



# NACOLE

## Review

NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

[www.nacole.org](http://www.nacole.org)

Summer 2017

## Brandon Fox to Deliver Keynote Address at NACOLE Conference

FOR THE PAST 22 YEARS, NACOLE HAS worked to provide practitioners of oversight, members of the community, elected and professional officials, and members of law enforcement with the opportunity to exchange information and ideas regarding civilian oversight of law enforcement. This year's Conference will continue our traditions by providing a forum for education and open dialogue on the most pressing issues facing civilian oversight of law enforcement in the changing landscape in which it now finds itself.

As we finalize the details of our upcoming conference, we are pleased to announce Brandon Fox as the keynote speaker during the Sankofa Dinner and Awards Banquet. Sankofa is a word in the Twi language of Ghana that has come to represent the need to reflect on the past to build a successful future. Mr. Fox will be an excellent addition to an evening where we reflect on our history, our successes and our future endeavors.

Mr. Fox has led a storied career as an attorney, from working as a Deputy Chief in the U.S. Attorney's Office in the Northern District of Illi-



*Brandon Fox, 2017 NACOLE Conference Keynote Speaker*

nois in the Public Corruption, Organized Crime, and Financial Crimes sections to becoming the Chief of the Public Corruption and Civil Rights section of the U.S. Attorney's Office in the Central District of California. He is, however, best known to the oversight community for his work

with the U.S. Attorney's Office where he became known as the man who took down Lee Baca, the (now-former) Los Angeles County Sheriff, as well as many high-ranking members of the sheriff's department. Attendees will hear the compelling story of the lengthy struggle to bring justice to the inmates of the L.A. County jail system and the challenges of investigating widespread corruption that permeated the internal investigations bureau of the sheriff's department itself.

In addition, we will be offering a full schedule at this year's conference featuring panels, workshops, and plenary sessions that will be spread among four tracks: Current and Emerging Issues; 21st Century Policing; Effectiveness & Impact; and Correctional Oversight. Within these four tracks, conference attendees will be able to choose from 30 different concurrent and plenary 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.

*Please turn to "Fox to Deliver Keynote," page 2*

## There's Still Time To Register!

### The 23rd Annual NACOLE Conference

September 10-14, 2017 · Spokane, Washington

**Click [HERE](#) to Register!**

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## President's Message

# Our Unwavering Commitment

IN JULY, THE PRESIDENT OF THE UNITED States recklessly encouraged law enforcement to use excessive force. NACOLE stands with communities, civil rights activists, and police across the United States in condemning those remarks. Not only is it legally and morally wrong, it is never justified and always counterproductive to violate the rights and dignity of any person in the name of law and order. Indeed, commitment to the rule of law means adherence to policies, procedures, laws, and the U.S. Constitution in all circumstances. The concepts of community policing, procedural justice, and legitimacy demand that all persons are treated fairly and with respect at all times.

Trump endorsed overly aggressive police tactics speaking before a meeting of law enforcement officers in Long Island, New York on July 28, 2017. He stated, "When you see these thugs thrown into the back of a paddy wagon. You see them thrown in, rough. I said, 'Please don't be too nice,'" Trump said, mentioning observing the prisoner's heads being shielded. "I said, 'You can take the hand away.'"

With the dramatic shift in rhetoric and priorities at the federal level, NACOLE and the field of civilian oversight have intensified our commitment to building public trust through

police accountability and transparency. That is why our upcoming annual conference—Civilian Oversight in a Changing Landscape—will be one of the most important gatherings in NACOLE's history. I hope you will join us this September in Spokane, Washington to examine the challenges and opportunities we face, and strengthen our skills, knowledge, and determination to create real and sustainable reform.

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. When we see each other in Spokane, not only will we renew relationships and receive inspiration and encouragement, we will also have excellent training sessions, innovative workshops, and the opportunity to share best practices and compare notes with people from across the U.S. and from many other nations.

Our commitment to each of you is that in this time of declining checks and balances, NACOLE will continue to support you and your efforts to step into the breach—and to work for policing that is responsive and accountable to our communities. •

1 Tal Kopan, "Trump: 'We're going to destroy' MS-13," CNN (July 28, 2017), <http://www.cnn.com/2017/07/28/politics/donald-trump-ms-13/index.html>.



Brian Corr, NACOLE President

*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.*

## Fox To Deliver Keynote

*Continued from page 1*

Following two sessions on Sunday afternoon that will focus on civilian oversight and meeting the needs of our communities, all attendees are invited to the opening reception being held at the Davenport Grand Hotel at 6:30 p.m.

In addition to the more than 21 hours of training that will be offered the following day on Monday, September 11th, we invite attendees to support our Annual Conference Scholarship Fund by purchasing a ticket to our Monday evening fundraising dinner. We also encourage attendees to attend one of our newest events, the Networking Luncheon being held on Tuesday. This will be an opportunity to join fellow attendees for lunch while discussing issues affecting those working in and around the field of civilian oversight of law enforcement. Please note that this event does require the purchase of an additional ticket.

We look forward to presenting to you our 23rd Annual Conference and having you 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.

For more information, please visit [www.nacole.org](http://www.nacole.org). •

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## 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 McEllhiney 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](http://www.newmangrace.com)) for providing layout and publication services to the NACOLE Review.

# Spokane's Two Options for Oversight—the CAB and the OPO

By Tim Connor, Luvimae Omana, and Bob West

**O**VERSIGHT OF LAW ENFORCEMENT IN THE UNITED STATES is an ever-evolving governmental function designed to provide the community with a means to influence police practices and to help ensure that law enforcement is conducted in a manner that is constitutional, effective, and responsive to the standards, values, and needs of those served. Oversight may be established in response to recurring law enforcement issues or be developed proactively to enhance police-community relations. The Spokane area is home to two civilian oversight agencies—the city's Office of the Police Ombudsman (OPO) and the county's Citizen Advisory and Review Board (CAB)—each with their own story of how and why they were established. Read on as we learn more about the City and County that will host the 2017 NACOLE Conference.

## Creating Oversight in the City of Spokane—Population 212,052

Momentum toward a formal, civilian oversight process to examine alleged Spokane police abuses began in 1980 with the creation of a local citizen group, Citizens Investigating Violence in Law (“CIVIL”), founded by the mother of a young man who alleged abuse at the hands of Spokane police officers during an arrest. The nascent movement, and the police department's apparent indifference to reports of excessive force, were the focus of a Spokane Magazine investigation in 1981. In response to continuing allegations of abuse and persisting criticisms of the Spokane Police Department's (SPD) internal affairs process, the Spokane City Council, with leadership from then-Mayor Sheri Barnard, created an independent Citizens Review Panel (CRP) in 1992. The CRP was vested with the power to recommend discipline of Spokane officers if investigations by the panel corroborated citizen complaints.

In what was the start of a longstanding struggle between City Hall and the local police unions, the Spokane Police Guild (the Guild) formally challenged the legality of the CRP, arguing that its existence violated the state's collective bargaining law. The Guild prevailed and the CRP was disbanded in 1995, to be replaced by a citizen commission that did not have power to recommend discipline.

## The Effects of the Otto Zehm Case on Police Oversight

It was a high-profile case—the death of Otto Zehm—that re-focused Spokane citizens and government on the need for a more credible and professional system for oversight. Zehm—a developmentally disabled janitor and musician who was very popular amongst his co-workers—was struck numerous times by officers in a Spokane convenience store in March 2006. While restrained, police placed a non-rebreather mask on Zehm that was not attached to oxygen, which eventually suffocated him. Security video from the store did not corroborate police claims that he resisted arrest. The case resulted in the successful prosecution of a Spokane police officer by the U.S. Department of Justice after the SPD and local prosecutor declined to take disciplinary or legal action. The Zehm case galvanized public support for the creation of a new civilian oversight process, and a special consultant hired by the city issued a lengthy report in April 2007, recommending a Police Ombudsman, backed by a civilian commission, to provide professional, independent oversight. In an effort to avoid preemptory litigation from the City's police unions, an ordinance creating the office was drafted between the Mayor and the Guild in 2008. Although the office was empowered to oversee complaints investigated by the department's Internal Affairs unit, it was expressly barred from conducting independent investigations or making disciplinary recommendations. The ordinance passed in the face of broad public opposition to the limits on the new Office of Police Ombudsman, and with assurances from City Council members that the City would seek improvements in future collective bargaining agreements. Public opposition mounted

in late 2009, when it was revealed that the City did not bargain for enhanced independence for the OPO, despite a City Council resolution to do so.

In 2010, in the face of a strong and well-organized citizen backlash, and mounting evidence of police misconduct in the Otto Zehm inquiry, the City Council unanimously passed a new ordinance giving the OPO the authority to produce independent reports on specific cases. The Guild challenged the ordinance with an unfair labor practices complaint. Without explanation, the City's contract attorney declined to make an opening statement or call a single witness when the complaint was heard by a state-appointed arbitrator in April 2011. The arbitrator sided with the Guild, and the City's appeal to the state employment relations commission was rejected, in large part because the City had misfiled and mishandled its defense of the ordinance. The City did not seek judicial appeal and, instead, voted to repeal the 2010 ordinance.

## Proposition 1

Continuing revelations of misconduct in the federal investigation of the Zehm case, coupled with public frustration at the continued lack of independent investigative authority by the OPO, ultimately led to a special election in 2013. By a more than 2 to 1 margin, Spokane voters authorized a change to the City Charter, requiring independence for the Ombudsman and creating a new citizen commission to oversee and support the work of the OPO. Although the charter amendment is in place, it has not gone into full effect as of yet. Thus, there is continuing uncertainty about whether the current collective bargaining agreements allow the OPO to conduct independent investigations and publish reports about case findings that may contradict or repudiate police investigative findings and disciplinary decisions.

## What Police Oversight Looks Like in 2017

In 2016-17, an effort to create a new ordinance that would bring the City into fuller compliance with its City charter—and guide future negotiations with police bargaining units—failed to garner sufficient council votes. In the meantime, contracts with both police bargaining units expired at the end of 2016. Negotiations for new contracts will take place in 2017 but it is currently unclear whether significant changes to the police oversight portions of the existing contracts will be achieved through the new negotiations. In the meantime, the pre-existing collective bargaining agreement remains in effect until the City Council and bargaining units approve any new agreements.

The OPO is governed by the iteration of the Spokane Municipal Code that was amended to include Proposition 1 from 2013. Proposition 1 removed the OPO from the Mayor's office and created a truly independent agency supervised by the Office of the Police Ombudsman Commission (OPOC), a group of appointed citizen volunteers. The OPO consists of the Police Ombudsman, an Analyst, and the OPOC Coordinator. The OPOC consists of five citizen volunteer commissioners from different segments of Spokane who were appointed by the Mayor or the City Council for the diverse perspective the commissioner brings. The OPO is responsible for overseeing Internal Affairs investigations of community complaints, making policy and training recommendations, and engaging in community outreach to stakeholders.

## Oversight in Spokane County—Population 484,318

The Citizen Advisory Board (CAB) was established in 2000 by then-Sheriff Mark Sterk, originally to serve as a sounding board for changes in Spokane County Sheriff Office (SCSO) policies and procedures, to enhance new equipment training, and to provide feedback on cases of interest. After Sheriff Ozzie Knezovich was elected in 2006, the CAB has evolved to fill a variety of functions. It has commented on important policies including those

*Please turn to “Spokane's Two Options,” page 4*



## Spokane's Two Options

Continued from page 3

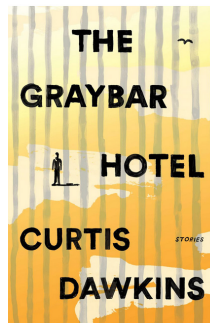
involving the use of the Vascular Neck Restraint force technique and employee-involved domestic violence. The CAB has reviewed a number of high profile cases and has commented on the quality of the SCSO investigations involved. Sheriff Knezovich has also sought input from the CAB to determine if his discipline was in line with community expectations. All of these efforts by CAB's devoted volunteers, as well as the Sheriff's reliance on CAB input, contribute to accountability and transparency, furthering constructive oversight of the SCSO.

The CAB is a separate entity from the Sheriff's Department and is charged to work independently as an advisory and review board. Board membership of the CAB is a diverse and broad-based representation of the community at large within Spokane County. Membership is comprised of no less than 15 or more than 19 "board appointed" individuals. Members receive no remuneration or benefits from their service and serve strictly on a voluntary basis. Their foundation is equivalent to a judicial appellate review. They have the power to request various cases and policies for internal reviews. They are required to undergo some use of force training, a Citizen's Academy, and participate in police ride-a-longs.

The CAB took an important step forward and updated its Bylaws in 2015. These changes increased its transparency and independent processes. The Sheriff's and CAB's commitment to continual improvement was evident in its decision to seek out a consultation and peer review audit, conducted by Kathryn Olson, a Past President of NACOLE. In addition, the CAB has become more involved with NACOLE by obtaining an organizational membership, adopting its Code of Ethics, and sending members to the last annual conference in Albuquerque, New Mexico. The CAB is proud to be the local host for NACOLE's 2017 Annual Conference.

The CAB actively solicits ideas from the community and hosted a Community Forum in April 2016. Sheriff Knezovich commented, "I am accountable and invite feedback from the community." As a result of this forum, facilitated by Kathryn Olson, several talking points were recognized to improve independence and transparency and have since been implemented in various fashions.

The CAB is proud of its community work and commitment to the public and their role of enhancing oversight of the SCSO. Recognizing a close relationship between the SCSO and the community is an essential part of a responsive and responsible Spokane County government, the benefits of such a relationship are immeasurable not only for the Sheriff's Office, but also for the business community and residents. The CAB takes its charge seriously as a means of enhancing police-community relationships, communications, transparency, and community confidence. •



## Book Review

# The Graybar Hotel

By Curtis Dawkins; Scribner, 2017

Reviewed by

Bennett Stein, New York City Board of Correction

**T**HE NEWSPAPERS, AIRWAVES, Twittersphere, coffee shops, and subway cars of New York City are, remarkably, filled with investigations, news, and discussion about Rikers Island, the notorious body of land next to LaGuardia Airport which holds nine working jails and around 7,000 people (the City holds another 2,000 people in custody in jails in Brooklyn, Manhattan, and a jail boat in the Bronx). This moment is remarkable not because the issues are new, but because the brutality and violence experienced by people in custody like Kalief Browder, Bradley Ballard, and Ronald Spear have finally shocked the conscience of the press, the politicians, and the public at large. The attention and pressure have led to historic solitary confinement reforms, a sweeping consent decree that will change the use of force in the jails, and, ultimately, a City Hall commitment to close Rikers Island in the next decade.

While these tragic and high profile stories are indicative of the potential for violence and are signals of systemic problems, most people in jail do not experience such extreme physical violence. Most people in jail are not assaulted by corrections officers, and most people in jail do not spend time in solitary confinement. Each person in jail is, however, subject to the day-to-day violence of the jails. This includes forced separation from family and friends, missed life events (births, weddings, funerals, etc.), boredom and the passing time, revoked out-of-cell time for the actions of another person, repeated strip searches and pat frisks, bad or cold food, constant movement between housing areas, name calling, and late or missing mail, to name just a few. Unlike a physical assault, these conditions are difficult to document and convey. Independent monitoring of these experiences that yields reform is a challenge.

In his newly published book of short stories, debut author Curtis Dawkins provides a successful model for documenting these daily abuses. In 14 short stories largely set in or influenced by prison, Dawkins' characters show us their tools

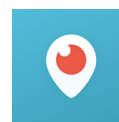
for coping and surviving and the prison's power to inflict physical, mental, and emotional pain. There is nothing sensational about most of the stories in *The Graybar Hotel*—not much overt conflict or even much action. These stories are about men trying to live their lives inside, sometimes even finding beauty, joy, and connection.

Some prison experiences may not shock the conscience at first glance but they may have significant impacts over time. In one story, titled "A Human Number," a man in jail is bored, lonely, and seeking contact with the world outside so he begins placing collect phone calls to strangers. He reliably finds people willing to pick up the charge for the call: "People love to talk—that's why they answer. I try to listen past their voice and into their home. What TV show is playing? What pets are running around? I once heard a parakeet squeaking, 'He's buried in the sandbox.' I listen for the traffic outside, a neighbor playing piano. Once, in a senior assisted-living building, I heard a xylophone being hammered in expert scales. Countless layers of sound make up the world, and I hear it all: voices; vacuuming; traffic through an open window; the hum of washers, dryers, refrigerators, all so slight the sound is barely perceptible." There would be no New York Post or New York Times headline if this happened on Rikers Island. How would a jail or prison oversight agency record and share this data documenting his treatment? How would the agency connect this story to what the man may have gone through yesterday or other additional data?

Dawkins has an MFA in fiction writing from Western Michigan and is serving a life sentence in Michigan. He has been incarcerated since 2004. With *The Graybar Hotel*, Dawkins joins a long line of exceptional writers on the inside and their families who have documented the small and large injustices that define life in a prison (The Marshall Project's Life Inside series is another critical new addition to this tradition). These models and these leaders provide a potential path forward for oversight and, ultimately, policy and practice changes. •

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GROUPS



# *Civilian Oversight in A Changing Landscape*

**Spokane, Washington • September 10–14, 2017**

**The 23rd Annual Conference of the  
National Association for Civilian Oversight  
of Law Enforcement**

## **Summary**

**I**NCREASED 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 challenges 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, Washington as NACOLE and the oversight community comes together to discuss the changing landscape, inevitable challenges, and the determination to continue the work to affect 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 30 different concurrent and plenary 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 practitioner, 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.

**Additional information regarding our Annual Conference may be found on our website, [www.nacole.org](http://www.nacole.org) or by emailing our Director of Training & Education, Cameron McElhiney at [mcellhiney@nacole.org](mailto:mcellhiney@nacole.org).**



# Daily Schedule

**LEGEND:**  **21st Century Policing Track**  **Impact & Effectiveness Track**  
 **Current & Emerging Issues Track**  **Correctional Oversight Track**

## Sunday, September 10

<b>1:30 p.m. – 3:00 p.m.</b>	<b>Civilian Oversight in a Changing Landscape:</b> An Introduction to NACOLE, Civilian Oversight, and the Path Ahead
<b>3:15 p.m. – 5:00 p.m.</b>	<b>Proactive Civilian Oversight:</b> Meeting the Needs of Our Communities
<b>6:30 p.m. – 8:30 p.m.</b>	<b>Opening Reception:</b> Join fellow attendees at the Davenport Grand as we kick off the 23rd Annual Conference

## Monday, September 11

<b>8:30 a.m. – 9:00 a.m.</b>	<b>Welcoming Remarks</b>		
	<b>Current &amp; Emerging Issues</b>		
<b>9:00 a.m. – 10:30 a.m.</b>	<b>The Work to Establish Independent Oversight in Spokane, Washington</b>		
<b>10:45 a.m. – 11:45 a.m.</b>	<b>Keynote Speaker:</b> To Be Announced		
<b>12:00 p.m. – 1:30 p.m.</b>	Lunch on Your Own		
	<b>Track I</b> <b>21st Century Policing</b> (Concurrent Session)	<b>Track II</b> <b>Impact &amp; Effectiveness</b> (Concurrent Session)	<b>Track III</b> <b>Current &amp; Emerging Issues</b> (Concurrent Session)
<b>1:30 p.m. – 3:00 p.m.</b>	Transparency in Policing and Oversight: Shedding Light Gives a Clearer Picture	Building & Growing an Oversight Policy Analysis Unit: Lessons from the Field	Legal Updates: Legal Decisions Shaping & Affecting Civilian Oversight
<b>3:15 p.m. – 4:45 p.m.</b>	Outreach & Engagement with Vulnerable Communities	Evaluating Police Use of Force and Tactics	Championing Mental Health Practices in Policing and Review of Police Complaints
<b>6:30 p.m. – 8:30 p.m.</b>	<b>NACOLE Annual Conference Scholarship Fundraising Dinner</b> Join us at Nectar, located in downtown Spokane, for an evening of fun, food, and fundraising for the Annual Conference Scholarship Fund. Additional Ticket Purchase Required		



## Tuesday, September 12

	<b>Track I</b> <b>21st Century Policing</b> (Concurrent Session)	<b>Track II</b> <b>Impact &amp; Effectiveness</b> (Concurrent Session)	<b>Track IV</b> <b>Correctional Oversight</b> (Concurrent Session)
<b>8:30 a.m. – 10:00 a.m.</b>	Procedural Justice and Implicit Bias: Understanding Beliefs, Changing Behavior, and Challenges to Legitimacy	Two Years with Body Worn Cameras: Lessons Learned	What Does Effective Corrections Oversight Look Like?
<b>10:15 a.m. – 11:45 a.m.</b>	Changing the Narrative: The Importance of A Trauma-Informed Approach to Policing		
<b>12:00 p.m. – 1:30 p.m.</b>	<b>Networking Luncheon:</b> Connect with friends and colleagues within the oversight community. A boxed lunch will be provided. Additional Ticket Purchase Required		
<b>1:30 p.m. – 3:00 p.m.</b>	Preventing Misconduct and the Importance of Decertification	Addressing Officer Use of Force in the 21st Century	Women Behind Bars: Oversight Challenges of a Unique and Growing Prison Population
<b>3:15 p.m. – 4:45 p.m.</b>	Police Accountability in an Uncertain Time: Different Models of Improved Oversight	Conducting Criminal Investigations of Police Uses of Force	Oversight of Mental Health and Segregation in Jails and Prisons
<b>5:00 p.m. – 6:30 p.m.</b>	Compassion & Resiliency: A Roundtable Discussion		

## Wednesday, September 13

	<b>Track I</b> <b>21st Century Policing</b> (Concurrent Session)	<b>Track II</b> <b>Impact &amp; Effectiveness</b> (Concurrent Session)	<b>Track III</b> <b>Current &amp; Emerging Issues</b> (Concurrent Session)
<b>8:30 a.m. – 10:00 a.m.</b>	Police Early Intervention Systems: the State of the Art	Leveraging Relationships with Internal Affairs to Improve Police Accountability	Building an Oversight Agency: Lessons Learned from Campaign to Launch
<b>10:15 a.m. – 11:45 a.m.</b>	Safeguarding the LGBTIQ Community		Transforming Civilian Oversight at the Ballot Box
<b>12:00 p.m. – 1:30 p.m.</b>	Lunch on Your Own		
<b>1:30 p.m. – 3:00 p.m.</b>	Collective Bargaining & Police Oversight	Auditing of a Police Agency for Accountability	Prosecuting the Officer Involved Shooting and In-Custody Deaths: Can They be Effectively Done in America?
<b>3:15 p.m. – 5:00 p.m.</b>	NACOLE Annual Membership Meeting and Elections		
<b>6:30 p.m. – 8:30 p.m.</b>	<b>Sankofa Dinner and Awards Ceremony</b> <b>Featured Speaker:</b> Brandon Fox, Former Assistant United States Attorney for the Central District of California.		



## Daily Schedule, continued

**LEGEND:**  **21st Century Policing Track**  **Impact & Effectiveness Track**  
 **Current & Emerging Issues Track**  **Correctional Oversight Track**

### Thursday, September 29th

	Track III Current & Emerging Issues (Concurrent Session)
<b>8:30 a.m. – 10:00 a.m.</b>	Organizational Transformation and the Collaborative Reform Process
<b>10:15 a.m. – 11:45 a.m.</b>	Building Community Trust
<b>11:45 a.m. – 12:00 p.m.</b>	Closing Remarks

\*This schedule is subject to change.

## NACOLE Offers New Conference Event **Networking Luncheon**

**On Tuesday afternoon, September 12,**

conference attendees have the option of attending a networking lunch event from 12 p.m. to 1:30 p.m. Requiring a separate ticket, this event will allow attendees the opportunity to grab a box lunch and join fellow practitioners while discussing current events, trends, and policies in oversight.

Tickets can be purchased for \$16.00 plus a processing fee at  
<https://2017annualnacoledconference.eventbrite.com>.

Please note, tickets to this event will not be available for sale at the conference, **so reserve your box lunch today!**

## Don't forget to sign up for the **Annual Scholarship Fund Dinner**

The Annual NACOLE Scholarship Fundraising Dinner is an evening of food, friends, and celebration. On September 11th, from 6:30 p.m. – 8:30 p.m., attendees will get to know each other while enjoying a dinner at Nectar, located in downtown Spokane. Enjoy an evening with friends and colleagues while supporting the current and future leaders in the field of civilian oversight of law enforcement.

**The \$35 tickets are limited and must be purchased in advance of the conference.**

Make sure that you are part of this important annual event by buying your ticket today!

**Monday, September 11, 2017**

Visit <https://2017annualnacoledconference.eventbrite.com>.



# Session Summaries

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## Legal Updates: Legal Decisions Shaping & Affecting Civilian Oversight

2017 has been a tumultuous year for civil rights law, immigration, free speech, government accountability and transparency, as well as the Fourth Amendment. Panelists will provide an overview of recent and pending court decisions that are relevant to police oversight and changes in policy within the U.S. Department of Justice. Participants will hear from recognized legal experts about how courts are interpreting constitutional principles in reviewing cases involving search and seizure, detentions, blurred lines between immigration and local law enforcement, and use of force. An emphasis will be on the decisions rendered by the U.S. Supreme Court and federal circuit courts as well as on observable trends.

The use of technology, individual privacy rights, and the debate shaping up state by state as to how much information can and should be shared with the public about investigations into police misconduct will also be addressed. While designed for attorneys, this course is appropriate for lay people seeking to gain a better understanding of current procedural and substantive law affecting oversight.

### Panelists:

- **Holland Brooks**, Professor, Gonzaga University School of Law, Spokane, WA
- **Ezekiel Edwards**, Director, Criminal Law Reform Project, ACLU, New York, NY

### Moderator:

- **Dawn Reynolds**, Vice President, Elite Performance Assessment Consultants & NACOLE Treasurer, Dallas, OR

### Core Competencies Addressed:

*Civilian Oversight of Law Enforcement; Law; and Policing/ Law Enforcement Policies and Procedures*

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## Outreach and Engagement with Vulnerable Communities

Systemic underreporting and inadequate data make it difficult for oversight agencies to investigate and address policing issues that impact vulnerable communities. Historically, tumultuous relations with law enforcement, lack of accessible reporting mechanisms, and the belief that government will not conduct an unbiased investigation of sworn personnel have all contributed to this problem. Particularly in today's political climate, there is a crucial need for oversight agencies to understand and engage with vulnerable communities. Effective outreach and engagement with these communities can provide essential information for investigations and policy recommendations, and tell powerful stories. It can also fill data gaps via triangulation of collection methods, wherein information from

community outreach and engagement can complement different sources of data and facilitate a comprehensive understanding of an issue.

This session will examine outreach and engagement models for vulnerable populations from three oversight agencies with different approaches. The panelists come from varying models of oversight, differently-sized cities and law enforcement agencies, and backgrounds in outreach with a diverse group of populations, including undocumented immigrants, LGBTQ, youth, communities of color, indigenous people, those with disabilities, and others. Panelists will discuss programming options, engagement methods, challenges faced, and results garnered, with a focus on the intersection of data collection and service delivery.

### Panelists:

- **Gia Irlando**, Community Relations Ombudsman, Office of the Independent Monitor, Denver, CO
- **Minty LongEarth**, Community Engagement and Communication Specialist, Seattle Community Police Commission, Seattle, WA
- **Hassan Naveed**, Director of Outreach, NYC Department of Investigation's Office of the Inspector General for the NYPD, New York, NY

### Moderator:

- **A.D. Sean Lewis**, Director of Public Policy & Legislative Affairs, Civilian Office of Police Accountability, Chicago, IL

### Core Competencies Addressed:

*Civilian Oversight of Law Enforcement; Investigations; and the Public and Transparency*

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## Evaluating Police Use of Force and Tactics

The use of force by police officers is a matter of significant public concern and a critically important issue for police agencies and civilian oversight bodies. Effective review of use of force incidents is vital to promoting appropriate and effective management of agencies' use of force, and to gaining public confidence in law enforcement agencies and their civilian overseers. This panel will examine the question of how to conduct effective evaluations of use of force incidents, examining both the force itself and the tactical decision-making leading to and during use of force incidents.

The first part will, using both an academic and practical approach, define the concepts of force and excessive police force in order to fully understand the role of civilian investigators. The presentation will then outline a rigorous methodology for investigating force complaints, with specific information about interviewing civilians and police officers, engaging in objective analysis of testimony and evidence, and the importance of maintaining neutrality.

The second part of the presentation will introduce the concept of tactics and tactical review, and will demonstrate

# Session Summaries, continued

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why the investigation and assessment of tactical performance is a critically important element of an effective incident review process. Commonly-encountered tactical issues will be presented to assist practitioners in developing their knowledge of tactical concepts, and to assist in applying those concepts during the use of force review process.

Ultimately, attendees will walk away with a better understanding of the investigative principles underlying force investigations, common police tactics in situations where force is applied, and practical skills for analyzing the application of force by law enforcement.

## **Panelists:**

- **Jennifer Jarrett**, Deputy Director for Training, Investigations Unit, Civilian Complaint Review Board, New York, NY
- **Carlmais Johnson**, Investigative Manager, Civilian Complaint Review Board, New York, NY
- **Django Sibley**, Assistant Inspector General, Office of the Inspector General for the LAPD, Los Angeles, CA
- **Jody Stiger**, Sergeant, Los Angeles Police Department, Los Angeles, CA

## **Moderator:**

- **Mark P. Smith**, Constitutional Policing Advisor, Los Angeles County Sheriff's Department, Los Angeles, CA

## **Core Competencies Addressed:**

*Civilian Oversight of Law Enforcement; Investigations; the Public and Transparency; and Policing/Law Enforcement Policies and Procedures.*

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## **Changing the Narrative: The Importance of a Trauma-Informed Approach to Policing**

Over the last decade a variety of events has shaken the Cambridge Police Department to its core, including the local and national response to the 2009 arrest of Harvard Professor Henry Louis Gates; and the central role the department's officers played in the Boston Marathon Bombing and its aftermath, including the murder of an MIT police officer, a regional lockdown and day-long manhunt, and the dozens of CPD officers who participated in the eight-hour overnight shootout in Watertown, MA. Combined with the trauma and vicarious trauma that is common in policing, the need for addressing trauma in all aspects of policing became clear.

Using elements of trauma-informed care, psychological first aid, mindfulness, and resiliency, a multidisciplinary team spent a year researching and developing a workshop that could overcome barriers and provided needed insight and tools for improved officer resiliency and wellness—and better policing. They developed a unique multi-day training to allow officers to understand trauma, how it affects the people they

encounter, and how it affects them and their actions and behavior. It also emphasized being healthy, compassionate and understanding, while recognizing how everyone suffers trauma, albeit not necessarily in the same way.

At the conclusion of the first five-day training, officers and community participants debriefed and agreed that this was radical and cutting-edge training that will help officers and community, particularly with trauma and resiliency. One participating officer reflected that it “took away my own skepticism and bias and helped me be more compassionate.” Another said that “if this can save one officer's life, then this program will be a success.”

This workshop will cover how this first-of-its-kind holistic training provides a framework for understanding trauma in the context of policing—including how trauma affects officers and how it affects members of the community.

## **Panelists:**

- **Christine Elow**, Superintendent, Cambridge Police Department, Cambridge, MA
- **Richard Goerling**, Lieutenant, Hillsboro Police Department, Hillsboro, OR
- **Donna Kelly**, Sexual Assault and Domestic Violence Prosecutor, Utah Prosecution Council, Salt Lake City, UT
- **Elizabeth Speakman**, Coordinator, Domestic and Gender-Based Violence Prevention Initiative, Cambridge, MA

## **Moderator:**

- **Brian Corr**, Executive Secretary, Police Review and Advisory Board & NACOLE President, Cambridge, MA

## **Core Competencies Addressed:**

*Investigations; the Public and Transparency; and Policing/Law Enforcement Policies and Procedures*

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## **Addressing Officer Use of Force in the 21st Century**

As noted by The President's Task Force on 21st Century Policing, “trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is the key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.” Effective management of police use of force is critical to building that trust, and requires effective training, policies, and practices on the use of force by officers. Prompted by national controversies and recent enforcement activity by the U.S. Department of Justice, there has recently been significant rethinking about how police—and oversight agencies—can more effectively work to ensure constitutional use of force by police officers. This panel will bring together experts to discuss new thinking and practices on police use of force in the 21st century.

### Speakers:

- **Mathew Barge**, Partner & Co-Executive Director, Police Assessment Resource Center, Los Angeles, CA
- **Chief Hassan Aden**, Senior Advisor to the Vera Institute of Justice and the Police Foundation, Greenville, NC
- **Kevin McMahon**, Undersheriff, Las Vegas Metropolitan Police Department, Las Vegas, NV

### Moderator:

- **Nicholas E. Mitchell**, Independent Monitor, Office of the Independent Monitor & At-Large NACOLE Board Member, Denver, CO

### Core Competencies Addressed:

*Civilian Oversight of Law Enforcement; Investigations; Law; and Policing/Law Enforcement Policies and Procedures*

## Women Behind Bars: Oversight Challenges of a Unique and Growing Prison Population

Since 1970, the number of women incarcerated in local jails in the United States has skyrocketed from approximately 8,000 women to almost 110,000 in 2014. Despite this dramatic increase in the female jail population, scant attention has been paid by jails and oversight agencies to the unique challenges presented by the number of women in custody and how those problems affect their re-entry into society. Women in jails are very often the sole caretakers for children, at increased risk of living in poverty, and a significant number of them suffer from trauma and mental illness. However, like many other parts of the criminal justice system, jails were created with male inmates in mind, making them ill-equipped to address the challenge of adequately caring for women in their custody. The dearth of data and research into the service needs and relatively low risk of this population have left them to be considered only as an afterthought, and in many jails women are exposed to a greater risk of sexual violence and abuse, inadequate hygiene and health care, and inadequate jail programming.

This panel will feature experts from an oversight agency, the Department of Justice, and a correctional administrator discussing the scope and impact of problems facing detained women. In addition, panelists will address current research and best practices that can improve the way jails care for women in their custody.

### Panelists:

- **Julie Abbate**, Deputy Chief, Special Litigation Section, Civil Rights Division, U.S. Department of Justice, Washington, DC
- **Terri McDonald**, Chief Probation Officer, Los Angeles County, Los Angeles, CA
- **Angie Wolf**, Director of Justice Strategies, National Council on Crime and Delinquency, Washington, DC

### Moderator:

- **Suzanne Iantorno**, Deputy Monitor, Office of the Independent Monitor, Denver, CO

### Core Competencies Address:

*Civilian Oversight of Law Enforcement; Investigation; and Policing/Law Enforcement Policies and Procedures.*

## Transforming Civilian Oversight at the Ballot Box

This presentation will show how ballot measures can transform existing civilian oversight of law enforcement agencies. It provides case studies from Honolulu, Oakland, and San Francisco, whose agencies were transformed at the November 8, 2016 election, by examining the challenges of an established oversight entity seeking to increase its authority through the ballot box.

- With a backdrop of high profile legal settlements involving the **Honolulu** Police Department and a criminal investigation of the Honolulu Chief of Police, in November, the voters of the City and County of Honolulu adopted a charter amendment making the Chief an at-will employee, providing the Police Commission with the authority to subpoena witnesses or require the production of evidence for Commission investigations and requiring the Chief to respond to the Commission concerning the Commission's recommendations regarding officer misconduct.
- After years of an open negotiated settlement agreement between the **Oakland** Police Department and plaintiffs in federal court, a community based organization in Oakland proposed a Charter change that would create an independent police commission for Oakland; a version of which the Oakland City Council placed on the ballot. The measure would create an independent police commission, an inspector general, and an office to conduct investigations.
- In response to public outcry over fatal officer-involved shootings, the voters of the City and County of **San Francisco** adopted a proposition in June and another in November, to increase the jurisdiction of the San Francisco Office of Citizen Complaints (OCC). The June proposition provided for the OCC to investigate all officer-involved shootings, not just complaint-based incidents. The November ballot proposition renamed the OCC to the Department of Police Accountability (DPA), placed the DPA in its own charter section, removed it from the Police Department's budget, and provided the DPA the authority to audit the San Francisco Police Department.

### Panelists:

- **Rashidah Grinage**, Coordinator, Coalition for Police Accountability, Oakland, CA
- **Joseph E. Marshall, Jr., Ph.D.**, Commissioner, San Francisco Police Commission, San Francisco, CA
- **Max Sword**, Commission Chair, Honolulu Police Commission, Honolulu, HI

### Moderator:

- **John Alden**, Attorney, Department of Police Accountability, San Francisco, CA

### Core Competencies Addressed:

*Civilian Oversight of Law Enforcement; the Public and Transparency; and Policing/Law Enforcement Policies and Procedures*



# Session Summaries, continued

## Collective Bargaining and Police Oversight

Amid public outcry for greater police accountability, in November voters in several major cities approved measures to create or strengthen civilian oversight of law enforcement. But what the will of the people grants, the power of police unions can take away. This panel will examine and discuss ways in which police oversight can be limited by collective bargaining agreements, what is acceptable and reasonable, and what is not.

Attendees will take away an understanding of trends in collective bargaining that impact oversight agencies; what, if any, limitations are acceptable and reasonable; and strategic approaches to bargaining oversight authority.

### Panelists:

- **Sharon Fairley**, Chief Administrator, Civilian Office of Police Accountability, Chicago, IL
- **Isaac Ruiz**, Commissioner, Seattle Community Police Commission, Seattle, WA
- **Hank Sheinkopf**, President, Sheinkopf Communications, Ltd., New York, NY
- **Kevin Stuckey**, President, Seattle Police Officer's Guild, Seattle, WA

### Moderator:

- **Deborah Jacobs**, Director, King County Office of Law Enforcement Oversight, Seattle, WA

### Core Competencies Addressed:

*Civilian Oversight of Law Enforcement*

## Building Community Trust

Building community trust cannot happen overnight nor is that trust without expiration. Just as a single officer's actions can erode trust, the collective actions of each officer can build trust. Training programs are needed to support police relationship-building efforts and equip them with tools to de-escalate and avoid confrontation whenever possible. To be effective, the training experience must also humanize both law enforcement and community members, provoke critical thinking, enhance cultural sensitivity, and inspire new paradigms for creating relationships of trust. Attendees will learn about training strategies and programs to address building trust and enhancing transparency.

This panel will discuss promoting procedural justice to guide interactions between law enforcement and communities; acknowledging the role of police in the history of discrimination; incorporating the importance of community engagement in managing public safety; engaging community members in the training process; and providing leadership training to all personnel throughout their careers. In addition, the panel will discuss the Museum's Tools for Tolerance® for Law Enforcement (TFTLE), the delivery of a multi-stage training plan for law enforcement professionals and community stakeholders.

### Panelists:

- **Charles Evans**, Senior Consultant, Training Program Services, California Commission on Peace Officer Standards and Training, Sacramento, CA
- **Mark Katrikh**, Director, Professional Development Programs, Museum of Tolerance, Los Angeles, CA
- **Paul LeBaron**, Commander, Investigative Bureau – Detectives Division, Long Beach Police Department, Long Beach, CA

### Moderator:

- **Melissa Bradley**, Senior Policy Analyst, U.S. Department of Justice, Office of Community Oriented Policing Services, Washington, DC

### Core Competencies Addressed:

*The Public and Transparency and Policing/Law Enforcement Policies and Procedures*

NOTICE

**2017 NACOLE  
Annual Membership Meeting and Elections**

**Wednesday, September 13, 2017, 3:15 p.m. PDT**

**Davenport Grand Hotel, Spokane, WA**