

# THE NACOLE REVIEW



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### MISSION

NACOLE is a nonprofit organization of civilian oversight practitioners and supporters working to promote fair, firm and consistent law enforcement in the United States through the practice of civilian oversight.

NACOLE is based on the belief that law enforcement derives its authority from the community, and requires a two-way dialog 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.

## **NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT (NACOLE) 10<sup>TH</sup> ANNUAL CONFERENCE**

**Sunday, October 17, 2004 -  
Wednesday, October 20, 2004**

**The Palmer House Hilton  
17 East Monroe St.  
Chicago, IL 60603  
Tel: 312.726.7500  
Fax: 312-332-3068**

On behalf of NACOLE, I am excited to announce that the 2004 annual conference will be held October 17-20, 2004 in Chicago, Illinois. This gathering will bring together over 200 Civilian oversight practitioners, boards and commissions, police managements, elected officials, civil rights leaders and advocates, community volunteers, students, and others in the field of civilian oversight for three days of activities. These activities will include workshops, engaging presentations, panels, networking opportunities and other options.

NACOLE plans to bring excellent speakers, keynote and panelists from diverse professions and backgrounds to address the conferees. The conference is an opportunity for people from throughout the civilian oversight community and policing to come together, share inspiration and best practices, learn from each other, and deepen commitment. We hope this year will be no exception.

We would like your help in planning the 2005 conference. Please make suggestions on conference themes, topics, speakers, and presentation formats at: [nacole@nacole.org](mailto:nacole@nacole.org).

Please check the NACOLE web page regularly, as we will continue to update it with more conference program information.

**Malvina G. Monteiro, President**

# THE NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT - 2003 ANNUAL REPORT

The Board met twice in 2003, held twenty-four Board teleconference meetings and conducted other business by telephone and mail. The Finance, Conference and Fundraising Sub-committees held additional teleconferencing meetings.

## **Financial Report**

The Finance Committee continued to implement the systemic revisions begun in 2001. Rose Ceja-Aragon has assisted NACOLE over the past few years with her meticulous and comprehensive work on enhancing the treasurer's report, financial procedures and accounting system. Katherine Garcia continues to assist us on a voluntary basis on the membership committee. She has instituted new "Membership Numbers" and up-to-date membership records. She combed through past records systematically and completed the deciphering of NACOLE membership categories (associate, regular, and organizational memberships).

NACOLE's income derives from memberships, donations, conference enrollments and the donated hours of the Board and other volunteers. NACOLE's principle cash income arises from membership dues of \$15,138.00 and conference fees of \$44,212. Donations in 2003 totalled \$10,580. As NACOLE has no staff, NACOLE programs are provided by the labor of the Board and several members and volunteers. That in-kind labor is valued at \$182,648. On December 31, 2003, NACOLE's assets totalled \$36,927.

## **The NACOLE Ninth Annual Conference**

NACOLE held its ninth conference "Civilian Oversight: Tools for Success - Tools for Justice" on the west coast, from September 21 to September 24, 2003 in Los Angeles, California. Over fifty agencies and jurisdictions in the U.S. were represented, as were Northern Ireland, South Africa and Canada. Over two hundred twenty people attended the conference.

The keynote speech was delivered by the Honorable Judge Raymond Fisher - United States Court of Appeals for the Ninth Circuit, Pasadena, CA, where he addressed the conferees on the above-mentioned conference theme.

The NACOLE luncheon keynote address was given by: Mr. R. Samuel Paz, Esq.: Law Offices Of R. Samuel Paz, Culver City, CA.

Other presentations included: Force and Excessive Force: When Words Fail; Justice Post 9/11: Intelligence Gathering, Racial Profiling, Demonstrations and First Amendment Issues; Mediation in Oversight: A Means for Changing Behavior; Insights On a Serious Police Misconduct Case: Oakland "Riders"; Success in Civilian Oversight: Best Practices and Strategies to Counter Resistance; Civilian Review: Basic Tools for Oversight of Disciplinary Cases; Interviewing Tough Witnesses & Judging Credibility and Force Applied: Case Study.

## **Expanding and Continuing NACOLE Programs on the Web in 2003: NACOLE.org**

- Expanded the NACOLE ListServ wherein current queries, discussions and articles regarding police oversight and accountability are electronically distributed
- Enhanced electronic and telephonic communications in order to respond to public inquiries without delay
- Produced two editions of The NACOLE Review
- Conducted outreach activities throughout the year and provided ongoing Technical Assistance to individuals, jurisdictions and the media

- Provided Web update of conference 2003 registration, agenda, workshop descriptions, speakers and hotel information
- Made available electronically and on the web - RFP for 2004 Conference Theme, Topics and Presentations
- Standardized RFP for seeking & identifying future conference site locations
- Updated US roster of agencies

### **Awards/Acknowledgements**

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

- Chris Reeder, Clyde Davis and Felicia Davis were acknowledged as NACOLE founding members in 2003 conference.
- Joe Sandoval received an award for his years of service (Rose Ceja-Aragon accepted the award for Joe).
- Special service awards went to the following: Cameron Smith, Katherine Garcia, Kelvyn Anderson, and Xochitl Yanez. David Janssen, Chief Administrative Officer, Los Angeles County, was recognized and thanked for securing funds for the 2003 conference.
- Merrick Bobb, Special Assistant to LA, Received an award for his contribution in the development of the civilian oversight profession.
- Special Thanks to: Phil Eure, Executive Director, DC Office of Citizen Complaint, who agreed to monitor federal legislation.

### **Outreach, Membership & Networking**

- NACOLE President and former president attended CACOLE 2003 Conference in Banff, Calgary, Canada
- NACOLE President represented the association at the International Conference on Police Accountability, sponsored by the Northern Ireland Ombudsman Office in November 2003
- Supported the Charter Amendment and sent a written endorsement backing Proposition H in San Francisco, CA
- Provided technical Assistance to Key West and Miami CIP (Civilian Investigative Panel) in reviewing its ordinance and identifying a potential training source
- Developed and distributed Corporate Informational Packet upon request

### **Goals we hope to achieve in the future**

- Growth of NACOLE membership; fundraising and obtaining grants in order to open a national office and hire staff
- Establishment of minimum training standards for Oversight Board/Commission members
- Continue to work on the establishment of standards or accreditation for Boards/Commissions and Auditor models
- Continue to work on advancement training for practitioners, Boards and Commission members
- Participation in local, national and international dialogues regarding policing and oversight

NACOLE's Board is grateful to the membership for having had the opportunity to contribute to the development of oversight in 2003. We invite your continued participation in this important work.

## **NACOLE 10<sup>th</sup> ANNUAL CONFERENCE**

### **“Civilian Oversight of Policing: Respect & Serve”**

On October 17, NACOLE will bring individuals together to discuss and debate civilian oversight of policing in the United States. People from around the country will be able to listen, interact, and deliberate over such topics as search and seizure, crowd control investigations, police ethics, and dealing with the everyday challenges faced by those involved in oversight. The expanded four day conference will feature seven workshops designed to bolster attendees investigative skills. Whether you are a professional working in the field of civilian oversight, a concerned citizen, or in law enforcement, it is our hope that you will be able to join the NACOLE Board and Members for our tenth Annual Conference.

#### **Benefits of Attending:**

- Opportunity to meet and interact with leaders in the civilian oversight community.
- Allow you to share your thoughts experiences with others working in the civilian oversight field.
- Excellent way to network with city and state agencies to promote civilian oversight and reform.
- Sharpen your skills by attending the Investigative Skills Training Track – seven courses designed to discuss the practical side of investigating and reviewing investigative files.
- Educational/organizational materials for you to bring back to your community as well as obtaining skills to help foster community involvement.
- Membership in a national organization that brings together civilian oversight and law enforcement leaders throughout the country.
- Defines what communities need to know to establish an oversight system. It will also aid those seeking a change in their current mechanism.
- Review of effective strategies for countering resistance to civilian oversight.
- Extensive dialogue between citizens, law enforcement personnel, and civilian oversight professionals.

**NACOLE 10<sup>th</sup> ANNUAL CONFERENCE**  
**"Civilian Oversight of Policing: Respect & Serve"**

**TENTATIVE AGENDA**

**Sunday, October 17, 2004**

- 12:00 p.m. Registration Begins
- 3:00 p.m. Investigative Skills Training: Evaluating the Officer-Involved Shooting
- 7:00 p.m. Reception

**Monday, October 18, 2004**

- 8:30 a.m. Investigative Skills Training: Evaluating Search & Seizure Issues
- 8:30 a.m. Police Intelligence Activities in the Post 9/11 Era
- 10:15 a.m. Plenary Session: The Role of Lethal Force Policies in Officer-Involved Shooting Incidents
- 1:15 p.m. Investigative Skills Training Best Investigative Practices - Part I
- 1:15 p.m. Wrongful Convictions
- 3:00 p.m. Investigative Skills Training: Evaluating Claims of False Arrest & Harassment

**Tuesday, October 19, 2004**

- 8:30 a.m. Investigative Skills Training: Dealing With the Cold Case
- 8:30 a.m. Federal Intervention: Department of Justice Perspective
- 10:15 a.m. Investigative Skills Training: Crowd Control - Tools for Handling Unique Challenges in Assessing Deployment and Conducting Investigations
- 10:15 a.m. Police Ethics
- 1:15 p.m. Plenary Session: Politics of Unions and the Community
- 3:30 p.m. NACOLE Business Meeting

**Wednesday, October 20, 2004**

- 9:00 a.m. Investigative Skills Training: Best Investigative Practices – Part II
- 9:00 a.m. Police Review Boards and Commissions: Support and Development for Successful Oversight in Today's Politically Charged Environment
- 10:45 a.m. Civilian Oversight as a Risk Management Tool

**Conference Concludes**

**For a complete summary of the above topics, please visit our website this Summer.  
Please note that this agenda has not yet been finalized and is subject to change.**

# NACOLE 10<sup>th</sup> ANNUAL CONFERENCE - 2004 REGISTRATION FORM

"Civilian Oversight of Policing: Respect & Serve"

Name \_\_\_\_\_ Title \_\_\_\_\_

Organization \_\_\_\_\_ E-Mail Address \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Early Registration: (must be received by August 31, 2004)

\$300 Regular Member (\$350 if received after August 31st)

\$400 Non-Member (\$450 if received after August 31st)

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

Method of Payment:

Money Order

Check

Check Number \_\_\_\_\_

Amount Enclosed \$ \_\_\_\_\_

Please make your check payable to NACOLE and mail to PO Box 19261, Denver CO, 80219. You may also FAX your registration form to 303.256.5491

If you are paying with a vendor check, please use this number: NACOLE FIN# 52-1931116.  
Please make sure to note the check number on your registration form.

Signature \_\_\_\_\_ Date \_\_\_\_\_

REFUND POLICY: NACOLE will be unable to refund any portion of your registration fees for cancellation after October 7, 2004.

FOR NACOLE USE ONLY:

Member Status:    \_\_\_ Organizational    \_\_\_ Regular    \_\_\_ Associate

Registration Status:    \_\_\_ Early    \_\_\_ Late

Date Postmarked: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Received By: \_\_\_\_\_

## **NACOLE 10<sup>th</sup> ANNUAL CONFERENCE**

“Civilian Oversight of Policing: Respect & Serve”

### **HOTEL INFORMATION**

#### **Conference Hotel:**

The Palmer House Hilton | 17 East Monroe Street | Chicago, Illinois 60603  
Phone: 312.726.7500 | Fax: 312.332.7633 | [www.hilton.com](http://www.hilton.com)

#### **Rates:**

Single Occupancy     \$140.00 per night/Double Occupancy     \$140.00 per night

NACOLE has reserved rooms for those attending the conference at the Palmer House Hilton. Please mention that you are a part of our conference to get the group rate. The rates will be extended for a period of three days prior and three days following the conference. The above room rates do not include taxes. The current tax on hotel guest room rates is 14.9%. Please note that this rate is subject to change without notice.

All reservations must be made no later than October 8, 2004 to receive the group rate. To make reservations by phone, please call 312.726.7500.

The hotel's daily self-parking rate is \$23.00 and valet parking is available for a daily rate of \$31.00. If you will be traveling by air, transportation is available to and from both O'Hare International and Midway Airports. The cost of available transportation ranges from \$1.50 for the rail system to a minimum cab fare of \$35.00.

#### **DRIVING DIRECTIONS TO PALMER HOUSE HILTON:**

##### **From O'Hare Airport or from the North via Highway 90/94 (approx. 18 miles)**

- Take **Highway 90/94 East (Kennedy Expressway)** to downtown Chicago
- Exit at **Monroe Street** (exit # **51E**- immediately after Madison St. exit), turn left
- Proceed approximately 11 stop lights down Monroe Street
- The Palmer House Hilton will be on your right side as you cross State Street
- (see bottom of page for parking instructions)

##### **From Midway Airport or from the South via Highway 55 (approx. 11 miles)**

- From Midway, take **Cicero Ave.** North 2 miles to **Hwy 55 (Stevenson Expressway)** North
- Take Hwy 55 North approx. 6 miles to the interchange for **Hwy 90/94 West (Wisconsin)**
- Continue on **Hwy 90/94 West** approx. 2.5 miles
- Exit at **Monroe Street** (exit # **51E**), turn right
- Continue approximately 11 stop lights down Monroe Street
- The Palmer House Hilton will be on your right side as you cross State Street
- (see bottom of page for parking instructions)

##### **From the South via Highways 65, 80, 57 or 90/94 (West)**

- Take **Hwys 65, 80 or 57** to **Hwy 90/94 West (Dan Ryan Expressway)** to Chicago
- Exit from 90/94 West at **Monroe Street** (exit # **51E**), turn right
- Continue approximately 11 stop lights down Monroe Street
- The Palmer House Hilton will be on your right side as you cross State Street
- (see bottom of page for parking instructions)

### From the West via Highways 290, 88

- Take **Hwy 290 (Eisenhower Expressway)** East to downtown Chicago
- **Hwy 290** becomes **Congress Parkway** as you enter downtown
- You will first pass under two buildings: US Post Office and Chicago Stock Exchange
- Five traffic lights past the Chicago Stock Exchange is **State Street**, turn left
- Proceed 4 traffic lights to **Monroe Street**, turn right
- The Palmer House Hilton is immediately on your right
- (see below for parking instructions)

### From Lake Shore Drive North or South

- Exit at **Randolph Street Exit** (located just south of Navy Pier)
- Drive West on Randolph (From the **North**: turn right...From the **South**: turn left)
- Continue on **Randolph** approx. 6 traffic lights until you reach **Clark Street**, turn left
- Proceed 4 traffic lights to **Monroe Street**, turn left
- The Palmer House Hilton is 2 traffic lights down Monroe on right, just past State Street

## 2003 International Report

The 2003 international conference on policing and accountability was held in Belfast, Northern Ireland November 5 – 7, 2003. The Office of the Police Ombudsman for the Northern Ireland, which celebrated its third anniversary last year, organized the conference.

The conference theme was "Policing the Police: the challenges." The first event of its kind ever to be held in Europe, it was a huge success and there were nearly 350 delegates in attendance. Attendees came from all over the UK as well as the Republic of Ireland, Australia, South Africa, Jamaica, Japan, Hong Kong, Belgium, the USA, Canada, Kosovo and other European countries.

The top practitioners and researchers in their respective fields presented papers in the area of civilian oversight and policing and had the opportunity to debate on various issues including: how improved accountability leads to enhanced policing;

the challenges faced by the Office of Police Ombudsman, the world's first truthfully independent organization for the investigation of complaints against the police; and key issues pertinent to the introduction of similar systems in other countries.

These are a sample of topics for the main plenary sessions: Internal Mechanisms for Police Accountability; Independent Mechanisms for Police Accountability; Police Use of Force; Tackling Police Corruption; "Mediation and Resolution: A quick fix?"; The views of complainants and police officers of the informal resolution procedure; Introducing restorative justice to the police complaints system: "Hearing it from the force's mouth" and Attitudes to Informal Resolution in Northern Ireland.

The speakers at the conference were as diverse as the topics. Among them were Sir John Stevens, of the Metropolitan Police Commission; representatives from over 40

police constabularies in Great Britain including, the Royal Canadian Mounted Police and the UK's National Crime Squad; Mr. Paul Evans, then newly appointed head of the Policing Standards Unit for the UK, along with the heads of police complaints systems in South Africa, Australia, Hong Kong, the United States and Canada. Such dignitaries made presentations at the conference, on various issues such as the police use of force, police corruption and how to make policing truly accountable.

The conference provided excellent networking opportunities with leaders in the field of Civilian Oversight, law enforcement personnel and professionals from around the world. The NACOLE informational packet and newsletters were pointedly distributed throughout the conference as well.

Police Ombudsman, Mrs. Nuala O'Loan was a gracious and accomplished hostess, and her staff and the



conference organizers were equally superb. On behalf of NACOLE, I congratulated Mrs. Nuala O'Loan for planning an outstanding event and extended an invitation to her and her staff to attend the NACOLE 2004 conference in Chicago.

As an observer from afar, I have been watching the Northern Ireland system for police complaints over the years and I am impressed with the way the office has handled some of the most difficult challenges in a politically charged environment. I came away from the conference believing strongly that the most innovative and effective system of police complaints is taking place in Northern Ireland and we can all learn from their experience.

### **CACOLE 2003 Conference Report**

The Canadian Association for Civilian Oversight of Law Enforcement, (CACOLE), is a national organization of agencies involved in the oversight of police officers in Canada. CACOLE is dedicated to advancing the concept, principles and application of civilian oversight of law enforcement throughout Canada. CACOLE is NACOLE's sister organization in North America and it has been in operation for over seven years.

CACOLE 2003 Conference, "Civilian Oversight: Balancing Risk, Rights and Responsibilities" was held in Banff, Alberta, Canada. The three-day professional development sessions started on Sunday, October 5 and ended on Tuesday, October 7, 2003. The conference began

with enthusiastic opening remarks, and introductions were made by Mr. Robert B. Dunster, Assistant Deputy Minister, Alberta Solicitor General; and Paul Monty, President of CACOLE and Commissaire à la déontologie policière (Quebec).

Mr. George Wright, CACOLE Vice-President and Commissioner, Law Enforcement Review Agency from Manitoba, Canada, moderated the first panel discussion entitled, "Changes, Issues and Challenges." This panel focused on the critical issues and challenges that are being faced in selected jurisdictions in the region, including changes in the practice and authority of civilian oversight agencies. Clare Lewis, QC, Ombudsman of Ontario, one of the co-founders and a former president of IACOLE, took part in a Q & A session where he gave a detailed and lively account of the development of Civilian Oversight in Canada.

Another panel moderated by Malvina Monteiro, NACOLE President, focused on the "Developments in Civilian Oversight: A Global Perspective." Sue Quinn, Past President of NACOLE, gave an overview of the three major oversight models in the US including the community expectations regarding all models, and the strengths and weaknesses of each model. Nick Hardwick, Chair, of the Independent Police Complaints, Commission (UK) and Andrew Morley, Head of Police Professional Standards Team, Home Office (UK) gave an overview of the new government initiative and impetus for changing the old complaints system into a

new robust model of civilian oversight in Great Britain.

There were other interesting and educational panels including, "First Nations Governance: Partnerships, Policies and Best Practices; Risk and Liability in the Policing Domain; Keeping Track - Standards of Conduct, Risk Assessment and Information; Dimensions of Accountability: Leadership, Organizational Change and Excellence in Policing - the Impact of Relations Among Officials, Oversight Agencies and Police Stakeholders and Issues Arising in Internal Affairs and Professional Standards Departments; Complaint Handling, Mediation, Liaison with Complaint Monitors and Commissions."

The conference attracted diverse attendees from all over Canada, England and the United States. Both Sue Quinn and I expressed our gratitude to the CACOLE officials for inviting us to the conference and for their warm and wonderful hospitality. During our meeting with them we both recognized and stressed the need for CACOLE and NACOLE to network and build a strong relationship onward. Thus, we invited CACOLE President and Vice President to our planning meeting in Chicago in early 2004.

The **CACOLE 2004 conference** is taking place this year in Toronto, Canada from Thursday, June 24 to Saturday, June 26, 2004. The conference theme is: "Many Voices: Communities and Civilian Oversight." Please visit their web site for more information at: [www.cacole.ca](http://www.cacole.ca) ■

# "CONTEMPT OF COP" CHARGES AS A FORM OF POLICE MISCONDUCT

By: PHILIP K. EURE

Since opening its doors to the public in January 2001, the Office of Citizen Complaint Review (OCCR) has regularly received complaints involving arrests for disorderly conduct made by the police in Washington, D.C.

OCCR, an independent agency of the District of Columbia government, has the authority to investigate, mediate and adjudicate police misconduct complaints brought by citizens against officers of the city's 3600-member force, the Metropolitan Police Department (MPD). In addition, OCCR, through its governing body, the Citizen Complaint Review Board (CCRB), can issue recommendations that, if implemented, could lower the incidence of police misconduct.

Four of the agency's first 19 adjudicated decisions, or over 20% of the decisions, dealt with allegations of an improper disorderly conduct arrest, and the allegations were sustained in all four cases. In each of these decisions, the complaint examiner concluded that the officer harassed the citizen by arresting him for disorderly conduct. These cases showed that the officer either did not understand or ignored the law regarding disorderly conduct, and could have been retaliating against the complainant in some respect.

In one case, for example, an individual was arrested for disorderly conduct after engaging in a prolonged, heated and profane exchange with the subject officer. However, no other

citizens were at the location. The complaint examiner concluded that since the complainant had not annoyed or disturbed "any considerable number of persons," as contemplated by the disorderly conduct law, the officer's arrest of the citizen for disorderly conduct amounted to harassment.

These decisions, together with the allegations made in other complaints under investigation by OCCR, prompted the agency to study disorderly conduct arrests made by MPD officers and to issue a report and recommendations based on its review. The report and recommendations were featured in an article published in the Washington Post on Nov. 20, 2003.

The agency collected information from a variety of sources to conduct its review, including the city's disorderly conduct statute, MPD's procedure for making a disorderly conduct arrest, OCCR's investigations and decisions involving disorderly conduct arrests, MPD and nationwide arrest statistics, and MPD training materials.

The agency's research showed that disorderly conduct arrests are very common in Washington, D.C. MPD officers made 10,600 disorderly conduct arrests in 2000, the most recent year for which statistics were available, which accounted for more than one in five arrests that year. These arrests constituted the single largest category of arrests, nearly twice the number for the next largest category. OCCR also examined MPD's arrest statistics from 1995

to 2000 to determine the frequency with which MPD officers make disorderly conduct arrests.

In addition, OCCR looked at nationwide data and statistics for cities with a population of 250,000 or greater to have some basis for comparison with MPD statistics. The nationwide and large city statistics cover the same six-year period and were taken from the Uniform Crime Reports (UCR) prepared by the Federal Bureau of Investigation (FBI).

Whether compared against nationwide or large city statistics, OCCR determined that MPD's disorderly conduct arrest rate is significantly higher than the rates in other jurisdictions. OCCR concluded that MPD officers arrested people for disorderly conduct at two to four times the nationwide rate during the period from 1995 to 2000.

The report issued by OCCR also raised concerns about how the majority of individuals are processed by the police following a disorderly conduct arrest. Under the District's "collateral forfeiture" process, an individual arrested for disorderly conduct can pay what essentially amounts to a \$25 fine at the police station, thus immediately resolving the charge. This results in the lack of any prosecutorial or court oversight of the validity of the arrest.

OCCR was further concerned that individuals who opt to forfeit \$25 in these circumstances could unwittingly end up with an arrest (though not a conviction)

# "CONTEMPT OF COP" CHARGES AS A FORM OF POLICE MISCONDUCT

By: PHILIP K. EURE (Cont'd)

record that might one day harm the person's future job, rental or mortgage prospects or, in certain cases, immigration status.

In the Washington Post article that dealt with the agency's report, MPD tried to downplay the significance of OCCR's findings. An assistant chief of police, for example, suggested that OCCR's findings were skewed because, he contended, what counts as disorderly conduct in the District may not be considered as a disorderly conduct offense in another city. However, OCCR explicitly controlled for any such differences and based its findings on uniform definitions of crimes provided by the FBI to law enforcement agencies, which are required to submit Uniform Crime Reports to the FBI.

Reacting to OCCR's report, the same MPD official also told the Washington Post that citizens want the police to make more arrests for petty crimes, rather than cutting back.

In addition to gathering and comparing statistics, OCCR reviewed the materials that MPD uses to train its officer recruits regarding disorderly conduct. The materials indicated that a new recruit at the MPD police academy receives approximately four hours of training on disorderly conduct as a part of his or her 80-hour training on the District's criminal law. The lesson consists of a lecture, a handout, and a brief video. The heart of the lesson is the lecture, while the handout and video provide reinforcement. Although the materials appeared to OCCR

to be substantively sound, the agency, in its report, could not comment on their effectiveness because OCCR did not observe MPD providing the training, nor was OCCR aware of how widely the information contained in the lesson materials is distributed to officers other than recruits.

OCCR's report concluded with a set of five recommendations that, if implemented, the agency hopes will bring about greater scrutiny of the large number of disorderly conduct arrests made every year in the District.

First, OCCR requested that the police department modify its arrest procedure to ensure that citizens are provided with written notice about the collateral forfeiture process that describes how it operates and the consequences of paying \$25 in order to be released.

Second, the agency urged MPD to provide additional instruction to its officers about the law and procedure related to disorderly conduct arrests. OCCR recommended that MPD could undertake this effort through training at roll call or adding a lesson on disorderly conduct to annual in-service training received by all officers.

Third, OCCR recommended that the Chief of Police distribute a videotaped message to all officers and supervisors reinforcing their responsibilities in conducting disorderly conduct arrest.

Fourth, OCCR advised that MPD examine a sample of disorderly conduct arrests made by its officers that is

significant enough to allow MPD to determine if there are any widespread problems in the pool of disorderly conduct arrests.

Finally, OCCR urged the mayor, the city council and MPD to consider changes to the criminal law chapter covering breaches of the public peace. One possibility suggested by OCCR is to decriminalize the offense of disorderly conduct in Washington, D.C.

Following the issuance of its report and recommendations on Nov. 19, 2003, OCCR's executive director and deputy director scheduled various meetings with representatives of MPD, including the police chief, as well as with the deputy mayor for public safety and the city council member whose judiciary committee has oversight of MPD. OCCR sought these meetings in order to ensure that its recommendations would be treated as a priority and acted upon by decision-makers in the District, and not ignored.

So far, the outlook is fairly positive. The police chief has indicated that he will implement the first four recommendations. OCCR will be watching closely to ensure that MPD follows up.

Since issuing the report, OCCR has learned about practices in other cities involving various "contempt of cop" offenses that are sometimes used by the police to harass citizens. In addition to the improper use of disorderly conduct laws, some police departments arrest individuals for allegedly obstructing official business,

# "CONTEMPT OF COP" CHARGES AS A FORM OF POLICE MISCONDUCT

By: PHILIP K. EURE (Cont'd)

resisting arrest, being drunk in public, among other offenses, even when all the elements of the offense are not present.

Based on OCCR's experience in investigating complaints involving disorderly conduct arrests, as a form of police misconduct, OCCR will be

making a presentation at NACOLE's annual conference in Chicago in October 2004. During the session, OCCR will also share its strategy for developing recommendations intended to limit systemic abuses of "contempt of cop" charges.

OCCR's report on "Disorderly Conduct Arrests Made by Metropolitan Police Department Officers" is available on OCCR's website: [www.occr.dc.gov](http://www.occr.dc.gov) ■

[Philip K. Eure is the Executive Director of the Office of Citizen Complaint Review in Washington, D.C.]

## THE BENEFITS AND CONSEQUENCES OF POLICE CRACKDOWNS

BY MICHAEL S. SCOTT, U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), OCTOBER 2003  
A REVIEW BY HECTOR W. SOTO, ESQ., EXECUTIVE DIRECTOR, POLICE ADVISORY COMMISSION OF PHILADELPHIA\*

"The Benefits and Consequences of Police Crackdowns" is the first of a projected series of "Response Guides" for local police. The Response Guides are intended to be summary, overview documents that will "summarize knowledge about whether police should use certain responses to address various crime and disorder problems, and about what effects they may expect". The Response Guide Series is one of three series of problem-oriented guides for police; the other two being problem-specific guides and problem-solving tool guides. The Police Crackdowns' Response Guide (PCRG) incorporates multiple references to these other guides in its text.

Although written for all police professionals (clearly however the police manager or policy decision-maker would derive the most benefit), the PCRG can be a valuable tool for any law enforcement professional, including the oversight specialist. Besides identifying and clarifying the basic jargon, for example, a crackdown is defined as a "[S]udden and dramatic increase in police presence,

sanctions and threats of apprehension either for specific offenses or for all offenses in specific areas" (research citations provided), the PCRG also provides the reader with information and data, including a concise analyses of some of the major police crackdowns conducted and studied between 1974 and 2000, sufficient to permit the reader to participate intelligently in any discussion or debate concerning the pro's and con's of a planned or concluded crackdown. In addition, through its references and bibliography, the PCRG will facilitate the research necessary should a reader need more information or data.

One aspect of the PCRG will be of particular interest to the oversight professional. Throughout the work there is a recurring advisory, if not a warning, concerning the negative impact of a police crackdown on the targeted neighborhood(s), and although not specifically stated those neighborhoods/communities that are similarly situated. The recurring advisory has three foci: 1) the impact of the crackdown strategy and tactics on the neighborhood residents'

quality of life; 2) the impact of the strategy and tactics on the civil liberties of the neighborhood residents as well as anyone apprehended or detained during the crackdown; and 3) the impact of the crackdown strategy and tactics on the neighborhood/community's perception of the police in particular, and of the criminal justice system in general. Moreover, the PCRG makes it clear that for a police crackdown to be successful and avoid a negative community response, the police early in the planning process should educate and involve the community, especially the targeted neighborhood(s). The ideal situation would be for the police to have the approval and support of the target neighborhood/community prior to implementation of the crackdown, with continuing feedback during its operation.

The PSRG, as well as many, if not all of the guide series, are available free through the COPS website at [www.cops.usdoj.gov](http://www.cops.usdoj.gov). ■

\* I would like to acknowledge and thank Philadelphia Community College Intern Frank Corbi for his contributions to development of this review.

# GUIDELINES FOR PURPOSEFUL RIDE ALONGS

By SUE QUINN

Citizens go on ride alongs with police officers for many different reasons: one person may be considering a law enforcement career; another may wonder what an officer (maybe a mom, a dad, a son, or daughter) does on a patrol shift; another may want to experience the neighborhood from inside a squad car.

In some communities, citizens participate in ride alongs, as part of their training to be on oversight boards, and to better understand what is involved in patrolling neighborhoods. It is important that these citizens participating in ride alongs use them as *purposeful learning experiences for both citizen and patrol staff*. Neither police nor citizens should expect citizen oversight ride alongs to be "schmooze" sessions between citizen and officer, nor should they be sparring or "spin" sessions.

Rather, ride alongs are purposeful trainings. To maximize their usefulness, they should be structured to collect specific information that will assist the oversight body and officer in the performance of their separate duties.

Prior to joining the officer for the ride along, the citizen should consider the following:

Why am I doing this ride along? What is the purpose of this specific ride along?  
What information do I want to obtain from the officer(s) between calls or stops?  
What's my plan if I don't understand some language, codes or jargon?

Three areas of focus might be:

- (1) Operations (e.g., training, equipment, coordination of units);
- (2) Discussion of the patrol area(s) (hot spots, common problems during shifts); and
- (3) Views about non-police (e.g., prosecutors, press, civilian oversight).

How will I collect the information I seek? (Take or tape notes? On the ride along or later? Transcribe them?) How will I share this information with others on the oversight panel/ staff?

It is helpful to start with operational questions, because they have concrete answers. These questions may also lead to information about the organization culture, policies and the officer's attitude and aptitude. Examples of Operations questions might be:

1. Number of cars on the shift; number of sergeants in the field; overtime and moonlighting opportunities for officers
2. Explanation of radio channels/frequencies and when officers are required to go on tactical frequencies
  - a. Careful assessment during the evening as to how effectively officers coordinate responses or how willing they are to seek backup
3. Containments: tactical frequencies used; rules regarding setting up perimeters
4. Vehicle and foot pursuit policies and tactics (e.g., do officer go on solo foot pursuits; use of red light and siren; who assumes command of vehicle pursuits; who determines how many officers respond to a call; how are officers notified)
5. Handling stacked calls
6. Weapons (type of gun, ammo, holster, backup weapon, range qualification, combat and simunitions training, flashlight/weapon grips, chemical agents, impact weapons)
7. Reporting requirements regarding traffic stops, citizen contacts, use of force
8. Frequency of training; training they want to see added or reinforced

## Welcome New Board Members

The development of any organization entails change and growth - and lots of dedication throughout. That said, NACOLE would like to thank three of its board members who have recently resigned. The dedication and leadership of Bob Aaronson, Teresa Guerrero-Daley and Dede Wilhelm marks much of the cornerstone upon which NACOLE is built. Their abilities to deal in details, bridge communities and shape the best practices we seek nationwide are much appreciated by NACOLE and communities nationwide.

Looking ahead, we are pleased to announce the Board's appointment of three new directors:

❖ **Robin Lolar, Minneapolis, MN**

Robin is the Senior Investigator with the Minneapolis Civilian Police Review Authority. Her diligent work to improve civilian oversight in her city has been done while maintaining the integrity of the process. She has also been an integral part of the organizational efforts and growth of NACOLE since its inception.

❖ **Liana Perez, Tucson, Arizona**

Liana currently holds the position of Independent Police Auditor for the City of Tucson. She has not only worked to maintain a fair and equitable review process, but has also made it a priority to educate the public of the external review through extensive community outreach.

❖ **Charles Reynolds, Dover, New Hampshire**

Charles comes to the Board having had experience as a Chief of Police, the monitor of record for the Federal consent decree in Steubenville, Ohio, a member of the monitoring team in New Jersey, and a member of the Oversight Commission for Policing Reform in Northern Ireland.

As an organization, we welcome these new members and look forward to working with them as we work to continually strengthen and improve civilian oversight in the United States.