*
- 11:45 a.m. Closing Remarks

Book review: By Pierce Murphy, editor

ARRESTED DEVELOPMENT:

A Veteran Police Chief Sounds Off About Protest, Racism, Corruption, and the Seven Steps Necessary to Improve Our Nation's Police

By Chief David C. Couper.

Indianapolis: Dog Ear Publishing, 2012.

CHIEF COUPER SERVES UP A DELIGHTFUL blend of war stories, step-by-step instructions, and aspirational goals in his career memoir: *Arrested Development*. David Couper, retired police chief of Madison, Wisconsin, and current Episcopal priest, is an excellent story-teller who uses his anecdotes to drive home a much needed message to American law enforcement: Don't stop improving; get closer to the communities you serve; be respectful and helpful to those you are privileged to serve.

Couper's career in law enforcement spanned a time (1960 – 1993) when policing in the United States was confronted by the social upheaval present in the larger society. He was a pioneer who took the principles of Total Quality Management that so successfully transformed Japanese and American manufacturing and adapted them to the delivery of police services. Chief Couper also led the way in finding new and safer ways to police mass protests and demonstrations, something a place like Madison gave him plenty of chance to practice.

Having read more than a few memoirs from retired cops, I prepared myself for the usual mixture of confessional material, endless whining about being misunderstood, and self-serving "now that I'm retired, I can say what I really think" claptrap. Gratefully, I was completely unprepared for what Couper had to offer. This book provides the reader with a reliable and sweeping eyewitness account of the challenges

American policing faced in the later part of the 20th Century. With an appealing mixture of pride and childlike enthusiasm, Couper recounts the many battles, successes, failures, and triumphs he faced in his career. Evident throughout this account is his unquenchable desire to learn from experience and continuously improve as a leader and as a public servant, all with the goal of improving the service his agency provided to its community. I couldn't help wishing I'd had a chance to serve with and learn from this remarkable leader.

Towards the end of his book, Couper offers a prescription for healing the major problems plaguing American law enforcement, namely: violence, corruption, anti-intellectualism and discourtesy. Taken daily over a sustained period of time, Couper's *Seven Improvement Steps* are just what the doctor ordered.

Envision – "Police Leaders must cast a bold and breathtaking vision to ensure a distinguished future for policing."

Select – "Police must encourage and select the finest and the brightest to serve as police officers."

Listen – "Police leaders must intently listen to their officers and members of the community."

Train and Lead – "Police leaders must implement professional training and a collaborative leadership style."

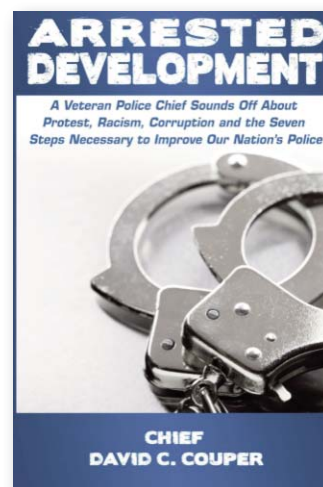
Improve Continuously – "Police must unceasingly

improve the systems in which they work – everything they do."

Evaluate – "Police must be able to critically assess, or have assessed, the crucial tasks and functions they are expected to perform."

Sustain – "Police leaders must be able to maintain and continue improvements to their organizations."

Couper also produces a blog in which he comments on current issues in law enforcement: <http://improvingpolice.wordpress.com>



Book review: By Pierce Murphy, editor

POLICE INVOLVED DEATHS: The Need for Reform

Edited by David MacAlister.

Vancouver (Canada): B.C. Civil Liberties Association (BCCLA), 2012.

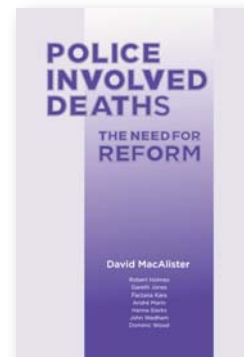
THIS COLLECTION OF TEN ESSAYS makes a persuasive case for the rigorous, independent, objective, and transparent reviews of every incident in which a person dies in connection with police actions. While the book speaks specifically to the situation in Canada and the United Kingdom, its lessons and prescriptions are equally applicable to the United States. In fact, one could argue, the situation in the United States is in need of far greater reform than Canada; if for no other reason than the fact that the United States has no independent bodies authorized to investigate police-involved deaths and

prosecute officers when necessary, while Canada has several. Academics in the fields of law, criminal justice administration and related areas should find this book an excellent source of information.

This book would also be particularly helpful for anyone interested in establishing a new police oversight body. This review of the situation in Canada and the United Kingdom gives anyone interested in oversight some extremely helpful ideas on how to approach the formation of such a regime. I would recommend combining it with Professor Samuel Walker's most recent book about police oversight ([The New](#)

[World of Police Accountability](#). Thousand Oaks: Sage Publications, 2005), along with the helpful volume on police oversight edited by Justina Citron Perino ([Citizen Oversight of Law Enforcement](#). Chicago: American Bar Association Publishing, 2006).

As an oversight practitioner, I found the chapter written by Gareth Jones particularly helpful. Jones, Director of the Special Ombudsman Response Team for the Ombudsman of Ontario, brings his considerable experience and



**Please turn to
"Deaths,"
page 11**

UNLEASHING THE POWER OF UNCONDITIONAL RESPECT:

Transforming Law Enforcement and Police Training

By Jack L. Colwell and Charles “Chip” Huth.

Boca Raton: CRC Press, 2010.

Author Jack Colwell will be presenting the key concepts from this book during the NACOLE Conference in San Diego

“Oh, no,” I thought to myself, “not another social scientist trying to change police culture!” Complete with an eye-roll worthy of junior high, this was my first thought when I saw the title of this book.

I couldn’t have been more wrong. This is not some soft, academic treatise on how to turn cops into social workers. It is a no-nonsense wakeup call from two experienced Kansas City (Missouri) police officers who have learned how to “speak truth to power”. The

authors, Jack Colwell and Chip Huth are experienced police officers with a combined 48 years on the street. Their message to American law enforcement is clear: if we truly respect the humanity of every person, we will increase officer safety, gain greater cooperation, use less force, improve job satisfaction, and increase our own sense of self-worth.

I found this book difficult to put down, except when reaching for a highlighter. It is easy to read, offering a

perfect blend of theory and real-world examples. One thing the authors do well is to anticipate objections and address them directly. It was clear that Colwell and Huth have thought long and hard about the truth of what they’ve written.

The book begins with an unflinching self-examination of the culture of American law enforcement. To their

**Please turn to
“UNLEASHED,”
page 11**

Evolving TASER Case Law in the Federal Courts

By Alyssa Fong-Kwan

THE TOM A. SWIFT ELECTRONIC RIFLE, more commonly known by its acronym, TASER, is a specific (and trademarked) brand name of a type of conducted energy device that restricts an individual’s ability to move by sending electrical signals through the body, which interfere with communication between the brain and muscles.¹ Although the TASER was released in 1974, most law enforcement agencies did not begin obtaining TASERs until the 1990s.² When an officer tases an individual, the officer’s use of force constitutes a seizure under the Fourth Amendment, raising the question of whether the TASER deployment was reasonable under the circumstances.³ The United States Supreme Court has never directly addressed the question of when officer use of a TASER constitutes excessive force, and in May 2012, declined to review a case on the issue.⁴ Because of the lack of Supreme Court guidance, lower courts are left to formulate approaches based on Supreme Court holdings in other types of police use of force cases. This article will discuss the Supreme Court’s excessive use of force framework and will examine the circuit courts of appeals’ application of the framework to police officers’ use of TASERs.

In *Tennessee v. Garner*,⁵ the seminal police use of force case, the Supreme Court held that the police shooting and killing of an unarmed burglary suspect as he was fleeing the scene was unreasonable under the Fourth Amendment.⁶ The Supreme Court used a balancing test, weighing the interest the suspect had in his own life against the interest of the government in effective law enforcement.⁷ The most important factors to consider when determining the appropriate level of force by officers were the amount of force used by the suspect, and the threat that the suspect posed to the officers.⁸ In *Garner*, the court found that because the

suspect was unarmed and did not pose a significant danger to anyone, the use of deadly force was excessive.⁹

Building on its approach in *Garner*, the Supreme Court in *Graham v. Connor*¹⁰ reaffirmed the balancing test and laid out three factors to consider when analyzing whether an officer’s use of force was reasonable under the circumstances.¹¹ The balancing test involved weighing “nature and quality of the intrusion on the individual’s Fourth Amendment interests” against the government’s interests in law enforcement.¹² Factors to consider when balancing the suspect and government’s interests were: “1) the severity of the crime at issue; 2) whether the suspect pose[d] an immediate threat to the safety of the officers or others; and 3) whether he [was] actively resisting arrest or attempting to evade arrest by flight.”¹³ The court emphasized that the reasonableness inquiry focused on whether the officer’s use of force was objectively reasonable in light of the circumstances at the time without the benefit of 20/20 hindsight.¹⁴

In deciding whether law enforcement use of TASERs constitutes excessive force in violation of the Fourth Amendment, lower courts have followed the *Graham* framework. Courts usually mention the first factor—severity of the crime at issue—in their analysis but generally focus more on the second and third factors, looking at the suspect’s level of threat and resistance to arrest.¹⁵ Legal scholars have agreed with this approach, arguing that the severity of the underlying crime is often irrelevant to the need for officer use of force.¹⁶ For example, the need for force will be greater when a person stopped for jaywalking becomes physically aggressive with an officer as opposed to when a murder suspect is compliant with officer commands.

When considering the level of threat posed by the suspect to officers, bystanders, and the suspect himself, courts generally view any physical or verbal conduct that could reasonably be construed as threatening to a person’s safety to permit officer use of a TASER. In *Cook v. City of Bella Vista*, the Eighth Circuit held that

an officer’s tasing of a vehicle passenger who exited the vehicle and stepped toward the officer during a traffic stop was constitutionally permissible.¹⁷ The officer stopped the vehicle, which had three passengers, on the suspicion that the driver was under the influence.¹⁸ While the officer pushed the driver up against the car to handcuff her, Cook, the driver’s husband, who believed that the officer was inappropriately touching his wife, exited the vehicle, yelled at the officer, and took a step toward him.¹⁹ The court held that the officer’s TASER use was reasonable because the officer was outnumbered four to one, Cook moved toward the officer, and the other passengers in the vehicle were yelling at the officer.²⁰

In some circuits, even if suspects are not outwardly violent, their actions can constitute a threat to safety, especially when they are in a roadway. In *Oliver v. Fiorino*, the Eleventh Circuit found that an initial TASER shock applied to a mentally ill man who was standing on a median strip, resisting an officer’s attempts to get him to cross the street to an area safe from traffic, may have been justified because the man’s proximity to traffic posed a threat.²¹ Similarly, in *Williams v. Sandel*, the court found Williams’ conduct of running down an unlit interstate highway at midnight in a zigzag pattern to be a threat to himself and passing motorists.²² Coupled with a physical struggle with officers, Williams’ decision to run down the highway permitted officer TASER deployment.²³

In the Tenth Circuit, police cannot tase a suspect simply because of a prior report that the suspect was armed if the suspect does not act in an aggressive or dangerous manner in the officer’s presence.²⁴ In *Cavanaugh v. Woods Cross City*, the suspect’s husband had reported to an officer that his wife had walked out of the home with a knife following a domestic altercation.²⁵ When the officer saw the suspect walking back to the home, he shined his flashlight, saw that she did

not have a knife, and then tased her without warning.²⁶ The court held that because the suspect was not holding a knife and never said or did anything to the officer, his use of the TASER was unreasonable.²⁷

The Ninth Circuit has held that when a person makes physical contact with an officer in a defensive move and does not show any other signs of aggressiveness, the officer's use of a TASER against that person will be unreasonable.²⁸ In *Mattos v. Agarano*, a woman who was standing between an officer and her husband used her hands to push the officer away in order to prevent her breasts from being pushed up against the officer as he stepped forward to handcuff her husband after a domestic dispute.²⁹ She then asked the officers why her husband was being arrested and requested that they go outside to avoid waking up her children.³⁰ Then, without warning, one of the officers tased her.³¹ The court held that because her action of pushing the officer away was a defensive move to avoid him pressing against her body, and since she did not take any other aggressive verbal or physical action, the officer's TASER use was unreasonable.³²

In analyzing suspect resistance to officer com-

mands, various circuits have found physical resistance and attempts to escape, but not verbal resistance, to justify police TASER use. In *Williams v. Sandel*, the Sixth Circuit held that the officers' thirty-eight TASER shocks to Williams, who physically struggled with officers and ran down a highway was reasonable because of the level of his resistance.³³ However, in *Orem v. Rephann*, a Fourth Circuit case, the court held that even though Orem was physically noncompliant and was able to loosen the hobble restraint placed around her ankles, the officer's use of a TASER against her constituted excessive force because she was already restrained with handcuffs, in the backseat of a police vehicle, and could not have harmed anyone.³⁴ Orem was also verbally aggressive, screaming profanities at the officer, and the court did not find her verbal resistance to permit the officer's use of the TASER.³⁵

In the Ninth Circuit, physical resistance to an arrest may not justify use of a TASER if the suspect does not act violently.³⁶ In *Brooks v. City of Seattle*, the Ninth Circuit held that deployment of a TASER three times against a pregnant woman constituted excessive force even though she refused to sign her traffic ticket and physically resisted arrest by clench-

ing onto the steering wheel as the officers tried to remove her from her car.³⁷ On the other hand, the Seventh Circuit found that a detainee's refusal to comply with an officer's commands may justify TASER deployment even if the detainee is not physically fighting.³⁸

Federal courts of appeals have consistently adopted the *Graham* framework in determining whether law enforcement use of a TASER was constitutionally permissible under the Fourth Amendment. Since law enforcement use of TASERs is a relatively recent phenomenon, courts are considering police use of TASERs in a general use of force framework. As law enforcement agencies continue to use TASERs against the public, and as TASER technology advances, perhaps case law on TASERs will evolve to reflect those changes. However, until the Supreme Court hears a case on law enforcement use of TASERs, the lower courts will continue to unevenly apply the *Graham* framework.

Alyssa Fong-Kwan, a rising second year law student at the University of Virginia School of Law, is currently working as a summer intern at the Los Angeles Police Commission Office of the Inspector General.

1. *How a TASER® ECD Works*. TASER INTERNATIONAL. <http://www.taser.com/research-and-safety/how-a-taser-works#nervous> (last visited June 15, 2012).

2. Elizabeth Seals, Comment, *Police Use of TASERs: The Truth is Shocking*, 38 GOLDEN GATE U. L. REV. 109, 112 (2007).

3. Jeff Fabian, Note, *Don't Tase Me Bro, A Comprehensive Analysis of the Laws Governing TASER Use by Law Enforcement*, 62 FLA. L. REV. 763, 772 (2010).

4. *Mattos v. Agarano*, 661 F.3d 433 (9th Cir. 2011), cert. denied, 80 U.S.L.W. 3656 (U.S. May 29, 2012) (No. 11-1032).

5. *Tennessee v. Garner*, 471 U.S. 1 (1985).

6. *Id.* at 3-4.

7. *Id.* at 9.

8. Michelle E. McStravick, *The Shocking Truth: Law Enforcement's Use and Abuse of TASERs and the Need for Reform*, 56 VILL. L. REV. 363, 371 (2011).

9. *Supra*.

10. *Graham v. Connor*, 490 U.S. 386, 396 (1989).

11. *See id.*

12. *Id.*

13. *Id.*

14. *Id.* at 396-97.

15. *See e.g.* *Brown v. Cwynar*, No. 11-1948, 2012 U.S. App. LEXIS 11466, at *1, *10 (3d Cir. June 7, 2012) (holding that officer use of a TASER was reasonable against a man who was confronted by police for his aggressive verbal conduct in a store because he struggled physically with an officer and resisted arrest); *Williams v. Sandel*, 433 Fed.Appx. 353, 362 (6th Cir. 2011) (holding that thirty-eight TASER shocks constituted reasonable force even though the man was suspected only of several nonviolent misdemeanors because the man was physically aggressive and actively resisted arrest); *Buckley v. Haddock*, 292 F. App'x. 791, 792-95 (11th Cir. 2008), cert. denied, 129 S.Ct. 2381 (U.S. May 18, 2009) (No. 08-996) (holding that officer use of a TASER was reasonable against a man stopped for speeding because the officer was unable to complete the arrest after repeated commands, and the man posed a threat to safety because of his proximity to a crowded highway).

16. Rachel A. Harmon, *When is Police Violence Justified?* 102 NW. U. L. REV. 1119, 1130 (2008).

17. *Cook v. City of Bella Vista*, 582 F.3d 840, 852 (8th Cir. 2009).

18. *Id.* at 845.

19. *Id.* at 846-47.

20. *Id.* at 851.

21. *Oliver v. Fiorino*, 586 F.3d 898, 906 (11th Cir. 2009). However, once the threat ended, which occurred after the first TASER shock, the officer's continued application of the TASER constituted excessive force. *Id.* at 906-07.

22. *Williams v. Sandel*, 433 Fed.Appx. 353, 361 (6th Cir. 2011)

23. *Id.* at 362.

24. *Cavanaugh v. Woods Cross City*, 625 F.3d 661, 663, 666 (10th Cir. 2010).

25. *Id.* at 662.

26. *Id.* at 663.

27. *Id.* at 665-66.

28. *Mattos v. Agarano*, 661 F.3d 433 (9th Cir. 2011), cert. denied, 80 U.S.L.W. 3656 (U.S. May 29, 2012) (No. 11-1032).

29. *Id.* at 439.

30. *Id.*

31. *Id.*

32. *Id.* at 449-51. Note that although the court viewed the officer's TASER use as unreasonable, the officer was entitled to qualified immunity because the law on TASER use was not clearly established at the time of the incident.

33. *Williams*, 433 Fed. App'x., at 362.

34. *Orem v. Rephann*, 523 F.3d 442, 445, 447 (4th Cir. 2008).

35. *Id.* at 447.

36. *See Brooks v. City of Seattle*, 661 F.3d 433, 445 (9th Cir. 2011), cert. denied, 80 U.S.L.W. 3457 (U.S. May 29, 2012) (No. 11-898).

37. *Id.* Note that even though the court viewed the tasing of Brooks as excessive force, the officers were entitled to qualified immunity because the law on use of TASERs was not clearly established at the time of the incident. *Id.* at 446.

38. *See Forrest v. Prine*, 620 F.3d 739, 747 (7th Cir. 2010) (holding that an officer's use of a TASER on a detainee who refused to cooperate with parts of the required strip search at a police jail was constitutionally permissible). Note that the Seventh Circuit decided this case under the Eighth and Fourteenth Amendments, finding that the Fourth Amendment did not apply to a detainee because of temporal limitations. *Id.* at 743. Because the issue raised did not fall under the Fourth Amendment, *Graham* did not apply.

“Chemerinsky,” Continued from page 1

In 2002, Dean Chemerinsky was appointed by the Los Angeles Police Commission to serve on the Blue Ribbon Rampart Review Panel whose duty was to analyze all past Rampart reviews and to do its own analysis of the obstacles in place to prevent another Rampart-type scandal from occurring in the future.

Additionally, Dean Chemerinsky has frequently advocated for independent civilian oversight of law enforcement, especially calling for openness and transparency in police proceedings as a way of fostering accountability. He spoke against the Los Angeles Police Commission's decision to keep the identity of officers involved in shootings or other serious uses of force confidential, and the closing of officer disciplinary hearings to the public. He argued that withholding the identity of officers and disallowing civilians to monitor the proceedings creates an environment of distrust within the community and curtails police accountability.

In addition to being Dean of the Law School, Chemerinsky is also a distinguished professor at UCI, having previously taught at Duke Law School, the University of Southern California Gould School of Law and DePaul College of Law. Throughout his illustrious academic career, Dean Chemerinsky has received numerous teaching awards. Dean Chemerinsky received his bachelor's degree from Northwestern University and his law degree from Harvard Law School.

Socorro Moraza, a rising second year law student at the University of Southern California Gould School of Law, is currently working as a summer intern at the Los Angeles Police Commission, Office of the Inspector General.

“RICE,” Continued from page 1

system that tried to ignore its poorest users, and a public school system that Rice and her cohorts deemed inadequate. Already a legend in Los Angeles based on these achievements alone, Connie Rice is perhaps best known for the report she co-wrote that has revolutionized the city's law enforcement policies and outreach to gangs.

Adapted from the website for Ms. Rice's 2012 book: www.powerconcedesnothing.com

“CIVILIAN’,” Continued from page 4

Jim Achenbach (Chair), George DeLaBarre (Vice Chair), Eddie Castoria (Secretary), Sheryl Bennett, Debra DePratti Gardner, Israel Garza, Riley Gordon, Clifford O. Myers III, Calixto Pena, Loren Vinson, and Louis Wolfsheimer. The Review Board is supported by four County employees: Patrick Hunter (Executive Officer), Special Investigators Lynn Setzler and Mark Watkins, and Administrative Assistant Ana Becker.

CLERB has jurisdiction over 2,000 sworn sheriff's deputies assigned primarily in the Sheriff Department's three main bureaus: Law Enforcement, Detentions, and Court Services. CLERB also has jurisdiction over nearly 1,000 sworn probation officers working in Probation units such as Adult Field Services, Adult Gang Unit, Juvenile Field Services, Juvenile Special Operations, and Institution Services.

CLERB makes advisory findings on complaints and

recommendations for policy and procedure changes to the Sheriff, Chief Probation Officer, and the Board of Supervisors. Many of the changes recommended have been accepted and implemented.

National City, California

The National City Community and Police Relations Commission (CPRC) serves as an independent, unbiased, and impartial Commission that is readily available to the public. It is a Commission for the improvement of police and community relations and the facilitation of disputes whenever possible. The CPRC provides a forum for citizens to voice their concerns and comments about police conduct, practices and policies and improves communication between residents and the National City Police Department. The National City CPRC is empowered to receive and review complaints regarding National City Police Department personnel for alleged misconduct, and to recommend appropriate changes of Police Department policies and procedures toward the goals of safeguarding the rights of persons and promoting higher standards of competency, efficiency and justice in the provision of community policing services.

The CPRC views all allegations of misconduct as important and depends on the community's assistance and cooperation in order to conduct thorough and impartial reviews. Once the National City Police Department investigation is complete they will begin their review.

The Commission meets on the third Thursday in the months of February, May, August, and November at 6:00 p.m. in Council Chambers at City Hall, 1243 National City Boulevard, unless otherwise designated.

The current Commissioners are Daniel Serrano (Chair), Louise Branch, James Brewer, Nancy Estolano, Frank Lopez, Kenold Seaton-Msemaji, and William Phillips.

“PROTESTS,” Continued from page 2

policing of First Amendment assemblies. Given the close proximity of New York City's Citizen Complaint Review Board (CCRB) to Zuccotti Park – the epicenter of the city's Occupy protests – representatives from that office sometimes visited the Occupy encampment even though they had no formal mandate to do so. Likewise, in Los Angeles, according to Kevin Rogan, assistant inspector general of the Office of the Inspector General (OIG) for the Los Angeles Police Department, employees of his office occasionally monitored protests over the last year.

While Chicago's IPRA took on an active role prior to the NATO meeting and the police review bodies in New York and Los Angeles informally monitored operations during protests, oversight agencies in other cities have put processes into gear once the demonstrations

ended. For example, the District of Columbia's OPC has issued a number of reports, available online, that discuss what agency personnel observed while monitoring demonstrations. Recommendations for revised police procedures are also included. Taking a different tack, Seattle's Office of Professional Accountability (OPA) arranged mediation sessions for several people who had filed complaints involving encounters with officers during Occupy protests. As part of the mediations, the assistant chief in charge of operations, the incident commander, and citizen complainants were able to discuss the incidents, share information and perspectives, and develop relationships in the presence of a third-party mediator. And, as of late June 2012, the CCRB in New York had received approximately 48 Occupy-related cases that fell within its jurisdiction, and a team of investigators had been set up to work on those matters in the wake of the protests.

It cannot be assumed that the involvement of an oversight agency with the policing of mass protests will always be welcomed by the police department. For example, Pittsburgh's Citizen Police Review Board (CPRB) was unable to obtain police documents related to citizen complaints and why police used certain crowd-control tactics during the G-20 Summit in 2009. A number of allegations of police misconduct surfaced in connection with police operations deployed for that international gathering. In an effort to investigate these allegations, CPRB requested documents from the city's Office of Municipal Investigations (OMI) and the Office of the Chief of Police, but after a year of litigation the board was denied access. According to Elizabeth Pittinger, the director of the CPRB, a state court issued a final decision in December 2011 denying the board's access to the protest-related documents on the grounds that they contained investigative information and because CPRB is not a criminal justice agency.

Police accountability agencies all over the country have played a role in overseeing the policing of large-scale demonstrations. Oversight agencies have been involved in all phases of protests: before, during, and after – taking on both formal and informal roles.

In December 2011, the U.S. Department of Justice published guidance entitled, “Recommendations for First Amendment-Protected Events for State and Local Law Enforcement Agencies,” which is available online and may be a useful reference for oversight agencies as well. As the diverse experiences of NACOLE-affiliated agencies show, police oversight professionals are capable of advising and assisting with the training of police officers in advance of demonstrations, monitoring the actual protests, as well as mediating and investigating complaints and reporting on the policing in the aftermath. These efforts can only promote better policing while enhancing the ability of citizens to exercise their lawful right to protest.

Jocelyn Waldes is a summer intern with the Office of Police Complaints in Washington, D.C., and a second year Master of Social Work student at New York University.

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

“DEATHS,”

Continued from page 3

expertise to bear in his chapter, “The Top Ten Things Not to Do When Setting up a Police Oversight Agency.” Jones provides the reader with an excellent checklist of things to consider, not only when establishing an oversight body, but in assessing the health of one already in operation. Jones uses many helpful examples from his own experience in demonstrating how to set up and maintain an effective oversight body.

This book is available as a free download on the BCCLA website at:

http://bccla.org/our_work/police-involved-deaths-the-need-for-reform/

“UNLEASED,”

Continued from page 8

mind, a poverty of moral courage has created a culture whose members often fail to face the root problems within their own ranks. The authors argue that personal integrity from the inside out (what they call the “personal anima”) is the only true basis for trust and respect. They clearly understand how difficult it is for police officers to face the unvarnished truth about their own weaknesses, prejudices, and personal failings. Nonetheless, Colwell and Huth argue, developing a personal anima of integrity frees the individual to show authentic unconditional respect for the humanity of every person, regardless of their behavior or outward appearance. Such respect, the authors argue, provides officers with greater safety and tactical advantage. The real payoff, however, comes in the cooperation and collaboration officers receive in return.

Colwell and Huth have also launched an on-line project to spread the word about the power of unconditional respect. They seek to build a groundswell of support from other law enforcement leaders and agencies, thereby creating a national police culture of unconditional respect. The project’s Board of Directors includes business people, law enforcement officers, military officers, prosecutors, elected officials, police trainers and medical professionals. Among the more well-known in police and oversight circles are Dr. Alexis Artwohl and Scott Buhrmaster from the Force Science Institute, as well as University of Pittsburgh Law Professor David Harris, a keynote speaker at the 2006 NACOLE Conference in Boise.

Their on-line material can be found at www.unleashingrespectproject.org/

Professional Development Opportunities At The 18th Annual NACOLE Conference

Continuing Legal Education Credits

NACOLE, in collaboration with the San Diego County Public Law Library, will be offering Continuing Legal Education (CLE) credits for applicable sessions at this year’s conference. A complete list of the sessions eligible for credit and the total credits offered throughout the conference is available on request.

Please note that, although the total number of hours associated with qualifying sessions is 21.75, some of the qualifying sessions run concurrently. You will not be able to claim credit for any session being conducted at the same time that you did not attend. Therefore, a total of only 17.25 credits may be earned. Those wishing to apply for these credits will be subject to a \$50.00 fee in addition to their conference registration. If interested, you will be able to register for CLE credits at the conference registration desk beginning Monday, October 15th.

NACOLE Trained Practitioner (NTP) Credential

NACOLE offers a NACOLE Trained Practitioner (NTP) Credential through its annual conferences. This program recognizes oversight practitioners who have achieved a high level of professional oversight training and encourages employers and oversight agencies to financially support and encourage participation in these voluntary training programs. To earn the NTP Credential, a person must participate in designated training sessions at three qualifying conferences in a five-year period, and satisfy supplemental reading requirements. The 2008 NACOLE Conference was the first qualifying conference for this program.

The Credential is valid for five years from the date of the first qualifying conference. Applications for the NTP Credential may be made at the time of conference registration or at any time during the conference by completing the application form. NACOLE continues to offer its Training Certificate Program, initiated in 2008, recognizing participation in conference training. Conferees who attend a minimum of three sessions designated as “Training Sessions” and two additional conference sessions of their choice will be awarded a Certificate of Training. Conferees may make application at the time of conference registration or at any time during the conference by completing the application form. There is no additional fee for these programs. However, to participate, you must be a member of NACOLE.

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 Pierce Murphy. In addition, the Board is grateful for the assistance of Cameron McElhiney, 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.



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