



NACOLE

Review

NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

www.nacole.org

Spring 2017

23rd Annual NACOLE Conference: Civilian Oversight in A Changing Landscape

INCREASED ATTENTION GIVEN to incidents of police misconduct has, in turn, given increased attention to civilian oversight and its important role as a necessary component of sustainable reform. This has been demonstrated by the establishment and strengthening of civilian oversight agencies throughout the country, its inclusion in the Final Report of the President's Task Force on 21st Century Policing, and the overwhelming votes to strengthen civilian oversight in the cities of Denver, Honolulu, New Orleans, Oakland, and San Francisco in the November election.

Although attention on civilian oversight has increased nationally, those working in, around, and for civilian oversight are navigating a changing landscape. New leadership at the federal level has already questioned the need for and results of police reform efforts over the last several years. Despite the chal-

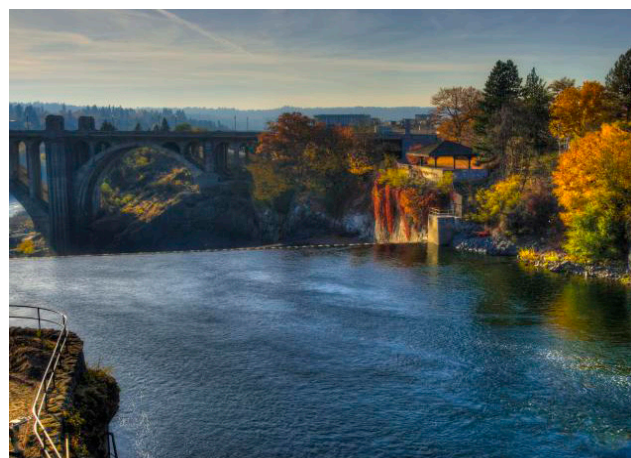
lenges these changes have already made clear, there may be other opportunities for continuing those efforts. With the continuing need for expanding and institutionalizing civilian oversight, it is imperative that we work to identify and make the most of those opportunities.

Join us this September in Spokane, Wash., as NACOLE and the oversight community come together to discuss the changing landscape, inevitable challenges, and the determination to continue the work to effect real and sustainable reform. This year's annual conference will feature four tracks:

- Current and Emerging Issues
- 21st Century Policing
- Effectiveness & Impact
- Correctional Oversight

Within these four tracks conference attendees will be able to choose from 31 different concurrent and plenary

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Register Now!
The 23rd Annual NACOLE Conference
September 10-14, 2017 · Spokane, Washington
Click [HERE](#) to Register!

HURRY!
Early Registration Deadline
is July 14!

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President's Message

Stronger Together

MY LAST MESSAGE TO YOU WAS drafted days after President Donald J. Trump won the election but before his inauguration. Like many of us, I have had more conversations than I can count about what the Trump Administration will mean for civilian oversight as a field, as well as for agencies and for practitioners.

While we know that the Department of Justice will shift its priorities under Attorney General Sessions, we are continuing our work supported by a two-year grant from its Office of Community Oriented Policing Services as part of implementing the recommendations from the President's Task Force on 21st Century Policing. NACOLE is developing a comprehensive overview of civilian oversight, including detailed case studies of nine oversight models, a decision-making guide for conducting local needs assessments, and an interactive online toolkit. We have hired Mike Vitoroulis as the NACOLE Research Fellow—our second full-time staff person—who has hit the ground running, developing research frameworks and protocols for site visits. Mike is a great addition to NACOLE and brings both a fresh eye and enthusiasm for civilian oversight to the work. We have also brought on the Police Foundation—an independent nonprofit established in 1970 by the Ford Foundation to conduct unbiased research and evaluation or the “thorough, objective study” of policing in the U.S.—to do the analysis and provide the expertise that ensures NACOLE's findings can meet the most rigorous critiques.

NACOLE's Board met in Spokane in January to plan the 2017 Annual Conference and to continue the NACOLE 2020 strategic planning process. All NACOLE committees are currently developing work plans that support the institutionalization of oversight, building organizational capacity, and supporting NACOLE's sustainability for the long term.

NACOLE remains committed to providing support and resources to our members and

advancing the work of oversight. Long-time staff Cameron McElhiney and Liana Perez have been busy with their own work and supporting NACOLE's committees—especially the Annual Conference Planning and Training, Education, and Standards committees. Together the staff and committees are developing our ongoing series of regional meetings, including the next one in Indianapolis in April, all offered for free to NACOLE members and others interested in oversight; webinars on key topics, including procedural justice, mediation, and strategies for community engagement; and the 3rd annual Academic Symposium, slated for June 9th at Arizona State University in Phoenix.

The NACOLE Board has seen changes as well. Vice President Kelvyn Anderson stepped down from the Board in January, when he left his position as the director of Philadelphia's Police Advisory Commission. We are grateful for his service to NACOLE over the last 15 years, wish him the best in his new work, and look forward to his continuing involvement in the association. With his resignation, the Board voted unanimously to appoint Treasurer Margo Frasier to fill the remainder of the term of Vice President, with Board Member Dawn Reynolds accepting the role of Treasurer. Frasier's appointment left her at-large seat on the Board of Directors vacant. The NACOLE Board met in February to consider the letters of interest submitted from eight NACOLE members to fill the vacancy for the remaining two years and eight months of Frasier's 2016-2019 term. I thank them all for their willingness to serve. Taking into consideration issues of diversity, experience, familiarity with and involvement in NACOLE and civilian oversight, the Board appointed Janna Lewis, Deputy Ombudsman for King County, Washington, to fill the remainder of the 2016-2019 term that Margo Frasier vacated.

Nationally, we are in a pivotal moment where the Black Lives Matter movement has



Brian Corr, NACOLE President

been very prominent, and at the same time we have a new Presidential administration which has vowed to “end the war on cops.” This current complex political environment has already manifested challenges and opportunities for many of our members and their communities. I want to let you know how impressed I am by the work of NACOLE's staff and the Board members with whom I serve and who demonstrate renewed commitment to their work on behalf of the membership, even as many have faced increasing demands in an uncertain time—just as many other members of the NACOLE community have.

Thank you for your work and for your continued commitment. Remember that we are all stronger together as we continue our work to enhance accountability and transparency in policing and build community trust through civilian oversight. •

Brian Corr is the President of NACOLE and works as the Executive Secretary of the Cambridge, Massachusetts Police Review & Advisory Board and Executive Director of the city's Peace Commission.

The NACOLE Review

The *NACOLE Review* is produced under the supervision of the NACOLE Newsletter Committee Chair **Brian Buchner**, as well as the NACOLE Board of Directors. The Board thanks those individuals who contributed to this issue of the newsletter and extends a special thanks to the Newsletter Committee: **Susan Gray**, **Loan Le**, **Marielle Moore**, and **Karen Williams**. Additionally, the Board is grateful to **Cameron McElhiney** and **Liana Perez**, who provide staff and contracting services to NACOLE. We would also like to extend our gratitude to **Jerri Hemsworth** of NewmanGrace (www.newmangrace.com) for providing layout and publication services to the *NACOLE Review*.

Can Prisoners Actively Engage in Oversight?

By Stacey Nelson

Prisons and jails are “total institutions”¹ closed to the public’s view. Prison officials have wide discretion over the lives and liberty of detainees,² and too often the voices of the most vulnerable populations go unheard until scandal breaks. Since the 1996 enactment of the Prison Litigation Reform Act,³ prisoners have even less opportunity to air grievances regarding the conditions of their confinement beyond their prison walls.⁴ The lack of outside scrutiny of correctional institutions can perpetuate misconduct,⁵ spawn litigation,⁶ and in some cases result in federal or judicial control over state and local institutions.⁷ Once the public loses trust in a correctional institution’s efficacy, public trust can be hard to regain.⁸

The best remedy for these difficulties is the transparency afforded by external oversight.⁹ In 2006, the American Bar Association (ABA), Criminal Justice Section, called for national action by “federal, state, local, and territorial governments to develop comprehensive plans to make the operations of their correctional and detention facilities more transparent and accountable to the public.”¹⁰ Civilian oversight offers the public assurances that independent and objective persons can ensure transparency and accountability within their correctional system.¹¹ The ABA stated that members should be objective, credible, and know “what is and what is not happening behind prison walls.”¹² As new civilian correctional oversight bodies form across the country,¹³ authorities should ensure that they act as credible and objective representatives of the public consistent with the ABA’s recommendations.¹⁴

Few civilians have a deep understanding of the world within prisons and jails.¹⁵ To compensate, some civilian oversight bodies allow former law enforcement and other correctional professionals to participate in oversight efforts and lend the wisdom of their firsthand experience.¹⁶ Membership or advice from former corrections officials and professionals adds substantially to the ability of these oversight bodies to create meaningful and sustainable recommendations.¹⁷

However, few oversight bodies allow former prisoners to directly participate in their process, despite former prisoners’ substantial knowledge of the world within corrections. According to experts, inclusion of these populations’ voices would help oversight bodies align with 21st Century policing practices and generate legitimacy. Thus, the question remains why those with firsthand experience of incarceration are not more actively engaged in the oversight process.

Public Trust and Credibility

Procedural justice¹⁸ is the pillar of modern-day policing¹⁹ and applies to law enforcement in correctional as well as patrol operations.²⁰ When employed correctly, procedural justice helps build trust in the legitimacy of law enforcement.²¹ According to procedural justice experts,

*“Crucially, research suggests that legitimacy (irrespective of how it is defined) is linked to the fairness of the procedures through which authorities exercise their authority... The four key issues affecting the generation of procedural justice in prisons [are]: voice, neutrality, treatment with respect and dignity, and trust in authorities. Voice means providing opportunities for inmates to participate in decision making processes.”*²²

Corrections officials and correctional oversight members ultimately answer to the public.²³ This means that the public must confer legitimacy on their jurisdiction’s oversight mechanism in addition to its corrections agency.²⁴ Due to the closed nature of correctional institutions, the public is more likely to trust objective evaluations from independent oversight than self-reporting from the correctional agency.²⁵ Today, many jurisdictions regularly rely on oversight mechanisms to create or bolster public trust.²⁶

To build legitimacy, oversight authorities should ensure that the membership of oversight organizations is a fair representation of all stakeholders’ interests.²⁷ After all, “[t]he credibility of any oversight mechanism depends upon demonstrably maintaining a neutral stance and applying principles and standards in an

even-handed way.”²⁸ In correctional institutions, stakeholders are the inmates; staff, including officers and medical or mental health professionals; families of those incarcerated; advocacy organizations; law enforcement unions; and the general public. Procedural justice in the prison setting requires prisoners as well as the public to confer legitimacy on the processes that control prisoners’ lives.²⁹

Many stakeholders recognize the need for oversight members to have experience as corrections officials, correctional health administrators, or correctional psychiatrists, each of whom can inform oversight bodies with their experience and add credibility to the oversight body as a whole.³⁰ But few have formal structures for input from the incarcerated and fewer allow participation from ex-offenders.³¹ As the primary focus of correctional oversight should be the treatment of prisoners,³² prisoners should be given a democratic voice in decisions that affect their well-being.³³

While generally, the public may question the credibility of prisoners or ex-offenders, their firsthand experience with conditions of confinement and the nuanced environment of correctional social structures³⁴ lends to their credibility on correctional issues. Additionally, their experience of incarceration gives them a unique perspective that others simply do not have. So long as they demonstrate credibility and objectivity in addition to their experiential knowledge, active participation from prisoners and ex-offenders could lend credibility to the oversight body.

It should be noted that the inclusion of the formerly incarcerated should never preclude the involvement of former correctional officials, or other professionals. Rather, it should complement their role, and contribute to the collective knowledge of the oversight agency.

Given their own stake in the internal operations of correctional institutions, it would seem likely that former prisoners’ inclusion in oversight bodies would be met with at least some degree of resistance by law enforcement unions. As stated in a report by the National Association for Civilian Oversight of Law Enforcement (NACOLE), these unions are politically powerful and their resistance to oversight can undermine the oversight body’s effectiveness.³⁵ However, NACOLE explained that these unions generally resist oversight when members do not understand the needs of law enforcement or, in this case, the correctional environment.³⁶ This is not the case with prisoners and ex-offenders.

Prisoners and ex-offenders are uniquely situated to deeply understand the prison environment. While they may not understand the needs of operating a correctional facility, they are best able to speak about life within a “total institution,” which can include experiences with isolated segregation, medical or mental health care treatment, etc. Prisoners are also uniquely situated to understand subcultures in the prison population and the culture of inmates and staff within a correctional environment. Last, prisoners are the only persons who truly experience conditions of confinement. If treatment of prisoners is at the heart of correctional oversight, prisoners’ voices should be included; former law enforcement lack prisoners’ perspective in this area.

Active Inclusion of Prisoners’ Voices: Historical Examples

Examples of active inclusion of prisoners’ voices in prison administration go back at least 50 years. As early as 1964, four years before the Kerner Commission recommended external oversight of law enforcement,³⁷ prison officials allowed inmate councils to have a voice in prison administration.³⁸ Today, a handful of jurisdictions have created policies establishing similar relationships between prisoners and correctional administrators, including Montana, Pennsylvania, New York, and Nevada.³⁹ These efforts seek to increase communication,⁴⁰ encourage problem-solving,⁴¹ and disseminate information.⁴² Oversight bodies though, lag behind in this context.

There are few examples of oversight agencies that allow prisoners and ex-offenders to take an active role in their organization; however, here we look

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Book Review

They Can't Kill Us All: Ferguson, Baltimore, and a New Era in America's Racial Justice Movement

By Wesley Lowery: Little, Brown and Company, 2016

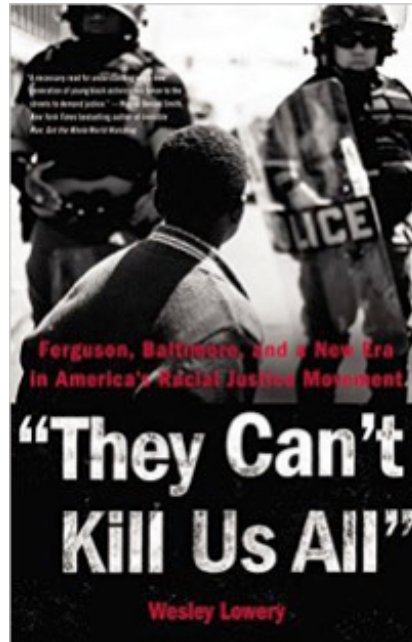
Reviewed by Hansel Aguilar

INVESTIGATIVE JOURNALISM HAS always been an important component of a free and democratic society. The duties entrusted to reporters to provide true and accurate accounts of events are inviolable. It is through the critical and thorough acquisition of facts, the subsequent analysis, and establishing a fact-based narrative that journalists can communicate to the citizenry the failures and successes of our society and the institutions in it, and the events that demand our attention. In an era when facts are considered subjective, the crafting of a news narrative has become an ever more crucial task.

In *They Can't Kill Us All* by Wesley Lowery we are provided an on-the-ground look at how investigative journalists construct their narratives. In this case, the narrative surrounds one of the most contentious topics of our time: police violence. In his exploration of some of the most recent high-profile police-involved killings of black men, including in Ferguson (18-year-old Michael Brown in 2014), Cleveland (12-year-old Tamir Rice in 2014), Baltimore (25-year-old Freddie Gray in 2015), and North Charleston (50-year-old Walter Scott in 2015), Lowery illustrates how investigative reporters play a paramount role in shaping our understanding of these incidents, and the context in which we can place them.

In displaying the triumphs and shortcomings of the tale-tellers, Lowery peels back the various layers of complicated relationships between communities of color and police officers tasked with serving and protecting them. Through the vivid and painful imagery of the death of black men, the reader is challenged to understand these encounters beyond the immediacy of the circumstances in the moment to the history of the collective memory and trauma of a people historically persecuted and oppressed—often at the hands of the police.

In Chapter One, *Ferguson: A City Holds Its Breath*, Lowery gives us a front-row seat to his on-the-ground reporting of Michael Brown's death. In this chapter, Lowery reminds us how the mainstream media's reporting of Brown's death was replete with inaccuracies and suffered from overly eager reporting. Noteworthy in this chapter is Lowery's skillful juxtaposition of Brown's body lying on the hot pavement on full



display to the public lynching of African Americans in the not-too-distant past.

In Chapter Two, *Cleveland: Coming Home*, we get more acquainted with our narrator and learn about his socialization as a young man of color into a racialized America. Lowery weaves his experiences growing up in Cleveland into the current state of policing in America, allowing the reader to get an intimate snapshot into the lives of many African Americans in the 21st Century. In his recollection of a rite of passage known as “the talk,” Lowery reveals how young African Americans are prepared by their parents on how to deal with police encounters: “The underlying theme of this set of warnings passed down from black parents to their children is one of self-awareness: the people you encounter, especially the police, are likely willing to break your body, if only because they subconsciously view you not only as less than, but also as a threat” (pg. 78).

Unlike the other cases Lowery discusses in the book, in Chapter Three, *North Charleston: Caught on Camera*, the police-involved shooting of Walter Scott is unique in many respects. Notably, the response from city officials was unlike the ones seen in Ferguson, Cleveland, or Baltimore. The officer was removed from the force

expeditiously and criminal charges filed against him. As Lowery notes the media approach to this shooting was also different because, as learned in the prior shootings, “the story is never about the specifics of the shooting...” (pg. 118).

Chapter Four, *Baltimore: Life Pre-Indictment* provides us a case study of another police-involved death of a young black male. The circumstances regarding Freddie Gray's death are unlike the other cases. Gray died after being in a coma from injuries sustained while in the back of a van being taken to jail. The chapter concludes with the officers being charged. Unlike Lowery when he wrote the book, we know that none were found guilty for Gray's death.

In a way that only a talented storyteller can do, in Chapter Five, *Charleston: Black Death* is Black Death, Lowery ties in the seemingly unrelated case of Dylan Roof's church massacre and the controversial confederate flag to the discussion of race and policing. Through the lens of activist Bree Newsome we are provided an illustration of the enduring struggle for racial justice by the new wave of activists.

In Chapter Six, *Ferguson, Again: A Year Later, The Protests Continue*, Lowery brings us back to Missouri through the reporting of the University of Missouri at Columbia (“Mizzou”) protests, which resulted in the resignation of University of Missouri's President and Chancellor of University of Missouri at Columbia. The resignations came as a direct result of the student-led protests over racial injustices occurring on campus. As Lowery recounts, the protests and subsequent resignations were “a decisive victory, a validation of the unsuccessful struggles undertaken by countless others before them” (pg. 214).

The book is suitable for all audiences and is an especially important read for those tasked with overseeing law enforcement. From the narrative construction of the events by the media, to the investigations surrounding the circumstances of these events, and the history of injustice which preceded it, to the social movements borne out of the injustices, this book serves as a well-researched account of the fight for racial justice in modern times that would be of interest to police oversight practitioners, as well as to the police themselves. There are lessons to be learned by all of us. •

Prisoners

Continued from page 3

at one exception, the Correctional Association of New York (CANY), a private group with statutory access to New York prisons. The CANY allows prisoners and ex-offenders to participate in each of its advocacy roles.

First, the CANY allows ex-offenders to serve as prison visitors in its Prison Visiting Project (PVP).⁴³ As stated by oversight expert John Brickman, their “special experiences present an irreplaceable resource for the work of the Association, indeed for any monitor of prison operations, programs, and conditions.”⁴⁴ Second, during visits the PVP regularly consults with inmate liaison committees to gather and disseminate information.⁴⁵ Last, the PVP regularly consults with its Advisory Council, a forum in which the formerly incarcerated may air their concerns and contribute to the work done by PVP.⁴⁶

If oversight bodies become too absorbed with administrative needs, instead of prisoner treatment and conditions of confinement, they can lose the public’s trust. For instance, the CANY’s fellow public oversight body, the Board of Corrections (BOC) suffered severe criticism a decade ago when advocates accused it of being too reliant on the Department of Correction in a “behind-the-scenes” partnership.⁴⁷ Many accused the BOC of not fulfilling its role of neutrality. According to one group of experts, the BOC lost its independence because “[a]n oversight body must not become part of the political practicalities of the day.”⁴⁸ Now the BOC must work to rebuild public trust or risk their legitimacy as an oversight body.

If oversight authorities begin to seek out prisoners’ perspectives and membership in new oversight models, they should not generalize the experience of those incarcerated and should be cognizant about the need to reach special populations. As Tom Tyler explains, prisoners often suffer from not only procedural injustice, but also distributive injustice, meaning the lack of equal distribution of fairness across all populations, especially distinct racial populations.⁴⁹ As he explains, “[d]isproportionate outcomes—such as use of force, segregation and privilege levels—are chiefly issues of distributive not procedural justice.”⁵⁰

To the extent possible, oversight should seek input, formally or informally, from the full spectrum of the prison population. Similarly, oversight should seek to disseminate information among prisoners as much as possible, so that prisoners can be informed about the decisions and oversight efforts that affect them. After all, if “authorities act fairly, they create legitimacy and encourage general rule-following [behavior] in the everyday lives of people.”⁵¹

Conclusion

Effective correctional oversight requires public trust in the ability of a correctional institution to ensure the welfare of those in custody. However, “[f]ew correctional facilities are subject to the kind of rigorous internal monitoring and external oversight that would reveal why abuse occurs and how to prevent it.”⁵² As such, input from those with firsthand experience with incarceration can supplement an oversight agency’s ability to expose these truths. Civilian correctional oversight should afford the public confidence that their needs are represented through “credible, objective assessment of conditions in correctional facilities.”⁵³ In order to fulfill this responsibility, correctional oversight must have a complete understanding of prisoners’ experiences. Accordingly, the question remains why prisoners and ex-offenders so often lack direct engagement with the oversight process. •

1. A term coined by Erving Goffman meaning “an all-encompassing institution where the barriers to sleep, work and play are broken down. There is a central administrative body, batch living, a highly routinized schedule, and rules are rationally enforced towards some set of official goals.” Goffman, *On the Characteristics of Total Institutions*, presented in April 1957 at the Walter Reed Institute’s Symposium on Preventive and Social Psychiatry.

2. Michele Deitch, *Special Populations and the Need for Prison Oversight*, American Journal of Criminal Law, Vol. 37, No. 3 (2010), at page 295, 297 (Deitch, *Special Populations*).

3. Prison Litigation Reform Act (1996), 42 U.S.C. § 1997e, <https://www.gpo.gov/fdsys/pkg/PLAW-104publ134/html/PLAW-104publ134.htm>.

4. Michele Deitch, *The Need for Independent Oversight in a Post-PLRA World*, Federal Sentencing Reporter, Vol. 24, No. 4, at page 236 (April 2012) (Deitch, *Post-PLRA*).

5. See generally, Deitch, *Post-PLRA*, *supra* note 4.

6. American Bar Association Criminal Justice Section, Report to the House of Delegates (August 2008), at page 2 (ABA Recommendations).

7. For an explanation of receivership, see California Prison Health Care Services, *What is the Receiver-ship?* Fact Sheet (October 1, 2014).

8. Michele Deitch and Michael B. Mushlin, *What’s Going on in Our Prisons?* New York Times Editorial, Jan 4, 2016 (Deitch and Mushlin, *What’s Going On?*).

9. See generally, Deitch, *Post-PLRA*, *supra*, note 4; (“Oversight of [correctional] institutions is essential if prisons in this country are to be humane, effective and efficient.”) Michael Mushlin, *Testimony*, 187th General Court of the Commonwealth of Massachusetts Joint Committee on Public Safety and Homeland Security Public Hearing on House Bill 1559 to Establish a Massachusetts Corrections Commission (June 23, 2011).

10. ABA Recommendations, *supra* note 6, at page 2.

11. Deitch and Mushlin, *What’s Going On?*, *supra* note 8.

12. ABA Recommendations, *supra* note 6, at page 2.

13. Between 1973 and 2016, hundreds of oversight mechanisms sprouted up across the United States. Joseph DeAngelis, Richard Rosenthal, and Brian Buchner, *Civilian Oversight of Law Enforcement: A review of the strengths and weaknesses of various models* (2016), at page 5 (NACOLE, *Review of Various Models*).

14. The ABA Criminal Justice Section stated that oversight should be completely independent in order to make objective observations, as well as knowledgeable about “what is and what is not happening behind prison walls” in order to make more informed decisions. ABA Recommendations, *supra* note 6, at page 2.

15. Deitch and Mushlin, *What’s Going On?*, *supra* note 8; (“Prisoners are persons that most of us would rather not think about. Banished from everyday sight, they exist in a shadow world that only dimly enters our awareness.”) O’Lone v. Estate of Shabazz, 482 U.S. 342, 354 (1987) Brennan, J. dissenting.

16. NACOLE, *Review of Various Models*, *supra* note 13, at page 8, 9, and footnote 3.

17. “A sound understanding of or willingness to learn police culture, operations, and procedures is essential to dealing with the complex policing issues at stake in the monitoring process.” Working Group Executive Committee, *National Guidelines for Police Monitors*, Police Assessment Resource Center (2008), at page 30.

18. This concept requires that processes, in contrast to outcomes, reflect fair practices. See generally, Tom R. Tyler, *Procedural Justice, Legitimacy, and the Effectiveness Rule of Law, Crime and Justice*, Vol. 30, The Chicago University Press (2003), page 283-357 (Tyler, *Procedural Justice*).

19. President’s Task Force on 21st Century Policing *Final Report of the President’s Task Force on 21st Century Policing*, US Department of Justice (May 2015) (President’s Task Force, *Final Report*).

20. See generally, Jonathan Jackson, Tom R. Tyler, Ben Bradford, Dominic Taylor and Mike Shiner, *Legitimacy and Procedural Justice in Prisons*, London School of Economics Online (2010) (Jackson, *Procedural Justice in Prison*), [http://eprints.lse.ac.uk/29676/1/Legitimacy_and_procedural_justice_\(LSERO_version\).pdf](http://eprints.lse.ac.uk/29676/1/Legitimacy_and_procedural_justice_(LSERO_version).pdf).

21. President’s Task Force, *Final Report*, *supra* note 19, at page 9, http://cops.usdoj.gov/pdf/task-force/taskforce_finalreport.pdf.

22. Jackson, *Procedural Justice in Prisons*, *supra* note 20, at page 4.

23. Deitch and Mushlin, *What’s Going On?*, *supra* note 8.

24. “For [any] oversight mechanism to have the required effect of promoting transparency and accountability in the interest of positive change, the quality of oversight must be respected by the audience to which it reports.” Sylvia Casale, *Mechanisms for Correctional Oversight*, Journal of Law & Policy Vol 22:217 (January 2006), at page 221 (Casale, *Mechanisms*).

25. “...the public is less likely to be satisfied with a prison agency’s pronouncements that everything is fine or trust the vindications that staff members accused of misbehavior. Only independent monitoring and investigations can provide that level of accountability.” Deitch and Mushlin, *What’s Going On?*, *supra* note 8.

26. *Id.*

27. Tyler, *Procedural Justice*, *supra* note 18, at page 310.

28. Casale, *Mechanisms*, *supra* note 24, at page 222.

29. Jackson, *Procedural Justice in Prison*, *supra* note 20, at page 4-6.

30. Casale, *Mechanisms*, *supra* note 24, at page 221.

31. Nevada Department of Corrections, *Inmate Advisory Committees*, Administrative Regulation No. 805 (effective April 8, 2011), http://doc.nv.gov/uploadedFiles/docnvgov/content/About/Administrative_Regulations/AR%20805%20-%20040811.pdf (Nevada, *Inmate Advisory Committees*); New York Department of Corrections, *Inmate Liaison Committee*, Directive No. 4002, effective July 5, 2012, <http://www.doccs.ny.gov/Directives/4002.pdf> (New York, *Inmate Liaison Committees*).

32. Deitch, *Post-PLRA*, *supra*, note 4, at 241.

33. As corrections expert Wayne Dickey explains, jails and prisons, although closed to the public, should not operate outside of the sphere of a democratic society. Walter J. Dickey, *The Management of Prisons in a Democratic Society: Written Testimony Before the Commission on Safety and Abuse in America’s Prisons*, Feb 8, 2006, cited by Stan Stojkovic, *Prison Oversight and Prison Leadership*, Pace Law Review Vol. 30, Issue 5 (Fall 2010).

34. See generally, Michael Lawrence Walker, *A Strange Democracy: The “Politics” of Jail Inmate Governance*, (2013) available at http://www.democracy.uci.edu/files/docs/conferences/2013/michael_walker_-_a_strange_democracy-1.pdf

35. NACOLE, *Review of Various Models*, *supra* note 13, at page 9.

36. *Id.*

37. National Advisory Commission on Civil Disorders, *Report by the National Advisory Commission on Civil Disorders (The Kerner Report)* (1967), http://faculty.washington.edu/qtaylor/documents_us/Kerner%20Report.htm

38. J.E. Baker, *Inmate Self-Government*, Journal of Law and Criminology, Vol. 55, Issue 1, Article 4, (March 1964), <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=5208&context=jclc>.

39. See *supra* note 31, Nevada, *Inmate Advisory Committees*, and New York, *Inmate Liaison Committees*. See also, letter from Crossroads Correctional Facility to Brian Schweitzer, *Inmate Welfare Fund*, November 7, 2011, at http://leg.mt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/15-16dec11/DOC%20letter%20WF%2011_7_11.pdf, and policy establishing parameters for “Inmate Organizations,” Commonwealth of Pennsylvania Department of Corrections, *Inmate Recreational and Therapeutic Activities—Section 7 Inmate Organizations or Groups*, No. 7-8-1 (June 20, 2007).

<http://www.cor.pa.gov/About%20Us/Documents/DOC%20Policies/07.08.01%20Inmate%20Recreational%20and%20Therapeutic%20Activities%20Policy%20and%20Procedures.pdf>

40. See *supra* note 31, Nevada, *Inmate Advisory Committees*; and New York, *Inmate Liaison Committees*.

41. *Id.*

42. See *supra* note 31, New York, *Inmate Liaison Committees*.

43. New York is not alone in allowing former prisoners to serve as prison visitors. In Pennsylvania, the Pennsylvania Prison Society allows the formerly incarcerated to conduct on-site inspections as part of its oversight efforts and reports that their inclusion adds to the agency’s abilities to meet its objectives.

44. John M. Brickman, *The Role of Civilian Organizations with Prison Access and Citizen Members—The New York Experience*, Vol. 30, Issue 5 (Sept 2010).

45. Prison Visiting Project, *Prison Visiting Project Brochure*, New York: Correctional Association of New York (2015) (Prison Visiting Project, *Brochure*), at page 2, and New York, *Inmate Liaison Committees*, *supra* note 24.

46. See Prison Visiting Project, *Brochure*, *supra* note 45, at page 3.

47. John M. Brickman, Address before the New York City Board of Correction (Apr. 17, 2007), available at www.nycjailreform.org/documents/CA/JCA_Brickman.doc

48. Michael B. Mushlin, John Horan, David Lenefsky, Madeline deLone, John M. Brickman & Clay Hiles, *Independent Oversight of N.Y. Jails*, N.Y. L.J., May 17, 2007, at page 2, available at <http://www.law.pace.edu/news/inTheNews/Mushlin%20op%20ed%20NYLJ.05.07.pdf>

49. Tyler, *Procedural Justice*, *supra* note 18, at page 6.

50. *Id.* at page 7.

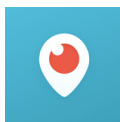
51. *Id.* at page 5.

52. National Prison Rape Elimination Commission, *National Prison Rape Elimination Commission Report*, Executive Summary, (June 2009) at page 9.

53. Deitch, *Special Populations*, *supra* note 2, at page 295.

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23rd Annual Conference

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sessions covering topics such as Building Community Trust, Trauma Informed Policing, Mental Health and Segregation in Prisons, Auditing for Accountability, and Evaluating Police Use of Force. In addition to attending these sessions, you will be with hundreds of others in the ever-growing community of civilian oversight practitioners, community members, law enforcement and correctional officials, journalists, elected officials, students, and others working for greater accountability, transparency, and trust. You will be a part of a learning and networking event that will provide inspiration, ideas, and practical knowledge to overcome the challenges ahead and continue the work.

Welcome to Spokane

A mixture of urban chic and outdoorsy, Spokane, Wash., has something to fit everyone's fancy. This bustling city, right in the middle of the Intermountain Northwest, is full of business and adventure.

Spokane's Convention Center is conveniently located downtown, within walking distance of shopping, wineries, dining, nightlife, and outdoor adventures. It has 500,000 square feet of total meeting space, two connected hotels, and direct connection to the 2,700-seat INB Performing Arts Center. The best part about it: floor to ceiling windows overlooking the gorgeous Spokane River.

When you're done with your meeting for the day, take a bite of Spokane's nationally recognized culinary scene. The Wall St. Journal named this city one of six Great Small Cities for Food Lovers. Once you start exploring, you'll start to understand why. With so many great restaurants to choose from, you'll long for more free time. Sip your way through the downtown Cork District with 15+ tasting rooms. Tap the Ale Trail, which features 40+ local craft breweries. Both the Cork District and Ale Trail are walkable.

Once You're Here

Take a break and listen to live music at local venues or wander down to the Spokane Comedy Club where you'll frequently find big-name acts. If you're looking for a show, Spokane has local professional theater, the Spokane Symphony in the iconic Martin Woldson Theater at The Fox, and Best of Broadway at the INB Performing Arts Center.

Shop in Spokane's eclectic, locally owned boutiques scattered throughout downtown and tucked away in historic neighborhoods. Spokane also offers all the high-end national stores you would find in a larger city.

Spokane offers a multitude of ways for groups to be pampered. Opportunities to luxuriate abound in the fun and dynamic neighborhood called Kendall Yards on the north bank of the Spokane River, home to unique local shops, restaurants, and art. Groups can enjoy a spa day

at Spa Paradiso and then walk to Nectar Wine and Beer. Just across the street, groups can do a blind tasting at The Wandering Table. There, you choose the price, and the nationally recognized chef and his team will guide you through an eight-course meal featuring the best of the season.

Love tempting Lady Luck? Groups can head to Northern Quest Resort & Casino in Airway Heights, just west of Spokane, for fun, gambling, or even for a spa visit. La Rive Spa pays tribute to the culture of the Kalispel Tribe by focusing on elements of nature to enhance the senses. Groups can visit Masselow's Steakhouse for an upscale dinner and the Kalispel tradition of treating guests as family. Cap off the evening by enjoying the casino's top-notch entertainment or at Legends of Fire cigar bar.

For those seeking outdoor adventures, Riverfront Park, situated in the heart of downtown Spokane, is home to the beautiful Spokane River gorge, featuring the Spokane Falls, the second longest urban falls in the U.S. Glide over the falls in the Spokane Falls SkyRide, one of the 12 best gondola rides in the world (Condé Nast Traveler). Walk, jog, or bike (rentals are easy!) Spokane's famous Centennial Trail. 40 miles of paved trail stretch from Spokane across state lines to Coeur d'Alene, Idaho. If you're driving, Coeur d'Alene is 30 minutes east of Spokane. Check out the Coeur d'Alene Resort and dip your toes in the lake.

Explore Huntington Park right between Spokane City Hall and Mobius Science Center. Recently opened in 2014, this park will take your breath away with its stunning views of the Spokane Falls. You'll be standing right next to them! The park was a gift from the local power company, Avista. It will truly light up your visit.

Go zip-lining at Mica Moon Zip Tours. The 2.5-hour zip trip in Liberty Lake, just outside Spokane, offers group tours and even nighttime tours. Eight zip lines allow you to soar over the treetops near historic moonshine camps where Mica Moon moonshine was created during prohibition. Rock climbing or whitewater rafting also abound around the region. The river is running through downtown, so you can be whitewater rafting within 20 minutes!

With a state of the art convention center, luxury hotels, fine dining and a multitude of activities in a safe walkable place, it's easy to see why Spokane is truly the perfect meeting place. •

SAVE THE DATE

23rd Annual NACOLE Conference

September 10-14, 2017

The Davenport Grand

333 West Spokane Falls Blvd.
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