

NACOLE Review

NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

SPRING 2006

Making Justice Visible

September 25-28, 2006 Boise, Idaho

The National Association for Civilian Oversight of Law Enforcement (NACOLE) invites you to the Twelfth Annual Conference, an opportunity that provides citizens, practitioners of civilian oversight and law enforcement officials the opportunity to dialogue and exchange information about civilian oversight of law enforcement.

Please visit our website at www.nacole.org or call 1-800-4NACOLE for further information.



More Conference Information, Pages 14-16

A Victory in Nevada for Subpoena Authority

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State High Court Upholds the Right to Question Police

By: Andrea S. Beckman, Esq.

New police oversight agencies are established every year in the United States. Most new and already existing police review offices that are citizen-run do not have the authority to subpoena police officers, other witnesses and documents in connection with investigating or adjudicating police misconduct complaints filed by the public. But even among those agencies that do have subpoena power, challenges to that authority are not uncommon.

Recently, the Nevada Supreme Court handed down an important victory to the Citizen Review Board in Las Vegas (CRB), preserving that agency's right to use its subpoena power to pursue citizen complaints of police

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President's Message

Dear NACOLE Members and Colleagues in Oversight:

It is a great honor to have the opportunity to serve as NACOLE's president in 2006. We have an excellent board of directors that brings great energy, leadership and ideas to grow and shape NACOLE in ongoing and new directions. This is a pivotal time in NACOLE's history. The organization is prime to apply for grants and other support to establish an office and staff to further the goals of developing training programs and standards for the field of oversight.

I also want to acknowledge the great contribution of the outgoing board of directors in working to bring NACOLE to its present flourishing and stable position. It is in large part due to past-president Malvina Monteiro's leadership and work that NACOLE has grown from an inspiration to a growing, thriving organization.

The board of directors met in February in Boise, Idaho, for a conference planning meeting and board development workshop. The board was enthused by cultural highlights and opportunities for adventure offered by the downtown and greater Boise area. The Anne Frank Memorial, in particular, served to inspire the 2006 NACOLE conference. The theme for the conference, "Making Justice Visible," was derived from a Gandhi quote at the memorial. Conference panels and workshops are reflective of the human rights issues suggested in the memorial.

The conference will also offer training workshops, opportunities to discuss current issues in oversight in workshop settings, a structured discussion of setting professional standards for the oversight field, as well as inspirational speakers.

On behalf of the NACOLE board, I encourage your attendance and participation in the 12th Annual NACOLE Conference in Boise. Please join us for this exciting conference and the opportunity to explore the northwest—we look forward to seeing you!

Sincerely,



Barbara Attard
President, NACOLE



State High Court Upholds the Right to Question Police

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misconduct involving members of the Las Vegas Metropolitan Police Department. Although the case raised a number of technical and legal issues, only key aspects of the decision are addressed here. In addition, I offer some strategies that other oversight bodies may want to consider in defending any type of challenge brought by a police union.

CRB is an advisory review board created by state statute and was given its more specific authority by local county and city ordinances. The CRB was granted the authority to review complaints of officer misconduct as well as internal affairs investigations. To accomplish these goals, the

Nevada law authorized the CRB, within the scope of its jurisdiction, to issue subpoenas to compel the attendance of officers to testify before a CRB panel of citizens. However, the state statute specifically denied the CRB jurisdiction over any matter in which it is "alleged that a crime has been committed," thus setting up the crux of this case.

Although the case that was litigated started out as the CRB simply subpoenaing a police officer to testify, and the officer subsequently failing to appear pursuant to the subpoena, the case developed into an interpretation of the state law defining the jurisdiction of the CRB panel to review a citizen complaint alleging "false arrest," "harassment" and "abuse of authority"

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NACOLE Annual Report

National Association of Civilian Oversight of Law Enforcement (NACOLE) 2005 Annual Report

By
Barbara Attard

NACOLE is a nonprofit organization of citizen oversight practitioners and supporters working to promote fair, firm and consistent law enforcement in the United States through the practice of citizen oversight of the police. It is the philosophy of NACOLE that law enforcement derives its authority from the community, and requires a two-way dialogue between the community and those charged with the duty to enforce laws. NACOLE provides training, referrals, information sharing and technical assistance to the oversight community and to persons and jurisdictions attempting to establish oversight.

2005 marked twelve years in organizational history for NACOLE, and a successful year for board and organizational development and conference programming. The NACOLE board of directors meets primarily through conference calls throughout the year. The board met two times in person, and held ten full board conference calls. In addition, the conference, training, membership, finance and nominations committees held sub-committee meetings through much of the year. A board development workshop was held in Miami with consultant Dawn Addie. Planning for future development of NACOLE and streamlined business procedures were the focus of the workshop.

Financial Report

Financial oversight implemented by the Finance Committee, and carried out under the leadership of past treasurer Rose Ceja-Aragon continued in 2005. Meticulous and comprehensive treasurer's reports, financial procedures, accounting and budgeting have kept NACOLE in solid financial shape.

NACOLE's income derives from memberships, donations, and conference enrollments. In 2005, NACOLE's principle cash income derived from membership dues of \$17,850, and conference registration and vendor fees of \$52,210. Donations and fundraising income in 2005 totaled \$17,515. Because

NACOLE has no full-time staff, NACOLE programs are provided by the labor of the board and several members and volunteers. The board estimated 2730 hours of volunteer labor in addition to general board duties in 2005. NACOLE's total assets after all 2005 expenses were \$42,999. This is an increase of over \$19,000 from assets calculated at the end of 2004.

The board contracted two specialists in 2005, Cameron (Camme) Smith, conference planner/bookkeeper, and Katherine Garcia, membership coordinator. Camme has assisted the board in all areas of conference planning and implementation, enabling NACOLE to present a better coordinated and organized conference. Camme also assists NACOLE by providing bookkeeping services for financial control and accountability. Camme has volunteered for NACOLE for several years and has worked for the past two years as a contractor. Through many years of volunteerism and the past year as a contractor, Katherine Garcia, organized the membership process and has maintained up-to-date membership records.



“Oversight is Everybody’s Business,” NACOLE’s Eleventh Annual Conference

NACOLE held its eleventh annual conference in Miami, Florida, rescheduled and held December 11-14 after hurricane Wilma struck Miami during the originally scheduled October dates. Over 55 agencies and jurisdictions in the United States were represented, as well as 29 states. Police oversight officials from Canada and England also attended. Over 200 people attended the conference.

Through careful conference planning and generous support from **Shirley Richardson and the City of Miami Civilian Investigative Panel, Dr. Eduardo Diaz and the Miami-Dade Independent Review Panel, and Dr. Larry Capp and the Miami-Dade Community Relations Board**, the conference was financially sound as well as a programmatic success.

Former U.S. Attorney General **Janet Reno** delivered an inspirational and insightful luncheon keynote speech, calling all present to continue the important and demanding work of oversight. She outlined key issues

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NACOLE Annual Report

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in our field: better training for officers, police shootings, police dealing with the mentally ill, and elder abuse, among others. Ms. Reno's speech has been transcribed and is available on the NACOLE website. Merrick Bobb, director of the Police Assessment Resource Center (PARC) in Los Angeles, closed the conference with an all-encompassing history of oversight that spanned generations and served as a tutorial for all. We hope to make this address available on the NACOLE website in the near future.

Conference attendees gave rave reviews for the full program, which included many training panels as well as many topical presentations. In response to past suggestions from conference participants, a televised community forum was held that featured NACOLE board members, panelists and Miami area political figures and community activists discussing current police and oversight issues.

Awards/Acknowledgements

During the conference we recognized the dedication and contributions of a number of past board members and supporters.

- Outgoing board members were acknowledged and presented with the NACOLE "Flame" award: **Sue Quinn**, after completing ten years of service to the board, including the offices of president and past-president; **James Johnson**, an outgoing founding member, board member and secretary; and **Denise DeForest** completing three years as board member and training leader (unable to attend). Outgoing board members who did not seek reelection, **Rose Ceja-Aragon** and **Liana Perez**, will be acknowledged at next year's conference.

- **Professor Sam Walker**, retired, University of Nebraska at Omaha, was presented a NACOLE "Flame" Award for "Achievement in Oversight" for his nationally recognized academic work in oversight.

General Membership Meeting/Elections/and Bylaws Revision

The general membership meeting was held in Miami on Tuesday, December 13, 2005.

By-Law Revisions were approved to:

- 1) Change the election process: From full board elections every three years, to staggered annual board elections.
- 2) Change the election process for the officers of the board: From a three-year presidency to a one-year presidency with succession planning. The full membership will elect a president-elect. The president-elect becomes president the following year and the past year's president becomes past president. The president and president-elect are officers of the board of directors; the past-president is an ex-officio member of the board. To enable this change, the membership elected a president and president-elect for 2006. As part of this change, the board of directors selects the treasurer and secretary.
- 3) Expand the Regular Membership category to include government officials who have oversight of law enforcement accountability responsibilities, as well as federal monitors and other entities that evaluate law enforcement.
- 4) Allowing the Board of Directors to change the NACOLE post office box, if necessary, without the approval of the general membership.

Board of Directors Elections:

Officers: Barbara Attard, president; Pierce Murphy president-elect; Board Members at Large: Charles Reynolds (3)(selected to be secretary), Dante Goss (3) (selected to be treasurer), Kelvyn Anderson(3), Eduardo Diaz(1), Philip Eure(1), Robin Lolar(2), Richard Rosenthal(2), and Carol Scott(2). (Length of term in years) Ex-Officio: Malvina Monteiro, past-president.

Membership:

NACOLE's membership was reported to have expanded to 26 regular members, 11 associate members, and 42 organizational members.

NACOLE Programs on the Web in 2005: www.NACOLE.org

- **Kelvyn Anderson** has worked extraordinary magic expanding the NACOLE ListServ into a Yahoo Groups program with enhanced searching capabilities and better organization of current queries, discussions and articles regarding police oversight and accountability.
- NACOLE's website was upgraded and expanded

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State High Court Upholds the Right to Question Police

(Continued from page 2)
 by Officer Steven Leyba.

Officer Leyba contested the authority of the CRB to subpoena him, claiming he was not required to comply with it. The Police Protective Association (PPA), the police union, intervened in the case on behalf of all other police officers who might be in the same situation. The PPA did not represent Officer Leyba, nor was he a member of the union. However, the police union, which had contested the authority of the CRB since the agency's inception, seized on the opportunity to limit the CRB's power significantly and was allowed to intervene in the case.

In arguing this matter both before the lower court and the Supreme Court, my strategy was to recruit all the allies I could. I therefore contacted the groups that were responsible for helping to create the review board, including the Office of the Federal Public Defender and the director of the Nevada affiliate of the American Civil Liberties Union (ACLU). Both organizations were very involved in pushing for the creation of the CRB.

Franny Forsman, the head of the Office of the Federal Public Defender, had been the chair of the advisory committee that drafted the local government ordinances that more fully implemented the state statute. I asked her to prepare an affidavit and to be available to testify about the committee's understanding of the statutory authority of the CRB to subpoena all witnesses, including police officers who were the subject of investigations.

I also enlisted the support of the ACLU, which filed a "friend of the court" brief before the Nevada Supreme Court on behalf of several groups, including the ACLU of Nevada, the NAACP-Las Vegas chapter, Community Peace, the Mexican American Political Association and the National Alliance Against Racist and Political Repression.

CRB was therefore not alone but was joined by those who had fought for a citizen review agency in the state of Nevada that would be empowered with subpoena authority to do its job. By obtaining the support of these stakeholders in the community, I wanted the Nevada Supreme Court to know that it would rule on an issue that was of concern to many people. Not only did I confer and strategize with Ms. Forsman and staff members of the

local ACLU in preparing my argument, but I also had them accompany me to the Supreme Court hearing where they could be visible.

The argument before Nevada's highest court was not a question of whether the CRB had subpoena authority, but whether the intent of the legislature was to deny that authority if any allegations were made in a citizen's complaint that could also constitute a crime. The PPA argued that false arrest and harassment fall within the legal elements of a "crime" and therefore the CRB could not lawfully issue subpoenas regarding such allegations.

The CRB's response relied on the minutes of the state assembly committee that had considered enacting the bill authorizing the creation of the Las Vegas review board, setting forth our understanding of the intent of the legislature in creating advisory review boards. We contended that if the PPA position were adopted, namely, denying the CRB jurisdiction where the citizen's allegations suggested that a crime may also have been committed, just about any conduct could conceivably satisfy the elements of a crime. As a result, the CRB would essentially only have jurisdiction over discourtesy violations. As incredulous as this argument may sound, a minority opinion written by a justice of the Nevada Supreme Court agreed with the PPA's narrow construction of the statute.

“Police officers...must appear and testify at hearings...Police officers may not refuse to answer on the grounds that the board has no jurisdiction over them.”

Besides arguing legislative intent, the CRB pointed out that it had the authority to review internal affairs investigations and to determine if there was any officer misconduct that violated a police department policy. Misconduct may violate policy and can also be criminal. In the Leyba matter, the CRB was only investigating alleged non-criminal misconduct that implicated departmental policies. In addition, there was neither a pending criminal investigation by local authorities nor any finding by the police department's internal affairs unit that a crime had possibly occurred.

In its plurality decision handed down on March 16, 2006, the Nevada Supreme Court upheld the lower court finding that the CRB subpoena was lawfully issued because, the Court found, the CRB was not reviewing allegations of criminal conduct but was reviewing an internal investigation concerning departmental policy violations.

The language of the plurality decision is not as helpful as

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through the services of **Lisa Marie Designs**. Web postings of 2005 conference registration, agenda, workshop descriptions, speakers and hotel information were provided, as well as a bank of historical and practical oversight topics.

- The request for proposals (RFP) for the 2006 Conference and the RFP for Topics and Presentations for the 2005 Conference were announced on the ListServ and posted on the website.
- **John Parker** has made an art of regularly updating the NACOLE roster of U.S. oversight agencies.

Outreach, Membership & Networking

- NACOLE vice-president **Barbara Attard** presented an overview of United States oversight agencies and programs at a United Nations development program conference to establish oversight of Brazilian police in Brasilia, Brazil.
- NACOLE board member **Eduardo Diaz** chaired and presented a symposium at the 2005 American Psychological Association (APA) Conference held in Washington D.C. entitled Creative Change Agents in Public Service--Managing Peace with Justice.
- At the request of the U.S. Embassy in Santo Domingo, Dominican Republic, board member **Eduardo Diaz** provided provided citizen oversight consultation and facilitated police/community relations workshops.
- NACOLE corporate informational packets were distributed upon request.
- Board members and volunteers conducted outreach activities throughout the year and provided ongoing technical assistance to individuals, emerging oversight jurisdictions and the media.

Future Goals for NACOLE

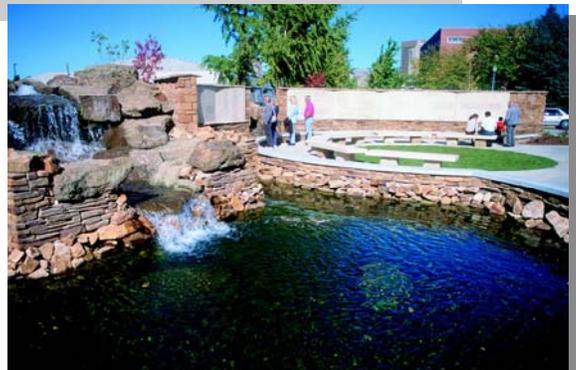
- Growth of NACOLE membership;
- Fundraising and obtaining grants in order to open a national office and hire staff;
- Establishment of minimum training and professional standards for oversight boards and commissions and professional staff;
- Continue to work on advanced training for practitioners, boards and commission members;
- Participation in local, regional, national and international dialogues regarding policing and oversight.

Acknowledgement and Gratitude

The NACOLE board would like to thank NACOLE volunteers and contractors for their continued work. The NACOLE board of directors is grateful to the membership for having had the opportunity to work with and for you, and contribute to the development of the expanding field of oversight in 2005. We invite your continued participation in this important work.

The Idaho Anne Frank Memorial The Quote Wall

The 180-foot Quote Wall takes you on a walk through history. The words of presidents and slaves, children and philosophers, poets and paupers, the famous and the unknown are inscribed side by side.



State High Court Upholds the Right to Question Police

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the separate opinion written by Chief Justice Rose, concurring and dissenting. Although he agreed that the CRB has jurisdiction in this matter, Justice Rose questioned the plurality opinion's failure to define the limitations of review by the CRB in pursuing matters that could be considered "criminal conduct." CRB had argued that its jurisdiction was limited where "there is an ongoing criminal investigation or prosecution." Chief Justice Rose went beyond the interpretation advanced by the CRB and suggested that the intent of the legislature was to limit the jurisdiction of the CRB only in matters where a crime has been specifically charged in a pleading or charging criminal document.

So what are the ramifications of this decision? The CRB may subpoena a police officer to testify before the review panel in any matter where the board is reviewing non-criminal misconduct allegations. The district attorney and police department will continue to handle all criminal investigations, and the CRB authority may extend to review of policy violations, even if those violations occurred within the context of a criminal act. The CRB is precluded from referring a citizen complaint to the police department for a criminal investigation and may not review a police department's internal investigations in order to identify violations of criminal statutes. The obvious problem arises when a complaint is received by the CRB alleging conduct by a police officer that appears to be criminal. In this situation, does the Court's ruling mean that the board must pretend it never saw the complaint and dismiss it as being outside of its jurisdiction?

For now, the immediate impact of this decision for police officers is that they must appear and testify at hearings, subject to their Fifth Amendment right against self-incrimination, when lawfully subpoenaed by the CRB. Police officers may not refuse to answer on the grounds that the board has no jurisdiction over them. Instead, officers must assert the Fifth if they refuse to answer.

Without this ruling, the CRB would not have been able to function effectively. I know the benefits of this decision firsthand. When our agency opened six years ago, the CRB concluded that it might create a tense and hostile environment if officers were forced to appear under subpoena. Therefore, the CRB established a process for officers to appear at hearings in response to a "notice to appear." But officers would not appear for their hearings after being served with these notices. Suffice it to say, the review panel encountered great difficulty resolving citizen complaints based solely on police reports and the accounts of witnesses who appeared.

Police officers need to be accountable for their actions and are not above the law. They must comply with all lawfully issued subpoenas and, if they want to invoke their Fifth Amendment privilege, they have the same rights as any other citizen to do so. The police in Las Vegas now recognize that the CRB is an agency duly created and authorized to issue subpoenas to compel their attendance at hearings.

[Andrea S. Beckman is the Executive Director of the Citizen Review Board in Las Vegas, Nevada.]

Note: A copy of the decision in this case, Las Vegas Police Prot. Ass'n v. Dist. Ct., 122 Nev. Adv. Op. No. 21 (March 16, 2006), is available at: <http://groups.yahoo.com/group/policeoversight/>

Denver: Meeting the Challenge of Oversight

Who We Are: New Oversight System in Denver Approaches End of First Year

By: Richard Rosenthal

Introduction to the Monitor's Office

In the wake of two controversial police shootings by Denver police officers and criticism of the City of Denver's use of a volunteer committee to conduct oversight of the Denver Police and Sheriff Departments, Mayor John Hickenlooper, announced the creation of a broad-based task force to investigate various ways to improve the police oversight system, which had been under the auspices of the Public Safety Review Commission (PSRC) since 1992.

In 2004, the mayor, with the unanimous support of the Denver City Council, proposed the new system of citizen oversight consisting of the Office of the Independent Monitor (OIM) and the Citizen Oversight Board (COB). In November, voters authorized changes to the city charter which allowed the creation of the Monitor's Office with powers to conduct "live" monitoring of all Police and Sheriff internal affairs investigations. The OIM opened its doors as of August 1, 2005. Richard Rosenthal, a former public corruption prosecutor from Los Angeles and the first Police Auditor for Portland, Oregon, was hired as the Independent Monitor.

The mission of the OIM is to provide fair and objective oversight of investigations of possible misconduct and serious uses of force by uniformed personnel of the Denver Police and Sheriff Departments and Fire Department arson investigators. The Monitor's mission is directed at transparency and accountability in order to ensure public confidence in the ability of the departments to police themselves.

The OIM is responsible for: (1) actively monitoring and participating in investigations of sworn officers and deputies; (2) making recommendations to the Manager of Safety, Chief of Police and Director of Corrections (who are responsible for discipline); and (3) making recommendations on broader policy issues.

The Citizen Oversight Board

The Citizen Oversight Board (COB) is comprised of

seven volunteers appointed by the mayor and confirmed by city council for terms of four years. The COB holds public meetings with the Monitor, Director of Corrections, Police Chief and Manager of Safety allowing community members and other stakeholders to share their questions and concerns. Perhaps most importantly, the COB assesses the effectiveness of the OIM and makes broad policy and training recommendations.

OIM Staffing, Tools

The OIM has six full-time staff members: the Independent Monitor, Senior Deputy Monitor and Deputy Monitor, all of whom are attorneys; a Management Analyst (a PhD) who ensures data collection and reporting; an Office Manager; and a Community Relations Ombudsman who focuses on the Monitor's citizen-police mediation program and on outreach to the public and the sworn officers over whom the Monitor has jurisdiction. The total 2006 annual budget for the OIM is \$563,000.

One of the critical distinctions between the OIM and the PSRC is the Monitor's ability to participate in "real-time" monitoring of all internal investigations and disciplinary hearings. As such, the OIM is involved from the very beginning of a case to the very end, as opposed to an "after-the-fact" appeal process which was the primary tool used by the PSRC to review internal investigations.

The OIM uses several tools to facilitate the real-time monitoring of internal investigations. First, the OIM has access to all of the Denver Police Department's (DPD's) and the Denver Sheriff Department's (DSD's) investigative files and internal affairs databases and meets with the command staff of the Police and Sheriff internal affairs bureaus on a weekly basis to review cases. Second, the Monitor and the Senior Deputy Monitor are part of the Police Department's "Critical Incident Call-Out Team," and are called out to go to the scene of all officer-involved shootings, in-custody deaths and police actions resulting in death or great bodily injury. Finally, the OIM is embedded in the entire complaint handling and disciplinary process from the opening of an investigation, through the completion of the investigation and determination of findings; up to and including the ability to monitor departmental disciplinary review boards, use of force review boards, tactics review boards, pre-disciplinary hearings and the final decision-making process reached by the Manager of Safety who is in charge of the Police, Sheriff and Fire departments.

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Denver: Meeting the Challenge of Oversight

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OIM Role & Accomplishments

The OIM's role in the process is to make recommendations to the Chief, the Director of Corrections (an appointed position similar to that of a County Sheriff) and the Manager of Safety. The OIM provides transparency into the complaint handling and disciplinary processes and has the ability to publicize the departments' decisions and to conduct independent investigations if warranted. That being said, both departments have been extremely cooperative in working with the OIM to implement its recommendations through a series of policy and procedure changes. For that reason, the OIM has been able to accomplish the following during its first year in operation:

Access to the Complaint Process

The OIM created a brochure, which is available throughout the city and which allows community members to file a complaint or commendation directly with the OIM by dropping a postage paid form in the U.S. mail. The OIM also made complaint and commendation forms available on the websites of the OIM, the Citizen Oversight Board and the Police and Sheriff Departments.

Satisfaction Survey

The OIM distributed satisfaction surveys to complainants and police officers to obtain baseline data to evaluate and improve on the Police Department's current complaint handling processes. The OIM will also be able to evaluate what effect its work has on community and officer perceptions of the Department's disciplinary processes. The results of this first survey gauge perceptions of discipline under the PSRC. Future surveys will attempt to gauge respondents' perceptions of discipline monitored by the OIM.

Police Shooting Audit

The OIM has contracted with the Los Angeles-based Police Assessment Resource Center (PARC) to conduct an audit of deadly force in Denver from 1999 to 2003. PARC will be

evaluating whether or not DPD is using best practices in terms of policies and procedures, tactics, training and discipline, and will identify areas where improvements can be made. That report will be released early next winter.

Mediation

The OIM introduced community-police mediation to Denver in 2005. Mediation is a viable alternative to the traditional complaint handling process whereby community members and police officers can talk out their issues in a neutral, non-confrontational and confidential environment with the aid of a professional mediator. Mediation allows each party to gain a better understanding of the other's perspective by serving as a safe learning opportunity. Although the program is newly created, drastic improvements in the level of satisfaction that complainants and officers feel in how their complaint was resolved have already been seen. The Monitor has introduced a "filtering" process for the handling of citizen complaints that includes mediation, dismissals, and informal handling of cases (in which a supervisor debriefs the officer outside of the disciplinary process) in order to resolve complaints in a more expedited manner.

Outreach

The Independent Monitor and the Community Relations Ombudsman have met, so far, with over 100 community organizations throughout Denver to explain what the OIM does and the changes that have been made to DPD and DSD. These community groups include non-profit staffs and boards, neighborhood associations, religious congregations, and activist organizations. In addition, the Monitor and Ombudsman conduct outreach with the departments by making roll call presentations at the district stations and by meeting with the bureaus and numerous police and sheriff deputy organizations in order to introduce the OIM program to officers and learn more about their issues and concerns.

Early Intervention

This year, the OIM has begun evaluating the effectiveness of the Police Department's Early Identification and Intervention System (EIIS). Evidence suggests that the disciplinary process, by itself, is not an effective tool for managing officers' use of force. An effective and credible EIIS is essential to assist the Department in managing officer actions in this area.

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Denver: Meeting the Challenge of Oversight

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Transparency Through Public Reporting

The first annual reports of the OIM and the COB are available online at www.devergov.org/oim & www.devergov.org/cob. These reports contain voluminous information on the work of the Monitor's Office, the COB, and the Internal Affairs Bureaus of the Police and Sheriff Departments.

In addition, as of the end of the first quarter of 2006, the Monitor's Office is now publishing quarterly reports summarizing all disciplinary actions taken by the Police and Sheriff Departments. These reports will track all disciplinary cases from the time the final discipline is imposed by the Department on a sworn officer through the conclusion of the civil service appeals process.

[Richard Rosenthal is the Independent Monitor in Denver, and a member of the NACOLE Board of Directors.]



NACOLE BOARD 2006

(Rear L-R)

Dante Goss, Phil Eure, Eduardo Diaz, Pierce Murphy, Kelvyn Anderson,
Richard Rosenthal

(Front L-R)

Barbara Attard, Robin Lolar, Cameron
Smith, Carol Scott.

International Report: Oversight in Canada

By: Dirk Ryneveld

The Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) is a national non-profit organization of agencies involved in the oversight of police officers in Canada. CACOLE is dedicated to advancing the concept, principles and application of citizen oversight of law enforcement throughout Canada.

CACOLE's planning committee met in Toronto in February and we are very excited about the 2006 conference scheduled for October 2 to 5 at the Marriott Pinnacle Downtown in Vancouver, British Columbia. The theme is "**Civilian Oversight – Striking the Right Balance.**"

Conference sessions will include a roster of notable speakers on topics such as: *Policing Issues in British Columbia, The Overseen – The Military Police Experience, Accessibility, Trust & Communications issues for First Nations, Mediation, Alternate Dispute Resolution and Restorative Justice, Not Just Another Call - Police Response to Persons with Mental Illnesses, Professional Standards – Update on New Developments, Complaints Against the Police: Stakeholder Perspectives*. This year, a new conference registration fee structure has been implemented to provide added savings to our individual and member agencies.

Delegates will be welcomed to the conference by His Worship Sam Sullivan, Mayor of Vancouver. Tuesday, October 3rd will feature a full day of conference sessions relating to citizen oversight of the police from an international perspective. The Honourable Michael Bryant, Attorney General of Ontario has agreed to open the proceedings on Wednesday, October 4th and speak about the significant changes proposed for the province's public complaints system. On Thursday morning, October 5th, an important meeting of the new international network of police review agencies will take place. The Annual General Meeting and Election of Officers for CACOLE will take place on Thursday afternoon. All of the conference events are open to registered delegates, speakers and invited guests.

At the 2005 conference in Montreal, delegates

strongly supported continuation of CACOLE's initiative to establish an international body comprised of citizen oversight agencies and police monitoring agencies Independent Police Complaints Commission located in London, England, hosted group of oversight agency representatives and professionals from North America, South America and Europe. Their agenda included discussion of aims and objectives for the new international body as well as administration and infrastructure issues, as well as setting the agenda for Tuesday, October 3rd.

With more professional development sessions and the spotlight on international issues this year, we are expecting a significant increase in the number of delegates attending, so make sure you register early for the conference and for your accommodations at the Marriott. You won't want to miss out on the opportunity to be part of a historic event - participating in the creation of a new international organization, and becoming a charter member. Registration for the CACOLE conference automatically entitles you to participate in the international organization's events.

But our focus will not be completely on work. Networking is an important element in professional development and the board of directors of CACOLE will be hosting an opening reception as well as a nightly hospitality suite. Vancouver, the largest city in British Columbia and the third largest city in Canada, is a transportation hub, easily reached by car, air or rail. The climate is mild and the scenery spectacular. Surrounded by water on three sides, the city is filled with beautiful parks and the bustle of commerce, shopping, museums and dining, all against the backdrop of the breathtaking Canadian Rockies. Why not plan on sightseeing before and after the conference?

CACOLE'S tenth professional development conference was held in historic Montreal, Quebec, from October 3-5, 2005. The theme was *Current Issues in Police Accountability*. The event attracted over 120 Canadian and international delegates and speakers from diverse sectors of the oversight community. Consistent with CACOLE's focus on encouraging participation from a wide range of organizations, the scope of conference topics was broad enough to be of interest to a cross section of delegates from the oversight and policing sectors.

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International Report: Oversight in Canada

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While oversight challenges may be similar in every jurisdiction, the approaches to solutions differ, and they must be adapted to local legislative and community contexts. In the session called *Parallel Complaint and Litigation Processes - When Cases Collide*, delegates heard a lively discussion about issues relating to public complaints and internal discipline administration and civil and criminal court processes. There was considerable debate over current issues, implications and different perspectives on training, deployment, policies, legal issues and monitoring in *Assessing Less than Lethal Force Options – the Taser*.

There was particular interest in presentations by the international panel of representatives from Great Britain, Northern Ireland and the United States. It was most informative to hear their insights on issues such as citizen concerns about police investigating complaints about police, the impact of misconduct issues on public confidence, processes used for findings of fact and merit determinations with respect to allegations of misconduct, the use of informal resolution and strategies for outreach to diverse stakeholder communities.

CACOLE's web site – www.cacole.ca – has recently been revamped. There, you'll find information about our conferences (past and present), additional research resources and new links. We're sure you'll find it useful and easy to navigate. We also welcome your suggestions. You can write to us at info@cacole.ca or e-mail me at dryneveld@opcc.bc.ca.

**[Dirk Ryneveld, QC, is the Police Complaint Commissioner in British Columbia.]
President of CACOLE**

**CACOLE'S 2006 Annual
Conference
Vancouver, British Columbia
[Marriott Vancouver Pinnacle](#)
[Downtown](#)
October 2 - 5th, 2006**

[2006 Agenda](#)
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Oversight of Jails: Familiar Themes

By: Barbara Attard

As NACOLE's president, in April I was invited to a conference entitled, "Opening Up a Closed World, What Constitutes Effective Prison Oversight?" The conference was sponsored by the Lyndon B. Johnson School of Public Affairs at the University of Texas in Austin, and Pace Law School (NY). The conference was enlightening and informative, and the statistics presented, disturbing.

Overlapping Issues in Prison and Law Enforcement Oversight

Throughout the Austin conference I was impressed that issues being discussed overlapped with issues discussed at NACOLE conferences. Examples of the common problems and truisms that we share with those involved in prison oversight include:

- The refusal of law enforcement to respond to issues raised unless the correct paperwork is completed, or the requisite hoops are jumped through;
- The importance of establishing and maintaining credibility with officials and constituents;
- The difficulties we face in making decisions, recommendations and hard choices when jobs may be jeopardized if we make waves;
- The importance of public reporting requirements—how we can take advantage of mandates to get the word out about issues we uncover;
- Access is paramount. We are all working in closed systems. Without full access we cannot do our jobs. Gaining it maybe a difficult obstacle and cannot happen without some degree of cooperation and a lot of political will;
- We must attempt and appear to be neutral. Our perspectives can come out in our policy work; and
- Independence is a territory that you've constantly got to defend and police.

The National Tragedy: The Rising U.S. Prison Population

Andrew Coyle, Professor of Prison Studies in the King's College School of Law, University of London, presented statistics underscoring the shocking numbers of people incarcerated in American prisons. Here are some findings of his research, some of which was particularly moving and telling:

- The United States leads the world in the number of people incarcerated;
- We have 5% of the world's population yet 23% of the world's prison population;
- Per 100,000 population, the U.S. has 724 incarcerated persons, the state of Texas, 1014; Germany has 97 per 100,000, France, 88, and Canada 107.

Another presenter, Vivian Stern, presented statistics on the racial disparities of incarceration in the United States. We incarcerate Latinos at about double the rate of whites, and blacks at about five times the rate of whites. Oversight practitioners overseeing police agencies have been struggling for years with issues of racial bias and problematic investigations, including coerced confessions. Profiling and discriminatory stops are apparent and real tactics inherent in many law enforcement agencies across the U.S., yet very difficult to prove or overcome, particularly in a time when civil rights are being undermined. Coerced confessions have been alleged and uncovered, and very often those who are the victims of this practice lack even the ability to raise the issue with those who can work to overcome this injustice. Innocence projects have been shining a bright light on the flaws in the justice system, successfully fighting for release of prisoners who have been wrongfully convicted, and tragically drawing attention to wrongful deaths carried out at the hands of the state.

These issues are part of the contributing factors underlying the astounding numbers of incarcerated persons in prisons in the United States. While our tasks in performing our oversight duties may be carried out in different arenas than those overseeing jails and prisons, the issues that we face in doing our work are the same, and our insistence on fair, just and humane treatment is shared.

(Continued on page 14)

Oversight of Jails: Familiar Themes

(Continued from page 13)

Ongoing Dialogue

The perspectives we shared in Austin were invaluable and an important step in working together to solve a big issue facing our nation—wrongful and inhumane incarceration. It is my hope that we can continue the dialogue. One of the panels at the upcoming NACOLE conference will feature a discussion of oversight of the Los Angeles County jail system. It is my hope that many of the participants in the oversight of jails and prisons conference will further discussion of this important topic at the NACOLE conference in Boise.

[Barbara Attard is the Independent Police Auditor in San Jose.]

NACOLE CONFERENCE 2006



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12th ANNUAL NACOLE CONFERENCE
National Association For Civilian Oversight of Law Enforcement
Making Justice Visible
Monday, September 25th – Thursday September 28th, 2006

AGENDA

Monday, September 25th, 2006

- 10:00 a.m. Registration
- 1:00 p.m. Training Session I: David Harris: “The Place of Civilian Oversight in Preventive Policing”
- 2:45 p.m. Police/Youth Relations: Effective Strategies to Bridge the Gap
- 2:45 p.m. How to Make Policy Recommendations
- 6:00 p.m. Opening Reception

Tuesday, September 26th, 2006

- 8:30 a.m. Service Quality Complaints: Diversion Methods for Rapid Resolution
- 8:30 a.m. Training Session II: Ethics in Law Enforcement
- 10:15 a.m. Role of Civilian Oversight in Preventing Biased Investigations
- 12:00 p.m. Luncheon: David Nevin, Esq.
David Nevin has defended criminal cases in Idaho, the Pacific Northwest, and beyond for more than 25 years. He has obtained acquittals in a number of high profile prosecutions which implicated issues of civil rights and government overreaching, including the 1993 Ruby Ridge case, and the recent terrorism prosecution of a Saudi Arabian graduate student, Sami Omar Al-Hussayen.
- 2:15 p.m. Town Hall Meeting: Current Issues in Civilian Oversight
- 2:15 p.m. Oversight Behind Bars: Bringing Meaningful Review to Jails & Prisons
- 4:00 p.m. Training Session III: Autopsies & Other Medical Evidence in Use-of-Force Investigations
- 4:00 p.m. Training Session IV: Basic Skills for Conducting & Reviewing Oversight Investigations

Wednesday, September 27th, 2006

- 8:30 a.m. Training Session V: Conducting Civilian Oversight Investigations: Implementing/Evaluating the Investigation Plan & Interviewing Complainants
- 8:30 a.m. Rampart: Lessons for Civilian Oversight
Featuring Matt Lait and Scott Glover of the LA Times
- 10:15 a.m. Training Session VI: Civilian Oversight Investigations, Part II: Case Studies
- 10:15 a.m. Establishing Professional Standards for Oversight Practitioners
- 1:30 p.m. Lorie Fridell: Policing Racial Bias: What Jurisdictions Can Do to Promote Fair and Equitable Law Enforcement Practices
- 1:30 p.m. Database and Tracking Systems for Effective Oversight
- 3:15 p.m. NACOLE General Session and Election
- 6:30 p.m. Evening Reception

Thursday, September 28th, 2006

- 8:30 a.m. Perspectives in Profiling (Simon Wiesenthal Center)
- 8:30 a.m. Lethal vs. Less Lethal Force, the Law Enforcement Dilemma
- 10:30 a.m. Closing Plenary Session

Conference Concludes

A summary of the above topics will be posted shortly on the NACOLE website, www.nacole.org
Please note that this is a tentative agenda and is subject to change.

NACOLE 12th ANNUAL CONFERENCE
Making Justice Visible
2006 REGISTRATION FORM

Registration Information:

Name	Title
Organization	E-Mail Address
Address	
City, State, Zip	
Telephone	Fax

Early and Standard Registration: (must be received by August 10, 2006)

- \$300 EARLY Member Registration (must be received by August 10th)
- \$350 Member Registration
- \$450* EARLY Non-Member Registration (must be received by August 10th)
- \$500* Non-Member Registration
- \$180 Daily Rate **Please indicate days you will be attending:** _____

____ **Yes**, I am planning on attending the Keynote Luncheon on September 26th and will be bring ____ guests at \$40 per guest (please include check for your guests with payment for conference registration. If you later decide to attend and/or bring guests, please contact Cameron Smith at 317.697.0695.

Agencies with Organizational Memberships may register staff and board members at the Regular Member rate.

**Consider the advantage of joining NACOLE: Associate Member \$100, Regular Member \$150, Organizational Member \$300. Please see Membership Application.*

Method of Payment:

Money Order Check (Check Number _____)

Amount Enclosed \$ _____

Please make your check payable to **NACOLE** and mail to
638 E. Vermont Street, Indianapolis, IN 46202.
You may also FAX your registration form to 317.955.2899

If you are planning to pay through a vendor check, here is the number you will need to use:
NACOLE FIN# 52-1931116. Please make sure to note your check number on your registration form.

Signature	Date
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REFUND POLICY: NACOLE will be unable to refund any portion of your registration fees for cancellation after September 17, 2006.

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