

2012 DAILY SCHEDULE

Building Community Trust

Sunday, October 14, 2012

- 6:00 p.m. Opening Reception
- 8:00 p.m. Professional Mentoring Program Gathering

Monday, October 15, 2012

- 7:00 a.m. Continental Breakfast
- 8:00 a.m. *Concurrent Session:* Basic Skills Session: Civilian Oversight: Getting Started Without Getting Stuck
- 8:00 a.m. *Concurrent Session:* Intermediate Skills Session: How to Assess the Quality of an Investigation
- 9:30 a.m. *Concurrent Session:* Basic Skills Session: Basic Legal Standards for Oversight Practitioners
- 9:30 a.m. *Concurrent Session:* Intermediate Skills Session: How to Develop Policy Recommendations
- 11:00 a.m. *Concurrent Session:* Basic Skills Session: How to Conduct Community Outreach
- 11:00 a.m. *Concurrent Session:* Intermediate Skills Session: Legal Updates: 2011-2012 Year in Review
- 1:30 p.m. Welcoming Remarks
- 1:45 p.m. Civilian Oversight of Law Enforcement: The San Diego Perspective
- 3:30 p.m. Featured Speaker: Erwin Chemerinsky, Dean and Distinguished Professor of Law, University of California, Irvine School of Law
- 5:00 p.m. Roundtables (Investigative; Auditor/Monitor; Board/Commission; & Mediation)

Tuesday, October 16, 2012

- 7:30 a.m. Continental Breakfast
- 8:30 a.m. *Concurrent Session:* Oversight of Policing of Public Protests
- 8:30 a.m. *Concurrent Session:* Law Enforcement and Persons with Mental Illness
- 10:15 a.m. *Concurrent Session:* The Challenges of Investigating Force in Custody: A Case Study of Los Angeles County Jails
- 10:15 a.m. *Concurrent Session:* Law Enforcement from the Core
- 12:00 p.m. Featured Luncheon Address: Constance L. Rice, Esq., Co-Director, The Advancement Project
- 1:45 p.m. Police Peer Intervention Training
- 3:30 p.m. *Concurrent Session:* Police Accountability in the Wake of the Copley Decision
- 3:30 p.m. *Concurrent Session:* Beyond Complaints: Using Systemic Performance Audits to Augment Oversight Programs
- 5:15 p.m. Meet the Journalist: Joel Rubin, Staff Writer, *Los Angeles Times*
 - 1:30 p.m. - 4:30 p.m. PRISim Training Simulator (a.k.a. "Shoot/Don't Shoot")

Wednesday, October 17, 2012

- 7:30 a.m. Continental Breakfast
- 8:30 a.m. *Concurrent Session:* Critical Incident/Police Oversight Problem Solving Workshop
- 8:30 a.m. *Concurrent Session:* Technology in Policing: The Pros and Cons of Wearable Body Cameras
- 10:15 a.m. *Concurrent Session:* Does Pattern or Practice Reform Enhance Police Accountability?
- 10:15 a.m. *Concurrent Session:* Officer-Involved Shooting Investigations - New Methodologies, New Mandates, and New Rules
- 1:15 p.m. *Concurrent Session:* Parallel or Consecutive Criminal and Administrative Investigations - Difficult Choices
- 1:15 p.m. *Concurrent Session:* Social Media for Police Oversight: Like It or Not, You Better Get LinkedIn
- 3:00 p.m. Membership Meeting and Elections
- 6:30 p.m. Sankofa Reception, USS Midway Museum
- 10:00 a.m. - 4:30 p.m. PRISim Training Simulator (a.k.a. "Shoot/Don't Shoot")

Thursday, October 18, 2012

- 7:30 a.m. Continental Breakfast
- 8:30 a.m. Special Investigations Unit: Oversight Undermined
- 10:15 a.m. Restorative Circles: Building Community Trust with the Police
- 11:45 a.m. Closing Remarks



SUNDAY, OCTOBER 14, 2012

6:00 p.m.
Opening Reception

The Westin San Diego
400 West Broadway
San Diego, CA 92101

Please join us on the Third Floor of the Westin in the Pearl Room (and also on the pool deck) for our Opening Reception. We are delighted to welcome the Steel Monarchs steel drum band from the Monarch School in San Diego who will be performing for us during the reception. The mission of the Monarch School is to educate students impacted by homelessness and to help them develop hope for a future with the necessary skills and experiences for personal success. Established in 1999, the Steel Monarchs steel drum band provides a creative outlet for Monarch School students. They make a significant commitment of their free time to be in the band, practicing 4 times a week and performing 5-7 shows per month. Band members are also goodwill ambassadors, so please take a moment to talk with them about their school.

6:00 p.m.
Registration

Conference attendees will be able to register during the Opening Reception. If you are unable or would rather not take this opportunity to register and receive your conference materials, then you will also be able to check-in at the registration desk on Monday morning beginning at 7:00 a.m.

8:00 p.m.
Professional Mentoring Program Gathering

The NACOLE Professional Mentoring Program is hosting an informal get together and information session on Sunday evening beginning at 8:00 p.m. The Mentoring Program offers opportunities for experienced and newer police oversight professionals to continue their professional development through formal mentoring relationships. The program was officially launched at the 2009 Annual Conference in Austin, and has been steadily growing ever since. Participation is voluntary, and one-on-one relationships between mentors and mentees are developed through regular communication via telephone and/or e-mail, usually on a monthly basis, participation in topic-specific conference calls and other professional growth opportunities. The Sunday evening get together, an annual tradition, is a wonderful opportunity for participants to meet face-to-face and for those interested in being a mentor or mentee to learn more about the program. We hope that you will join us!

MONDAY, OCTOBER 15, 2012

8:00 a.m. - 9:15 a.m.

Session I: Basic Skills (Concurrent)

Civilian Oversight: Getting Started Without Getting Stuck

Oversight practitioners who have faced the challenges of shepherding an agency through its first difficult years share their experiences and offer ideas on how to handle the many obstacles a new agency faces. They will offer real-life examples of how different types of recently established oversight models throughout the United States have fared during their initial years of existence, and discuss lessons on obstacles they have encountered and strategies they have employed for success.

Among other topics, the session will focus on the following themes: (1) different models of oversight; (2) defining the expectations of the public and civic organizations; (3) learning to define the agency's mission; and (4) navigating implementation of governing ordinances and local laws. Other relevant topics will include making the most of funding; hiring qualified personnel; identifying key stakeholders and building relationships in city and state government; mobilizing advocacy and community groups to support adequate and long-term support for oversight; and working with the police chief, the unions, and Internal Affairs. The session will identify resources needed, including how to use online resources and mentoring programs.

Panelists:

Cristina Beamud, former Executive Director, Atlanta Citizen Review Board, Atlanta, GA

Sue Quinn, NACOLE Past-President and former Executive Officer, County of San Diego CLERB, San Diego, CA

Mark Smith, Independent Police Auditor, Bay Area Rapid Transit District, Oakland, CA

Moderator:

Marcos Soler, Deputy Executive Director for Policy, Civilian Complaint Review Board, New York, NY

8:00 a.m. - 9:15 a.m.

Session II: Intermediate Skills (Concurrent)

How to Assess the Quality of an Investigation

How often have you heard, in the immediate aftermath of a death or serious injury incident involving law enforcement officers, a chief of police or someone else in authority promise that there will be a "full and fair" investigation and that "no stone will be left unturned"? This presentation will give you the tools to determine whether or not that promise was kept.

Generally, the public is becoming increasingly skeptical about anyone, or any agency, investigating themselves. Policing is no exception. An investigation into incidents or issues involving police will not be credible unless it is - and is seen to be - thorough and objective. Increasingly, these investigations are being put under the microscope in the media and the courts, and sometimes the results are not pretty.

This session is designed for anyone involved in or interested in investigating the police, including civilian oversight agencies that investigate and/or review investigations done by others. Gareth will set out a methodology for assessing the quality of an investigation into police conduct, regardless of who actually conducts the investigation. It also provides a guide to planning and executing an investigation that will withstand the inevitable second-guessing.

Using the video-taped tasing of a passenger at Vancouver Airport as the basis for discussion, Gareth will set out 40 possible questions to ask to determine whether or not **ANY** investigation was conducted thoroughly and impartially. He will cover the eight basic principles that underpin virtually any fact-finding process, including independence, resources, issue identification, evidence gathering and objective assessment.

Panelist:

Gareth Jones, Director, SORT, Office of the Ombudsman of Ontario, Toronto, Ontario, Canada

9:30 a.m. - 10:45 a.m.
Session III: Basic Skills (Concurrent)
Basic Legal Standards for Oversight Practitioners

This session lays out a set of minimum legal standards, which will provide a common platform for improving national basic police oversight training and professional development models. This session is intended to provide attendees with a basic understanding of relevant legal standards that are directly applicable, and where familiarization is necessary, for the practice of civilian oversight of law enforcement. This session will discuss relevant areas of the law such as, but not limited to, ethics, use of force, arrest and detention, search and seizure, Miranda, police officer bills of rights, disclosure and public records requests, and retaliation, discrimination and workplace harassment.

Panelists:

Micaela Davis, Criminal Justice and Drug Policy Attorney, ACLU of Northern California, San Francisco, CA
Dawn Reynolds, J.D., CLEA, Vice President, Elite Performance Assessment Consultants, Thousand Oaks, CA

9:30 a.m. - 10:45 a.m.
Session IV: Intermediate Skills (Concurrent)
How to Develop Policy Recommendations that will Stick

For years, oversight agencies have successfully prodded police departments to adopt reforms that lead to greater police accountability. Topics of these reviews have ranged from proposing language access policies to recommending how the police can interact better with people with mental illness. This session will include case studies presented by three panelists. Denis McCormick, an investigative manager and director of policy with the Civilian Complaint Review Board (CCRB) in New York City, will describe how his agency conducted a policy review dealing with the rise in complaints of improper police stops of citizens in and around public housing facilities. Nicole Porter, a special assistant with the Office of Police Complaints (OPC) in Washington, D.C., will discuss recommendations developed by her agency that sought both to improve the safety of bicyclists and promote better relations between officers and the rapidly increasing number of people who ride bikes in the nation's capital. Samara Marion, an attorney and policy analyst with San Francisco's Office of Citizen Complaints (OCC), will address her agency's role in working with community stakeholders and the police department to implement new juvenile policing protocols recommended by OCC. Drawing upon their experiences, the panelists will discuss lessons they have learned from conducting these specific policy reviews in their jurisdictions, including the statistical or anecdotal review of complaints, the gathering of information from the relevant law enforcement agency and community groups, and the actual drafting of the report. The panelists will also share successful strategies for implementing their agencies' recommendations so that they will stick.

Panelists:

Samara Marion, Attorney and Policy Analyst, Office of Citizen Complaints, San Francisco, CA
Denis McCormick, Investigative Manager & Director of Policy, Civilian Complaint Review Board, New York, NY
Nicole Porter, Special Assistant, Office of Police Complaints, Washington, D.C.

Moderator:

Philip K. Eure, Executive Director, Office of Police Complaints, Washington, D.C.

11:00 a.m. - 12:15 p.m.
Session V: Basic Skills (Concurrent)
How to Conduct Community Outreach

Many, if not most, oversight agencies conduct outreach in order to tap into community concerns about the police and to inform the public about the citizen complaint process. Drawing upon her experiences in San Jose, Independent Police Auditor LaDoris Cordell will discuss lessons she has learned from conducting outreach across the many communities in San Jose. In particular, she will discuss new forms of conducting community outreach, including examples of how to utilize the media and new technologies, create programs that target specific groups or communities, conduct community outreach with other city agencies, and how to set partnerships with established civic organizations.

Among the topics that will be addressed are: 1) the development of a community outreach action plan; 2) strategies to target special populations such as youth and minorities; 3) the need for outreach and training aimed at particular elements within the police department; and 4) collaborating with community and advocacy groups to build support for oversight agency initiatives.

This workshop is primarily geared toward citizen oversight offices that want to either start up a community outreach program or develop more effective strategies for educating the public about the role of their agencies.

Panelist:

Honorable LaDoris Cordell (Retired), Independent Police Auditor, San Jose, CA

11:00 a.m. - 12:15 p.m.
Session VI: Intermediate Skills (Concurrent)
Legal Updates: 2011-2012 Year in Review

This 2011-2012 Legal Update session is intended to aid civilian oversight practitioners, law enforcement officers, police and private investigators, law enforcement administrators, prosecutors, the judiciary, other attorneys engaged in the practice of criminal law, students, and legal educators and scholars, in accessing, using and understanding important recent cases relevant to policing and public safety oversight, primarily from the United States Supreme Court and Circuit Court levels. This session will also discuss relevant case law from the California State Court system.

Panelists:

Micaela Davis, Criminal Justice and Drug Policy Attorney, ACLU of Northern California, San Francisco, CA
Dawn Reynolds, J.D., CLEA, Vice President, Elite Performance Assessment Consultants, Thousand Oaks, CA

12:15 p.m. - 1:15 p.m.
Lunch on your own

1:30 p.m. - 1:45 p.m.
Welcoming Remarks

Kathryn Olson, NACOLE President, Director, Office of Professional Accountability, Seattle, WA

The Honorable Jerry Sanders, Mayor, San Diego, CA

1:45 p.m. - 3:15 p.m.
Session VII

Civilian Oversight of Law Enforcement: The San Diego Perspective

Within its borders of 4,261 square miles, San Diego County encompasses 18 incorporated cities, including San Diego, Chula Vista, Del Mar, La Mesa, Escondido, Carlsbad, and National City. The 2010 Census Records reflected that San Diego County is the fifth most populous county (3,095,313 pop.), and the City of San Diego (1,307,402 pop.) is the eighth largest city, in the United States.

Civilian oversight of law enforcement was first established in San Diego County in 1988 when the public voted to establish the City of San Diego's Citizens' Review Board on Police Practices (CRBPP). The CRBPP has jurisdiction over serious complaints brought by the public against the more than 1,700 sworn officers of the San Diego Police Department. The CRBPP also has jurisdiction over all officer-involved shootings and in-custody deaths.

San Diego County's Citizens' Law Enforcement Review Board (CLERB) was established in November of 1990, after overwhelming support of a ballot measure. CLERB has jurisdiction over 2,200 sworn sheriff deputies assigned mainly to the department's three main Bureaus—Law Enforcement, Detentions, and Court Services. CLERB also has jurisdiction over 1,000 sworn probation officers working in Adult Field Services, the Adult Gang Unit, Juvenile Field Services, Juvenile Special Operations, and Institution Services. Additionally, CLERB has jurisdiction over fatal deputy-involved shootings and all in-custody deaths.

In 2003, National City created the third civilian oversight agency in the County when the National City City Council approved the formation of the National City Community and Police Relations Commission (CPRC), with jurisdiction over the city's 82 sworn police officers.

Panelists:

Adolfo Gonzales, Chief, National City Police Department, National City, CA
William Gore, Sheriff, San Diego County Sheriff's Department, San Diego County, CA
Mack Jenkins, Chief Probation Officer, San Diego Probation Department, San Diego County, CA
William Lansdowne, Chief, San Diego Police Department, San Diego, CA
Ed Prendergast, Undersheriff, San Diego County Sheriff's Department, San Diego County, CA

Moderator:

Ilana Rosenzweig, Chief Administrator, Independent Police Review Authority, Chicago, IL

3:30 p.m. - 4:45 p.m.

Session VIII

Featured Speaker

Erwin Chemerinsky, Dean and Distinguished Professor of Law, University of California, Irvine School of Law

Erwin Chemerinsky is the founding dean and distinguished professor of law at the University of California, Irvine School of Law, with a joint appointment in Political Science.

Previously, he taught at Duke Law School for four years, during which he won the Duke University Scholar-Teacher of the Year Award in 2006. Before that he taught for 21 years at the University of Southern California Gould School Of Law, and served for four years as director of the Center for Communications Law and Policy. Dean Chemerinsky has also taught at the University of California, Los Angeles School of Law and DePaul University College of Law.

His areas of expertise are constitutional law, federal practice, civil rights and civil liberties, and appellate litigation. He is the author of seven books, most recently, *The Conservative Assault on the Constitution* (October 2010, Simon & Schuster), and nearly 200 articles in top law reviews. He frequently argues cases before the nation's highest courts, and serves as a commentator on legal issues for national and local media.

Dean Chemerinsky holds a law degree from Harvard Law School and a bachelor's degree from Northwestern University.

Dean Chemerinsky will discuss the importance of constitutional policing and publicly accountable law enforcement agencies. He also will discuss recent and pending United States Supreme Court decisions that will impact policing, including their effects on the practice of civilian oversight of law enforcement.

5:00 p.m. - 6:00 p.m.

Session IX

Roundtables

Auditor/Monitor Models of Oversight: Facilitators - Cristina Beamud, Karen Williams

Board/Commission Models of Oversight: Facilitators - Max Caproni, Ilana Rosenzweig

Investigative Models of Oversight: Facilitator - Pierce Murphy

Citizen Complaint Mediation Programs: Facilitator - Christian Klossner, Ines Vargas Fraenkel

As it has done in the past, NACOLE is again featuring model-specific workshops to allow oversight practitioners to meet and dialogue with others working in like-models of oversight to discuss issues and methods pertinent to their specific brand of oversight.

In an effort to address additional topics that are of great interest to attendees, this year, NACOLE has added a roundtable that will discuss the benefits and challenges of citizen complaint mediation programs. This particular roundtable should be helpful to both those with existing mediation programs and those who wish to start one.

With the assistance of facilitators, attendees will be free to structure the discussion as they choose or as the discussion leads in all four roundtables. All conference attendees can benefit from participating in one of the above sessions.

TUESDAY, OCTOBER 16, 2012

8:30 a.m. - 10:00 a.m.

Session X (Concurrent)

Oversight of Policing Public Protests

From Occupy to NATO and everything in between, communities, police departments and oversight agencies are frequently challenged with how to prepare and respond to mass demonstrations and large-crowd events, recognizing the wide range of competing interests of all parties involved.

Throughout the past year, we have witnessed varied responses from police departments and community leaders to the Occupy movement, both in the United States and in other countries. The tactics employed have ranged from peaceful mediation and cooperation to violent encounters between demonstrators and police. This, coupled with a wide range of public expectations on how best to engage protestors, presents a challenge to law enforcement in developing best practices, as well as to civilian oversight in defining its role in monitoring and/or reviewing these events.

This panel is intended to assist civilian oversight agencies in preparing for public protests using examples from responses to Occupy movements, NATO and the G20 Summit. Panelists will use a “nuts and bolts” approach, discussing preparations made by the oversight agencies in their communities, including making decisions on whether or not to monitor an event.

The presenters will address the perspective of law enforcement as well as applicable constitutional issues involving public protests. This discussion will not explore the politics behind the topics of the protests, but rather the planning and response on behalf of the police, local government and civilian oversight.

Panelists:

Scott Ando, First Deputy Chief Administrator, Independent Police Review Authority, Chicago, IL

Kevin Keenan, Executive Director, ACLU San Diego & Imperial Counties, San Diego, CA

Boyd Long, Assistant Chief, San Diego Police Department, San Diego, CA

Gerry McNeilly, Director, Office of the Independent Police Review Director, Toronto, Ontario, Canada

Become a member of the

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For more information please visit www.nacole.org.

8:30 a.m. - 10:00 a.m.
Session XI (Concurrent)

Law Enforcement and Persons with Mental Illness

San Diego County law enforcement agencies and the not-for-profit organization, Psychiatric Emergency Response Team (PERT), have collaborated for over 15 years to improve the outcomes of law enforcement contacts with citizens living with mental illness. Through co-response teams consisting of a specially trained officer or deputy and a licensed mental health clinician, citizens with mental illness who come to the attention of law enforcement are more effectively and efficiently responded to and their needs are better met. In 2011, San Diego PERT teams responded to over 15,000 calls for service.

Identified as a best practice model, PERT also provides mental health training to law enforcement officers and dispatchers on an on-going basis. The education PERT provides and the provision of clinicians to patrol units throughout San Diego County is mutually beneficial for both our law enforcement partners and the citizens of our community. Attendees to this panel will gain an understanding of the collaboration that this unique partnership brings to law enforcement, mental health, and the community it serves.

An appreciation for the complexity of these types of calls to law enforcement and the need for these calls to be handled safely and effectively has never been more important. Collaboration between law enforcement and mental health providers improves the ability of these two different and often opposing systems to effectively work together for our community. Additionally, the presentation will discuss how oversight practitioners can best interact with and understand those suffering from various types of mental illness and Post-Traumatic Stress Disorder (PTSD).

Panelists:

Marla Kingkade, Law Enforcement Liaison, PERT, San Diego, CA

Gigi McCalla, Captain, San Diego County Sheriff's Department, San Diego, CA

Shannon Jaccard, Executive Director, National Alliance on Mental Illness San Diego, San Diego, CA

Moderator:

Karen Ullery Williams, Analyst, Office of Community Complaints, Kansas City, MO

10:15 a.m. - 11:45 a.m.
Session XII (Concurrent)

Law Enforcement from the Core

An absolute reliance by law enforcement on strict crime deterrence strategies and systematic social control mechanisms tends to create an adversarial relationship between law enforcement and the communities they serve. This is especially true with respect to racial and ethnic minority groups. When law enforcement refuses to respect and engage with communities, community members tend to be less compliant with the law and less willing to partner with the police to fight crime. As a result, crime and incarceration increase, costs rise, communities become less functional, and the relationship between police and communities breaks down even further.

This session will explore the Arbinger CORE workshop, a powerful program designed to create a dramatic increase in personal accountability, collaboration, and productive influence. Developed by the Arbinger Institute, a full-service consultancy that works with individuals and organizations to transform their effectiveness and performance, the CORE workshop enables organizations and individuals to solve their deepest and most difficult people problems—problems that have persisted despite all efforts to solve them. When used in law enforcement training, Arbinger CORE helps participants discover how they create the very problems they are charged to solve. It also invites participants to see others differently, allowing them to think and respond more effectively. This program teaches that police officers and community members should each experience a sense of empathy, fairness and regard during every contact.

Panelist:

Jack Colwell, Director of Law Enforcement and Corrections Services, Arbinger Institute, Kansas City, MO

10:15 a.m. - 11:45 a.m.
Session XIII (Concurrent)

The Challenges of Investigating Force in Custody: A Case Study of Los Angeles County Jails

The task of sorting out the seemingly justified and necessary force incidents from those times in which jailers inflict unnecessary, unjustified, and inappropriate force on inmates is a difficult one for any jail manager. Ensuring these incidents are investigated thoroughly and fairly is critical, yet even when force reports or allegations are well-investigated, it is often difficult to learn the truth about what happened, and sometimes impossible to prove that any misconduct occurred. In most cases, the only witnesses to the incidents are either officers or inmates, both of whom have - or are perceived to have - some incentive to lie or shade the truth.

In September of 2011, the ACLU of Southern California issued a press release announcing the filing of 78 declarations alleging wide-scale abuse of inmates in the Los Angeles County Jails. These declarations were made by inmates, former inmates, and third party witnesses, all describing incidents in which they either witnessed or were victims of unnecessary force by deputies. The local media, led by the *Los Angeles Times*, covered the story extensively, including the ACLU's call for the Sheriff's resignation and its concerns about the role of the Office of Independent Review (OIR), one of the oversight entities charged with monitoring the Sheriff's Department.

This panel will explore the unique challenges of investigating the use of force by law enforcement officers in jails, particularly as highlighted by the conflict that emerged in Los Angeles County in 2011. Topics will include the importance of unbiased interviewing, capturing physical evidence, and proper scoping of investigations.

Panelists:

Dana Boldt, Volunteer Jail Project Coordinator, Office of Independent Review, Los Angeles County, CA
Christy Guyovich, Commander, Los Angeles County Sheriff's Department, Los Angeles County, CA
Walter Katz, Attorney, Office of Independent Review, Los Angeles County, CA

Moderator:

Julie Ruhlin, Deputy Chief Attorney, Office of Independent Review, Los Angeles County, CA

12:00 p.m. - 1:30 p.m.
Featured Luncheon Address

Constance L. Rice, Esq.

Connie Rice has received more than fifty major awards for her leadership and unorthodox approaches to challenging brutality and reversing the raw deal for kids struggling to survive in the thin soil of poverty. She is a graduate of Harvard-Radcliffe Colleges and New York University School of Law. At her organization, Advancement Project (www.AdvancementProjectca.org), she continues her crusade for basic rights with her Urban Peace team after the 2007 release of their seminal report on gang violence in Los Angeles, "A Call to Action."

Over the course of her career, the "Lady Lawyer," as Rice would come to be known to the Los Angeles gang members with whom she struck a pioneering partnership, would take on the notoriously racist and sexist LAPD, a transit system that tried to ignore its poorest users, and a public school system that Rice and her cohorts deemed inadequate. Already a legend in Los Angeles based on these achievements alone, Connie Rice is perhaps best known for the report she co-wrote that has revolutionized the city's law enforcement policies and outreach to gangs.

Rice is also the author of the recently released book, Power Concedes Nothing: One Woman's Quest for Social Justice in America, from the Courtroom to the Kill Zones.

1:45 p.m. - 3:15 p.m.
Session XIV

**Police Peer Intervention Training:
Practicing Ethical Decision-Making and Critical Loyalty to Prevent Police Misconduct**

"The only thing necessary for the triumph of evil is for good people to do nothing."

--Edmund Burke

At the 2011 Annual NACOLE Conference, Mary Howell, a plaintiffs' civil rights attorney in New Orleans for over 35 years, made a perceptive and thought-provoking presentation analyzing the problem of police misconduct and proposing officer-based training on ethical decision making, critical loyalty, and tactics for peer intervention to prevent misconduct by

fellow officers, focusing on "bystander" officers who are not themselves perpetrators of wrong-doing. Since that time, a working group, including Ms. Howell, Mike Quinn, a retired Minneapolis police sergeant and author of "Walking with the Devil: The Police Code of Silence," Barbara Attard, police practices and accountability consultant and NACOLE Past-President, and Dr. Joel Dvoskin, a well-known forensic psychologist, court-appointed expert, and law enforcement trainer who has focused his career for over 30 years on the study and prevention of violence, have worked to develop a proposed project on "police peer intervention" to prevent or reduce police misconduct.

The central thesis of the project is that the perpetrators of police misconduct are a relatively small number of any police force, and that the vast majority of police officers are performing professionally. However, the influence of perpetrators is often significantly more pervasive than their mere numbers. Many acts of police misconduct or abuse are not the result of planned evil intention, but are committed in an impulsive moment that can ruin an officer's life, in part because nobody stepped up to prevent it. Many, if not most, police officers will, at some point in their careers, either witness or learn of misconduct by fellow officers. Yet the bystander officers frequently remain silent and passive in the face of misconduct by fellow officers, often to their own detriment, the detriment of their partners, and the detriment of the community they are supposed to serve.

Preventing police misconduct is important not only to protect the public from abuse, but also to intervene to save officers from ruining their own (as well as their partners') careers and their families' well-being because of a moment of bad judgment or uncontrolled anger. In other words, critical loyalty to fellow officers includes preventing them from making mistakes that threaten the officer's career, family, and freedom.

The working assumption of this project is that peer intervention to prevent misconduct by fellow officers is an important and often overlooked factor in deterring police misconduct. The fundamental messages of this project are:

- Bystander officers are a key, untapped resource for addressing and reducing police misconduct and excessive force.
- Comprehensive training of police officers must be instituted to enable officers to identify and incorporate ethical decision-making into all aspects of policing and to be tactically and psychologically prepared to actively intervene to prevent fellow officers from engaging in misconduct.
- Police departments must adopt ethical standards and peer-intervention strategies to support officers, to prevent misconduct, and to establish a policing model that is "self-conscious," capable of self-correcting, and upholds the standards of policing that protects and serves.

Panelists:

Joel Dvoskin, Ph.D., ABPP, Assistant Clinical Professor, University of Arizona College of Medicine, Tucson, AZ

Mary Howell, Civil Rights Attorney, New Orleans, LA

Christy E. Lopez, Deputy Chief, Special Litigation Section, Civil Rights Division, U.S. Department of Justice, Washington, D.C.

Michael Quinn, Author, Retired Police Sergeant, Minneapolis Police Department, Minneapolis, MN

Moderator:

Barbara Attard, Police Accountability Consultant and NACOLE Past-President, San Francisco, CA

3:30 p.m. - 5:00 p.m.
Session XV (Concurrent)

Police Accountability in the Wake of the Copley Decision

In 2006, the California Supreme Court's decision in the Copley Press case altered the oversight landscape with its finding that disciplinary appeals were covered by the state law that maintains the confidentiality of peace officer personnel records. The moving party had been a media outlet that sought disclosure of records and access to hearings. However, the implications were significant for oversight entities, many of which had to change their established practices in light of the Court's ruling.

At the time, the decision loomed as a threat to the transparency that helps make oversight meaningful and increases public awareness regarding police misconduct. Subsequent case law, including a recent California ruling that requires disclosure of officer names after a shooting incident, has refined the rules and reflected the ongoing tension between information-sharing and the privacy rights of officers.

This panel revisits the issues by assessing the effects of Copley as they have played out since 2006, and by discussing related questions of publicity, confidentiality, and alternatives to direct disclosure. It includes a discussion of law

enforcement's perspective, the media's role in pushing for transparency, and the approaches that oversight practitioners have taken to balance competing interests and conform to legal requirements.

Panelists:

Merrick Bobb, President and Executive Director, Police Assessment Resource Center, Los Angeles, CA
Charles A. Goldwasser, Attorney, Association of Orange County Deputy Sheriffs, Santa Ana, CA
Tony Saavedra, Investigative Reporter, *Orange County Register*, Santa Ana, CA

Moderator:

Stephen Connolly, Executive Director, Orange County Office of Independent Review, Santa Ana, CA

3:30 p.m. - 5:00 p.m.
Session XVI (Concurrent)

Beyond Complaints: Using Systemic Performance Audits to Augment Oversight Programs

Performance audits are used to identify risk that may not be discovered through the investigation and review of individual complaints. The United States Government Accountability Office (GAO) has written standards for planning, designing, and conducting audits as well as how reports should be written to ensure a greater degree of objectivity, transparency, and accountability. A standard component of oversight systems based on the Inspector General model, systemic performance audits can also be an accurate gauge of the extent of identified problems and provide helpful management tools for policy makers, supervisors, and trainers. This session will provide insight on how auditing is used at the federal level to identify fraud, abuse, and waste as well as how an auditing system can be developed and effectively used at a local level.

Panelists:

David Gaschke, Regional Audit Manager, U.S. Department of Justice, San Francisco, CA
Christopher Figueroa, Training Director, Elite Performance Assessment Consultants, (retired) Los Angeles
Police Department, Los Angeles, CA

Moderator:

Dawn Reynolds, J.D., CLEA, Vice President, Elite Performance Assessment Consultants, Thousand Oaks, CA

5:15 p.m. - 6:30 p.m.

Session XVII

“Meet the Journalist”: A Discussion of Journalism, Policing, and Police Oversight

Respected *Los Angeles Times* staff writer Joel Rubin, who for the past several years has written primarily about the Los Angeles Police Department, an assignment which includes reporting on the city’s civilian oversight body—the Board of Police Commissioners and its Inspector General—will discuss his experience covering police in Los Angeles, including any pressing issues or trends he’s identified, and then dialogue with the audience about journalism, policing, and police oversight. Joel has been at the *Times* since 2003. Previously, he covered public education for the paper, including the Los Angeles Unified School District, the nation’s second largest public school system, and was a general assignment reporter. He was part of the reporting team that won the 2004 Pulitzer Prize for Breaking News for the paper’s coverage of wildfires that ravaged the region. Before joining the *Times*, Joel worked as a freelance photojournalist, based largely in Jakarta, Indonesia, and received his master’s degree from the Columbia University Graduate School of Journalism.

Panelist:

Joel Rubin, Staff Writer, *Los Angeles Times*, Los Angeles, CA

Moderator:

Brian Buchner, Special Investigator, Office of the Inspector General, LAPD, Los Angeles, CA

1:30 p.m. - 4:30 p.m.

PRISim Training Simulator

The San Diego County Sheriff’s Department will offer NACOLE conference attendees the opportunity to participate in the Professional Range Interactive Simulator (PRISim) Suite. The PRISim Suite simulators provide highly realistic use-of-force training that develops the skills required for personnel armed with both lethal and less-lethal weapons. Sign-up sheets will be provided.

WEDNESDAY, OCTOBER 17, 2012

8:30 a.m. - 10:00 a.m.
Session XVIII (Concurrent)

Critical Incident/Police Oversight Problem Solving Workshop

Critical incidents involving the police, such as officer-involved shootings, crimes committed by police officers or high-profile uses of force captured on video, have the potential to strain police-community relations and challenge internal and external systems of review. The failure of police and civilian oversight to incorporate good practices and sound policies in preparing for and in responding to these incidents can weaken trust in the police and oversight agency, undermine police-community relations and lead to lawsuits or civil unrest. What then, is an appropriate response for an oversight agency faced with a critical incident? The answer is that there is no one right answer or singular approach. However, there are good practices being employed by oversight practitioners around the country and sharing knowledge and experience by discussing specific scenarios can improve how we all respond when faced with a real-life critical incident.

Facilitators:

Brian Buchner, Special Investigator, Office of the Inspector General, LAPD, Los Angeles, CA
Ilana Rosenzweig, Chief Administrator, Independent Police Review Authority, Chicago, IL

8:30 a.m. - 10:00 a.m.
Session XIX (Concurrent)

The Pros and Cons of Technology in Policing

Cities across the United States have adopted wearable body cameras for their police officers—cameras affixed to small headsets worn by officers or that can be attached to uniform lapels, for example—in an attempt to offer an additional layer of transparency and safety for the officers, reduce the overall number of citizen complaints, and to mitigate or minimize the police agency's exposure to liability. These cameras can foster trust in the police by assuring the public that officers' actions are being recorded. They also protect the officer by recording not just their actions but the citizen's actions as well—a digital record of which can be easily downloaded and preserved for later use during an investigation. Furthermore, the cameras protect the law enforcement agency through additional oversight of its officers.

These cameras, as with all technology, are not without their limitations. First, video recordings are only one piece of evidence in an investigation. An overreliance on digital video evidence can prove harmful to an investigation and lead to an improper outcome. Second, body cameras, or in-car cameras for that matter, do not always capture incidents in their entirety. Lastly, these cameras (may) come with significant legal hurdles. For example, the State of Washington requires two-party consent for audio recordings. The issue of whether that requirement applies to wearable body cameras is yet unresolved. At present, eleven other states have the same or similar requirement.

This session will feature a high-ranking police official from the Oakland Police Department, an early adopter of body cameras, as well as an expert in body camera technology (a representative from a company that manufactures such cameras). Panelists will explore the development of these cameras, their deployment and use on the street. More importantly, panelists will also discuss broader policy and legal issues that face any agency looking to adopt this cutting edge technology, as well as their implications for civilian oversight.

Panelists:

Eric Breshears, Deputy Chief, Oakland Police Department, Oakland, CA
Steve Ward, Founder & President, VIEVU, Raleigh-Durham, NC

Moderator:

Jayson Wechter, Investigator, Office of Citizen Complaints, San Francisco, CA

10:15 a.m. - 11:45 a.m.
Session XX (Concurrent)

Does Pattern or Practice Reform Enhance Police Accountability?

This panel will provide a comparative analysis of how effective the United States Department of Justice (DOJ) has been with consent judgments of police departments and reveal issues within the pattern or practice reform theory. Section 14141 of the 1994 Crime Act grants the DOJ authority to investigate and eliminate any “pattern or practice of conduct by law enforcement officers...that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.” Enforcement of this statute has led to remedial settlement agreements between the DOJ and several jurisdictions, including Los Angeles, Washington, D.C., and Cincinnati. Such agreements mandate that affected police departments develop additional accountability mechanisms, increase officer training, and emphasize community outreach, among other reforms designed to promote legal compliance and strengthen officer accountability.

Despite the practical impact of this legislation and its broad relevance to issues of police misconduct and legal accountability, scholars have given it relatively little attention. To date, we have no real sense for the extent to which pattern or practice reform actually works. Using both primary and secondary data, including stakeholder interviews, publicly available reports, and other outcome-based data, the panel will attempt to address this gap. This presentation will discuss pattern or practice reform in theory and also aims to provide the first comparative, empirically-driven assessment of the process as a means for driving police accountability and organizational change.

Panelists:

Joshua Chanin, Assistant Professor, School of Public Affairs, San Diego State University, San Diego, CA
Samuel Walker, Emeritus Professor of Criminal Justice, University of Nebraska at Omaha, Omaha, NE

10:15 a.m. - 11:45 a.m.

Session XXI (Concurrent)

Officer-Involved Shooting Investigations - New Methodologies, New Mandates, and New Rules: Better for Officers? Better for Public Accountability?

The authority to use deadly force is one of the most controversial aspects of policing. One shooting can cripple good will between police and a community. Oversight agencies and police must have the knowledge, skills, abilities, and nimbleness to respond quickly and thoroughly to community concerns. In addition, community leaders expect quick, complete, and accurate information to develop trust. Recent studies by such organizations as the Force Science Institute, a new mandate from the Department of Justice pursuant to the Violent Crime Control and Law Enforcement Act of 1994 regarding questioning of officers and their Garrity rights, and individual state “officers’ bills of rights” have significantly changed the dynamics of how officer-involved shootings (OISs) are investigated and whether these changes are in the best interests of the community in seeking answers and explanations. Some would argue that by moving away from criminal-centered investigations to investigations that include “voluntary” cooperation of the involved officer and 48-72-hour waiting periods prior to officer interviews, the community’s interests might not be served. This panel will feature oversight professionals who have investigated OISs and in-custody deaths and a former state homicide investigator and attorney with experience in both the investigative aspects of such cases and with representing involved police officers. Panelists will discuss important new considerations and investigative requirements in deadly force incidents, including issues at the scene, administrative processes, and the impact these new considerations have on oversight agencies and communities.

Panelists:

Eric P. Daigle, Esq., Daigle Law Group LLC, Southington, CT
Mark A. Gissiner, Police Auditor, Office of the Police Auditor, Eugene, OR
Clifton G. Purvis, Esq., Executive Director, Alberta Serious Incident Response Team, Alberta, Canada

Moderator:

Charles D. Reynolds, Deputy Monitor, Detroit, NACOLE Board Member, Dover, NH

12:00 p.m. - 1:00 p.m.

Lunch on your own

1:15 p.m. - 2:45 p.m.

Session XXII (Concurrent)

Parallel or Consecutive Criminal and Administrative Investigations: Difficult Choices

If a law enforcement officer is under investigation as a suspect in a criminal matter, the agency employing the officer must make a decision about whether to proceed with an administrative misconduct investigation or wait until the criminal issue is resolved. Conducting an administrative investigation while criminal charges are pending might provide more timely and meaningful remedial discipline for the officer and better serve the public's expectation that misconduct be addressed quickly. However, there are potential disadvantages to the parallel approach, including the possibility that the administrative investigation jeopardizes the criminal prosecution. The presenters will summarize the pros and cons of parallel versus consecutive investigations involving criminal misconduct, using illustrative cases to explore the issues involved.

Panelists:

Charles Gaither, Director, Office of Law Enforcement Oversight, King County, WA
Michael Gennaco, Chief Attorney, Office of Independent Review, Los Angeles County, CA
Diana M. Teran, Attorney, Office of Independent Review, Los Angeles County, CA

Moderator:

Kathryn Olson, Director, Office of Professional Accountability and NACOLE President, Seattle, WA

1:15 p.m. - 2:45 p.m.
Session XXIII (Concurrent)

Social Media for Police Oversight: Like it or Not, You Better Get Linked In

Social media is technology that allows users to generate and share their own content. There are numerous social media tools available, each with unique formats, audiences, and purposes. Examples include blogs, social networking sites and photo- and video-sharing sites. Social media has many benefits for civilian oversight—indeed, for government, generally. It allows information to be disseminated immediately, and gives users the ability to respond swiftly to incorrect or negative information. Social media also provides a forum to interact and engage directly with the community.

Law enforcement agencies are increasingly utilizing social media to share crime alerts and press releases, engage the community, and prevent and solve crime. Citizen oversight must understand social media and use it for all of the aforementioned reasons and, consistent with their oversight function, to ensure that it is being used properly by their respective law enforcement agency, in accordance with law and policy.

Social media and a sound social media strategy have legitimate benefits that can accrue to oversight agencies, police, and the public. However, there are serious issues that must be addressed in order to use social media effectively and properly. Social media usage must be governed by a clear policy, distinguishing elements such as official and non-official use and appropriate and inappropriate content. Legal issues such as First Amendment rights, freedom of information requests and employee discipline must also be considered. This panel, made up of experts in social media, law enforcement and civilian oversight, will discuss the ins and outs of social media, including its benefits and drawbacks, legal aspects of social media usage, and how to weave social media into your overall communication and outreach strategy.

Panelists:

Brian Buchner, Special Investigator, Office of the Inspector General, LAPD, Los Angeles, CA
Lynn Hightower, Communications Director, Boise Police Department, Boise, ID
Erica Kuhl, Community & Social Media Manager, www.Salesforce.com, San Francisco, CA

3:00 p.m. - 5:30 p.m.
Membership Meeting and Elections

The NACOLE Board of Directors will be conducting the Annual Membership meeting. It will be a time for those present to hear about the work done over the past year by the NACOLE Board, the standing and ad hoc committees, as well as by the membership supporting NACOLE activities. There will also be time for those in attendance to offer input as to the direction NACOLE takes in the year to come. In addition, NACOLE will hold its annual elections. Although you must be a designated Organizational Member or a Regular Member to vote, all members and non-members are welcome and encouraged to attend.

6:30 p.m. - 8:30 p.m.
Sankofa Reception

U.S.S. Midway
910 N. Harbor Drive
San Diego, California

Please join us on the U.S.S. Midway Museum for our annual Sankofa Reception. It is a NACOLE tradition to honor those who have helped NACOLE and civilian oversight of law enforcement get to where it is today. At the same time, it is an opportunity to welcome those who have been chosen to lead the organization into the future.

Sankofa is a West African symbol and to our roots in order to move forward. have helped the association become to continue to move forward.



concept that teaches that we must go back It is NACOLE tradition to honor those who what it is today and those who will help it

10:00 a.m. - 4:30 p.m.
PRISim Training Simulator

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THURSDAY, OCTOBER 18, 2012

8:30 a.m. - 10:00 a.m.

Session XXIV

Special Investigations Unit: Oversight Undermined

The Special Investigations Unit (SIU) is a jewel in the crown of police oversight, not just in Canada, but globally. It is a purely civilian agency that conducts criminal investigations into police-involved deaths and serious injuries. The police do not have any role in the criminal investigation. In the early- to mid-2000's, it was clear that the SIU was not fulfilling its mandate. It was kowtowing to the police. Many of its investigations were sub-standard. It was losing public confidence. Above all, it was receiving little or no support from its political masters, who were too afraid to take on police special interest groups.

The Ombudsman of Ontario, André Marin, first reported on SIU's failings in 2008. In this presentation, the Ombudsman reveals what his office found in its follow-up investigation into SIU, which was completed in late 2011. Their investigation found a re-invigorated, re-energized agency, committed to objective and thorough investigations. Yet there were still major problems - in particular the continued abject failure by the government to give SIU the support it needed when faced with a barrage of criticism from police unions and management groups. The recommendations from the Ombudsman's follow-up report go to the heart of effective police oversight and what beleaguered agencies must do to survive in a hostile environment.

Panelist:

André Marin, Ombudsman of Ontario, Office of the Ombudsman of Ontario, Toronto, Canada

10:15 a.m. - 11:45 a.m.

Session XXV

Restorative Circles: Building Community Trust with the Police

In 2010, a Seattle Police Department officer shot and killed the late John T. Williams, a First Nations wood carver. The investigative and legal review processes started immediately, but would take many months to complete. Meanwhile, there were demonstrations and emotionally charged community meetings, and a need to address the more immediate concerns of the Williams' family. While the details of the shooting could not be discussed because of legal proceedings, the Williams' family and friends, the Seattle Police Department Chief, and other department representatives agreed to meet and share their personal experiences about the tragic event through a process called a Restorative Circle. The panelists will share details about the Restorative Circle and a follow-up Circle that was held, talk about the benefits they observed and lessons learned, and explore the role Restorative Circles can play in building trust between law enforcement agencies and the communities they serve.

Building Community Trust, the theme of this year's conference, is at the heart of our work in oversight, yet paths to establishing and maintaining trust are many and varied. In many communities, building trust can be a long and sometimes painful process. We hope that this session and the information you have gathered throughout the conference will help you to go back to your own communities and begin or continue the important process of *Building Community Trust*.

Panelists:

Andrea Brenneke, Attorney, MacDonald Hoague & Bayless, Seattle, WA

Kathryn Olson, Director, Office of Professional Accountability and NACOLE President, Seattle, WA

Mike Sanford, Assistant Chief, Seattle Police Department, Seattle, WA

11:45 a.m. - 12:00 p.m.

Closing Remarks

Speaker:

NACOLE President
