NACOLE IS PLEASED TO ANNOUNCE that its 14th Annual Conference will be held October 26-30th in Cincinnati, Ohio. Speakers from throughout the United States and from other countries will address and explore a wide range of issues surrounding citizen oversight.

We are very fortunate to be working with Cincinnati’s Citizen Complaint Authority and its Director, Kenneth Glenn, whose investigative staff have long and diverse backgrounds in law enforcement and the criminal justice system, and whose seven-member civilian board represents a cross-section of the community. We will also draw on Cincinnati’s experience as an agency that grew out of a Department of Justice Memorandum of Understanding and a Collaborative Agreement. We are working closely with them to showcase our host city with additional events outside of the normal schedule. Since

Cincinnati to Host 14th Annual Conference October 26 - 30

Finding the Middle Ground: A Collaborative Approach to Oversight in Los Angeles County

by Stephen Connolly

THE “WATCHDOG” has emerged over the years as the unofficial mascot of citizen oversight. It’s an image that makes sense for obvious reasons, but all that barking and snapping at the heels of wayward peace officers is really only one way for a monitor to make a positive contribution. The OIR model is consciously a collaborative one: independent lawyers working with the Los Angeles County Sheriff’s Department to make sure that its own review systems are serving the public effectively. We bring an outsider’s perspective to LASD’s internal investigations, decision-making, and systemic

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7. NYPD’s “Stop & Frisk” policies
8. NACOLE San Jose re-cap

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Greetings From the President
by Dr. Eduardo I. Diaz

SOME OF YOU ALREADY KNOW that the theme of my presidency is “growing the movement.” Because this can only be done with team work, I am happy to report that your board of directors is full of team players who are willing to work hard, confronting all challenges with compassion and energy.

Past-President Pierce Murphy made us proud by appearing as a representative of NACOLE on CNN with Anderson Cooper in October to discuss recent videotaped instances of alleged police misconduct that had received national attention. President-Elect Phil Eure continues to chair our Strategic Planning Committee and has put an incredible amount of energy into that role, preparing the groundwork for NACOLE to apply for grants that will allow the organization to hire full time staff and help the police accountability movement grow in the U.S. Charlie Reynolds is a superb Secretary who records everything, even the time we enter the board conference call if we are a minute late. And, our treasurer, Richard Rosenthal, keeps us current, paying our bills and investing what is left wisely.

Board members work hard on a variety of tasks and projects. Andre Birotte, serving as chair of Finance Committee Chair, keeps his eagle eye on our financial status, and also serves on the Conference Committee. Kelvyn Anderson does a remarkable job heading up our Communications Committee and maintaining our listserv and website. NACOLE is gearing up for the exciting unveiling of its significantly redesigned website this winter.

The task of leading the Outreach Committee is performed by Carol Scott, ably assisted by our new board member, Shirley Washington. Sam Pailca oversees the effort to publish this newsletter and co-chairs the Professional Standards Committee with Jayson Wechter, our newest board member and Conference Committee Chair. What a team!

This group is supported by Cameron Smith, a dedicated and hard working Conference Coordinator who supports the board in a number of ways. We are fortunate to have her work for the board and the membership, as Cameron consistently goes above and beyond the call of duty.

I can only serve as the president of NACOLE because of the incredible support I get from the members of Miami-Dade County’s Independent Review Panel. They also deserve recognition for all of the volunteer hours they put in and for encouraging me to take on this charge.

Please take some time to contemplate how you can help NACOLE grow the movement. Email me your ideas! ( diaz@nacole.org )

Dr. Diaz is the president of NACOLE’s board of directors. He is also the executive director of the Miami-Dade County Independent Review Panel.

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2008 HOST HOTEL

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with some of the world’s finest examples
of French art deco

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Reform Efforts Can Lead to Better Policing, Greater Trust

One of the important functions of citizen oversight is to provide police executives and elected officials with thoughtful proposals for police reform. Continuous improvement in police policy, as well as in training and supervision that support reform efforts, will enhance the delivery of police services and reduce the likelihood of injuries to citizens and police officers alike. Successful implementation of new policies can also build greater trust between law enforcement agencies and the communities they serve. Below are examples of recent policy recommendations developed by oversight agencies in Boise, Seattle and Washington, D.C.

Boise, Idaho

Policy recommendations are part of the community ombudsman’s responsibilities in Boise. Many such recommendations flow from specific complaints incidents the office investigates, or from a cluster of cases. Others are the result of a decision to study a particular police practice.

In 2006, the community ombudsman and Boise’s police chief decided to study the use of Tasers (conducted energy weapons) by Boise officers and to look nationally for best practices. A team of employees from both agencies joined together to analyze the data, research what others were doing, and offer recommendations.

As a result of this study, significant improvements were made to the policy and procedures governing the use of Tasers by Boise police officers, and to the training they received. One significant change was to prohibit the use of Tasers in instances not involving physical aggression or active physical resistance, and to limit their use against highly vulnerable persons such as the very young, the elderly, and pregnant women. In addition, policy now encourages officers to consider the use of a Taser instead of deadly force when time and circumstances permit.

For more information about this policy recommendation and others issued by Boise’s Office of Community Ombudsman, please visit the agency’s website at: www.boiseombudsman.org

Seattle, Washington

Seattle’s Office of Professional Accountability (OPA) has direct responsibility for the investigation and mediation of citizen complaints, and issues reports to the public each month on closed case activity and complaint statistics. From the beginning, though, the OPA believed that the best way to improve police practices and police-community relations was through policy review and encouraging strong police supervision.

In January 2007, OPA issued a report on use of force complaints made over a three-year period, 2003 through 2005. The purpose of the review was to look for recurring themes and patterns, and to identify opportunities for improvements in policy, training, supervision, outreach and education.

The review of 268 force complaints identified several major findings: (1) a significant number of complaints involving multiple officers; (2) few complaints involved substantial force and/or injury; (3) escalation of incidents by officers; (4) a rise in complaints in which no force was reported by the officer; (5) a notable number of complaints of force while in custody; (6) a high proportion of complaints about force made by citizens of color; and (7) issues related to use of Tasers.

The report outlined major recommendations in the area of race and use of force, which included a call for Seattle to release information about the study of traffic stops and searches and for the city to develop a long-term response to issues involving race and policing. The report further outlined a series of proposals recommending development of a protocol that calls for an on-scene response by OPA to critical incidents, noting that Seattle’s practice of restricting the review of over 700 hundred force incidents per year to the officer’s chain of command had not resulted in a single instance where a reviewing commander had found a policy violation, or referred an incident to OPA for further investigation.

For more information about this policy recommendation and others issued by Seattle’s OPA, please visit the agency’s website at: http://www.ci.seattle.wa.us/police/opa/Default.htm

Washington, D.C.

In addition to investigating, adjudicating and mediating citizen complaints against the police, the District of Columbia’s Office of Police Complaints (OPC) issues periodic recommendations for police reform.

In December 2005, the Metropolitan Police Department (MPD) released a study on racial and ethnic profiling in Washington, D.C. The MPD study involved collecting pedestrian stop data at five locations and gathering traffic stop data at 20 sites in the nation’s capital.

In May 2006, OPC issued a report and set of policy recommendation calling for a task force made up of community representatives and officials from MPD and OPC to follow up on issues raised in the MPD study. MPD’s profiling study had found, among other things, that African-American and Latino pedestrians who walk in or near some of the city’s major tourist, shopping and entertainment areas risk being stopped at disproportionately high rates by police officers.

OPC proposed that MPD, with the input of the new task force, review the Department’s policies and practices in the areas of hiring, training, supervision, and outreach in order to combat the practice or perception of biased policing. OPC also urged that the task force be charged with assessing MPD’s anti-biased policing policy. In response to OPC’s proposal, MPD has created a task force to examine these issues, giving members of the District’s diverse communities an important stake in reviewing law enforcement policies and practices that affect fair policing.

For more information about this policy recommendation and others issued by OPC, please visit the agency’s website at www.policecomplaints.dc.gov.

- Sam Pailca

Pierce Murphy is the community ombudsman for the City of Boise. Sam Pailca, the former director of Seattle’s Office of Professional Accountability, is a compliance investigations attorney with the Microsoft Corporation. Phil Eure is executive director of the Office of Police Complaints in Washington, D.C.

- Phil Eure

- Pierce Murphy
Crisis Intervention Training: Philadelphia
Addressing the Needs of the Mentally Ill

by Kelvyn Anderson

In the wake of a highly publicized fatal incident involving Amtrak police and a mentally ill homeless man in 2000, the Philadelphia Police Department re-wrote its policy on police contact with the mentally ill, emphasizing de-escalation and greater cooperation between police, behavioral health agencies, and the public. The Police Advisory Commission supported this change in policy, and former commission Executive Director Hector Soto testified at a City Council hearing in 2001 about complaints filed with the agency where mental health issues were the overriding factor for police response.

In 2004, the Commission joined police, behavioral health agencies and community groups in a full-blown effort to create a Crisis Intervention Training Program for Philadelphia Police, modeled on the best practices of cities around the U.S., like Memphis, TN, and Houston, TX.

The vision of Crisis Intervention Training, or CIT, is the reduction of the risk of violence and harm for police and for people with behavioral health disorders through training, education and collaboration among stakeholders.

Twenty to 25 percent of uniformed patrol cops from the East Division will complete a four-day training session that will teach them techniques to help relieve tense situations involving police and people who have mental illnesses.

Feedback from the training indicates Philadelphia officers, like the CIT trained officers in the Chicago Police Department, were especially moved by role-playing opportunities and frank testimony from mental health consumers and their families.

The Department also learned that choosing officers for participation in the program through a volunteer system, rather than random assignment, has resulted in a higher level of interest. The new CIT officers have become ambassadors for the program, and spread the technique, First Nation oversight and the increasing use of tasers. Other sessions included a case study involving the wrongful dismissal of a police officer, the perspective of complainants in police misconduct cases, the Edmonton early intervention system and standards of proof. We also devoted a half day to international topics.

Delegates were treated to a dinner cruise aboard the tall ship “Silva,” adding a bit of maritime spice to a very successful conference.

The 2008 annual CACOLE conference will be held in Regina, Saskatchewan, June 16 - 18, 2008. For more information about CACOLE and our upcoming conference, please visit our website at www.cacole.ca.

Robert Mitchell, QC, is the president of CACOLE’s board of directors. He is also chair of the Saskatchewan Public Complaints Commission.

Please turn to “CIT: Philly,” page 7
FROM 2002 TO 2006, THE New York City Police Department reported a five-fold increase in the number of civilians stopped, questioned, and frisked, from just under 100,000 to over 500,000. The Civilian Complaint Review Board saw a similar dramatic increase in complaints stemming from these stops. While most analyses of this data have focused on racial disparities of those stopped, the fundamental question of what has fueled the increase in stops has yet to be answered.

Any examination of New York’s Stop and Frisk policy must note fundamental changes made in 2001 to a form called the UF-250 form, which the Department uses to document stops. The form initially had a blank space in which officers wrote circumstances leading to stops and frisks. After a 1999 study of over 125,000 forms by the Office of the Attorney General found that only 61% of the reasons provided by officers met the legal standard for conducting a stop, the form was redesigned into a checkbox format. While the new form provides data that is easier to tabulate, officers are no longer required to write individualized reasons for their stops. Since the information provided by the new form is more limited, CCRB investigations into whether stops are justified have become even more important.

In its investigations, the CCRB substantiates allegations of “frisk” and “search” as misconduct twice as frequently as it does other allegations (CCRB 2006 status report, p 94 and 96). However, CCRB’s sustained findings are no guarantee of discipline. In fact, starting in 2005, the NYPD began to systematically downgrade the discipline for stop, question, and frisk complaints, first by issuing officers “instructions” in cases similar to those in which officers had previously been given more serious penalties, and then by declining – at an unprecedented rate - to penalize officers at all in these cases. The department has publicly stated that the CCRB has used faulty legal analysis of what constitutes “reasonable suspicion,” which the board vigorously disputes.

In a recent report, Greg Ridgeway of the Rand Corporation noted that “NYPD’s CompStat (statistical analysis) focus gives officers a strong incentive to generate UF-250s;” since “[a]n officer’s UF-250 numbers suggest productivity.” Such strong incentive to conduct more stops, however, could encourage officers to lower the legal threshold for stopping someone. An emphasis on productivity stats, combined with the sharp decline in discipline for officers who conduct improper stops, appear to provide incentives for more frequent stops, even when the legal justification is questionable. The dramatic increase in stops appears to bear out this theory.

NYPD’s practice of rewarding the raw number of stops as a productivity measure does not take into account the results of the stops, i.e., whether contraband was recovered or an arrest was made, or neither. This emphasis on the numbers can have adverse public safety consequences, since stopping large numbers of people who turn out to be engaged in no unlawful activity erodes public trust in the police and may reduce cooperation with police investigations. Productivity measures ought to be carefully calibrated to measure officers’ work without creating incentives for improper actions. Increased study can help determine better metrics for evaluating officers’ stop-and-frisk practices.

Andrew Case is the spokesperson for New York City’s Civilian Complaint Review Board.
NACOLE's 13th Annual Conference in San Jose, CA Wins Praise

Four-Day Event Draws 300 Participants

by Barbara J. Attard

The 2007 NACOLE CONFERENCE, “Transparency, Accountability, Integrity,” held in San Jose, California, proved to be both a financial and popular success, exceeding expectations on all levels. Over 300 participants attended, hailing from 26 states and 13 countries.

The 50% increase in attendees can be attributed to many factors: the increase in citizen oversight agencies in the United States—several delegates attended from new and emerging oversight agencies; the large international delegation, inspired in part by the scheduling of a planning meeting at the conference for the development of an international association of civilian; the strong professional development sessions offered in the conference agenda; and the attractive location of the conference in San Jose, offering great weather, amenities, and convenience for domestic and international flights.

The conference opened with an oversight update presented by Eduardo Diaz, informing those gathered of news in the field – emerging US agencies, an overview of oversight organizations around the world, and the movement to establish an international association. Nuala O’Loan presented her informative and moving final address as the Ombudsman of Northern Ireland, her message bringing home the ability for domes-
tic and international flights.

The conference searches for clues leading to an overlooked remnant of San Jose’s colorful past.

This year’s conference featured a Historical Downtown San Jose Treasure Hunt which showcased San Jose while challenging conference delegates to engage in a “workout” for the mind, think creatively and work collaboratively to solve clues taking them to historically significant, but off-the-beaten-path sites.

The general meeting attracted a record 301

panels stimulated controversy. The panel entitled, “Shifting the Balance—Copley Press and the Challenge to Oversight,” featured oversight professionals and a police union representative. While some delegates questioned the inclusion of young activists in the “Community Voice for Law Enforcement Oversight” panel, another praised the panel for having the “most real” discussion of issues he had seen at a NACOLE conference.

“The NACOLE Conference provided an excellent opportunity to learn, interact and dialogue with those experienced in the field of civilian oversight, and I look forward to attending future conferences.”

--Ruth Suber, member of Boston’s new Community Ombudsman Oversight Panel

A few of the programmatic highlights of the conference included: panel discussions of critical incident rollout and review, oversight of jails and prisons, mediation, oversight through the media, a panel discussion of police-transgender issues, as well as a full afternoon of international presentations. The conference featured training in investigative topics such as use of force and examining the credibility of witnesses, sessions pertinent to members of boards and commissions, and a plenary address by Police Chief Ron Davis discussing his successful work to reach out to and work with East Palo Alto’s diverse communities to turn around the city’s high homicide rate.

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“Cincinnati,” continued from page 1

1995 NACOLE has worked to provide all segments of the oversight community with the opportunity to dialogue and exchange information regarding citizen oversight of law enforcement. This year’s Conference will continue this tradition by offering educational presentations, workshops and discussion forums addressing the most pressing issues in oversight. We hope to offer an enhanced schedule that will include additional training tracks for those just entering the field and those wishing to broaden their expertise and learn about the most effective techniques and tools employed by other oversight agencies.

For further details regarding the conference and its content please visit www.nacole.org throughout the spring and summer for the most up-to-date information.

We hope to see you in Cincinnati this fall!

“Middle Ground,” continued from page 1

reform, and try to strengthen them accordingly.

It’s an approach that offers the chance to practice oversight from a middle vantage point – one that allows us to see both the public and the Department more clearly than they, at times, can see each other. Occasionally, a high profile event provides a good example of this phenomenon in action, and Los Angeles saw one such event in October of this year. A story in the Los Angeles Times revealed that a particular LASD patrol station had engaged in a series of “challenges” or contests in which one police activity (arrests, car impounds, contacts with gang members) would become the focal point for a 24 hour period, and deputies were encouraged to try outdoing each other for the day.

The story captured quite a bit of attention, in part because it provoked a vigorous split in public reaction. Many respondents praised the initiative of the supervisor who planned the events, and scoffed at critics by asking, “If you aren’t doing anything wrong, then what are you worried about?” Others, however – including those whose past experiences with the police inclined them toward skepticism if not outright hostility – saw the “challenges” as evidence of a cavalier attitude toward the use of power and the rights of individuals. Some wondered facetiously if future “contests” might include a race for uses of force, or even shootings.

Rather than digging in its heels, the Department worked with OIR to address the situation in a thoughtful and constructive manner. The Sheriff first personally directed an immediate stop to the “contests,” and the Department cooperated with OIR as it pulled the records from the days in question to evaluate the actions that were taken. The subsequent review determined that the reality, as is often the case, fell somewhere between the two extremes. For example, the fact that the only incentive was “bragging rights” defused some of the more troubling suspicions about deputies cutting corners for all the wrong reasons. Moreover, though the arrests had been the most controversial aspect of the challenges, careful scrutiny of each by OIR supported their legitimacy. A number of officers mentioned to OIR along the way that comparable (though less formal) “contests” had been conducted throughout law enforcement for generations – with no harm done. From their insiders’ perspective, confident as they were in their own good intentions, these officers found the public’s criticism to be overheated. Most, however, were also willing to acknowledge that the story had presented the Department in a bad light. They recognized that problematic perceptions could easily emerge when the public has any reason to doubt the judgment and motivation of officers in the field.

Much of the “watchdog” role in this case had actually been performed by the reporters who first broke the story. Once the press attention fell away, though, there was still useful work to be done by the local oversight entity. In the weeks that followed this story, OIR had the chance to address some of the public criticism. The agency explained the checks and balances that exist and the remedial scrutiny that had occurred. Significantly, OIR pointed to its independent review of the arrests and other police action that had taken place on the days in question, and its independent assessment of whether the challenges had led to “bad arrests” or other violations of civil rights. Additionally, OIR persuaded the Sheriff to issue a formal memorandum to his personnel indicating the downsides of such “challenges” and emphasizing the importance of quality over quantity in police work.

Though the Department’s need to deal with high-profile controversies is usually limited to a handful of incidents each year, OIR’s emphasis on facilitating communication and understanding between the Department and the public is an ongoing enterprise. When we find ways – large or small – to sharpen LASD’s responsiveness to public concerns or help put an event into a more balanced perspective, we consider it a constructive and meaningful exercise of our oversight function.

Stephen Connolly is an attorney with the Los Angeles County Office of Independent Review.

“CIT: Philly,” continued from page 4

The Role of Oversight Agencies

Public Relations & Advocacy – The public mind is saturated with stories of sensational fatal encounters involving police and the mentally ill. Use hearings, community meetings, your agency’s website, editorials, etc., to dialogue with the public about CIT’s value to officers and citizens. Engage and educate your city council and state legislators, who must be on board to support budget requests and changes to mental health procedure law.

Data Collection & Analysis – Modify your systems to flag complaints, use of force and incident reports where mental illness is a dominant factor, and systematically review the information with CIT team members. Map and geo-code incidents to help identify where team resources should be concentrated.

Policy Recommendations – Oversight agencies should consider formal recommendation of the creation or strengthening of CIT programs in their jurisdictions. CIT is an opportunity to contribute to real change, instead of just responding after the fact to tragic incidents such as shootings. In addition, ongoing community dialogue between police, social service agencies and consumers in meetings over CIT issues can create the bonds that build trust among stakeholders and allow for frank discussion without the usual rancor.

Kelvyn Anderson is the deputy director of Philadelphia’s Police Advisory Commission.
The National Institute of Crime Prevention
Racially Biased Policing Training
A program to facilitate fair and impartial policing
Las Vegas, Nevada
April 21-23, 2008 or July 14-16, 2008

Lorie Fridell, Ph.D., formerly with the Police Executive Research Forum (PERF) and now with the University of South Florida, will describe how agencies can and should respond to the critical issues of racially biased policing and the perceptions of its practice and how resident stakeholders can facilitate responsible police actions. The training is geared toward law enforcement executives, command staff, and concerned stakeholders.

For information on this training go to:
www.nicp.net