



CITY OF
West Linn

22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

POLICE OVERSIGHT TASK FORCE MEETING AGENDA

Wednesday, February 24, 2021

6:00 p.m. – Meeting – Webex*

1. Call to Order
2. Approval of Agenda
3. Public Comment
4. Staff Update
5. Anthony Finnell, Board Member of NACOLE
6. Applicants for Tier 3
 - a. Determine model, scope, & focus
 - b. Criteria for appointment
 - c. Term of appointment
7. Discussion of OIR Report, Additional response from OIR & City's Position

Note: *A quorum of City Council may be attending the Police Oversight Task Force Meeting

**Due to federal and state restrictions on public gatherings, City hall is temporarily closed to the public until further notice. All City Council and Citizen Advisory Board meetings will be conducted virtually via WebEx. The public can watch this meeting online via YouTube: <https://youtu.be/fq2hwKdV2q4>*

Submit written comments by email to kmollusky@westlinnoregon.gov. All comments must be received prior to 12:00 pm on the meeting day.

To speak during the meeting, please complete the form located at: <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by noon the day of the meeting to be input into our system. Instructions on how to access the virtual meeting will then be provided to you by email prior to the meeting.

If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date, 503-657-0331.

**Arlington County, Virginia
Police Practices Group**

**Report and Recommendations
of the
Subcommittees
February 15, 2021**

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Police Practices Group Members

Allison Carpenter
Cicely Whitfield
David FitzGerald
Devanshi Patel
Elizabeth Jones Valderrama
Kathleen McSweeney
Kent Carter
Kim Phillip
LaTasha Chamberlain
Matt Puia
Naomi Verdugo
Rodney Turner
Saul Reyes
Scott Wanek
Whytni Kernodle

Note: The County Attorney, Commonwealth's Attorney, and a representative from APS also serve as ex officio members of the group.

Special Thanks to Deborah Warren, Deputy Director Human Services and Charles "Andy" Penn, Acting Chief of Police, for generously giving their time to participate.

Police Practices Group Subcommittees

Civilian Review Board

Chair: Rodney W. Turner

Members:

Kent D. Carter

Kim Phillip

Latasha Chamberlain

Saul Reyes

Traffic Enforcement

Chair: Alison Carpenter

Members:

Kathleen McSweeney

Scott Wanek

Cicely Whitfield

Whytni Kernodle

Mental Health and Policing

Chair: Naomi Verdugo

Members:

David FitzGerald

Matthew Puia

Cicely Whitfield

Alternative Dispute Resolution

Chair: Devanshi Patel

Members:

Elizabeth Jones Valderrama

Latasha Chamberlain

Cicely Whitfield

Police Practices Group Initial Recommendations for the County Manager

Overview

Following events involving policing and racial justice across the United States in the summer of 2020, the Arlington County Board asked the County Manager to lead a review of police policies and practices. While the Arlington Police Department (ACPD) continues to embrace a quality-focused, positive approach to community policing, the work of the Police Practices Group (PPG) has been intended to better understand areas of opportunity for ensuring that ACPD is current with policing best practices and continue to build trust between the police and the community. The County Manager launched a 15 member Police Practices Group in July 2020. The PPG divided into four unique subcommittees to address key issues of importance.

Civilian Review Board (CRB): The CRB subcommittee was charged with evaluating what type of civilian oversight of its police department Arlington County should implement. Considering the County Manager's assumption that a Civilian Review Board will be created in the future, the CRB subcommittee focused on reviewing the different models of civilian oversight available as well as what authority and responsibilities the recommended civilian oversight body should possess.

Traffic Enforcement: The Traffic subcommittee's charge was to "identify potential models for traffic enforcement that might be effective for Arlington County". Throughout their work, they were sure that their exploration related to traffic stops and enforcement encompassed driving, walking, and biking. They also made an early assertion that distracted, impaired, and/or reckless driving **are** public safety concerns. As such, there was agreement that safety is a top priority, and the focus of their work was focused on several key areas: (1) Understanding reasons for traffic stops; (2) Understanding the demographics related to traffic stops; and (3) Exploring alternative enforcement strategies, including engineering and technology solutions.

Mental Health and Policing: The Mental Health subcommittee was charged with identifying roles for the police department in responding to crisis calls that involve individuals with mental health issues. Early on, the subcommittee recognized that it would be important to focus on systemic issues that included individuals with mental health issues and their families, the mental health system, the police department, and the legal system. This includes proactive treatment options, crisis intervention, and longer-term oversight and review protocols. And, they also asserted that systemic change would require working collaboratively within and across agencies.

Alternative Dispute Resolution (ADR): This subcommittee was charged with identifying potential approaches in lieu of traditional policing and alternative criminal justice strategies. The group recognized that systemic approaches were historically designed to disadvantage and disproportionately affect minority communities and focused on creating equitable solutions through alternative dispute resolution efforts. The subcommittee viewed their work in the context of police practices and the criminal legal system, emphasizing the critical role for education, training, and providing alternatives to those impacted. The subcommittee's focus included: (1) The culture of calling 9-1-1; (2) Alternatives to law enforcement for preventing conflict and crime in communities; and (3) Alternatives to involvement in the criminal legal system.

These four subcommittees met for exploratory learning sessions separately from the full committee. Sessions were focused on reviewing existing policies, understanding existing and/or pending state legislation, exploring models for possible implementation, and gathering insights from members of the community, experts, and others. They also each hosted community learning sessions, a topic-specific stakeholder listening session, and gathered online feedback from the broader community.

This report includes a series of recommendations organized by subcommittee and into immediate (<1 year), short-term (1-2 years), and longer term (> 2 years) priorities. Additional materials for each subcommittee can be found in the appendix.

Additional Opportunities

Separately, an external assessment is being conducted by Marcia K. Thompson, Vice President at Hilliard Heintze, an attorney and law enforcement practitioner with more than 20 years working in the criminal justice field; and Dr. Julie Shedd, Associate Dean at the Jimmy and Rosalynn Carter School for Peace and Conflict Resolution at George Mason University. The assessment will include six key focus areas outlined below. The PPG will also have a chance to review this assessment that includes the areas below once completed and offer reflections and considerations for the County Manager.

- *Review of use of Force:* De-escalation tactics; lethal and non-lethal force; and foot and vehicle pursuits.
- *Training and Supervision:* Police Academy training; and training for implicit bias and crisis intervention.
- *Cameras:* Both body-worn and vehicle dash cameras; and policies regarding use of this equipment.
- *Recruitment and Retention:* Screening for bias; psychological evaluation; mental health programs; process for officer evaluation; promotion and leadership development programs; and compensation, including pay and benefits.
- *Internal Affairs:* Statistics; structures and procedures; effectiveness through an anonymous climate survey; grievance processes; and use of force investigations.
- *Data/Statistics:* Reviewing data collected for arrests and stops over the past 3 years and ensuring its consistency.

Race and Equity in Arlington

In September 2019, the County Board adopted an Equity Resolution. An equitable Arlington is one where all are valued, educated, healthy and safe regardless of race. As an employee, resident or business in Arlington, advancing racial equity is a county-wide priority across all aspects of government services to eliminate, reduce, and prevent disparities in policies, procedures practices, engagement, and interaction with and service to the community.

The County has recently appointed a new Chief Race and Equity Officer to advance a framework for Racial Equity across all aspects of Arlington County Government.

Arlington County's Racial Equity Goals

Normalize: A shared understanding, knowledge and terminology around racial equity within the organization and among the community. Racial equity is accepted as an imperative and priority throughout the organization and within the community.

Organize: A sustainable and supported structure to advance racial equity to include personnel and resources that become a defined and integral component of the organization and the system. Build the capacity of the organization and within the community and commit and dedicate resources to support identified areas of need.

Operationalize: Racial equity is a matter of principle in developing and considering the impact policies, plans, and decisions have on all residents as well as employees. Use the racial equity lens, tools and disaggregated data to identify where systemic and institutional racism presents itself and make the changes needed to dismantle it.

Assess: Every employee, resident and person who interacts with the County sees themselves in the work, the process, the system and structure. Evaluate and respond to changes in the workforce, culture, and community.

The work of the PPG is just one area of focus throughout the County. In November 2020, the County launched Dialogues on Race and Equity and invited residents to provide their perspectives; and hosted a series of conversations. Over 50 Arlington organizations have joined as partners to help advance the goals outlined in this effort. And, during their 2021 organizational meeting, every member of the Arlington County Board offered a renewed commitment to this work across our community.

Police Practices Group Subcommittee Recommendations

This section includes a culmination of all four subcommittee recommendations in order of priority recommendations: Immediate (< 1 year); Short term (1-2 years); and Long term (>2 years). Full subcommittee reports can be found in subsequent appendices.

Immediate Recommendations (< 1 year)

Civilian Review Board

1. Establish a Hybrid Civilian Oversight System with an auditor/monitor + a civilian-run oversight body with investigative and subpoena authority to provide oversight of the Arlington County Police Department. This recommendation includes a full-time staff member to support the work of the PPG and a contract for an auditor monitor. See Appendix A for composition, selection, terms, training, and responsibilities of a new CRB.

Traffic Enforcement

1. *Traffic Data*
 - a. Conduct regular independent audits to review data analysis on traffic stops and related data.
 - b. Ensure there is documentation of written consent of every vehicle/person consent search.
2. *Equity in Traffic Enforcement*
 - a. Develop a sliding payment scale for County-managed traffic (speed/red light) camera violations based on income levels and fixed expenses of violators.
3. *Traffic Enforcement Policy*
 - a. Strengthen the implementation of the ACPD biased-based policing policy (531.06, § IV.b.) to require written consent forms when requesting a vehicle search.
 - b. Review state legislation and identify potential policy actions allowable for local county governments related to reducing the number of pretextual stops during traffic enforcement. Commit to eliminating types of stops associated with pretextual policing.
4. *Traffic Enforcement/Engagement*
 - a. Expand use of signage and portable mobile displays to build awareness and change behavior.
5. *Traffic Safety Education/Training*
 - a. Integrate community policing programs into driver educational programs (adults/students) to highlight importance of driver safety, traffic stop processes and protocol, and other opportunities for traffic safety.
 - b. Conduct bike/pedestrian rodeos and other public safety education for diverse communities with different cultural backgrounds, languages, and experiences.

Mental Health Crisis Intervention

1. *Co-Response and Mobile Crisis*

- a. Prepare clinicians for co-response so the Department of Human Services (DHS) is able to increase the frequency of co-response and ensure adequate staffing during days and hours with elevated mental health call volume, as determined by calls for service data.
- b. Establish Emergency Communications Center protocol for co-response between police and human service clinician providers.
- c. Initiate transition from Co-Responder to Mobile Crisis Unit. Reassign or hire additional staff as appropriate, expanding recruit pool to include students working on licensure, peers, and individuals eager to do this type of work.
- d. Ensure Crisis Intervention Center (CIC) is 24/7/365 drop-off center for police, Emergency Services, and others (e.g., family members). Reassign or hire additional staff as appropriate, including clinicians, nurse practitioners, physician assistants, psychiatrists, and non-police security professionals.
- e. Establish a plan for ACPD to use CIC as a drop-off for police when safely feasible. Establish security and chain of custody protocols from police to CIC staff.
- f. Increase security guard staffing at the Crisis Intervention Center (CIC) in lieu of ACPD to allow for chain of custody transfer for Temporary Detention Order (TDO) standbys.
- g. Use data and after-action reviews to determine the efficacy of the Co-Responder program and identify necessary adjustments.

2. *Alternative Transportation and Transfers*

- a. Maximize use of a contracted alternative (non-police) transport service in Arlington, with a long-term goal of handling 100% of emergency custody orders (ECO) and TDO related transport.
- b. Procure specialized or retrofitted vehicles for transition to Mobile Crisis, as appropriate.
- c. Identify staffing needs, funding requirements, and funding sources for Mobile Crisis and CIC drop-off center to meet the needs of the community and providers.

3. *Mental Health Data and Evaluation*

- a. Establish a quality assurance system to ensure DHS follows-up with crisis callers to check that individuals are connected to services. This includes Arlington callers reaching out during crisis to the Children's Regional Crisis Response, DHS Emergency Services, and the Arlington County Police

4. *Mental Health Staff Training and Public Education*

- a. Increase percentage of ACPD officers trained in Crisis Intervention Training (CIT) by the DHS Behavioral Health Division (BHD), with a goal of 100% of Officers, Corporals, and Sergeants in the Operations Division trained by 2023. Determine need for advanced and/or refresher CIT.
- b. Create a public awareness campaign about the CIC and other DHS services and how to access them.

5. *Mental Health Policy and Funding*

- a. Identify and initiate processes for any necessary legislative changes.
- b. Work to amend state laws so that law enforcement is not required to execute a TDO.
- c. Pursue federal, state and other funding sources to implement 2021 recommendations in 2022.

Alternative Dispute Resolution

1. *Campaign on the Proper Use of 9-1-1 Resources*

- a. The County should launch a strong public-private campaign on the proper use of 9-1-1 resources and, at a minimum, include information on the resources currently available in lieu of police response. The messaging should be ongoing, and a website should be created.
- b. The County should launch a strong public-private campaign that promotes a shift in Arlington's culture on the use of 9-1-1 from one that captures every community need to one in which valuable police resources are used in emergency and public safety matters.
- c. The County should fund and support community organizations working in minority communities in which there is a distrust for law enforcement to establish a strong police-community relationship.
- d. The County should support a robust community policing program based on authentic relationships with minority communities.
- e. The County should launch a strong public-private campaign that educates the community and agency stakeholders in bias. Messaging should be clear that the differences among community members should not be the basis for 9-1-1 resources. County messaging should focus on how community members can better evaluate the need for 9-1-1 resources in particular circumstances through an anti-racism mindset.
- f. The County should encourage a culture of diversity and promote diversity and inclusion in its decision-making and leadership. ACPD actively seeks diverse candidates, and the County should continue these efforts. The County should ensure diversity in its leadership within the criminal legal system. Diversity of experience and ideas promotes equitable outcomes for those impacted.
- g. The County should evaluate justice-based policies and procedure and ensure that they are anti-racist. This may require the creation of a diverse working group comprised of legal professionals, police officers, and the community.
- h. The County should develop anti-racism, equity-based goals for its performance plans for the criminal legal system (from entry to exit).

2. *Law Enforcement Response to 9-1-1 Calls*

- a. The County should provide any necessary funding to evaluate data collection needs and analysis capabilities and what additional data is necessary to accomplish the recommendations of the four (4) subcommittees.
- b. County should review police practices and procedures to ensure alignment with the Virginia Court of Appeals ruling in *Herrington*.
- c. Moreover, substantive training provided to law enforcement officers on requests for identification should focus on bias and promote anti-racism protocols.

3. *Emergency Communications Center (ECC)*

- a. The County should provide regular and consistent anti-racism training to ECC dispatchers.
- b. The County should encourage a culture of diversity and promote diversity and inclusion in its decision-making and leadership. Diversity of experience and ideas promotes equitable outcomes for all impacted by calls for service.
- c. The County should commence a campaign that provides information regarding services alternatives to calling 9-1-1 in non-public safety matters.

- d. Data collection and analysis should be reviewed and expanded to better understand the present and future needs for the community and users of the 9-1-1 and (703) 558-2222 (*i.e.*, non-emergency number) to guide decision-making and resource allocation.
- 4. *Resources to Resolve Conflict Between Community Member and Law Enforcement*
 - a. The County should fund community-based organizations experienced in conflict resolution to resolve matters between law enforcement and aggrieved community members.
 - b. The County should promote the availability of such resources to the community.
 - c. The County should support community-based organizations that serve minority communities so that they can assist in advancing the goals of establishing or advancing police-community relationships.
- 5. *Alternatives to and Within the Legal System.*
 - a. The County fund and support community-based programs that provide diversion opportunities to young people and adults so that they do not enter the legal system.
 - b. The County fund and support the expansion of current court diversion programs that keep youth from formal involvement in the juvenile legal system.
 - c. The County fund and support the expansion of current court diversion programs that allow adults to be released with supportive services pending adjudication on criminal matters.
 - d. The County fund and support the expansion of programs for court-involved people that address substance use/abuse and mental health so that they do not continue cycling through the criminal system.

Short Term (1-2 years)

Civilian Review Board

1. *Operating the Hybrid Civilian Oversight System*
 - a. After hiring an independent auditor/monitor and the selection of Arlington residents to serve on the civilian oversight body, Arlington's hybrid civilian oversight system will operate in accordance with the rules and parameters established in Year 1.

Traffic Enforcement

1. *Traffic Data*
 - a. Make improvements to data collection to enhance the ability to more easily pull and analyze information about traffic stops by demographics, ACPD districts/beats, outcomes, and actions.
 - b. Ensure that written consent documentation of every vehicle/person consent searches is included and recorded as part of the data capture.
 - c. Define key performance indicators and benchmarks.
2. *Equity in Traffic Enforcement*
 - a. Work with local courts and judges to explore development of a sliding payment scale (as opposed to fee based) for individuals convicted of traffic violations striving for a more equitable income-based approach for payment/penalties.
3. *Traffic Enforcement Policy*
 - a. Establish career path goals aligned with an equitable approach to traffic enforcement based on data (e.g., equipment and regulatory stops for traffic stops).
 - b. Continue to increase recruitment and hiring of a more diverse ACPD workforce.
4. *Traffic Engineering/Technology*¹
 - a. Advocate with the Virginia State Legislature for increased ability to expand red light cameras beyond current restrictions; and speed cameras beyond construction and school zones . Automated ticket enforcement has the potential to improve safety, reduce unnecessary interactions between residents and police, and further advance confidence in equitable outcomes by reducing or eliminating the possibility of race- and ethnicity-based disparities in traffic enforcement.
 - b. Employ or contract a Civilian Traffic Analyst to conduct analysis of traffic safety occurrences and align technology with evidence-based criteria.
 - c. Increase the number of traffic studies to ensure implementation of red-light photo cameras at intersections that meet the criteria.
 - d. Complete the incorporation of Vision Zero into transportation safety plans; form an advisory group that is made up of existing traffic and transportation related committees to advise special ACPD operations staff.

¹ While the PPG Traffic Subcommittee acknowledges the benefits of technology and engineering solutions, they also recognize that technology alone will not solve the issues and that care and attention need to be focused on placement to avoid unintended bias.

5. *Traffic Enforcement/Engagement*

- a. Utilize traffic stops primarily for traffic safety violations.
 - (i) Recognize that traffic stops provide a positive opportunity for community engagement.
 - (ii) Focus traffic enforcement stops on traffic safety violations with an opportunity for traffic safety education and engagement.
 - (iii) Discourage traffic stops based solely on regulatory and/or equipment violations.
 - (iv) Beyond traffic safety, traffic stops should only be conducted when explicit dangerous behavior is present.
 - (v) Reduce/eliminate pretextual traffic stops, using traffic safety as the focus for traffic stops.

6. *Traffic Safety Education/Training*

- a. Integrate education and awareness regarding drug/alcohol traffic safety as part of health/education classes.

Mental Health and Policing

1. *Mental Health Crisis Intervention*

- a. Establish full transition from Co-Responder to Mobile Crisis Unit. Use relevant data to fine-tune program.
- b. Minimize ACPD involvement in mental health calls to lowest and safest possible frequency and circumstances.

2. *Proactive Mental Health Services for Children*

- a. Empower APS and DHS to develop and implement a plan to place clinicians in schools (before, during and/or after school hours to reduce stigma, missed class time, and transportation barriers to accessing evidence-based treatment services).
- b. Modify the Second Chance program so it is held on weekends, restructured as 2-hour sessions over eight weeks. Ensure equity of access by informing all parents of middle and high school students about this program
- c. Establish ability for DHS to bill a variety of insurance plans for children's mental health and substance abuse services, as is done for adult services
- d. Establish DHS billing system to charge insurance for children's mental health and substance abuse services, as they do for adult services.

3. *Proactive Mental Health Services for Young Adults (YA)*

- a. Empower DHS to develop and implement a true First Episode Psychosis (FEP) program to intensively treat eligible teens and young adults ages 15-30. Seek funding for this evidence-based program.
- b. Empower DHS to engage YA clients in social, educational and volunteer activities both one-on-one and in groups.

4. *Proactive Mental Health Services for All Adults, Children and Families*

- a. Establish and implement a DHS plan to use staff to increase community-based outreach and evidence-based treatment, including alternative strategies for clients who miss appointments.
- b. Establish and implement a protocol for staff to meet adult clients upon release from jail, step-down, or hospital to ensure they have medications and/or upcoming appointments. Assist clients in resolving any barriers to ongoing treatment (e.g., medication,

- transportation, housing).
 - c. Establish and implement a DHS plan to use staff to “engage” individuals in need of mental health or substance abuse services but who are not yet clients; encourage them to voluntarily participate in treatment.
 - d. Empower DHS to develop a card with essential contact numbers for assistance. County agencies can provide to their clients and the public. Distribute it community-wide.
 - e. Ensure that DHS continues to work with hospitals to improve discharge planning and coordination for clients, ensuring patients are discharged with plans for ongoing care.
 - f. Develop a notification and referral system to DHS when Arlington residents are declined hospital psychiatric/mental health admission.
 - g. Empower DHS mental health and substance abuse staff to increase community-based outreach and treatment using evidence-based services; and follow-up with individuals turned away from voluntary hospital admission to provide them linkage to services.
5. *Mental Health and the Legal System*
- a. Empower Commonwealth Attorney to develop and implement guidelines to maximize use of pre-charge diversion while reducing public safety risk and negative impacts of court involvement and incarceration. Plan to include probation violators in the behavioral docket and drug court.
 - b. Utilize authority to maximize use of mandatory outpatient treatment.
 - c. Working directly with the Commonwealth Attorney Office, create Behavioral Health Docket in both the Circuit and JDR Courts. And, seek approval and funding from the State as needed.
 - d. Empower JDR court services collaborate with neighboring jurisdictions to offer Multi-Systemic Therapy; and seek funding as needed.
6. *Substance Abuse Treatment*
- a. Empower DHS to develop and implement a full array of substance abuse evidence-based treatment services **for all ages**, including residential and outpatient programs. Seek funding for implementation.
 - b. Provide Acceptance and Commitment Therapy (ACT) programs for inmates in jail less than nine months and offer in modular segments.
7. *Mental Health and Services for People Experiencing Homelessness*
- a. Develop and implement a plan to provide shelter placement for those single adults with less than 90 days residency in Arlington who desire it when shelter capacity permits. (Requiring 90 days residency in Arlington for those who desire shelter placement poses a barrier to sheltering chronically homeless single adults who often move between jurisdictions.)
 - b. Develop additional housing options as needed.
Empower DHS staff to actively engage shelter residents and other chronically homeless residents to voluntarily participate in evidence-based treatment.
8. *Mental Health Policy*
- a. Create a mechanism for providing oversight and accountability of PPG mental health recommendations and related plans. Recommend this is in coordination between a Judge on the General District Court and the County Manager’s Office.

Alternative Dispute Resolution

1. *Campaign on the Proper Use of 9-1-1 Resources*
 - a. The County should prosecute clear cases of racially motivated 9-1-1 calls under Virginia Code Section 18.2-461(Falsely Summoning Law Enforcement); however, recognizing that most circumstances will be difficult to charge, it is necessary to focus on educating the community on systemic racism. No member of the community is immune from its harmful impacts; specifically, its impact on individual perception. Regular training should be given to all law enforcement, emergency center dispatchers, and legal system professionals on bias. Training should employ an anti-racism philosophy that encourages self-awareness and examination.
2. *Law Enforcement Response to 9-1-1 Calls*
 - a. The County should revise and amend Section 17-13(C) (Refusal to Identify Oneself at the Request of a Police Officer) of the Arlington County Ordinance.
3. *Emergency Communication Center*
 - a. The County should expand ECC operations to allow dispatchers to respond to calls beyond its current binary protocol.
4. *Alternatives to and Within the Legal System*
 - a. The County fund and support expansion of court dockets that promote access to substance use/abuse and mental health services.
 - b. The County fund and support the creation of a program that implements non-judicial sanctions for misdemeanor and low-level offenses so that court-involved persons can avoid a criminal record.

Long Term (> 2 years)

Civilian Review Board

1. *Evaluate and Modify the Hybrid Civilian Oversight System as needed.*
 - a. After a few years of operation, the County Manager and/or the County Board, with input from the civilian oversight body, will evaluate the effectiveness of the existing civilian oversight system. If warranted, modifications to the system will be proposed and, if agreed upon, implemented.

Traffic Enforcement

1. *Traffic Data*
 - a. Measure officer performance against established indicators and benchmarks.
2. *Equity in Traffic Enforcement*
 - a. Utilize warnings for photo/red-light and speed camera violations at various thresholds over the speed limit and light expiration time limits, and/or consider a first warning prior to issuing a financial penalty.
3. *Traffic Enforcement Policy*
 - a. Consider expanding the use of traffic safety (unsworn) officers or Sheriff's deputies for traffic safety education, traffic direction/control, parking enforcement, scooter congestion, pedestrian safety, bike lane parking, and other related traffic activities.
4. *Traffic Safety Education/Training*
 - a. Implement training for each individual officer on key indicators and benchmarks related to traffic stops.

Mental Health and Policing

1. *Proactive Mental Health Services*
 - a. Fully implement First Episode Psychosis program.
 - b. Region offers Multi-Systemic Therapy for those children who would benefit.
 - c. Implement Behavioral Health Dockets in Circuit Court and JDR Court.

Alternative Dispute Resolution

1. *Evaluate and Assess Performance Measures*
 - a. Implementation of the public-private 9-1-1 campaign and the use of 9-1-1 resources.
 - b. Implementation of community-police relational programs to address distrust of law enforcement in minority communities and promote public safety.
 - c. Implementation of a public-private anti-racism campaign to educate the public on racial equity and social justice.
 - d. Implementation of a robust anti-racism training program for law enforcement officers, criminal legal system personnel, and ECC personnel.
 - e. Recruitment of diverse county leaders, decisionmakers, and personnel in the criminal legal field, law enforcement, and the Emergency Communications Center.
 - f. Revision of Section 17-13(C) of the Arlington County Ordinance, and other ordinances, to align with legal precedent and racial equity goals.

- g. Implementation of a comprehensive Emergency Communications Center that moves beyond the binary protocol.
- h. Implementation of data collection protocols to evaluate racial justice goals.
- i. Allocation of resources to community-based organizations to support conflict resolution programs and diversion programs.
- j. Allocation of resources to expand current court diversion programs and provide services to avoid pre-adjudication incarceration.
- k. Allocation of resources to expand the provision of services in order to interrupt continued criminal legal system involvement.
- l. Allocation of resources and implementation of an independent program that disrupts mass criminalization by utilizing non-judicial sanctions for misdemeanor and low-level offenses.

APPENDIX A: PPG Civilian Review Board Subcommittee

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Overview

The Civilian Review Board (CRB) subcommittee was charged with evaluating what type of civilian oversight of its police department Arlington County should implement. Considering the County Manager's assumption that a Civilian Review Board will be created in the future, the CRB subcommittee focused on reviewing the different models of civilian oversight available as well as what authority and responsibilities the recommended civilian oversight body should possess.

The CRB subcommittee approached their tasks in the following ways:

- **Reviewed Materials:** Through Dec. 17, 2020, the CRB subcommittee has conducted 13 subcommittee meetings and one Community Learning Session. In preparation for and during these meetings, the CRB Subcommittee has reviewed a variety of materials.
- **Review CRB Models:** The committee went to great lengths to review four models and look at related examples.
- **Presentations:** During the 13 subcommittee meetings and one Community Learning Session, the CRB Subcommittee heard presentations from a variety of experts with different experiences and perspectives.
- **Hosted Stakeholder Roundtable:** On October 26, 2020, the CRB hosted a stakeholder roundtable that included 17 community members who represented a cross-section of the Arlington community.
- **Community Feedback:** Members of the community were invited to provide online written feedback that resulted in 55 comments with several key themes.

Types of Questions Asked:

- *What are the issues/concerns in Arlington that civilian oversight of ACPD needs to address?*
- *What form (or model) of civilian oversight will best address these issues/concerns?*
 - Review-focused?
 - Investigation-focused?
 - Auditor/Monitor-focused?
 - Hybrid?
- *What authority and responsibilities should the civilian oversight body possess?*
 - Review completed police internal investigations, conduct its own investigations, or both?
- *What is the role of CRB in having subpoena power?*
 - Hear appeals from complainants or subject officers?
 - Receive civilian complaints and forward to ACPD for investigation or conduct its own investigations of such complaints?
 - Recommend case dispositions, discipline or revised departmental policies and procedures?
 - Hold public forums?

- Conduct community outreach?
- Focus on broader policy issues for ACPD?
- *Who should serve on a civilian review board, and how many members should be considered?*
 - Which communities do the members need to represent?
 - Qualifications to be a member?
 - How should members be selected?
 - What type of training should members receive?

Subcommittee Recommendations

Hybrid System of Civilian Oversight

The CRB Subcommittee recommends that Arlington County should adopt a hybrid system of civilian oversight with an auditor/monitor + a civilian-run oversight body (immediate).

- **Majority Recommendation:** The majority of subcommittee members recommend that the auditor/monitor + civilian oversight body should be invested with investigative and subpoena authority, as allowed by Virginia's enabling statute.
- **Minority Recommendation:** A minority of subcommittee members recommend that the auditor/monitor + civilian oversight body should initially be empowered to review completed ACPD investigations with clearly defined jurisdiction for the conduct to be reviewed by the auditor/monitor and the civilian oversight body. Accordingly, the minority recommends that neither the auditor/monitor nor the civilian oversight body be given investigative or subpoena authority at this time.

Elements of the Hybrid System of Civilian Oversight:

A. Civilian Oversight Body: Composition, Selection & Term, Training, and Staff

1. Composition:
 - a. Comprised of an odd number of members totaling 7 to 15 members from the Arlington community.
 - b. Members must be diverse and reflective of the diversity of the Arlington community.
 - c. No current or former ACPD officers or employees may serve, but former officers (or members of law enforcement) from other jurisdictions are eligible to serve as a non-voting member.
 - d. Current Arlington County gov't. employees eligible but must be cleared for potential conflicts of interest.
 - e. Members must be residents of Arlington County.
2. Selection & Term:
 - a. Members selected by County Manager and County Board by alternate selection
 - b. Members will serve 4-year terms and may serve a total of two terms (or eight years).
 - (i) For initial oversight body, the terms for the members will be staggered. Some members will be appointed for full 4-year terms and others will be appointed for 2-year terms.
 - (ii) The members appointed for 2-year terms will be eligible to serve two full 4-year terms in addition to their initial 2-year term. Thus, they will be eligible to serve for a total of 10 years on the oversight body.

3. Training:
 - a. Specialized version of ACPD's Citizen Police Academy.
 - b. Use of force.
 - c. Mental health.
 - d. Substance abuse.
 - e. Privacy/confidentiality training re: ACPD records.
 - f. Parliamentary procedure (*i.e.*, Robert's Rules of Order) or similar rules for conducting meetings.
4. Staff:
 - a. Civilian oversight body must have, at least, one person to serve as support staff.

B. Auditor/Monitor

1. Start with a contracted consultant who reports to County Manager.
2. Must have prior experience auditing/monitoring/investigating law enforcement agencies.
3. Auditor/Monitor must have, at least, one person to serve as support staff who is not shared with the civilian oversight body.

C. Majority Recommendation: {Four votes in support}

(Per the charge, this recommendation is focused on civilian oversight of ACPD. If, however, the General Assembly authorizes civilian oversight of sheriff offices, this recommendation applies to the Arlington County Sheriff's Office as well.)

1. **Investigative & Subpoena Authority** – Auditor monitor + civilian oversight body. In addition, other methods of compelling or obtaining production of information/records (*e.g.*, local ordinance, voluntary agreement with ACPD, etc.) should be adopted.
 - a. Investigative authority to be exercised on a limited basis for those matters for which the auditor/monitor + civilian oversight body determine that an independent investigation is needed.
 - b. Investigations to be conducted by the auditor/monitor.
 - c. Subpoena authority exercised only after efforts to obtain information/records voluntarily from ACPD have been exhausted.
 - d. Before applying for a subpoena, the civil oversight body will escalate its request up to the County Manager. If escalation is unsuccessful, the civil oversight body may apply for a subpoena.
2. **Review Authority** – Auditor/monitor + civilian oversight body will have authority to review completed ACPD investigations.
 - a. Auditor/monitor will receive ACPD internal investigation reports before they are issued to assess thoroughness and sufficiency and be given the

authority to recommend changes to a report before it is issued, including a recommendation that additional investigative steps be taken.

3. **Make Binding Disciplinary Determinations** – Civilian oversight body will have authority, in consultation with the ACPD Police Chief, to make binding disciplinary determinations for ACPD officers who have been found to have committed serious breaches of ACPD procedures or professional standards.
4. **Receive Complaints** – Auditor/monitor + civilian oversight body will have authority to receive complaints from the public against ACPD and the discretion to determine whether the complaints should be passed on to ACPD for investigation or should be investigated by the auditor/monitor.
5. **Advise on Policies and Procedures** – Auditor/monitor + civilian oversight body will have authority to review and make recommendations regarding ACPD on policies and procedures.
6. **Issue Public Reports** – The auditor/monitor will have the authority to issue public reports to County Manager and County Board regarding its review of internal investigations and ACPD’s policies and procedures.
7. **Engage with Community** – Civilian oversight body will have the authority to hold public meetings and share information with the public to promote transparency.

Advantages/Disadvantages of Majority and Minority Recommendation:

- Advantages:
 - An independent civilian oversight body with sufficient authority, resources, and capabilities to perform effective oversight of ACPD will promote transparency and build trust between ACPD and those parts of the Arlington community that currently have a challenging relationship with the department.
 - A civilian oversight body with the recommended authority and responsibilities can provide a fresh perspective to ACPD regarding its existing policies and procedures and can partner with ACPD to provide insights on how to improve those policies and procedures.
 - A civilian oversight body with the recommended authority and responsibilities will be viewed as a credible agency to which the community can bring its complaints and be assured that those complaints will be taken seriously and treated fairly.
- Disadvantages:
 - An auditor/monitor + civilian oversight body with the recommended authority and resources will be more expensive than a purely volunteer civilian review board.

- ACPD considers the establishment of a civilian oversight body with the recommended authority and responsibilities in the majority recommendation will be interpreted as an indication of a lack of trust in ACPD.

Operating the Hybrid Civilian Oversight System

After hiring an independent auditor/monitor and the selection of Arlington residents to serve on the civilian oversight body, Arlington's hybrid civilian oversight system will operate in accordance with the rules and parameters established in Phase 1 (short term).

Evaluating and Modifying the Hybrid Civilian Oversight System

After a few years of operation, the County Manager and/or the County Board, with input from the civilian oversight body, will evaluate the effectiveness of the existing civilian oversight system. If warranted, modifications to the system will be proposed and, if agreed upon, implemented (long term).

Materials Reviewed

Through Dec. 17, 2020, the CRB subcommittee has conducted 13 subcommittee meetings, one Community Learning Session, and one Stakeholder Roundtable Session. In preparation for and during these meetings, the CRB subcommittee has reviewed a variety of materials including the following:

- The National Association for Civilian Oversight of Law Enforcement (“NACOLE”) materials regarding civilian oversight
- FAQs – National Association for Civilian Oversight of Law Enforcement
- Models of Oversight (NACOLE Pre-publication Summary, June 1, 2020)
- Recommendations for Effective Practices (NACOLE Pre-publication Summary, June 1, 2020).
- Thirteen Principles for Effective Oversight (NACOLE Pre-publication Summary, June 1, 2020)
- Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models (September 2016)
- Civilian Oversight of Law Enforcement: Assessing the Evidence (September 2016)

Materials regarding civilian oversight in other jurisdictions:

- Initial Police Civilian Review Board Report for Charlottesville, VA
- Virginia Beach, VA Investigation Review Panel
- Nashville, TN Community Oversight Board
- Houston, TX Independent Police Oversight Board
- Fairfax County, VA Police Civilian Review Panel & Fairfax County, VA Independent Police Auditor

Bills/Legislation regarding law-enforcement civilian oversight bodies:

- SB 5035 – Law-enforcement civilian oversight bodies; localities may establish, duties, effective date
- HB 5055 – Law-enforcement civilian oversight bodies; localities may establish, duties, effective date

Other sources:

- Citizen Review of Police: Approaches & Implementation
- Civilian Oversight of the Police in Major Cities

Civilian Review Board Models and Related Examples

A. Review-focused Models

- Represent the earliest and most common form of civilian oversight in the U.S., accounting for nearly 62% of civilian oversight agencies in the U.S.
- In most basic form, review-focused agencies provide community members outside of and unaffiliated with the law enforcement agency with an opportunity to review the quality of misconduct complaint investigations performed by the overseen department.
- Have varying levels of authority.
- Can review completed internal investigations.
- Are often permitted to receive civilian complaints and forward them to the department for investigation, and can:
 - remand cases back to the department's internal affairs unit for further investigation;
 - hear appeals from complainants or subject officers;
 - recommend case dispositions, discipline or revised departmental policies and procedures;
 - hold public forums; and
 - conduct community outreach.

Example:

Virginia Beach Investigative Review Panel (IRP) (Population: 449,974)

- IRP ensures that reports and conclusions of the Police Department's Internal Affairs Office investigations involving abuse of authority or other serious misconduct are complete, accurate, and factually supported;
- An IRP review of a police dept. internal affairs investigation of alleged abuse of authority or other serious misconduct is initiated after receiving a request from a complainant; and
- The IRP may:
 - concur with the findings of the police department investigation;
 - advise the City Manager that the findings are not supported by information reasonably available to the police is not appropriate for review by the IRP; and/or
 - recommend to the City Manager that a specific Police Dept. policy or procedure be revised or amended.
- Composition:
 - Five-member panel, volunteer panel w/ two alternates appointed by City Council;
 - Serve three-year terms; and
 - Cannot be an officer or employee of the city.

B. Investigation-focused Models

- Are the second most common form of civilian oversight in the U.S.
- Employ professionally trained investigative staff to conduct investigations of allegations of misconduct independently of the overseen department's internal affairs unit or replace critical functions of a standard internal affairs unit altogether.
- Can vary greatly both in terms of authority and organizational structure **but tend to be the most cost- and resource-intensive forms of oversight given their staffing needs.**

- Typically have greater access to law enforcement records and databases than review-focused agencies, particularly with regards to body-worn camera and in-car video.
- **Are more likely to have the ability to subpoena documents and witnesses than either review-focused or auditor/monitor-focused models in order to expedite the collection of evidence.**
- Some include a volunteer board or commission.
 - The roles of these boards or commissions can vary greatly.
 - In some cases, the board or commission acts in an advisory capacity or a leadership capacity.
 - Some may conduct votes to initiate investigations, issue subpoenas, and determine the dispositions of misconduct allegations based on staff investigations.
 - Other boards or commissions hold public hearings, conduct community outreach, determine policy-related matters the agency should investigate further, or make specific policy recommendations.

Example:

Memphis Civilian Law Enforcement Review Board (CLERB) (Population: 1,150,000)

- CLERB is an independent agency with the authority **to investigate** allegations of misconduct filed by citizens of the public against the Memphis Police Department (MPD).
- CLERB has the power to:
 - receive,
 - investigate,
 - hear cases,
 - make findings, and
 - recommend action on complaints regarding:
 - excessive and deadly force,
 - injuries occurred while in police custody,
 - harassment by police,
 - improper arrests,
 - inadequate investigations,
 - or any other improper conduct by a member of MPD.
- CLERB reports its findings to the Memphis Police Department.
- Composition:
 - Consists of no more than 13 members (currently eight members) appointed by the Mayor (with City Council approval) and comprised as follows:
 - A law enforcement official or person with a background in criminal justice;
 - A member of the clergy;
 - A medical official;
 - One attorney; and
 - Citizens at-large.
 - Members serve four-year terms or until their successors are appointed and qualified.
 - CLERB is authorized to have a staff of, at least, three members (an administrator and a minimum of two support persons, including an investigator).
 - Current staff composition:

- Admin.;
- Investigator; and
- Sr. Asst. City Atty. & CLERB Liaison

C. Auditor/monitor-focused Models

Relatively recent innovation spurred by a desire to promote systemic change in law enforcement agencies through policy and trend analysis.

- This model has emerged as a result of political compromises between community activists pushing for civilian oversight and law enforcement agencies opposed to civilian review boards or independent investigative agencies.
- **This model is typically less expensive than investigation-focused models, but more expensive than review-focused models.**
- Sometimes referred to as inspectors general or police monitors, these types of oversight agencies tend to vary more in terms of authority than organizational structure.
- Generally created to promote broad organizational change by addressing systemic issues, analyzing patterns and trends, and addressing deficiencies in policies and procedures.
- Their work may cover virtually any aspect of the overseen law enforcement agency such as complaints, discipline, training, staffing and recruitment, use of force, and crime prevention strategies.
- Typically issue recommendations regarding any aspects of the law enforcement agency that are in their purview.

Example:

The Office of Independent Police Auditor (IPA), San Jose, CA (Population: 1,033,670)

The IPA is a government agency separate and independent of the San Jose Police Department that was created to increase confidence in the police department by listening to the community, by suggesting good policy changes, and by making sure that the department addresses officer misconduct. The IPA is staffed by six employees, including the Independent Police Auditor, an Assistant Independent Police Auditor, two senior analysts, one analyst, and an office specialist.

D. Hybrid Civilian Oversight Models and Systems

Civilian oversight agencies – particularly newly established ones – are increasingly adopting forms of oversight that go beyond the traditional *review-focused*, *investigation-focused*, and *auditor/monitor-focused* delineations by combining functions of several models.

Hybrid civilian oversight exists in two ways:

1. *Hybrid Agencies* - an agency may primarily focus on one oversight function while also performing other functions, such as reviewing internal investigations and auditing policy compliance.
2. *Hybrid Systems* – a single jurisdiction may have multiple agencies overseeing the same department, such as an independent investigative agency and an inspector general, or a monitor

agency and a civilian board acting in an advisory capacity to the law enforcement and/or other civilian oversight agency.

- Hybrid forms of civilian oversight are increasingly common, but several jurisdictions have also created multiple agencies responsible for performing different oversight functions of the same law enforcement department.

Examples:

Fairfax County, VA (Population: 1,158,620)

Fairfax County Police Civilian Review Panel

- Reviews completed Fairfax County Police Department (FCPD) investigations into complaints it receives regarding allegations of abuse of authority or serious misconduct to ensure 1) accuracy, 2) completeness, 3) thoroughness, 4) objectivity, and 5) impartiality.
- Composition:
 - Nine-member (seven citizens and two alternatives), volunteer panel appointed by the Chairman of the Board of Supervisors w/ the approval of the Board;
 - Should have expertise and experience relevant to the Panel's responsibilities;
 - One member is required to have prior law enforcement experience (outside of FCPD);
 - Serve a term of three years with a maximum of two terms.

Fairfax County Office of Independent Police Auditor (OIPA)

- OIPA reviews police investigations involving use of force and serves as an independent intake venue for complaints against the Fairfax County Police Dept.
- OIPA provides an accessible, safe, impartial, and responsive intake venue for complaints against the Fairfax County Police Department and its employees.

Denver, CO (Population: 727,211)

The Office of Independent Monitor (OIM) is the civilian oversight agency for the City and County of Denver Police and Sheriff Departments. The OIM is staffed by 15 employees, including 6 monitors, primarily attorneys: The Monitor, a Senior Deputy Monitor, and four Deputy Monitors.

Civilian Oversight Board (COB) consists of 9 citizens appointed alternatively by the Mayor and City Council with one joint appointee to:

- Assess the effectiveness of the Monitor's Office;
- Make policy-level recommendations regarding discipline, use of force and other policies, rules, hiring, training, community relations and the complaint process;
- Address any other issues of concern to the community, the COB, the Monitor, the Executive Director of Safety, the Chief of Police, the Sheriff or the Fire Chief; and to review and make recommendations as to closed Internal Affairs cases where the findings were not sustained, as appropriate

- Composition:
 - Nine members comprised of citizens appointed by the Mayor (4 appointees), the City Council (4 appointees), and jointly (1 appointee);
 - Members serve 4-year terms;
 - No officers or employees of the City or County are eligible to serve;
 - Members nor their immediate family members cannot be former employees of the Denver police, sheriff, or fire departments; and
 - Members compensated (\leq \$1,200 per year) for their service; and
 - Training required.

Virginia Law-enforcement Civilian Oversight Bodies Legislation

On October 28, 2020, the Governor signed VA Senate (SB 5035) and House of Delegates (HB 5055), effective 7/1/21, which authorizes localities to create civilian law enforcement review boards that may

- Receive, investigate, and issue findings on complaints from civilians regarding conduct of law-enforcement officers and civilian employees;
- Investigate and issue findings on incidents, including the use of force by a law enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law-enforcement officers or civilian employees;
- After consultation with the officer's/employee's direct supervisor or commander, make binding disciplinary determinations (*i.e., letters of reprimand, suspension with or w/o pay, demotion, reassignment, termination, involuntary restitution, or mediation*) in cases that involve serious breaches of departmental and professional standards;
- Investigate policies, practices, and procedures of law-enforcement agencies and make recommendations regarding changes to such policies, practices, and procedures;
- Review all investigations conducted internally by law enforcement agencies and issue findings regarding the accuracy, completeness, and impartiality of such investigations and the sufficiency of any discipline resulting from such investigations;
- Request reports of the annual expenditures of law-enforcement agencies and make budgetary recommendations;
- Make public reports on the activities of the law-enforcement civilian oversight body; and
- Undertake any other duties as reasonably necessary for the board to effectuate its lawful purpose to effectively oversee the law-enforcement agencies as authorized by the locality. Such oversight bodies would not be authorized to oversee sheriff's departments.
- The law provides that a law-enforcement officer who is subject to a binding disciplinary determination may file a grievance requesting a final hearing pursuant to the locality's local grievance procedures. It also provides that a retired law-enforcement officer may serve on a law-enforcement civilian oversight body as an advisory, nonvoting ex officio member.

Suggested Pros/Cons for Various Models

A. Review-focused model:

- Advantage – Typically, representative of the community and reflect community sentiment.
- Disadvantages – Don't have access to necessary information;
- Lack transparency because don't have access to information; and
- Typically, does not possess sufficient expertise to conduct thorough reviews.

B. Investigative-focused model:

- Advantage – Appealing because they are civilian-based and designed to have civilian control over an independent investigation.
- Disadvantage – Often under resourced to perform their investigative functions adequately;
- Several large cities (e.g., Oakland, CA; San Francisco, CA; Chicago, Ill; and New York, NY) employ this model to varying degrees of success.

C. Independent Auditor/Monitor model:

- Advantages – Employs individuals with some expertise/knowledge about law enforcement matters, including some with law enforcement experience; and Typically possess the four essential elements (mentioned above); and Contractual relationship with jurisdiction.
- Disadvantages – None provided.

Opportunities Identified

- Virginia's law on civilian oversight provides a broad array of tools that can be used establish a civilian oversight body that can be tailored to address Arlington's challenges.
- A civilian oversight body with sufficient authority and responsibilities can help address concerns regarding transparency and accountability in connection with ACPD.
- Although members of the Arlington community may have different perspectives on the need for civilian oversight of ACPD, they generally agree that a civilian oversight body can facilitate better communication between ACPD and the community.

Presentations & Insights

During the 13 subcommittee meetings and one Stakeholder Roundtable Session, the CRB subcommittee heard presentations from experts with varying perspectives and experiences to provide insights:

September 10, 2020: Arlington County Attorney, Stephen A. MacIsaac, Esq and ACPD team members provided information about current protocols to handle civilian complaints and disciplinary matters for police officers. During the meeting, they also discussed the limitations on civilian oversight in Virginia.

September 17, 2020: Brian Corr, Immediate Past President of NACOLE; and Chief Kenton W Rainey, Chief of the University of Chicago Police Dept., provided his perspective on civilian oversight based upon his experience at multiple police agencies that have worked with different types of civilian oversight.

October 8, 2020: Bradley Haywood /Parisa Dehghani-Tafti offered perspectives from Arlington County Public Defender, and the Arlington County Commonwealth Attorney's Office on perspectives on a civilian oversight body.

December 3, 2020: The subcommittee heard from other communities that have implemented different models of civilian review. Nick Mitchell, the Monitor with the Office of Independent Monitor ("OIM") for Denver, CO, explained his office's role in civilian oversight of Denver's police and sheriff departments; and **Shirley Norman-Taylor & Rhonda VanLowe** members of Fairfax County, VA's Civilian Review Panel, shared their perspectives on civilian oversight based upon their experiences serving on a civilian oversight body.

December 10, 2020: Michael Gennaco Project Manager, Office of Correction and Law Enforcement Monitoring for Santa Clara County, CA and Principal of OIR Group. He served as Chief Atty. of the Office of Independent Review for Los Angeles, CA, and he has served as an independent auditor for the cities of Burbank, Anaheim, Palo Alto, and Davis in California. Mr. Gennaco highlighted his perspectives on key elements and based on his experience offered pros and cons to various models:

Suggested Elements

- **Access:** Needs some level of access to documents, case records, etc., as well as to individuals so they can be interviewed;
- **Independence (Unbiased):** Needs to have sufficient independence from the law enforcement agency it is charged with overseeing. Related to this, however, the oversight body should appear—and in fact, should be—unbiased in the performance of its work;
- **Engagement w/ the Community:** Needs to be proactive in engaging with the community so it can listen to the community member's concerns and share information with them; and
- **Transparent:** Related to the engagement prong, the oversight body should have the ability to provide unvarnished and effective reports of its findings, concerns, etc.

Stakeholder Roundtable

On October 26, 2020, the CRB hosted an invitational roundtable that included 17 community members who represented a cross-section of the Arlington community. In addition to providing information to the stakeholders during this session, the CRB subcommittee requested feedback from the stakeholders in response to three questions:

- *What type of authority/responsibility should the Arlington civilian oversight body have?*
- *Who should be eligible to serve on the civilian oversight body?*
- *What type of training should members of the civilian oversight body receive?*

Authority/Responsibility

Among the stakeholders, there were varying opinions regarding the type of authority/responsibility the oversight body should have. For example, some stakeholders recommended that the civilian oversight body should have full investigative authority with subpoena power so it can conduct its own investigations. In support of this position, one stakeholder argued that a powerful civilian oversight body would maximize transparency and accountability and would foster confidence in ACPD.

In contrast, other stakeholders suggested that the civilian oversight body should not be given investigative authority at the start but could obtain that authority later, if necessary. This individual expressed skepticism over endowing the civilian oversight body with too much power and warned that the oversight body should not be a populist organization set up to serve as an advocate against ACPD. In support of this position, the individual expressed a desire to foster a closer relationship with ACPD and did not want to upset that goal by antagonizing the department.

Significantly, the stakeholders generally agreed that the civilian oversight body should “give voice to the community, where the relationship between the police and the community is based on trust and new stakeholders are being brought to the table.”

Eligibility to Serve

Regarding who should be eligible to serve on the civilian oversight body, there was general agreement that it should be comprised of a broad cross section of the Arlington County community. While some stakeholders suggested that there should be “balanced” representation from the community, others recommended that membership should be weighted in favor of those communities that have more frequent contacts with ACPD. On the issue of whether current Arlington County employees or members of ACPD should be eligible to serve on the oversight body, the stakeholders generally were more open to allowing county employees who are not affiliated with ACPD to serve on the oversight body. And the stakeholders who were fine with ACPD officers serving, they suggested that ACPD officers could serve as non-voting and/or advisory members on the oversight body.

In sum, the stakeholders stated that they wanted the civilian oversight body to be broadly representative of the diversity in Arlington community and that it should act “as a connective link between the sub-communities within the community.”

Training

The stakeholders generally agreed that civilian oversight body members needed to receive as much training as possible from organizations that could provide a variety of perspectives (*i.e.*, government {multiple agencies}, police, nationally accredited organizations, civil rights organizations, etc.).

Online Community Feedback

The portion of the engagement related to the civilian review board asked members of the community to share thoughts on areas of focus for a civilian review board (CRB) in Arlington and types of models or approaches for Arlington County. Community members were also asked to provide any additional comments they have on a civilian review board. There was a total of *sixty-one (61) unique responses* to this prompt.

Of the 61 responses submitted, over 55% of them were related to four (4) major emerging themes which included: A CRB Independent of Law Enforcement/Police Department, Diverse and Inclusive Representation on the CRB, Does Not Support a CRB, and CRB Must Include Police Experience/Expertise.

- **CRB Independent of Law Enforcement/Police Department:** Approximately 20% of all responses related to the civilian review board call for a civilian review board to be independent of law enforcement or the police department, specifically citing that in order for the civilian review board to be effective, it must be independent of the police department and able to make appropriate recommendations when necessary.
- **Diverse and Inclusive Representation on CRB:** Approximately 13% of responses ask for a diverse and inclusive civilian review board, specifically asking for representation from Arlington Public Schools (APS) as well as members of the community who are ethnically, socioeconomically, professionally and educationally diverse.
- **Does Not Support a CRB:** Approximately 13% of responses do not support the civilian review board, specifically asking for no funds to be allocated for the CRB and instead be utilized for transit, housing and the Arlington Police Department's Citizens Academy.
- **CRB Must Include Police Experience/Expertise:** Approximately 11% of responses called for the inclusion of law enforcement/people with police knowledge and expertise to serve on the civilian review board in order to be evidence based. Specifically, there are requests for individuals who have knowledge of best police practices, use of force, and the criminal justice system along with mandatory training for all CRB members on the use of force policy in Arlington County.
- A matrix of all the responses can be found [here](#).

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APPENDIX B: PPG Traffic Enforcement Subcommittee

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Overview

The Traffic Subcommittee's charge was to "identify potential models for traffic enforcement that might be effective for Arlington County." Throughout their work, they were sure that their exploration related to traffic stops and enforcement encompassed driving, walking, and biking. They also made an early assertion that distracted, impaired, and/or reckless driving **are** public safety concerns. As such, there was agreement that safety is a top priority, and the focus of their work was focused on several key areas:

- Understanding reasons for traffic stops;
- Understanding the demographics related to traffic stops;
- Exploring alternative enforcement strategies, including engineering and technology solutions.

The Traffic Subcommittee is interested in ensuring that policies and practices during traffic stops and enforcement activities are fair and equitable. In addition, this subcommittee has taken opportunities to identify potential strategies that could/would improve overall traffic safety.

The Traffic Subcommittee approached their learning in several ways:

- **Reviewed Materials/Literature/Legislation:** Through December 17, 2020, the Traffic Subcommittee conducted nine subcommittee meetings and one Community Learning Session. Members of the committee also reviewed various articles, [ACPD traffic enforcement policies/ protocols](#), Virginia laws and legislation, and research.
- **Presentations/Insights:** The Traffic Subcommittee heard presentations from a variety of experts with different experiences and perspectives.
- **Hosted Stakeholder Roundtable:** On October 19, 2020, the subcommittee hosted a stakeholder roundtable that included around 20 community members who represented a cross-section of the Arlington community.
- **Community Feedback:** Members of the community were invited to provide online written feedback that resulted in 82 unique comments with several key themes.

The Traffic Subcommittee utilized the following questions to guide their exploratory work

- *What should/could the PPG recommend related to Impaired Driving?*
 - Walking/Biking?
 - Speeding?
 - Other?
- *What are the protocols and practices for traffic stops in Arlington County?*
- *What data is available related to traffic stops and policing?*
- *How can data help ensure equity and fairness in traffic stops?*
- *What are the pros and cons of using cameras or other technology for traffic enforcement?*
- *What can we learn from anecdotal experiences during traffic stops?*

Subcommittee Recommendations

Traffic Data

- Conduct regular independent audits to review data analysis on traffic stops and related data (immediate).
- Ensure there is documentation of written consent of every vehicle/person consent search (immediate).
- Make improvements to data collection to enhance the ability to more easily pull and analyze information about traffic stops-by demographics, ACPD districts/beats, outcomes, and actions (short term).
- Ensure that written consent documentation of vehicle/person consent searches is included and recorded as part of the data capture (short term).
- Define key performance indicators.
- Measure officer performance against established indicators and benchmarks (long term).

Equity in Traffic Enforcement

- Develop a sliding payment scale for County-managed traffic (speed/red light) camera violations based on income level and fixed expenses of violators (immediate).
- Work with local courts and judges to explore development of a sliding payment scale (as opposed to fee based) for individuals convicted of traffic violations striving for a more equitable income-based approach for payment/penalties (short term).
- Utilize warnings for photo/red-light and speed camera violations at various thresholds over the speed limit and light expiration time limits, and/or consider a first warning prior to issuing a financial penalty (long term).

Traffic Enforcement Policy

- Strengthen the implementation of the ACPD biased-based policing policy (531.06, § IV.b.) to require written consent forms when requesting a vehicle search (immediate).
- Review state legislation and identify potential policy actions allowable for local county governments related to reducing the number of pretextual stops during traffic enforcement. Commit to eliminating types of stops associated with pretextual policing (immediate).
- Establish career path goals aligned with an equitable approach to traffic enforcement based on data (e.g., equipment and regulatory stops for traffic stops) (short term).
- Consider expanding the use of traffic safety (unsworn) officers or Sheriff's deputies for traffic safety education, traffic direction/control, parking enforcement, scooter congestion, pedestrian safety, bike lane parking, and other related traffic activities (long term).

Traffic Engineering/Technology

Note: While the PPG Traffic Subcommittee acknowledges benefits of technology and engineering solutions, they also recognize that technology alone will not solve the issues; and care and attention need to be focused on placement to avoid unintended bias.

- Advocate with the Virginia State Legislature for increased ability to expand red light/speed cameras beyond construction and school zones. Automated ticket enforcement has the potential to improve safety, reduce unnecessary interactions between residents and police, and further advance confidence in equitable outcomes by reducing or eliminating the possibility of race- and ethnicity-based disparities in traffic enforcement (short term).
- Employ or contract a Civilian Traffic Analyst to conduct analysis of traffic safety occurrences and align technology with evidence-based criteria (short term).
- Develop evidence-based criteria for the implementation of red-light cameras at key intersections and speed cameras at appropriate locations (short term).
- Increase the number of traffic studies to ensure implementation of red-light photo cameras at intersections that meet the criteria (short term).
- Complete the incorporation of Vision Zero into transportation safety plans; form an advisory group that is made up of existing traffic and transportation related committees to advise special ACPD operations staff (short term).

Traffic Enforcement/Engagement

- Expand use of signage and portable mobile displays to build awareness and change behavior (immediate).
- Establish career path goals aligned with an equitable approach to traffic enforcement using performance indicators and benchmarks based on data (e.g., equipment and regulatory stops for traffic stops) (short term).
- Continue to increase recruitment and hiring of a more diverse ACPD workforce (short term).
- Utilize traffic stops primarily for traffic safety violations (short term).
 - Recognize that traffic stops provide a positive opportunity for community engagement.
 - Focus traffic enforcement stops on traffic safety violations with an opportunity for traffic safety education and engagement.
 - Discourage traffic stops based solely on regulatory and/or equipment violations.
 - Beyond traffic safety, traffic stops should only be conducted when explicit dangerous behavior is present.
 - Reduce/eliminate pretextual traffic stops, using traffic safety as the focus for traffic stops.

Traffic Safety Education/Training

- Integrate community policing programs into driver educational programs (adults/students) to highlight the importance of driver safety, traffic stop processes and protocol, and other opportunities for traffic safety (immediate).
- Conduct bike/pedestrian rodeos and other public safety education for diverse communities with different cultural backgrounds, languages, and experiences (immediate).
- Integrate education and awareness regarding drug/alcohol traffic safety as part of health/education classes (short term).
- Implement training for each individual officer on key indicators and benchmarks related to traffic stops. (long term).

[Presentations & Insights](#)

August 17, 2020: Chief Jeff Hadley, former chief of the Kalamazoo Department of Public Safety; Arlington County Attorney Steve MacIsaac; and Dr. Alejandro del Carmen, Tarleton State University, presented to the PPG on police data collection, the new Virginia law regarding community policing data collection requirements, and research on data use in policing.

October 5, 2020: Dan Murphy, ACPD provided an overview of traffic safety considerations in Arlington County. As a result of this presentation, the subcommittee made an early assertion that distracted, impaired, and reckless driving are public safety concerns. This presentation provided insights for additional data requests related to types of traffic stops.

October 12-October 15, 2020: Members of the PPG traffic subcommittee talked with the International Association of Chief of Police (IACP) and several of its members to learn about the use of traffic enforcement cameras, the Data-Driven Approaches to Crime and Traffic Safety (DDACTS) model, and approaches to traffic stops in various communities.

October 16, 2020: Members of the subcommittee met with members of ACPD about data requests and associated questions.

October 19, 2020: Wen Hu, Insurance Institute for Highway Safety (IIHS), provided a presentation on research conducted by IIHS on speed/red light cameras and their impact on traffic safety and associated insights. Links to research available in references.

October 26, 2020: Wen Hu, IIHS, provided a presentation to the subcommittee and the public about IIHS research on speed and red-light cameras, as well as one study specific to Arlington County.

November 2, 2020: Members of the subcommittee watched recorded speeches by Tamika Butler and Charles Brown, nationally known experts in traffic enforcement reform who were not available to book for live speeches.

November 16, 2020: Dr. Frank Baumgartner, Professor of Political Science at UNC, and Dr. Mike Dolan Fliss, Epidemiologist at UNC, shared their research on studies related to alternative approaches to traffic stops. Links available in references.

November 30, 2020: Acting Chief Penn and Nate Foster, ACPD, provided an overview of Arlington traffic data and ACPD traffic related policies as a follow-up to earlier subcommittee requests and meetings.

December 1, 2020: Members of the PPG talked with staff at the National Highway Traffic Safety Administration (NHTSA) to learn more about the DDACTS model, a partnership between NHTSA and IACP.

[Traffic Related Virginia Legislation](#)

SB5029 - Effective March 1, 2021

Issuing citations; possession of marijuana and certain traffic infractions. Changes from primary offenses to secondary offenses the possession of marijuana and some traffic and regulatory infractions operating a motor vehicle, such as (i) without a light illuminating a license plate, (ii) without an exhaust system that prevents excessive or unusual levels of noise, (iii) with certain sun-shading materials and tinting films, and (iv) with certain objects suspended in the vehicle. A secondary offense is one for which a summons can only be issued if the offender is stopped for another, separate offense. The bill also provides that no law-enforcement officer may lawfully search or seize any person, place, or thing solely on the basis of the odor of marijuana, and no evidence discovered or obtained as a result of such unlawful search or seizure shall be admissible in any trial, hearing, or other proceeding.

HB1250-Effective July 1, 2020

Community Policing Act; data collection and reporting requirement. Prohibits law-enforcement officers and State Police officers from engaging in bias-based profiling, defined in the bill, in the performance of their official duties. The bill directs the Department of State Police (the Department) to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police officers report certain data pertaining to motor vehicle or investigatory stops. The Department is directed to provide access to the database to the Department of Criminal Justice Services (DCJS) for the purpose of analyzing motor vehicle and investigatory stops and records of complaints alleging the use of excessive force. The data analysis shall be used to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The bill requires that each time a local law-enforcement officer or State Police officer stops a driver of a motor vehicle the officer collect the following data based on the officer's observation or information provided to the officer by the driver: (i) the race, ethnicity, age, and gender of the person stopped; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any persons were arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched. The bill requires each state and local law-enforcement agency to also collect and report to the State Police the number of complaints the agency receives alleging the use of excessive force. The bill also requires the Director of DCJS to annually report the findings and recommendations resulting from the collection, analysis, and interpretation of the data from the Database to the Governor, the General Assembly, and the Attorney General beginning July 1, 2021. The report shall include information regarding any state or local law-enforcement agency that has failed or refused to report the required data. A copy of the report shall be provided to each attorney for the Commonwealth of the county or city in which a reporting law-enforcement agency is located.

Stakeholder Roundtable

October 19, 2020

Summary

The Stakeholder Roundtable brought members of the Arlington community together to discuss pressing issues surrounding potential alternatives to traffic enforcement.

The roundtable represented different interest groups and organizations from within Arlington that provided constructive feedback for the Traffic Subcommittee. While the majority of the people present at the meeting did not state personal issues with police officers, they did share observations, concerns, and insights about policing practices.

Most of the topics explored focused on three discussion topics: (1) experiences during traffic stops; (2) alternative forms of enforcement such as the use of speed and red-light cameras; and (3) concerns about privacy. These topics led to a discussion with differing viewpoints contributing to the conversation.

Experiences with Traffic Stops/Enforcement

- *If you, a family member, or a friend have had encounters with law enforcement during traffic stops (e.g., driving, walking, biking) in Arlington...*
 - *What has been your experience?*
 - *Were you stopped for no-cause?*
 - *Have you ever felt that your civil rights were violated?*
 - *What suggestions do you have for improving policy or practice related to traffic stops in Arlington?*
 - *What data do stakeholders believe might be helpful in reviewing the issues related to traffic stops and policing?*

Responses:

- Some participants had experience being stopped by the Arlington police.
- Several participants who were people of color noted their personal experiences of feeling as though they had been profiled due to their race or their vehicle.
- Several participants noted they observed multiple traffic stops along Columbia Pike, which often times appeared to involve people of color and multiple police cars.
- One participant in these stakeholder meetings identified “two-sides of the coin” of inequity in automated traffic enforcement, including that it could help protect vulnerable pedestrians (citing a study that African American children are twice as likely to be injured or killed while walking), but some concern about the role of algorithms in automated enforcement and how that could disproportionately target people of color.
- Participants noted that fears and distrust of police (and government) extend to other minorities, including the Hispanic/Latinx community.
- Some fear that a police encounter can lead to questions being raised about their immigration status and their subsequent possible deportation.
- Some expressed fear and the perception that police can decide to contact ICE even if they do not have an order for deportation.

Automated Enforcement: Engineering/Technology

- *What are the potential benefits, if any, that cameras or other technology offer to traffic enforcement practice?*
- *What are the primary concerns that community members tend to have with the use of speed/red light cameras?*
- *What should/could the PPG recommend related to the following: Impaired Driving; Walking/Biking; Speeding; Other?*

Pros Expressed

- Removing racial bias, increasing consistency in drivers' behavior because the cameras will always be there to catch and enforce regulations in the absence of police officers, and making streets safer for children and pedestrians.
- Acknowledgement that cameras could be useful.
- Cameras remove the human interaction with the police.

Cons Expressed

- Need for police presence, despite the cameras, to handle things like drunk driving, distracted drivers, and other traffic incidents.
- Concern that cameras might be strategically utilized in certain areas more than others, such as placement within low-income communities, implicitly targeting certain demographics.
- Acknowledgement that cameras are not always accurate, and tickets have been sent to the wrong people.
- Concern about thresholds being too strict (e.g., three mph over limit), leading to expensive tickets (as opposed to a warning), potentially leading to other financial challenges for first-time offenders.

Privacy

- *What, if any, privacy concerns surface when using cameras and technology to capture speeding and/or red-light violations?*
 - *Are there any other data and privacy concerns that the PPG committee should consider as they do their work?*

Responses:

- Concern that the County's use of cameras could raise revenue and increase inequity in the process.
- Concern over what kind of data is being collected, how long it is being held, and who has access to this information.
- Cameras remove the human interaction with police.
- Concerned about "Big Brother" policing with cameras going up and feeling as though they are continuously being watched.

Other Viewpoints Shared

- While some participants were steadfast in their call for full respect of police officers, other stakeholders present indicated several instances in which police officers have not been respectful to citizens, even when respect was shown to them.

- Participants noted fear of and intimidation by the police, especially in the immigrant/Latinx community.

Online Community Feedback

Online feedback related to traffic enforcement asked members of the community to share thoughts on potential models for traffic enforcement that might be applicable for Arlington and/or provide any other comments they may have on traffic enforcement and policing. There were a total of ***eighty-two (82) unique responses*** to this prompt.

Of the 82 responses submitted, more than half of them were related to five (5) major emerging themes which included: Utilizing Digital Enforcement/Cameras, Increasing Digital Enforcement/Cameras, Not Using Police to Enforce Traffic, Enforcing Traffic Violations, and Reviewing or Improving Traffic Safety Measures.

- **Utilizing Digital Enforcement/Cameras:** Approximately 21% of responses related to policing and traffic enforcement ask for the utilization of existing traffic surveillance tools, digital enforcement, and cameras. Responses include requests to use automated speed enforcement, red light enforcement and, stop sign enforcement to improve safety on the streets and reduce unnecessary demands on available police officers. Additionally, many responses call for digital traffic enforcement to remove any potential discrimination and use of force by police officers.
- **Increasing Digital Enforcement/Cameras:** Approximately 16% of responses ask for an increase in digital enforcement tools/cameras, specifically to be used to enforce traffic violations, allowing police officers to focus primarily on public safety. Comments include increasing community buy-in for camera enforcement and additional camera usage, as well as lobbying the Commonwealth of Virginia for state funds to put toward digital traffic enforcement.
- **Not Using Police to Enforce Traffic:** Approximately 6% of responses specifically ask for the removal of police officers from traffic enforcement, offering alternatives including digital enforcement and having non-ACPD staff do traffic enforcement.⁵
- **Enforce Traffic Violations:** Approximately 6% of responses ask for a continuation of enforcing traffic violations. This includes the enforcement of traffic signs, laws, and ticketing by police officers/law enforcement, addressing aggressive drivers and cyclists; and holding legislators accountable for passing traffic laws.
- **Review or Improve Traffic Safety Measures:** Approximately 6% of responses call for a review and/or improvement to current traffic safety measures, specifically calling for improving traffic safety measures to limit the role of the police, reviewing of transportation and traffic policies, lowering speed limits and adding streetlights, and analyzing traffic engineering patterns.
- A matrix of all the responses can be found [here](#).

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APPENDIX C: PPG Mental Health Subcommittee

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Overview

The stated charge of the Mental Health and Policing subcommittee was to identify roles for the police department in responding to crisis calls that involve individuals with mental health issues. But from the start, the ACPD made clear their desire to limit police involvement in mental health-related crisis calls to those with public safety implications such as a potential for violence. The subcommittee had consensus on this goal. The question became how to best respond to crisis calls concerning mental health and substance abuse issues. Also, from the start, the subcommittee recognized that focusing solely on response to crisis calls does not address the root problems of underlying serious mental illness and/or substance use disorder – the lack of early identification and effective treatment for those health issues. (For other chronic health issues, like heart disease, cancer, or diabetes, the goal is to provide effective treatment as early as possible in order to avoid the need to respond to advanced illness which is more costly and less effective.) The subcommittee agreed that recommendations for early identification and the provision of effective treatment for individuals with mental health and/or substance abuse illness was necessary to reduce the percentage of individuals with these illnesses who required crisis response. The subcommittee examined the roles and responses of the mental health treatment system, the police department, schools, and the legal system.

This subcommittee's recommendations fall into three main categories: Crisis intervention; Proactive treatment options; and Oversight and accountability protocols. Oversight and accountability are important because the subcommittee recognizes that systemic change requires working collaboratively within and across agencies.

The PPG subcommittee on mental health and policing approached their learning several ways:

- **Reviewed Materials/Literature/Legislation:** Through Dec. 1, 2020, the mental health and policing subcommittee conducted 16 subcommittee meetings, plus two Community Learning Sessions. Members of the committee also reviewed various articles and research.
- **Presentations/Insights:** The mental health and policing subcommittee heard presentations from a variety of experts with different experiences and perspectives.
- **Hosted Stakeholder Roundtable:** On Oct. 13, 2020, the mental health subcommittee hosted a stakeholder roundtable that included 12 community members who represented a cross-section of the Arlington community.
- **Community Feedback:** Members of the community were invited to provide online written feedback that resulted in 55 comments with several key themes.

Subcommittee Recommendations

From the lessons learned, the subcommittee included recommendations across three key areas:

Crisis Mental Health Services

Recommendations in this area focus on shifting from the current practice of predominately only police responding to mental health- and substance abuse-related crisis calls with very limited co-response (meaning a police officer and a clinician both responding to mental health-related calls), to an interim practice of steadily increased co-response, with a continuing shift to mobile crisis units (comprised of clinicians or other mental health workers) responding to the majority of mental health or substance abuse crisis calls for service. The goal is to ensure that best behavioral health practices are incorporated in responding to mental health and substance abuse crisis calls and the use of clinicians or other mental health workers are prioritized over law enforcement, where appropriate.

Objectives

- Develop a mental health crisis response model where a Department of Human Services Emergency Services Clinician or other trained mental health worker responds to every mental health and substance abuse crisis call in Arlington County.
- Police Department responds to mental health and substance abuse crisis calls only when other resources have been exhausted or where the potential for violence is high.
- Provide an in-county “full service” Crisis Intervention Center (CIC) facility for drop-off and walk-in support and services for suspected mentally ill patients or those abusing substances, available 24/7/365, for individual stays of up to 23 hours.
- The CIC facility is furnished with recliners, is able to provide medication on an emergency basis, and is staffed by psychiatrists, Physician Assistants, Nurse Practitioners, clinicians, peers, and security staff.
- Patients needing transport for TDOs would be transported by a private service, not ACPD, and transferred directly to a bed. In those rare cases where extended stand-by is necessary it is handled by security staff, not ACPD.

Crisis Intervention Performance Metrics

- Increase percentage of mental health- and substance abuse-related crisis calls handled by Clinicians and mental health workers.
- Clinicians/mental health workers remain safe while responding to mental health- and substance abuse-related crisis calls,
- Increase to 100% the percentage of ACPD Operations Division based officers, corporals, and sergeants are CIT trained.
- Reduce hours ACPD spend transporting individuals as a result of TDO; maximize use of contracted transport service.
- Increase percentage of individuals with mental illness and substance abuse ACPD takes to Crisis Intervention Center (CIC).
- Reduce time required to transfer custody of individual from ACPD to CIC (with a goal of 5 minutes).

Proactive Mental Health Services

The subcommittee recognizes that crisis is seldom the first sign of mental illness or substance abuse. Waiting for a crisis to occur before providing treatment is both costly and less effective. We recommend that County agencies develop ways to recognize early signs of mental illness and substance abuse and provide effective treatment or provide links to effective treatment. Successful implementation of early identification followed by effective treatment will reduce the number of crisis calls.

Objectives

- Proactively identify and provide evidence-based treatment services to children and adults with behavioral health issues. Early identification of behavioral health issues followed by effective treatment prevents more debilitating illness and future crises.
 - Offer effective treatment for trauma as this is highly linked to mental illness, substance abuse, and criminal justice involvement.
 - Include families/caregivers as part of the treatment team.
 - Eliminate barriers to accessing evidence-based treatment; outreach to clients who have missed appointments, do not disenroll them since chronic conditions require ongoing treatment; for those who can't qualify for county services, provide linkage to evidence-based services.
- Increase use of peers.
 - Peers should be used to actively and persistently engage with residents in need of treatment but who due to anosognosia or other reasons are reluctant to participate voluntarily.
 - Peers should be used to help motivate current DHS clients to continue participating in services as needed and continue their recovery.
- Divert individuals from the legal system to evidence-based treatment to the maximum extent.

Proactive Mental Health Performance Metrics

- Increase percentage of justice involved individuals with mental illness and/or substance abuse diverted into treatment pre-charge;
- Reduce percentage and number of Arlington residents with mental illness in Arlington jail;
- Recidivism of individuals with mental illness is reduced;
- Increase percentage of individuals with mental illness and substance abuse who can be safely diverted into evidence-based treatment;
- DHS knows when every hospitalized client is being discharged and meets clients at hospital to ensure needed medications are in hand, appointments are scheduled, and a peer (if needed) is provided. Same for step-down discharges and jail discharges to the maximum extent.
- Reduce missed DHS appointments by clients;
- Track usage of specialty courts/dockets to determine if changes are needed (they have a history of being underutilized in Arlington due to narrow eligibility criteria);
- Increase response of DHS Emergency Services to calls that are pre-crisis;
- Reduce crisis calls by increasing residents in treatment pre-crisis.

Oversight and Quality Assurance

Recognizing that systemic change is challenging, as is working collaboratively within and across agencies, we strongly recommend the approach described below to ensure progress is made, to include adherence to tasks and timelines.

Objectives

- Oversight and accountability should be provided by a Judge on the General District Court (though not the Judge of the Behavioral Health Docket as the recommendations here are far beyond the BHD), with meetings called periodically as needed, but not less than quarterly. Meetings should include all agencies working to achieve these recommendations and others that may be developed as this work progresses.
- County Manager's Office to provide assistance to the GDC Judge in areas of data collection, assessing progress, identifying areas of difficulty, etc.

PPG Mental Health and Policing Recommendations

Note: While the work of the PPG subcommittee on Mental Health and Policing was primarily focused on crisis intervention, there is consensus regarding the need for more proactive mental health service delivery for cohorts exhibiting early signs of psychosis so that service delivery can begin well in advance of a mental health crisis, thereby minimizing the need for mental health crisis calls in the first place.

Crisis Intervention

Co-Response and Mobile Crisis

- Prepare clinicians for co-response so the Department of Human Services (DHS) is able to increase the frequency of co-response and ensure adequate staffing during days and hours with elevated mental health call volume, as determined by calls for service data (immediate).
- Establish Emergency Communications Center protocol for co-response between police and human service clinician providers (immediate).
- Initiate transition from Co-Responder to Mobile Crisis Unit. Reassign or hire additional staff as appropriate, expanding recruit pool to include students working on licensure, peers, and individuals eager to do this type of work (immediate).
- Ensure Crisis Intervention Center (CIC) is 24/7/365 drop-off center for police, Emergency Services, and others (e.g., family members).
- Establish a plan for ACPD to use CIC as a drop-off for police when safely feasible Establish security and chain of custody protocols from police to CIC staff (immediate).
- (immediate).
- Increase security guard staffing at the Crisis Intervention Center (CIC) in lieu of ACPD to allow for chain of custody transfer for Temporary Detention Order (TDO) standbys (immediate).
- Use data and after-action reviews to determine the efficacy of the Co-Responder program and identify necessary adjustments (immediate).
- Establish full transition from Co-Responder to Mobile Crisis Unit. Use relevant data to fine-tune program (short term).
- Minimize ACPD involvement in mental health calls to lowest and safest possible frequency and circumstances (short term).

Alternative Transportation and Transfers

- Maximize use of a contracted alternative (non-police) transport service in Arlington, with a long-term goal of handling 100% of emergency custody orders (ECO) and TDO related transport (immediate).
- Procure specialized or retrofitted vehicles for transition to Mobile Crisis, as appropriate (immediate).
- Identify staffing needs, funding requirements, and funding sources for Mobile Crisis and CIC drop-off center to meet the needs of the community and providers (immediate).

Mental Health Data and Evaluation

- Establish a quality assurance system to ensure DHS follows-up with crisis callers to check that individuals are connected to services. This includes Arlington callers reaching out during crisis to the Children's Regional Crisis Response, DHS Emergency Services, and the Arlington County Police (immediate).

Mental Health Staff Training and Public Education

- Increase percentage of ACPD officers trained in Crisis Intervention Training (CIT) by the DHS Behavioral Health Division (BHD), with a goal of 100% of Officers, Corporals, and Sergeants in the Operations Division trained by 2023. Determine need for advanced and/or refresher CIT (immediate).
- Create a public awareness campaign about the CIC and other DHS services and how to access them (immediate).

Mental Health Policy and Funding

- Identify and initiate processes for any necessary legislative changes (immediate).
- Work to amend state laws so that law enforcement is not required to execute a TDO (immediate).
- Pursue federal, state and other funding sources to implement 2021 recommendations in 2022 (immediate).

Proactive Mental Health Services for Children

- Empower APS and DHS to develop and implement a plan to place clinicians in schools (before, during and/or after school hours to reduce stigma, missed class time, and transportation barriers to accessing evidence-based treatment services) (short term).
- Modify the Second Chance program so it is held on weekends, restructured as 2-hour sessions over eight weeks. Ensure equity of access by informing all parents of middle and high school students about this program (short term).
- Establish ability for DHS to bill a variety of insurance plans for children's mental health and substance abuse services, as is done for adult services (short term).
- Establish DHS billing system to charge insurance for children's mental health and substance abuse services, as they do for adult services (short term).
- Region offers Multi-Systemic Therapy for those children who would benefit (long term).

Proactive Mental Health Services for Young Adults (YA)

- Empower DHS to develop and implement a true First Episode Psychosis (FEP) program to intensively treat eligible teens and young adults ages 15-30. Seek funding for this evidence-based program (short term).
- Empower DHS to engage YA clients in social, educational and volunteer activities both one-

on-one and in groups (short term).

Proactive Mental Health Services for All Adults, Children and Families

- Establish and implement a DHS plan to use staff to increase community- based outreach and treatment evidence-based treatment, including alternative strategies for clients who miss appointments (short term).
- Establish and implement a protocol for staff to meet adult clients upon release from jail, step-down, or hospital to ensure they have medications and/or upcoming appointments. Assist clients in resolving any barriers to ongoing treatment (e.g., medication, transportation, housing) (short term).
- Establish and implement a DHS plan to use staff to “engage” individuals in need of mental health or substance abuse services but who are not yet clients; encourage them to voluntarily participate in treatment (short term).
- Empower DHS to develop a card with essential contact numbers for assistance. County agencies can provide to their clients and the public. Distribute it community-wide (short term).
- Ensure that DHS continues to work with hospitals to improve discharge planning and coordination for clients, ensuring patients are discharged with plans for ongoing care (short term).
- Develop a notification and referral system to DHS when Arlington residents are declined hospital psychiatric/mental health admission (short term).
- Empower DHS mental health and substance abuse staff to increase community-based outreach and treatment using evidence-based services; and follow-up with individuals turned away from voluntary hospital admission to provide them linkage to services (short term).
- Fully implement First Episode Psychosis program (long term).

Mental Health and the Legal System

- Empower Commonwealth Attorney to develop and implement guidelines to maximize use of pre-charge diversion while reducing public safety risk and negative impacts of court involvement and incarceration. Plan to include probation violators in the behavioral docket and drug court (short term).
- Utilize authority to maximize use of mandatory outpatient treatment (short term).
- Working directly with the Commonwealth Attorney Office, create Behavioral Health Docket in both the Circuit and JDR Courts. And, seek approval and funding from the State as needed (short term).
- Empower JDR court services collaborate with neighboring jurisdictions to offer Multi-Systemic Therapy; and seek funding as needed (short term).
- Implement Behavioral Health Dockets in Circuit Court and JDR Court (long term).

Substance Abuse Treatment

- Empower DHS to develop and implement a full array of substance abuse evidence-based treatment services **for all ages**, including residential and outpatient programs. Seek funding for implementation (short term).
- Provide Acceptance and Commitment Therapy (ACT) programs for inmates in jail less than nine months and offer in modular segments (short term).

Mental Health and Services for People Experiencing Homelessness

- Develop and implement a plan to provide shelter placement for those single adults with less than 90 days residency in Arlington who desire it when shelter capacity permits (short term). (Requiring 90 days residency in Arlington for those who desire shelter placement poses a barrier to sheltering chronically homeless single adults who often move between jurisdictions) (short term).
- Develop additional housing options as needed (short term).
- Empower DHS staff to actively engage shelter residents and other chronically homeless residents to voluntarily participate in evidence-based treatment (short term).

Mental Health Policy

- Create a mechanism for providing oversight and accountability of PPG mental health recommendations and related plans. Recommend this is in coordination between a Judge on the General District Court and the County Manager's Office (short term).

Community Learning Sessions

September 14, 2020: John Snook, Executive Director, Treatment Advocacy Center discussed the importance of diverting people with serious mental illness into treatment. Judge Steve Leifman, Associate Administrative Judge, Miami-Dade County Court and Special Advisor on Criminal Justice and Mental Health for the Supreme Court of Florida provided insights about his experience transforming Miami-Dade's criminal justice system to divert individuals with serious mental illness into treatment. In so doing the County has been able to save money by shutting one of their three jails by diverting people with mental illness into treatment. They were also able to reduce the number of frequent callers to 9-1-1 and redirect savings into enhanced treatment approaches, including use of peers.

September 21, 2020: Officer Joe Smarro, San Antonio Police Department's Mental Health Unit discussed how the mental health unit deals with people in crisis. He noted that in his 10 years working on the Mental Health Unit, he has dealt with some of the most severe cases of individuals suffering from a mental health crisis, and he prides himself on having a clean track record with zero use of force incidents. Tim Black, Director of Consulting for CAHOOTS (Crisis Assistance Helping Out on the Streets) a 24/7 mobile crisis service begun 30 years ago. CAHOOTS handles over 20% of the calls to 9-1-1 (which came to 24,000 calls) and called for police backup about 150 times. CAHOOTS costs \$2.1M per year and estimates they save \$15M per year.

Presentations & Insights

August 31, 2020: Introductory Meeting.

September 8, 2020: ACPD officer, Matt Puia, discussed typical calls requiring police response, issues and alternative approaches.

October 5, 2020: John Palmieri, MD, MHA, Behavioral Health Division Chief and Arnecia Moody, LCSW, Client Services Entry Bureau Chief, DHS, gave a presentation about Client Services Entry Services (CSE). CSE includes: the co-responder program (currently there is one clinician who responds with police about 24 hours per week); Emergency Services (which receives 20,000 calls per year but the majority are from frequent callers; and the Crisis Intervention Center (which has served fewer than 20 people per year for the past 2 or 3 years).

October 13, 2020: Dr. Reed Smith, Operational Medical Director, ACPD, discussed EMS and Mental Health. The Department of Public Safety Communications and Emergency Management Director and Emergency Communications (ECC) Administrator also presented to the group about how calls to 9-1-1 are handled.

October 19, 2020: Lisa Dailey, Esq., Treatment Advocacy Center, discussed recent legislation passed by the General Assembly, including the Marcus Alert System.

October 20, 2020: ACPD officer, Michael Keen, and Grace Guerrero, Psy.D, LPC, Senior Clinical Psychologist, DHS, discussed the Homeless Outreach Program. Officer Keen discussed his work with the homeless community providing assistance and linkage to services. Grace Guerrero discussed Treatment on Wheels and the Sequential Intercept Model (SIM).

October 26, 2020: Chuck Wexler and Tom Wilson of the Police Executive Research Forum discussed ICAT (Integrating Communications, Assessment, and Tactics) used by some police departments to better respond to crisis calls. Tom Wilson expressed surprise that Arlington doesn't yet have a mobile crisis unit.

October 27, 2020: Discussion of Arlington General District Court's Behavioral Health Docket with Elizabeth Tuomey, Deputy Commonwealth Attorney and Kelly Neiman, Behavioral Health Docket Coordinator, DHS.

November 4, 2020: Brad Haywood, Chief Public Defender for Arlington County and Falls Church City, and Tameka Parker, MSW, Mitigation Specialist. Discussion of typical cases involving mental illness and recommended changes.

November 9, 2020: Natasha Grossman of Bellevue, WA Fire Dept presented on their program using social workers and students of social work who need supervisory hours to become licensed to respond to some mental health and other calls, often with police. Kim Hendrickson, Director of Health and Human Services for Poulsbo, WA discussed their use of "navigators" to assist people in crisis get linked to treatment and other services.

November 10, 2020: Amy Pugsley, VP of RI International discussed the Crisis Now approach to transforming crisis response. She also discussed what we can expect in the new 16-bed crisis stabilization facility being built in Chantilly, VA. Gail Paysour of Virginia Department of Behavioral Health and Developmental Services on the new state-funded Alternative Transportation

service for people with mental illness court-ordered into involuntary hospitalization. This is intended to replace law enforcement transport.

November 16, 2020: Suzanne Summerville, LCSW, Bureau Chief, Residential and Specialized Clinical Services and Aubrey Graham, LCSW, CSAC, CSOTP, Jail-Based Behavioral Health Manager, DHS discussed jail-based substance abuse services.

November 17, 2020: Earl Conklin, Director of Arlington's Juvenile & Domestic Relations Court offered an overview of services for children involved in the Juvenile and Domestic Relations (JDR) Court.

November 23, 2020: Discussion of Recommendations.

November 30, 2020: Ollie Russell, LCSW, Assistant Director, Behavioral Health Division, DHS and Anthony Fusarelli, AICP, Assistant Director, Department of Community Planning, Housing & Development discussed the agreement between the County and Virginia Hospital Center to require certain improvements and capacity increases in the psychiatric unit.

December 1, 2020: Presentation by Cindy Kemp, recently retired from SAMHSA, (U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration). She will provide an overview of the Certified Community Behavioral Health Clinic Demonstration Program that she oversaw and led at the national level. This model of accessible, high quality, integrated services is currently being implemented throughout the US and evaluated by the federal government. To date, the outcomes have been impressive.

Stakeholder Roundtable

The Mental Health subcommittee hosted a Community Stakeholder Roundtable (SRT). Stakeholders included varying local support programs, individual experiences, and parent/family member experiences of best practices of police, wished practices, and practices that had furthered harm.

The contributors shared their experiences with police interactions in the face of serious and persistent mental health concerns, and how those concerns regarding police interactions may be alleviated in Arlington County. Interactions of substance use, inconsistent housing and food security, and hospital procedures were topics mentioned in tandem with police response concerns.

The Stakeholder Roundtable included three key areas of focus:

- Mental Health and Policing
- Mental Health and the Legal System
- Access to Mental Health Services

Mental Health and Policing

Police as Responders vs. Alternative Responders

A common thread among the stakeholder comments was a concern for the ways in which officers interacted with people dealing with mental health issues. Parents expressed frustration that their children were not treated with dignity; and felt they were treated more like criminals than patients. Tied into this was reports by parents and other stakeholders of a tendency of police to rely on standard police tactics involving force and protocols that did not take into consideration mitigating circumstances of mental health patient needs. Parents felt they were often the ones calling for assistance with their children, seeking help to keep themselves and their children safe, not necessarily to press charges on them. Stakeholders who were parents attending the sessions reported that when the police show up, they too often arrest the patient, putting them in cuffs as a first step. In some cases discussed, officers added charges, resulting in patients being kept in jail for months. Parents were told their children had to go to jail first in order to receive any care, and often they were not taken to a hospital at all. This added to the stress and trauma for the patients. Revolving-door policies and tendencies in hospitals and other mental health care facilities resulted in reports of cases of patients experiencing repeated interactions with police, leading to trauma-related responses that easily escalate situations. The mere sight of a police uniform or weapon could result in some patients being unwilling or scared to cooperate with officers, which often led to escalated problems.

Expansion of the Police Ability to Respond Effectively

Repeatedly, stakeholders spoke to the deficit apparent in training for responding to calls for assistance with mental health crises. Stakeholders raised questions and concern regarding sufficient training and sought and discussed models from police departments across the country who were attempting varying models of response, from alternative responses to better training for police who were responding.

Arlington County community members recounted their lived experiences asking for help with loved ones dealing with mental health concerns. These cases often involved response by police, and experiences were that these forms of response furthered the trauma of the crises.

Community members discussed the infrequency and inconsistency in which a responding officer had obtained crisis intervention training (CIT). Stakeholders shared they did not feel that ACPD was currently serving the community with these skills and standards. Stakeholders shared experiences of having to specifically request an officer with CIT, at minimum, to speak with their loved one, only to have an officer arrive without CIT training. This leads to a conflict for families who will sometimes decline assistance from untrained officers, even in a state of crisis.

An additional concern from the community was static response of police regarding mental health crises. Without contextually varying the police response, it can cause responses to be unresponsive to the contexts of situations. One community member described a scenario where their son was a threat to themselves, having suicidal ideation. In their situation, the ACPD response still included armed uniformed officers attempting to de-escalate rather than addressing the needs of the son. Risk assessment and approach was reportedly unvaried by scenario, and stakeholders requested revision of those procedures.

Mental Health and the Legal System

Jail and Prison Reform

During the stakeholder meetings and the roundtable discussions there was significant agreement in regards to the need to reform the ways individuals with mental health related issues experience the jail and prison system, from intake to reintegration. All identified concerns that the jail/prison system is ill-equipped to address the needs of individuals with serious mental health issues.

It is worth noting that the need for justice reform has important intersectionality with other categories discussed during the meetings. For instance, stakeholders identified the importance of having a screening process during jail intake that can adequately identify individuals with mental health related needs. Noting that this needed to be a key consideration to have quality communication and collaboration within the community to divert them to a facility that has the tools and personnel for proper treatment and care.

Continued care was another area of focus highlighted by stakeholders. Stakeholders agreed that mental health care needed to take place from arrest to post-release, when avoiding the jail/prison system was unlikely or impossible.

Juvenile and Adult Procedures and Approaches

Two stakeholders suggested that there be more cooperation between ACPD and the Arlington County Community Services Board (ACCSB). These suggestions centered around the idea that the ACPD and ACCSB do not currently, from the perspectives of the stakeholders, have a relationship with each other and they should do more in support of mental health crisis intervention. They noted that such cooperation could create opportunities for community engagement, improved training curricula based on feedback and best practices together, and other system improvements.

There were multiple parents of young people over the age of 18 with mental health issues who reported numerous frustrations with the current system. Some of the issues identified:

- There is no sequential procedure for getting assistance for their child in crisis without involving the police. Parents reported difficulty reaching an appropriate party to help their child in crisis.
- Once the police are involved, the parents must choose to either allow their child to be placed under a temporary detention order (TDO), be arrested and jailed indefinitely, or be left at home where they may pose a danger to themselves or others.

One parent expressed fear that her Black son would be discriminated against if she called the police for assistance during a mental health crisis. Multiple parents with children over 18 stated their frustration around the lack of transparency with their child's psychological treatment, simply because they were considered "adults" by the law. All of the parents present at the stakeholder meeting also expressed frustration about the lack of long-term care opportunities in Arlington County.

Access to Mental Health Services

Need for Data Sharing and Collaboration

Stakeholders suggested that there be an abundant offering of services that addressed many of the needs expressed by community members, and those who have persistent mental health concerns.

Data sharing needs, in the best interest of the client, were raised by stakeholders; and noted that mental health concerns do not happen in a vacuum; family, teachers, and friends are often first to notice changes in behavior. They noted that while the notion of emergencies cannot be erased, the data sharing in regard to change in behavior can help serve efforts of early intervention, if the resources are available and readily communicated and known.

Stakeholders spoke of living in fear, waiting for their (adult) child to become ill enough to be deemed a danger to themselves or others, waiting for a police officer who may or may not have completed training in mental health to make a determination about removal. Desperate attempts to get the prescribing doctor on the phone with police, as one mother shared, felt like the only way to share information with the police that would be considered.

Online Community Feedback

Online community feedback related to mental health asked members of the community to share thoughts on strategies that might improve call responses that require mental health expertise and/or provide any other comments they may have on mental health and policing. There was a total of *fifty-five (55) unique responses* to this prompt.

Of the 55 responses submitted, over 75% of them were related to four (4) major emerging themes which included: Social Worker/Mental Health Professional Response, Co-Responder Model, Mental Health Training, and Immediate Mental Health Needs.

- **Social Worker/Mental Health Professional Response:** Thirty responses, or approximately 55%, submitted on mental health specifically address a need for only a social worker and/or trained mental health worker to respond to mental health related emergency calls. Responses include many recommendations such as utilizing a psychologist or psychiatrist, the County's Department of Health of and Human Services, social workers, or crisis management specialists as a first level of response in lieu of a police and/or armed response.
- **Co-Responder Model:** Approximately 9% of responses point to a co-responder model for addressing mental health crises. A co-responder model is one where a mental health professional accompanies a police officer to the scene as part of a crisis intervention team.
- **Mental Health Training:** Approximately 9% of responses address an immediate need for mental health training, specifically training for the Arlington County Police Department (ACPD), as well as ensuring all mental health professionals receive adequate training. Additionally, there are requests to secure funding for mental health/psychology training for police officers and first responders.
- **Immediate Mental Health Needs:** Approximately 5% of responses address immediate health concerns and urge law enforcement to take into consideration the pressing mental and physical needs of a person prior to making an arrest or carrying out law enforcement actions.
- A matrix of all the responses can be found [here](#).

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APPENDIX D: PPG Alternative Dispute Resolution Subcommittee

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Overview

The Alternative Dispute Resolution Subcommittee was charged with identifying strategies in lieu of traditional policing and alternatives to and within the traditional criminal legal system. Excluded from the review were areas considered by the other subcommittees (*i.e.*, mental health, traffic, and civilian review board).

The ADR Subcommittee believes it is necessary to recognize the impacts of systemic racism on minority communities and, in particular, Black people. Systemic approaches were intentionally designed to disadvantage and disproportionately affect minority communities. Centuries of civil rights advocacy has resulted in societal disapproval of laws, policies, or procedures with the goal of intentional discrimination or resulting in disparate impact. The pernicious effect of systemic racism is that it remains hidden from our conscious and subconscious. Recognition of this truth empowers our community to engage in transformative social change. This work requires strong community-County collaboration; leadership in these initiatives should be guided by the community and with fidelity to its values.

Arlington County prides itself on its diversity and inclusivity. In order for all community members to enjoy these ideals, its systems, including the police and legal systems, must embrace an anti-racism mindset in order to ensure equitable decision-making and application of policies and procedures. True culture shifts, however, are driven by the community. The present climate appears ripe to shift from symbolic responses and focus intentionally on how our community utilizes law enforcement resources, how community calls for assistance are handled, how law enforcement responds to calls for assistance, and options within the legal system. The ADR Subcommittee's work emphasizes the critical role for education, training, and providing opportunities to those impacted and the community-at-large.

The ADR Subcommittee focused its review on the following key areas:

- Culture of Calling 9-1-1
- Alternatives to Law Enforcement in Non-Public Safety Matters; and
- Alternatives to and Within the Criminal Legal System.

The ADR Subcommittee considered the following materials:

- Educational resources – articles, journals, case law, legal materials (statutes and ordinances) and local data;
- Presentations – data, emergency communications systems, prevention and intervention strategies and alternatives, and community policing models; and
- Community engagement – to gain perspective, understand needs, and orient Subcommittee charge

Many of the ADR Subcommittee's recommendations center in the fundamental understanding that the community must lead change efforts, and the County must support and fund these goals. The County must be transparent in its funding and requests for proposals for work contained herein, and the County should have a goal to support community organizations that have relationships in minority communities and historically have not been funded commensurate with other service organizations.

Areas of Focus

Culture of Calling 9-1-1

Campaign on the Proper Use of 9-1-1 Resources

An intentional “9-1-1” campaign to encourage people to use law enforcement resources in matters concerning public safety has resulted in a large segment of the community utilizing this valuable resource improperly. Simply stated, when a person calls 9-1-1, they are ensured a prompt response. We are privileged to have a responsive police department; however, it can come at a cost. When an officer responds to a non-emergency call, resources are redirected from public safety matters. For this reason, it is necessary to shift community culture away from using 9-1-1 resources for non-emergency, non-public safety matters.

As we engage in this work, however, it is important to recognize that not all communities utilize 9-1-1 resources, even when such resources are warranted. Again, framing our understanding within the historical implications of systemic racism in this country, many minority communities feel uncomfortable engaging police resources. Distrust of law enforcement in these communities is typically generational. Accordingly, it is necessary to improve or create strong police-community relationships in these communities.

While Arlington County is fortunate to have a police department committed to ensuring the public safety of persons within the County, it is necessary to understand that police encounters are stressful for all involved and can be traumatic when an encounter feels unjustified or motivated for improper reasons. When a community member calls 9-1-1, he/she must understand that the response will be based in investigation and enforcement. In its purest sense, the “see something, say something” campaign to report suspicious activity to law enforcement for investigation has value when properly used to protect public safety. The concern, however, is how community members view circumstances (*i.e.*, how each person conditioned to view a particular situation, person, or circumstance as “suspicious”). Police officers respond to the calls that are made; thus, focus must be placed on creating community awareness on the impact of calling 9-1-1 in cases when something appears “suspicious” or “loud.” In addition to addressing the proper use of 9-1-1 resources, there must be a campaign to educate the community about bias.

Law Enforcement Response to Calls.

It is beyond the work of the ADR Subcommittee to address the broad topic of law enforcement response to 9-1-1 calls (*i.e.*, how matters are handled on the scene). The recommendations in this section focus on the need for further data and the need for legislative review of Arlington County Ordinance 17-13(C).

Again, a strong community-police relationship promotes not only public safety but, also,

confidence in the work of the police department as fair and impartial. The Arlington Police Department receives a high volume of calls on matters that are civil in nature, are considered “suspicious” (*i.e.*, suspicious person or event), and noise complaints. Data can play a vital role in ascertaining more information when these calls are made. The ADR Subcommittee considered whether Emergency Communications Center dispatchers should seek to obtain demographic and other information from callers. It is not a formal recommendation; however, to better understand the circumstances surrounding these types of calls (*i.e.*, civil, suspicious, and loud noise complaints), the ADR Subcommittee believes it is necessary to better understand the County’s present data analysis capabilities and what additional data, if any, needs to be collected. Ultimately, this data will serve the County in its efforts to change the culture of Arlington’s use of 9-1-1 by targeting information into segments of the communities based on pattern or practice.

Section 17-13(C) of the Arlington County Ordinance provides the following:

It shall be unlawful for any person at a public place or place open to the public to refuse to identify himself by name and address at the request of a uniformed police officer or of a properly identified police officer not in uniform, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety requires such identification.

In *Herrington v. City of Va. Beach*, 71 Va. App. 656, 663, 839 S.E.2d 118 (2020), the Virginia Court of Appeals case reviewed a similar local ordinance and held:

The public safety element requires that the circumstances suggest an immediate potential for injury or damage to a person or property. If either the crime being investigated does not involve such potential, or if it did exist, such potential no longer exists at the time the request for identification is made, the public safety element has not been satisfied.

In light of this opinion and the narrow construction of the term “public safety,” the ADR Subcommittee recommends that the County review Section 17-13(C) and make any necessary revisions, which, at a minimum, should include language that mirrors the holding of the Virginia Court of Appeals in *Herrington*. Additionally, the ADR Subcommittee recommends that the County review police practices and procedures to ensure alignment with the ruling in *Herrington*. Moreover, training provided to law enforcement officer on this issue should focus on bias and promote anti-racism protocols.

Alternatives to Law Enforcement in Non-Public Safety Matters

Emergency Communications Center

The Emergency Communications Center (ECC) is responsible for handling 9-1-1 calls. Currently, ECC's response to 9-1-1 calls is binary – a determination is made as to whether an emergency exists. The County currently operates a “nonemergency line”; nonetheless, many community members rely on 9-1-1 for all needs.

The ADR Subcommittee recommends the expansion of ECC's capabilities to allow dispatchers to transfer calls to other agencies or programs that meet the needs of the call. In order to do so, the ADR Subcommittee recommends that ECC dispatchers have regular substantive training in available alternatives to police responses, which includes bias and trauma training.

ECC dispatchers also should have anti-racism training. As the gatekeepers of 9-1-1 resources, it is important for ECC dispatchers to feel comfortable thinking and talking about race and bias in order to be self-aware and critical of their own biases. Again, no one is immune from the historical implications of racism and its impact in our culture – individual, corporate, governmental, and community.

Resources to Resolve Conflict Between Community Member and Law Enforcement

Strong emphasis is placed on changing community reliance and culture on 9-1-1 resources. Most law enforcement interaction with people is predicated on an emergency call. Thus, callers should be encouraged and educated to thoughtfully consider why they may be seeking law enforcement response in a particular matter so as not to: 1) waste valuable resources; and 2) cause harm to the subject of a call because a law enforcement response was not warranted.

Equity demands that we meet people where they are. If a person feels aggrieved as a result of an interaction with law enforcement, resources should be made available to resolve the conflict. Informal processes and formal processes should be made available, and we must understand that a single process is not the panacea for all circumstances. Moreover, the ADR Subcommittee was concerned about system involvement in these matters beyond structural racism and generational trauma. Accordingly, for matters that do not require review by a civilian oversight board, the ADR Subcommittee recommends that conflict resolution resources between police and community members be provided by trusted community-based organizations. The County should fund and support community organizations whose work is based in conflict resolution and equity because they have credibility in the communities they serve, and they are not subject to changing political philosophies.

Alternatives to and Within the Legal System

The criminal legal system often is the starting point for conversation on systemic racism because of the disproportionate number of minorities, and particularly Black people, entrenched in the system. Mass criminalization is a significant cause of racial inequity in the

United States, and focus should be placed on creating opportunities for people to avoid criminal records because of the collateral consequences to the person and the community from such involvement.

The County should promote all opportunities available to oppose systemic mass criminalization. Opportunities may utilize alternatives that employ restorative justice, mediation, arbitration, and community service practices. The questions, however, are not whether we should support alternatives or which alternatives should be used or promoted, the question is how. The ADR Subcommittee recommends addressing systemic inequities through community-based programs or the creation of an independent agency for alternative processes.

Equity demands that we provide robust and varied opportunities for court-involved people so that they do not stay involved in the legal system. The appropriate option should be determined based on the circumstances and with active participation of the offender and victim.

The ADR Subcommittee recommends that nonjudicial sanctions be provided to court-involved persons for misdemeanor or other low-level offenses so that the court-involved person can repair the harm caused by his/her actions through facilitated mediation by a neutral third-party. This type of process gives agency to all involved, reduces the burden on strained judicial resources, avoids unnecessary court time for police officers, and provides the court-involved person an opportunity to avoid a criminal record. Inherent distrust of the legal system suggests that neutral third-party mediation should be made available through a community-based organization with a commitment to conflict resolution and equity or through the creation of an independent public agency with a similar charge.

Subcommittee Recommendations

The ADR Subcommittee suggests that the County take steps to implement the recommendations contained in this Report in the short term and create performance plans to review the County and community's progress towards achieving the recommendations through the long-term.

Culture of Calling 9-1-1

- The County should launch a strong public-private campaign on the proper use of 9-1-1 resources and, at a minimum, include information on the resources currently available in lieu of police response. The messaging should be ongoing, and a website should be created (immediate).
- The County should launch a strong public-private campaign that promotes a shift in Arlington's culture on the use of 9-1-1 from one that captures every community need to one in which valuable police resources are used in emergency and public safety matters (immediate).
- The County should fund and support community organizations working in minority communities in which there is a distrust for law enforcement to establish strong police-community relationship (immediate).
- The County should support a robust community policing program based in authentic relationships with minority communities (immediate).
- The County should launch a strong public-private campaign that educates the community and agency stakeholders in bias. Messaging should be clear that the differences among community members should not be the basis for 9-1-1 resources. County messaging should focus on how community members can better evaluate the need for 9-1-1 resources in particular circumstances through an anti-racism mindset (immediate).
- The County should prosecute clear cases of racially motivated 9-1-1 calls under Virginia Code Section 18.2-461(Falsely Summoning Law Enforcement)¹⁵
- ; however, recognizing that most circumstances will be difficult to charge, it is necessary to focus on educating the community on systemic racism. No member of the community is immune from its harmful impacts; specifically, its impact on individual perception. Regular training should be given to all law enforcement, emergency center dispatchers, and legal system professionals on bias. Training should employ an anti-racism philosophy that encourages self-awareness and examination (short term).
- The County should encourage a culture of diversity and promote diversity and inclusion in its decision-making and leadership. The Arlington Police Department actively seeks diverse candidates, and the County should continue these efforts. The County should ensure diversity in its leadership within the criminal legal system. Diversity of experience and ideas promotes equitable outcomes for those impacted (immediate).

- The County should evaluate justice-based policies and procedure and ensure that they are anti-racist. This may require the creation of a diverse working group comprised of legal professionals, police officers, and the community (immediate).
- The County should develop anti-racism, equity-based goals for its performance plans for the criminal legal system (from entry to exit). (immediate)

Law Enforcement Response to Calls

- The County should provide any necessary funding to evaluate data collection needs and analysis capabilities and what additional data is necessary to accomplish the recommendations of the four (4) subcommittees (immediate).
- The County should revise and amend Section 17-13(C) (Refusal to Identify Oneself at the Request of a Police Officer) of the Arlington County Ordinance (short term).
- County should review police practices and procedures to ensure alignment with the Virginia Court of Appeals ruling in *Herrington* (immediate).
- Moreover, substantive training provided to law enforcement officer on requests for identification should focus on bias and promote anti-racism protocols (immediate).

Emergency Communications Center

- The County should expand ECC operations to allow dispatchers to respond to calls beyond its current binary protocol (short term).
- The County should provide regular and consistent anti-racism training to ECC dispatchers (immediate).
- The County should encourage a culture of diversity and promote diversity and inclusion in its decision-making and leadership. Diversity of experience and ideas promotes equitable outcomes for all impacted by calls for service (immediate).
- The County should commence a campaign that provides information regarding services alternatives to calling 9-1-1 in non-public safety matters (immediate).
- Data collection and analysis should be reviewed and expanded to better understand the present and future needs for the community and users of the 9-1-1 and 22-22 (i.e., non-emergency number) to guide decision-making and resource allocation (immediate).

Resources to Resolve Conflict Between Members of the Community and Law Enforcement

- The County should fund community-based organizations experienced in conflict resolution to resolve matters between law enforcement and aggrieved community members (immediate).

- The County should promote the availability of such resources to the community (immediate).
- The County should support community-based organizations that serve minority communities so that they can assist in advancing the goals of establishing or advancing police- community relationships (immediate).

Alternatives to and within the Legal System

- The County fund and support community-based programs that provide diversion opportunities to young people and adults so that they do not enter the legal system (immediate).
- The County fund and support the expansion of current diversion programs that keep youth from formal involvement in the juvenile legal system (immediate).
- The County fund and support the expansion of current diversion programs that allow adults to be released with supportive services pending adjudication on criminal matters (immediate).
- The County fund and support the expansion of programs for court-involved people that address substance use/abuse and mental health so that they do not continue cycling through the criminal system (immediate).
- The County fund and support expansion of court dockets that promote access to substance use/abuse and mental health services (short term).
- The County fund and support the creation of a program that implements non- judicial sanctions for misdemeanor and low-level offenses so that court-involved persons can avoid a criminal record (short term).

Evaluate and Assess Performance Measures

- Implementation of the public-private 9-1-1 campaign and the use of 9-1-1 resources.
- Implementation of community-police relational programs to address distrust of law enforcement in minority communities and promote public safety.
- Implementation of a public-private anti-racism campaign to educate the public on racial equity and social justice.
- Implementation of a robust anti-racism training program for law enforcement officers, criminal legal system personnel, and ECC personnel.
- Recruitment of diverse county leaders, decisionmakers, and personnel in the criminal

legal field, law enforcement, and the Emergency Communications Center.

- Revision of Section 17-13(C) of the Arlington County Ordinance, and other ordinances, to align with legal precedent and racial equity goals.
- Implementation of a comprehensive Emergency Communications Center that moves beyond the binary protocol.
- Implementation of data collection protocols to evaluate racial justice goals.
- Allocation of resources to community-based organizations to support conflict resolution programs and diversion programs.
- Allocation of resources to expand current court diversion programs and provide services to avoid pre-adjudication incarceration.
- Allocation of resources to expand the provision of services in order to interrupt continued criminal legal system involvement.
- Allocation of resources and implementation of an independent program that disrupts mass criminalization by utilizing non-judicial sanctions for misdemeanor and low-level offenses.

Stakeholder Roundtable

The ADR stakeholder roundtable was held on October 14; and participants representing a variety of perspectives and experiences. The session was focused on three core topics: (1) the culture of calling 9-1-1; (2) alternatives to law enforcement for preventing conflict in crime communities; and (3) alternatives to involvement in the criminal legal system. These talking points helped lead the discussion and keep the participants on track. All participants were respectful of one another and their opinions, which helped to facilitate a fair and effective dialogue.

The culture of 9-1-1

The first topic posed was around the culture of calling 9-1-1. There seemed to be two distinct themes: people who feel safe and entitled are comfortable calling 9-1-1, for even non-emergency matters and then there are people who are afraid of calling 9-1-1, even when there is an emergency with warranted police presence. Some participants noted that there are residents that might be more comfortable than others calling the police, and sometimes these may be people who are in positions of higher status and/or authority. Others noted that there are minorities that still may be fearful of the police, resulting in them not utilizing 9-1-1. Some of the reasons noted as to why people may not use 9-1-1 are because of lack of confidence in English speaking skills, imbalances of power dynamics, and their “lower” status as immigrants or as undocumented immigrants.

Stakeholders also talked about ways to encourage the vulnerable minorities to feel comfortable using 9-1-1 when necessary and how to promulgate the use of a non-emergency number for those who do not need to be calling 9-1-1 for arbitrary matters. Different recommendations ranged from stickers, flyers, and magnets to campaigns around the non-emergency number, 22-22, on the radio, tv, etc. similar to the campaign for 9-1-1 years ago. Educating the community and dispatchers on who should and should not be calling 9-1-1 was also mentioned.

Alternatives to law enforcement

When discussing alternatives to law enforcement for preventing conflicts in crime communities the topic of police as mediators was recurrent. During the discussion, there was a murky line drawn between maintaining the role of police to secure potentially unsafe situations and the role of social workers and other community organizations in assisting after the situation is secured to address the conflict. There was an expressed interest by participating stakeholders for police officers to have a public safety role; and utilize the role of social workers and other community organizations for conflict resolution types of needs. Participating stakeholders felt that police officers being trained as mediators may be beneficial, but that should not supersede the expertise and mandate of social workers and community organizations. Noting collaboration of the police with community experts, crisis intervention specialists, and social workers is necessary. Further, stakeholders indicated steps need to be taken to ensure that victims do not slip through the cracks in the space between responding organizations; sometimes the hand-off from officers to

community members lacks in communication and understanding of the roles of all parties. Also discussed was more comprehensive de-escalation training, training police on the availability and mandates of community organizations, training to increase awareness of victims' resources and defining who the community peace makers and builders are.

There were a few different suggestions from stakeholders on alternatives to involvement in the criminal legal system, including the use of restorative justice, especially when it came to more serious offenses. Some noted restorative justice addresses the harm done to a self-identified person and is intended to repair the relationship. There was advocacy for more diversion programs, a need for third party neutrals to resolve low-level offenses, providing more opportunities for youths and a focus on children (especially in the times of COVID-19), and to promote grace and the humanization of the other.

Online Community Feedback

Online engagement related to alternative dispute resolutions asked members of the community to share thoughts on potential alternative dispute resolutions, such as restorative justice, mediation, etc., in lieu of traditional policing or criminal justice strategies. There was a total of *thirty-two (32) unique responses* to this prompt.

Of the 32 responses submitted, over 70% of them were related to three (3) major emerging themes which included: Restorative Justice Program, Alternative Dispute Resolutions Being Made Available, and Neighborhood/Community Mediators.

- **Restorative Justice Program:** Approximately 50% of all responses on alternative dispute resolutions called for Arlington to have a restorative justice program as an alternative for policing and the criminal justice system. Examples of restorative justice programs include a potential pilot program that is coupled with mental health, allowing for “off ramps/diversion” for people with mental health disorders, developmental disabilities, and substance use disorders. Many are seeking a restorative justice program in appropriate cases in order to free up law enforcement and legal resources and reduce incarceration rates.
- **Alternative Dispute Resolutions Being Made Available:** Approximately 13% of responses call for the immediately availability of alternative dispute resolutions in Arlington County, specifically to provide a process to address harm outside of a courtroom and destigmatize and divert cases, resulting in resolving issues. Additionally, there are asks for County funding for an alternative dispute resolution process in lieu of policing funding.
- **Neighborhood/Community Mediators:** Approximately 9% of responses ask for the use of neighborhood/community mediators to act as intermediaries between the community and police, to de-escalate nonviolent community matters, and to resolve disputes.
- A matrix of all the responses can be found [here](#).

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In 2016, the [United States Department of Justice's Office of Community Oriented Policing Services \(DOJ COPS\)](#) awarded a Community Policing Development (CPD) grant to the [National Association for Civilian Oversight of Law Enforcement \(NACOLE\)](#). NACOLE sought to provide comprehensive guidance on civilian oversight for oversight practitioners, law enforcement, community organizations, and local officials in order to further develop effective civilian oversight throughout the United States. With support and funding from the DOJ COPS office, NACOLE has developed nine in-depth case studies of civilian oversight agencies throughout the United States; a searchable, online database of civilian oversight agencies and their characteristics; and a report on the state of the field and effective practices.

The attached materials are excerpts from the upcoming publication, *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices*. This project was supported by cooperative agreement number 2016-CK-WX-K017 awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. The opinions contained herein are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice. References specific agencies, companies, products, or services should not be considered an endorsement by the authors or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues. The Internet references cited in this publication were valid as of the date of this publication. Given that URLs and websites are in constant flux, neither the author nor the COPS Office can vouch for their current validity.

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Mollusky, Kathy

From: Linda Hamel <lindaraehamel@yahoo.com>
Sent: Friday, February 19, 2021 1:00 PM
To: Nicole Dawson; Rishi Bansal; Michael Harper; Evan Wickersham; Nancy Noye; Kristina Garcia-Siegel; Debbie Wong; Fred Groves; Surja Tjahaja; Autumn Mercado; Timothy Mullins; City Council; Mahuna, Peter; Shannon Lee Erskin; Evan Wickersham
Cc: kathy.selvag@gmail.com
Subject: Fwd: NACOLE and other Oversight Resources
Attachments: COPS report Disclaimer.docx; Models of Oversight_PrePublication_Summary.pdf; Recommendations for Effective Practices_PrePublication_SUMMARY.pdf; Thirteen Principles_PrePublication_Summary.pdf; ArlingtonPolicePracticeGroup.Subcommittee.Report..FINAL_2.15.21.pdf

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To All:

I sent all or most (?) of this info to our Chairwoman Nicole Dawson to post in drop box, but wanted to be sure you received this info via email as well, asap, if internet access is difficult (I'm working off my iPhone).

Both Mark Gissiner* and Liana Perez** have graciously offered to attend our meeting(s), give a presentation, Q&A, and supply us with up-to-date-data, research, models, training, insights to overcoming g challenges and obstacles, etc. in Police Oversight.

This is just the expertise we were lacking to move forward with recommendations for our city.

~Linda Hamel
West Linn Police Oversight Task Force

**

From: Liana Perez <lperez17@msn.com>
Date: February 17, 2021 at 10:53:31 AM PST
To: Lindaraehamel@yahoo.com
Cc: Camme McElhiney <cmcellhiney@gmail.com>
Subject: NACOLE Resources

Hello Linda,

It was a pleasure speaking with you a few minutes ago. Attached are the documents I discussed as well as a links to the pages on our website with additional resources and the Oversight 101 webinar.

https://www.nacole.org/civilian_oversight_basics
<https://www.youtube.com/watch?v=BXTBdFuLtYY&feature=youtu.be>

Let us know if you would like one of us to attend a future meeting of your committee once you have looked through the materials and determine next steps.

Regards,
Liana Perez
NACOLE

*

From: GISSINER Mark A
Sent: Tuesday, February 16, 2021 3:39 PM
To: lindaraehamel@yahoo.com
Subject: RE: Information about oversight

Here you go Linda. Absent the catalyst from the Virginia State Legislature, here, especially the first 40 pages, is a good explanation of the different types of police oversight.
Mark

Mark A. Gissiner
Independent Police Auditor
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From: GISSINER Mark A
Sent: Friday, February 12, 2021 4:17 PM
To: lindaraehamel@yahoo.com
Subject: Information about oversight

https://web.law.columbia.edu/sites/default/files/microsites/public-integrity/challenges_facing_new_oversight_bodies.pdf

<https://eugene-or.gov/1039/Police-Auditor>

<https://eugene-or.gov/DocumentCenter/View/3254/Eugene-Charter?bidId=>

<https://eugene-or.gov/DocumentCenter/View/3255/Ordinance-20374---Ordinance-Concerning-the-Police-Auditor?bidId=>

<https://eugene-or.gov/DocumentCenter/View/3256/Ordinance-20435---Concerning-Police-Auditor?bidId=>

<https://eugene-or.gov/ArchiveCenter/ViewFile/Item/5846>

<https://eugene-or.gov/DocumentCenter/View/3253/Civilian-Oversight-Protocols?bidId=>

<https://eugene-or.gov/Archive.aspx?AMID=93>

Linda: Here is a lot of info. Items 3, 4 and 5 are the Charter and enabling ordinances. The protocols are what was negotiated with the union after everything passed. Below is the Employment Relations Board affirming our right to exist and participate, as an administrative body, in cases.

<< File: Rulings Findings of Fact Conclusions of Law and Order (00295444).pdf >>

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Recommendations for Effective Practices

NACOLE, through its research and work with oversight practitioners, has developed a set of recommendations for practitioners to consider in their own work. Each recommendation focuses on strengthening an agency's practices in relation to the thirteen principles for effective civilian oversight. While NACOLE has attempted to develop an extensive list of effective practices for civilian oversight, this list should not be considered exhaustive. The following addresses topics that have come up as recurring themes or concerns identified by practitioners and stakeholders.

It should be noted that "effective practices" take into consideration the core values and principles that should be satisfied to the greatest possible extent in order to produce better outcomes. Such practices value the diverse perspectives and wisdom of experienced practitioners while acknowledging that in the field of civilian oversight, there are several possible paths to success. Furthermore, they are consistent with the "best fit" approach to structuring civilian oversight and prioritizing stakeholder input and dialogue, rather than merely prescribing the "best" in all contexts.

Recommendations for effective practices are meant to offer guidance, not concrete solutions. The challenges associated with civilian oversight can rarely be boiled down to technical problems with technical solutions. Oversight practitioners must consider each recommendation with a mindset oriented towards a "best fit" approach and consider the following questions with all relevant stakeholders before implementing a particular practice:

1. *Is this practice an appropriate "fit" for our local context?*
2. *How will this practice strengthen civilian oversight in relation to the thirteen principles for effective oversight?*
3. *What are the potential unintended consequences of implementing this practice?*

The following is a list of the recommendations. Information about each individual recommendation is available upon request during this time at <mailto:info@nacole.org>.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

I. Complaints Process

A. Filing and Receiving Complaints

1. Submission of Complaints

Recommendation: There should be several alternative modes for the filing of a complaint and the process should be as easy and accessible as possible.

2. Barrier-Free Complaint Process

Recommendation: Members of the public, including adjudicated/pre-adjudicated, incarcerated individuals should not be discouraged, dissuaded, burdened, or otherwise threatened or intimidated by the complaint process or when filing a complaint. Unless required by state law, the complaint process should not require individuals to notarize a complaint, sign an affidavit, issue statements under penalty of perjury, or threaten potential prosecution for false statements. In addition, while it may be appropriate to look at current criminal charges as they relate to the complaint, reviewing an individual's criminal history or performing warrant or immigration checks should not be tolerated.

3. Anonymous complaints

Recommendation: Unless prohibited by law, the complaint process should allow for the anonymous filing of complaints. Complaint forms and brochures should make clear that complaints can be submitted anonymously and that providing any identifying information is optional.

4. Third-party complaints

Recommendation: If permitted by law, the complaint process should allow those who have witnessed or have sufficient knowledge of an incident of alleged misconduct to file a complaint.

5. Internal complaints

Recommendation: A civilian oversight agency's complaint jurisdiction should cover internal complaints — those filed by officers or deputies within the overseen law enforcement agency — to provide law enforcement officers with a neutral and independent outlet for reporting officer misconduct and alleged retaliation for reporting misconduct.

6. Accessibility for non-English speakers and persons with disabilities

Recommendation: Oversight agencies should, to the best of their ability, accommodate all languages spoken by significant portions of the community. Brochures and complaint forms should be made available in these languages so as to make the complaint process as accessible



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

to the community as reasonably possible. Both the oversight and law enforcement agency should maintain compliance with federal Limited English Proficiency (LEP) laws to ensure language barriers are not a deterrent to filing a complaint.

B. Case Management

1. Complaint Triage and Alternatives to Formal Investigation

Recommendation: Civilian oversight agencies with jurisdiction over complaints should develop clear protocols for how complaints are to be handled following a preliminary investigation. When formal investigation or mediation of low-level allegations are expected to require a significant commitment of resources and are unlikely to produce beneficial outcomes, alternative methods should be considered.

2. Handling Complaints Alleging Potentially Criminal Conduct

Recommendation: Upon receiving a complaint, oversight staff should evaluate whether it has jurisdiction over the complaint and whether the complaint should also be referred to either a law enforcement agency or prosecutor. Protocols should be established for referring complaints alleging potential criminal misconduct and when an administrative investigation should be stayed during the pendency of a criminal investigation.

3. Referring complaints to mediation

Recommendation: The seriousness of a complaint and likelihood of a successful mediation outcome should determine whether an individual complaint will be referred to mediation.

II. Communication with Complainants

A. Status updates

Recommendation: The complaint process is more likely to be perceived as fair and transparent if complainants receive regular updates regarding their complaint and can obtain status updates at any time.

B. Close-out meetings

Recommendation: Once a complaint has been adjudicated and/or after a disciplinary decision has been made, the civilian oversight agency should invite complainants to an in-person, close-out meeting.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

C. Complaint Process and Mediation Feedback Surveys

Recommendation: When a complaint has been mediated, or when an investigation has been completed and adjudicated, the civilian oversight agency should invite complainants and officers to complete a survey about their experience and provide feedback regarding the complaint and mediation processes.

III. Independence

A. Political independence

1. Enabling legislation

Recommendation: An oversight agency is more politically independent and less susceptible to political interference when its mission and authority are established by municipal charter.

2. City Council Confirmation

Recommendation: A volunteer board or commission's real and perceived independence can be strengthened by requiring the city council to confirm appointments.

3. Recruitment and Selection of Oversight Executive

Recommendation: The independence and effectiveness of a civilian oversight agency can be strengthened by selecting the agency executive through an inclusive, deliberative, and consensus-based process.

4. Removal of Oversight Executive

Recommendation: The decision to terminate an oversight agency executive should be for cause only, and the result of a consensus-based decision.

5. Reporting structure

Recommendation: The civilian oversight agency should be structured within government so as to minimize real or perceived political influence on the decision-making, reporting, recruitment, and termination of key political staff.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

B. Operational and Procedural Independence

1. Report Editorial Authority

Recommendation: Stakeholders outside of the civilian oversight agency should not be able to edit, modify, or influence the contents of the agency's public reports.

2. Essential Functions and Daily Operations

Recommendation: Agency staff should be able to make key decisions regarding the oversight agency's daily operations without consulting or requiring prior approval from outside entities.

3. Budget and Staffing Floors

Recommendation: Budget or staffing minimums established in an oversight agency's enabling legislation ensure that the agency will have adequate resources to perform its work and protect it from budget cuts that could undermine its effectiveness.

IV. Boards and Commissions

A. Diversity and Inclusion of Community Groups

Recommendation: The diversity of civilian boards or commissions should closely mirror the diversity of the community served. Stakeholders should consider involving sufficiently knowledgeable and relevant local civic organizations and community groups in the appointment process, so as to leverage their expertise, outreach, and representation of cross-sections of the community.

B. Staggered Terms and Term Limits

Recommendation: Volunteer boards or commissions should have staggered terms and term limits for its members so as to introduce fresh perspectives while maintaining institutional knowledge.

C. Stipends

Recommendation: Board diversity and participation can be enhanced by providing stipends to offset expenses relating to a volunteer member's duties and work for the board or commission.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

V. Access to Information

A. Oversight Models and Information Access

Recommendation: Stakeholders and oversight agencies should consider the records and corresponding level of access needed in relation to the oversight model deployed and the oversight functions to be performed by the agency.

B. Enabling Legislation Language Relating to Accessing Department Records

Recommendation: Legislation establishing civilian oversight must explicitly address an oversight agency's unfettered access to relevant records and documentation, as well as the law enforcement agency's obligation to cooperate with the oversight agency's request in a reasonable and timely manner.

C. Law Enforcement Liaisons

Recommendation: Law enforcement cooperation with civilian oversight can be strengthened by designating at least one high-ranking individual within the chain of command to serve as a liaison and the point of contact responsible for coordinating the civilian oversight agency's requests.

D. Law Enforcement Liaisons

Recommendation: Law enforcement cooperation with civilian oversight can be strengthened by designating at least one high-ranking individual within the chain of command to serve as a liaison and the point of contact responsible for coordinating the civilian oversight agency's requests.

E. Direct Access to Law Enforcement Databases

Recommendation: Direct access to law enforcement databases reduces delays in information requests, permits the civilian oversight agency to run advanced queries of the database content, and ensures the accuracy and integrity of the overseen law enforcement agency's data.

F. Disciplinary Sanctions for Failure to Cooperate

Recommendation: Law enforcement agencies that are subject to civilian oversight should establish policies outlining the role of their civilian oversight agency, processes and procedures for cooperation, and the duty of officers and staff subject to oversight to cooperate with an



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

oversight agency's requests. Failing to cooperate should be subject to discipline similar to the type of discipline imposed for failing to cooperate with an internal investigation.

VI. **Staffing¹**

A. Oversight Executive

Recommendation: The qualifications for an oversight executive should meet minimum educational, experience, and skill requirements dictated by agency mandates and municipal or county employment standards.

B. Supervisory Investigators and Investigators

Recommendation: The qualifications for supervisory investigators and investigators should meet minimum educational, experience, and skill requirements dictated by agency mandates and municipal or county employment standards.

C. Policy Analysts

Recommendation: The qualifications for policy analysts should meet minimum educational, experience, and skill requirements dictated by agency mandates and municipal or county employment standards.

D. Outreach Staff

Recommendation: The qualifications for staff dedicated to community outreach should meet minimum educational, experience, and skill requirements dictated by agency mandates and municipal or county employment standards.

¹ National Association for Civilian Oversight of Law Enforcement, "Qualification Standards for Oversight Agencies." Note: additional, detailed information regarding staffing education, experience, and skill requirements has been put together by NACOLE and can be found at www.nacole.org.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

VII. Training

A. Board or Commission Member Training

Recommendation: All board or commission members must receive training, shortly after appointment, on the policies and procedures of their local law enforcement agency, the basics of civilian oversight, and the authority and responsibilities associated with their role as a board or commission member.

B. Staff Training

Recommendation: Staff should be given training on the policies and procedures of their local law enforcement agency, the basics of civilian oversight, the authority and responsibilities associated with their agency, as well as continuing education and professional development on an ongoing basis.

C. Law Enforcement Agency's Role in Training

Recommendation: Members of the overseen law enforcement agency should be involved in the development and implementation of training for civilian oversight staff and board/commission members.

VIII. Investigations

A. Investigation Manuals

Recommendation: An oversight agency should develop a manual guiding the processes and procedures for handling complaints and conducting a thorough misconduct investigation.

B. Conducting Interviews

Recommendation: Oversight agencies with the authority to conduct investigations should have clearly stated protocols for interviewing complainants, officers and civilian witnesses.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

C. Evidentiary Standards

Recommendation: The findings of an administrative investigation should be based upon the standard of proof established by the jurisdiction. Oversight agency staff conducting investigations or reviewing findings must be thoroughly trained on the applicable standard.

IX. Auditing

A. Required Audits

Recommendation: Auditor/monitor-focused agencies should be required to audit matters of ongoing community interest in order to improve the law enforcement agency's compliance with its own policies and enhance the trust between law enforcement and the community.

B. Follow-up Audits

Recommendation: The civilian oversight agency should perform follow-up audits regarding issues it previously examined to determine whether any reforms previously implemented have remained in place, are still effective, or whether additional remedies need to be implemented to address outstanding issues.

C. Audit Standards and Standardization

Recommendation: Civilian oversight agency audits should be planned and performed with a set of uniform or standardized criteria.

X. Monitoring

A. Monitoring Cases of Interest

Recommendation: Civilian oversight agencies authorized to monitor open law enforcement internal investigations should be permitted to monitor any case the agency deems in the public interest.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

B. Interview Monitoring and Participation

Recommendation: Civilian oversight agencies authorized to monitor open law enforcement department internal investigations should be able to actively watch or listen to relevant interviews in real-time. The oversight agency should be able to provide specific questions before or during the interview as well as consult investigators regarding the direction of the investigation.

C. Public Demonstrations and First Amendment Assemblies

Recommendation: Civilian oversight agencies with adequate staff and sufficient resources should be authorized to monitor, evaluate, and report on the overseen law enforcement agency's policies, procedures, and tactics for policing public demonstrations and similar First Amendment-related gatherings if deemed by stakeholders to be a matter in the public interest.

XI. Reviewing Investigations

A. Investigation Review Checklists and Matrices

Recommendation: The civilian oversight agency should develop and use a case review checklist or evaluation matrix to consistently evaluate the thoroughness, accuracy, and fairness of internal investigations.

B. Voting Seat on Use of Force Review Boards

Recommendation: A representative from the civilian oversight agency should have a minimum of one voting seat on the law enforcement agency's Use of Force Review Board (UOFRB).

XII. Data and Policy Analysis

A. Internal Data Collection

Recommendation: The civilian oversight agency should collect sufficient internal data and records relating to its own work to analyze strengths and weaknesses in its operations, identify patterns and trends in law enforcement relevant to its mandate, present information to the public, and provide additional insight if the agency is being evaluated.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

B. Analyzing Civil Claims and Litigation

Recommendation: Collecting and analyzing legal claims and lawsuits filed against the overseen law enforcement agency provides an opportunity to improve law enforcement functions, identify at-risk officers or units, and mitigate municipal and taxpayer exposure to future legal claims.

C. Analyzing Use of Force

Recommendation: Oversight agencies with access to use of force reports should regularly analyze and publish disaggregated data to the public.

D. Data Quality and Data-Driven Analyses

Recommendation: Civilian oversight agencies should only use credible and relevant data to support assertions made regarding the law enforcement agency's policies, practices, and procedures. Data analyses must use appropriate and methodologically-sound statistical approaches.

E. Policy Reform Task Forces

Recommendation: Policy recommendations pertaining to matters of significant community interest may require the convening of a task force, including civilian oversight, law enforcement and their unions, community members and advocacy groups, relevant municipal agencies, and national experts to develop policy recommendations and assist in their implementation.

XIII. Issuing Recommendations

A. Developing Policy and Training Recommendations

Recommendation: Policy and training recommendations should include, to the greatest extent possible, specific details, relevant examples and resources, and actionable language to guide proposed actions for the law enforcement agency.

B. Developing Disciplinary Recommendations

Recommendation: Disciplinary recommendations for sustained allegations of misconduct should be consistent, fair, and just.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

C. Requiring Written, Public Responses to Oversight Recommendations

Recommendation: Requiring the law enforcement department to publicly respond in writing to a civilian oversight agency's recommendations can improve transparency and accountability.

D. Status of Recommendations and Follow-Up

Recommendation: Oversight agencies should track and report the status of recommendations issued to the law enforcement department. If the law enforcement department has accepted a particular recommendation, the oversight agency should follow-up on its status, and assist with its implementation where possible.

XIV. Reporting and Transparency

A. Regular Reports

Recommendation: The oversight agency should issue regular reports to the public describing the agency's mission, authority, activity, and accomplishments for the reporting period.

B. Special Reports

Recommendation: Investigations and reviews of matters of significant community interest should be published as standalone special reports.

C. Publishing and Presenting Data

Recommendation: An oversight agency's data should be regularly published and presented in a clear and accessible format.

XV. Retaliation and Confidentiality

A. Prohibitions Against Retaliation

Recommendation: All forms of retaliation, including threats, harassment, discouragement, intimidation, coercion, or adverse action, against oversight staff or any individual who files a complaint, cooperates with an investigation, or provides information to a civilian oversight



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

agency, must be expressly prohibited by the oversight agency's enabling legislation and departmental policy. Retaliation must be subject to discipline, up to and including termination.

B. Monitoring and Reviewing Retaliation Complaints and Policy

Recommendation: Oversight agencies should periodically review civilian and internal retaliation complaints to assess the prevalence of retaliation and ensure that both the investigative and disciplinary processes of the law enforcement organization are functioning properly.

XVI. Community Outreach and Inclusion

A. Assessing Outreach Needs

Recommendation: Oversight practitioners should plan and evaluate its outreach needs based on its resources, mandate, goals, and local needs and challenges.

B. Partnerships with Community Organizations

Recommendation: An oversight agency's outreach efforts can be strengthened by developing partnerships with local community organizations.

C. Targeted Outreach to Key Groups

Recommendation: Targeting and tailoring outreach efforts to key local stakeholders can maximize an agency's reach and ability to share relevant information.

D. Community Inclusion in Developing a Mediation Program

Recommendation: An oversight agency should work with local stakeholders to develop protocols determining which types of complaints are eligible for mediation.

XVII. Evaluation

A. Oversight Agency Evaluation

Recommendation: Oversight agencies should be evaluated periodically to identify strengths, weaknesses, accomplishments and promote continuous improvement.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

B. Evaluation Approaches and Frameworks

Recommendation: Various approaches, methodological considerations, and frameworks should be taken into account when evaluating an oversight agency.

C. Evaluation Metrics: Workload and Performance

Recommendation: When properly contextualized and interpreted, certain metrics relating to the agency's workload and performance can be helpful in understanding an oversight agency's work.

D. External Evaluation

Recommendation: Stakeholders should weigh the relative benefits of having the oversight agency evaluated by community, municipal, or private entities.

E. Internal Evaluation

Recommendation: Oversight staff should be periodically surveyed by an outside entity to gauge staff morale and internal perceptions of management, operations, processes, and procedures.



Recommendations for Effective Practices

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).



Models of Oversight

Overview

Both scholars and practitioners of civilian oversight in the United States have made attempts to classify various approaches to oversight in relation to their most common functions, legal authority, and organizational features. There is a general consensus in the contemporary literature that American civilian oversight agencies broadly follow the *review-focused*, *investigation-focused*, or *auditor/monitor-focused model*, described in detail below, with authors describing relatively minor organizational differences regarding the specific characteristics of each model type.¹

A. Review-focused Models

Review-focused agencies represent the earliest and most common form of civilian oversight in the United States, accounting for nearly 62% of civilian oversight agencies in the United States.² In their most basic form, review-focused agencies provide community members outside of and unaffiliated with the law enforcement agency with an opportunity to review the quality of misconduct complaint investigations performed by the overseen department.³

The level of authority given to review-focused agencies varies. In addition to reviewing completed internal investigations, review-focused models are often permitted to receive civilian complaints and forward them to the department for investigation; remand cases back to the department's internal affairs unit for further investigation; hear appeals from complainants or subject officers; recommend

¹ Police Assessment Resource Center, "Review of National Police Oversight Models for The Eugene Police Commission"; Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States"; De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence"; Walker, *Police Accountability: The Role of Citizen Oversight*.

² Compilation of civilian oversight agencies produced by Jillian Aldebron, JD, Howard University, for the National Institute of Justice W.E.B. DuBois Program of Research on Race and Crime, Grant No. 2016-R2-CX-0055, "Do DOJ Intervention and Citizen Oversight Improve Police Accountability", with additions made by NACOLE researchers.

³ Bobb, "Civilian Oversight of Police in the United States," 13.



Models of Oversight

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

case dispositions, discipline or revised departmental policies and procedures; hold public forums; and conduct community outreach.⁴

B. Investigation-focused Models

Investigation-focused models are currently the second most common form of civilian oversight in the United States.⁵ Agencies that fit within the investigative model employ professionally trained investigative staff to conduct investigations of allegations of misconduct independently of the overseen department's internal affairs unit or replace critical functions of a standard internal affairs unit altogether.⁶ These types of agencies can vary greatly both in terms of authority and organizational structure, but tend to be the most cost- and resource-intensive forms of oversight given their staffing needs.⁷

Investigation-focused agencies typically have greater access to law enforcement records and databases than review-focused agencies, particularly with regard to body-worn camera and in-car video.⁸ They are more likely to have the ability to subpoena documents and witnesses than either review-focused or auditor/monitor-focused models in order to expedite the collection of evidence.⁹

In many jurisdictions, in addition to the investigative agencies' professional staff, the agencies include a volunteer board or commission. The roles of these boards or commissions can vary greatly. In some cases, the board or commission acts in an advisory capacity or a leadership capacity. Some may conduct votes to initiate investigations, issue subpoenas, and determine the dispositions of misconduct allegations based on staff investigations.¹⁰ Elsewhere, boards or commissions hold public hearings, conduct community outreach, determine policy-related matters the agency should investigate further, or make specific policy recommendations.

C. Auditor/monitor-focused Models

The auditor/monitor-focused model is a relatively recent innovation spurred by a desire to promote systemic change in law enforcement agencies through policy and trend analysis. These models emerged as civilian oversight agencies as a result of political compromises between community activists pushing

⁴ De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 27–28; Police Assessment Resource Center, "Review of National Police Oversight Models for The Eugene Police Commission," 11–13; Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States," 4–5; Bobb, "Civilian Oversight of Police in the United States," 18–19.

⁵ De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 24. (Table 1)

⁶ Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States," 3; Police Assessment Resource Center, "Review of National Police Oversight Models for The Eugene Police Commission," 14–17..

⁷ De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 25.

⁸ De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 69. (Table B11) See Table 7 of this report.

⁹ Ibid.

¹⁰ Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States," 3.



Models of Oversight

Summary written and provided by the National Association for Civilian Oversight of Law Enforcement (June 1, 2020).

for civilian oversight and law enforcement agencies opposed to civilian review boards or independent investigative agencies.¹¹ Auditor/monitor-focused models tend to be less expensive than investigation-focused models, but more expensive than review-focused models.¹²

Sometimes referred to as inspectors general or police monitors,¹³ these types of oversight agencies tend to vary more in terms of authority than organizational structure. In general, they are created to promote broad organizational change by addressing systemic issues, analyzing patterns and trends, and addressing deficiencies in policies and procedures.¹⁴ Their work may cover virtually any aspect of the overseen law enforcement agency such as complaints, discipline, training, staffing and recruitment, use of force, and crime prevention strategies. They can typically issue recommendations regarding any aspects of the law enforcement agency that are in their purview.

D. Hybrid Civilian Oversight Models and Systems

Civilian oversight agencies — particularly newly established ones — are increasingly adopting forms of oversight that go beyond the traditional *review-focused*, *investigation-focused*, and *auditor/monitor-focused* delineations by combining functions of several models.¹⁵

Hybrid civilian oversight exists in two ways: hybrid *agencies* and hybrid *systems*. In the first case, an agency may primarily focus on one oversight function while also performing other functions (such as reviewing internal investigations and auditing policy compliance). In the latter case, a single jurisdiction may have multiple agencies overseeing the same department, such as an independent investigative agency and an inspector general, or a monitor agency and a civilian board acting in an advisory capacity to the law enforcement agency and/or other civilian oversight agency. Individual agencies assuming hybrid forms are increasingly common, but several jurisdictions have also created multiple agencies responsible for performing different oversight functions of the same law enforcement department.

¹¹ Walker and Archbold, *The New World of Police Accountability*, 180.

¹² De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence,” 31.

¹³ De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence,” 29.

¹⁴ Ibid., 30; Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States,” 3–4; King, “Effectively Implementing Civilian Oversight Boards to Ensure Police Accountability and Strengthen Police-Community Relations,” 101–104.

¹⁵ Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States”; De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence”; Harris, “Holding Police Accountability Theory to Account.”



Models of Oversight

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Thirteen Principles for Effective Oversight

Based largely on the NACOLE's "Core Elements of Successful Oversight,"¹ the following set of 13 principles reflect information gleaned from pre-existing works by several scholars and oversight professionals, who have worked to identify the most important aspects of effective civilian oversight.² Together, these 13 principles form the preconditions for effective civilian oversight of law enforcement. However, building effective oversight requires balancing and prioritizing these principles, based on what stakeholders determine to be most important for the community the agency serves.

The recommended practices, approaches, and organizational features that follow seek to strengthen an agency in relation to these thirteen principles, to allow for more successful and effective civilian oversight.

1. Independence

One of the most important and defining concepts of civilian oversight of law enforcement is independence. In its broadest sense, it refers to an absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the civilian oversight agency. In order to maintain legitimacy, an agency must be able to demonstrate the extent and impact of its independence from the overseen law enforcement agency — especially in the face of high-profile issues or incidents.

2. Clearly Defined and Adequate Jurisdiction and Authority

An oversight agency's jurisdiction and scope of authority are crucial to its success and effectiveness. While expectations regarding civilian oversight can vary significantly, having adequate jurisdiction and authority are fundamental in achieving organizational goals and ensuring the oversight agency can be

¹ De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 36–44.

² Perez, *Common Sense About Police Review*; Walker, *Police Accountability: The Role of Citizen Oversight*; Walker, "Core Principles for an Effective Police Auditor's Office"; Bobb, "Civilian Oversight of Police in the United States"; Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States"; King, "Effectively Implementing Civilian Oversight Boards to Ensure Police Accountability and Strengthen Police-Community Relations"; De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence."



Thirteen Principles of Civilian Oversight

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responsive to communities.³ An agency that is not given sufficient authority and jurisdiction to perform its mission simply cannot be effective. While there is no “best” oversight model for all contexts, stakeholders must ensure that the level of authority an oversight agency has in relation to its core oversight functions permits the agency to successfully perform its duties to the greatest degree possible and without limitation.

3. Unfettered Access to Records and Facilities

Unfettered access to the subject law enforcement agency’s records is vitally important for effective civilian oversight.⁴ The ability to review all records relevant to an investigation or other matters within the scope of a civilian oversight agency’s authority in a timely manner is essential to providing effective, informed, and fact-driven oversight. Similarly, agencies performing correctional oversight must have unfettered access to facilities and staff. Without timely and reliable access to department records, information, and facilities, oversight practitioners and volunteers cannot make decisions that meaningfully address areas of concern.

4. Access to Law Enforcement Executives and Internal Affairs Staff

The effectiveness of civilian oversight can hinge on an agency’s ability to effectively communicate with law enforcement officials regarding matters of concern identified throughout the course of the oversight agency’s work. Sustained dialogue and communication between law enforcement and oversight stakeholders promotes cooperation and ensures that those involved can develop mutual understanding and support for each other’s role in promoting greater accountability. Legislation establishing civilian oversight should require that law enforcement agencies provide timely, written, and public responses detailing why a particular recommendation was either accepted or rejected.⁵ These responses are crucial to informing the public of how, if, and why or why not issues identified by the civilian oversight agency will be addressed.

5. Full Cooperation

In addition to having access to relevant records and department executives, effective civilian oversight requires the full cooperation of all officers and department staff throughout the course of its work.⁶ Full cooperation is necessary for conducting thorough investigations and obtaining sufficient information for any work performed by the civilian oversight agency. The conditions of such cooperation must respect due process rights and an individual’s constitutional right against self-incrimination. Cooperation with

³ De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence,” 37; Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States,” 7.

⁴ Walker, “Core Principles for an Effective Police Auditor’s Office”; Police Assessment Resource Center, “Review of National Police Oversight Models for The Eugene Police Commission”; Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States”; King, “Effectively Implementing Civilian Oversight Boards to Ensure Police Accountability and Strengthen Police-Community Relations.”

⁵ Ibid.

⁶ Walker, “Core Principles for an Effective Police Auditor’s Office.”



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civilian oversight should be a condition of employment for all officers and staff within the agency's jurisdiction.⁷

6. Sustained Stakeholder Support

Ongoing engagement with and support from stakeholders regarding local public safety and law enforcement-related issues is an important component of effectiveness. An otherwise well-designed civilian oversight mechanism can be undermined over time by a lack of meaningful support from those who can contribute to an agency's success.⁸ While establishing and supporting civilian oversight may be politically expedient in times of crisis, successful oversight requires the sustained support and interest of stakeholders who value independence, accountability, and transparency.⁹ An agency's ability to maintain this support may be a function of its outreach to those stakeholders. Maintaining productive relationships, even in times where disagreement and conflict may be unavoidable, will be crucial to future problem-solving, cooperation, and collaboration on key issues.

7. Adequate Funding and Operational Resources

Allocating sufficient resources to civilian oversight is a crucial determinant to effectiveness.¹⁰ To ensure that work is being performed thoroughly, timely, and at a high level of competency, adequate resources are necessary. Political stakeholders must ensure that their support for civilian oversight includes a sustained commitment to provide adequate and necessary resources. Providing adequate funding can signal a commitment to reform that may lead to greater cooperation by law enforcement executives and unions.¹¹ Similarly, civilian oversight agencies must have the resources to retain experienced professional staff, provide staff and volunteer board or commission members with adequate training on a regular basis, perform community outreach, and disseminate public reports and other outreach materials in order to be effective.

8. Public Reporting and Transparency

An independent entity bringing transparency to a historically opaque process is a fundamental goal and component of civilian oversight. Civilian oversight provides a unique opportunity for the public to learn about misconduct complaints and other areas of the law enforcement agency that serves the community. As such, issuing regular public reports is critical to an agency's credibility.¹² A civilian oversight agency should, at a minimum, issue one written report to the public each year.¹³ Reports

⁷ Ibid.

⁸ Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States," 7.

⁹ Ibid., 6.

¹⁰ Finn, "Citizen Review of Police: Approaches and Implementation"; Walker, "Core Principles for an Effective Police Auditor's Office"; Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States"; De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence."

¹¹ Jones, "Chapter 5. Funding and Staffing," 62.

¹² Jerome, "Chapter 3. Credibility, Impartiality, and Independence in Citizen Oversight," 38.

¹³ Ibid.



should be written in an accessible manner that allows the public to clearly understand the agency's authority, purpose, procedures, and accomplishments. In addition, they should include as much information related to the agency's mandate and operations as can be disclosed by law, including patterns and trends in complaints or discipline, the agency's recommendations and activities for the year, and issues that may be of concern to the public. Sufficiently resourced oversight agencies should seek to produce more frequent reports and, where appropriate, issue special reports on specific matters such as the findings of a particular policy review, audit, or investigation.¹⁴

9. Policy and Patterns in Practice Analysis

Performing analyses of law enforcement policies and patterns in practice may be among the most critical functions a civilian oversight agency can perform.¹⁵ Such analyses have great potential to advance the goals of effective civilian oversight by addressing systemic problems of law enforcement agencies and by formulating recommendations that will improve relations with communities. By performing data-driven and evidence-based analyses of specific issues, oversight agencies can pinpoint areas of concern and formulate recommendations for improvement. To hold the overseen law enforcement agency's executives accountable, timely, written responses to the oversight agency's recommendations should be required and made public.

10. Community Outreach

In many cases, civilian oversight is established amid community calls for greater accountability following a high-profile incident involving local law enforcement.¹⁶ As an institution representing the interests of the local community, conducting outreach to the community and local stakeholders is essential to effective civilian oversight.¹⁷ Outreach enables an oversight agency to build awareness of its existence, share reports and findings with the public, build relationships with stakeholders, recruit volunteers, solicit community input and involvement, facilitate learning and greater understanding, broker improved relationships, build coalitions, and develop a greater capacity for problem-solving.¹⁸ These functions are crucial to an agency's transparency, credibility, responsiveness, accountability, and accessibility, and overall ability to successfully maintain public support and legitimacy.¹⁹

¹⁴ Stewart, "Chapter 11. Community Outreach and Public Education in Citizen Oversight," 197.

¹⁵ Walker and Archbold, *The New World of Police Accountability*.

¹⁶ De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 34.

¹⁷ Walker, *Police Accountability: The Role of Citizen Oversight*; De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 42–43.

¹⁸ Stewart, "Chapter 11. Community Outreach and Public Education in Citizen Oversight," 149–51.

¹⁹ Stewart, "Chapter 11. Community Outreach and Public Education in Citizen Oversight"; Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States."



11. Community Involvement

Effective civilian oversight requires community involvement.²⁰ Community and stakeholder input regarding how civilian oversight should function and which accountability issues it should address will result in the creation of a “best fit” oversight system that can meet community needs and expectations. Without sufficient involvement of those most interested in and impacted by local issues regarding law enforcement, it is unlikely that civilian oversight will be able to successfully accomplish its goals.²¹

12. Confidentiality, Anonymity, and Protection from Retaliation

Effective civilian oversight must function with the same integrity, professionalism, and ethical standards it expects from and promotes for law enforcement. Stakeholders and the community must remain confident that civilian oversight will protect sensitive information as well as those who disclose it. An oversight agency cannot maintain credibility, legitimacy, and public trust if it does not or cannot respect confidentiality agreements, maintain the anonymity of those who wish to share information anonymously, and work towards creating an environment where those involved with or contacting the oversight agency can do so without fear of retaliation or retribution.

13. Procedural Justice and Legitimacy

Procedural justice and legitimacy should serve as core principles guiding the work and processes of effective civilian oversight. Rooted in behavioral psychology, procedural justice typically centers on *how* authority is exercised. For entities whose authority is established by law, the recognition of their right to that authority and perceptions of how fairly that authority is exercised are crucial components of legitimacy.²² Research has shown that procedurally-just interactions between law enforcement and the community positively impact the public’s compliance with laws²³ and willingness to assist in crime control efforts.²⁴ The literature has also shown that officer perceptions of a procedurally-just work environment is associated with reduced misconduct and corruption,²⁵ as well as greater endorsement of policing reforms, reduced mistrust and cynicism with the community, willingness to obey supervisors,

²⁰ Walker, “Core Principles for an Effective Police Auditor’s Office”; Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States”; King, “Effectively Implementing Civilian Oversight Boards to Ensure Police Accountability and Strengthen Police-Community Relations”; De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence.”

²¹ McDevitt, Farrell, and Andresen, “Enhancing Citizen Participation in the Review of Complaints and Use of Force in the Boston Police Department,” 7–8; De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence,” 43–44.

²² Sunshine and Tyler, “The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing”; Jackson et al., “Why Do People Comply with the Law?”; Mazerolle et al., *Procedural Justice and Legitimacy in Policing*.

²³ Sunshine and Tyler, “The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing.”

²⁴ Murphy, Hinds, and Fleming, “Encouraging Public Cooperation and Support for Police.”

²⁵ Wolfe and Piquero, “Organizational Justice and Police Misconduct.”



Thirteen Principles of Civilian Oversight

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and increased officer well-being.²⁶ Though the literature on procedural justice and civilian oversight is relatively sparse, there is research supporting the notion that procedurally just complaint processes — where complainants report being satisfied with the quality of communication and the process²⁷ — increase complainant satisfaction.²⁸

²⁶ Trinkner, Tyler, and Goff, “Justice from Within.”

²⁷ De Angelis, “Assessing the Impact of Oversight and Procedural Justice on the Attitudes of Individuals Who File Police Complaints.”

²⁸ Worden, Bonner, and McLean, “Procedural Justice and Citizen Review of Complaints Against the Police.”



Thirteen Principles of Civilian Oversight

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Guidebook for the Implementation of New or Revitalized Police Oversight



National Association for Civilian Oversight of Law Enforcement

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Acknowledgement: What follows is a compilation of new material combined with selected NACOLE endorsed materials, written by many known and unknown authors, edited to provide the reader a guidebook relevant to the present set of circumstances in 2016. The editors affirm that attribution of original authorship was in no case purposely omitted, and that this guidebook was prepared in the spirit of offering the best material available for educational purposes. We are deeply indebted to all of them.

About the National Association for Civilian Oversight of Law Enforcement

The **National Association for Civilian Oversight of Law Enforcement (NACOLE)** is a non-profit organization that works to enhance accountability and transparency in policing and build community trust through civilian oversight

Mission

The mission of NACOLE is to enhance fair and professional law enforcement responsive to community needs.

To this end, the goals of NACOLE are:

- A. To provide for the establishment, development, education, and technical assistance of/for the civilian oversight of law enforcement.
- B. To develop a national forum to provide an informational and educational clearinghouse and a publication resource of educational information for the public and organizations in the field of civilian oversight of law enforcement.
- C. To encourage the highest ethical standards in organizations that help oversee law enforcement.
- D. To educate the public by developing mechanisms to enhance police and community relations, educate law enforcement agencies, and encourage law enforcement to respond with sensitivity to citizens' issues and complaints.
- E. To encourage full racial and ethnic representation and participation in this organization and the agencies overseen by its members.

Established in 1995, NACOLE is the largest and premier civilian oversight organization in the United States; its membership comprises nearly 1,000 oversight practitioners, current and former law enforcement personnel, elected officials, journalists, academics, students, and community stakeholders, among others. NACOLE has worked to legitimize police oversight as a professional field of study and practice and facilitated the development of professional standards, including a Code of Ethics, as well as core competencies and training guidelines for oversight practitioners. NACOLE also hosts an annual training conference where civilian overseers and other interested stakeholders meet and exchange information and ideas about issues facing law enforcement oversight. The 2015 conference saw participation from 114 communities from 30 states, the District of Columbia, Puerto Rico, and six countries. Such broad

representation within NACOLE activities has been consistent from year to year, stretching back to the organization's roots in the international oversight movement of the late 1980s and early 1990s. This is in large part because NACOLE has been the only organization in the United States providing training explicitly on civilian oversight during that time.

NACOLE works collaboratively and in partnership with law enforcement, oversight entities, and communities interested in oversight. From the public perspective, we ensure oversight is present, knowledgeable and capable. From the law enforcement perspective, we ensure policies and processes are in place to ensure transparency, accountability and institutional commitment to constitutional policing. NACOLE's goal is not simply to police the police; rather, NACOLE seeks to engage stakeholders in a dialogue that firmly establishes partnerships and helps create an environment in which police are responsive to community, they engage with the community impartially, and the community in turn views the police with legitimacy and respect.

NACOLE has worked with law enforcement and civilian oversight groups nationwide. Recent examples of communities to which NACOLE has provided training or technical assistance include: Anaheim, CA; Bainbridge Island, WA; Boston, MA; Fairfax Co., VA; Ferguson, MO; Fullerton, CA; King Co., WA; Los Angeles Co., CA; Memphis, TN; New York, NY; Oxnard, CA; Pasadena, CA; Pueblo, CO; Sonoma Co., CA; and St. Louis, MO, as well as cities in numerous other countries including Mexico, Kyrgyzstan, Russia, Trinidad & Tobago, and Vietnam. The assistance provided by NACOLE has included providing information and training on:

- Establishing civilian oversight
- Investigative standards
- Police use of force
- Discriminatory policing
- Treatment of, and interaction with, marginalized groups (e.g., persons with mental illness, homeless, LGBTQ, disabled, immigrant)
- Mediation
- Technology (e.g., body-worn cameras, TASERS)
- Police training
- Management and supervision practices
- Data collection and data analysis

In addition, NACOLE:

- Organizes training conferences and seminars
- Provides technical assistance and support
- Encourages networking, communications, and information sharing

- Maintains a national information and resource clearinghouse
- Sponsors a listserv for information on the topics of policing and police oversight
- Offers a professional credential for oversight practitioners
- Publishes a regular newsletter
- Produces a webinar series on topics important to those in and around oversight
- Facilitates a professional mentoring program

Foreword: Message from the President

January 13, 2016

Dear Reader:

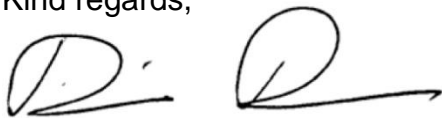
On behalf of the National Association for Civilian Oversight of Law Enforcement (NACOLE), its Board of Directors, members, and staff, I am pleased to present the following guidebook for non-governmental organization (NGO) members and Government of Mexico officials on how to develop and implement external citizens' bodies for oversight of law enforcement.

Established in 1995, NACOLE is a non-profit organization that works to enhance transparency and accountability in policing and build community trust through civilian oversight, in the United States and around the world. NACOLE shares the goals of the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs and its police professionalization programs that encourage democratic and transparent public security and ensure increased accountability, oversight, and integrity of police departments and active police officers.

This guidebook addresses many important topics in oversight, including, but not limited to: the basic philosophy, principles, and objectives of law enforcement oversight; methodologies; and models of evaluation and assessment, as well as strategies and approaches to ensuring constitutional policing.

I am confident that you will find the guidebook provides a foundation for understanding the necessary steps and issues specific to the process of establishing civilian oversight of the police.

Kind regards,

A handwritten signature in dark ink, appearing to read 'B. Buchner', with a long horizontal flourish extending to the right.

Brian Buchner
President
NACOLE

Chapter 1. Introduction

As recent incidents throughout the United States and around the world have demonstrated, cities and police departments have left themselves unprepared to face the consequences of a lack of public trust, community confidence, or sense of legitimacy, particularly within communities of color. Historically, these cities and police departments have only reacted to crises and have rarely acted in a proactive manner to implement robust internal and external accountability mechanisms necessary to build public trust and reduce the likelihood of these breakdowns occurring in the future.

Citizen oversight of law enforcement is a critical facet of any well-founded effort to strengthen the relationship between police and communities and to build public trust, all while promoting effective policing. And it is one of the only mechanisms proven to ensure sustainable reforms. Civilian oversight alone is not sufficient to yield the legitimacy in which both the public and law enforcement share an interest; without outside oversight, however, no collection of efforts to secure such legitimacy can be considered complete or directly responsive to the public's demands for greater participation in, and understanding of, their local law enforcement.

There is no one-size-fits-all approach to police oversight. There are more than 200 oversight entities across the United States. No two are exactly alike. There are civilian review boards, monitors, auditors, and inspectors general, among other models. The "best" approach continues to be a subject of debate. In part, this is because so many different factors influence what particular agencies and communities need and can sustain.

To create a new civilian oversight mechanism, or to reorganize or strengthen an existing one, communities must first consider a series of important questions and make key decisions; each decision will guide and inform future ones. A community, which includes the public, police, police labor and management, key policy and decision makers, and grassroots or community-based organizations, among others, must clearly define its goals and what it hopes to accomplish with oversight before any model is selected or before the first words of the draft ordinance or charter amendment are written.

The following outline can serve as a tool for communities to help guide their efforts to establish or strengthen oversight. The process is entirely dependent on the support, participation, and engagement of all interested stakeholders. Even with a guide such as this, however, few communities can effectively launch their own self-study of oversight methodologies. Face-to-face technical assistance and support from experienced oversight professionals and experts can complement important local dialogue and planning efforts. Each community is different and each must go through its own process to rebuild trust and strengthen the critical relationship between the public and the police, while supporting effective public safety.

Chapter 2. Key Steps and Decision Points

I. Goal Setting

What outcomes do you hope to achieve by establishing an oversight mechanism?

II. Coalition Building

Who will I need to bring together in my community to begin this process?

III. Engagement of community and government actors

From whom do I gather input and how will I ensure that I have all of the information needed to recommend the appropriate oversight mechanism that addresses the needs of my community?

IV. Making Decisions Regarding the Model of Oversight Used

- a. Structure (i.e., function of the executive or legislative branch, model type, relationship or access to law enforcement agency)
- b. Duties, Powers, Authority
- c. Funding Mechanism/Budget

What information will I need to determine the appropriate accountability model for my community?

V. Crafting the Ordinance or Legislation Establishing Oversight

What are the things that I will need to include in the city ordinance or enabling legislation to establish an effective oversight mechanism? Do examples exist?

VI. Oversight personnel profiles and standards

Who will fill your staff and volunteer positions within the oversight agency? What background or qualifications should they have?

VII. Establishment of Policies and Procedures

How will you carry out the day-to-day operations of the agency? Do the policies and procedures help to achieve the goals outlined in Section I?

VIII. Gathering and Analyzing Data

What information can/should you gather and analyze that will allow you to better understand the police misconduct and need for continued accountability measures in your community? How can I use this data to make recommendations for effective changes?

IX. Goal Measurement

What information can/should you gather and analyze that will allow you to measure your agency's impact (e.g., complaint sustain rates, levels of community satisfaction, levels of community trust, lawsuits, settlements, uses of deadly force, policy changes, compliance rates, or early warning system indicators)?

X. Writing Reports

What reports will your agency produce to sustain a level of transparency regarding police misconduct and the work being done by the oversight agency?

XI. Conducting Outreach and Communicating with the Public

What steps will be taken to communicate and engage with the community that will allow your continued understanding of their needs AND allow them to know what work is being done by the oversight agency?

XII. Building Relationships with Key Stakeholders

- a. Law enforcement agency that is being overseen
- b. Local government
- c. Police unions
- d. Public

What steps will be taken to continue to build the relationships necessary for effective oversight?

XIII. Ongoing Training and Professional Development

What steps will be taken to build on and enhance staff and volunteer skills, knowledge, and abilities? Will training be required? Who will provide the training and how often?

XIV. Identifying and Addressing Challenges and Opportunities

What challenges will the new or improved agency need to address right now? What challenges will there be in the near-term or will they be ongoing? What opportunities exist for the agency to advance its mission and provide effective oversight of the police?

Chapter 3. Steps in establishing oversight

- 1) You must first have a core group of citizens who are sufficiently concerned about the issue and who are willing to unite and work together over an extended period of time. This core group should seek out training, support, and resources prior to establishing a formal planning or advisory committee. If not, the community's voice risks being disregarded or marginalized once professional stakeholders become involved in the process.
- 2) Begin by framing the public discussion and inviting broad public input. Emphasize that the purpose is improving trust between police and the community by ensuring public confidence in the agency through accountability and transparency. The end goal is to deliver the most professional and effective police services possible to the community. Invite police officials and union representatives to be a part of the conversation from the start. Get their input and make it clear to them that their suggestions and concerns are valuable to the process.
 - a. Acquire/develop and publicize data that clearly demonstrates a local need for civilian oversight (e.g., costs of past lawsuits, history of injuries, high ratio of use of force to arrest, or a lack of public confidence in policing agency).
 - b. Make sure that meetings occur one-on-one and in public forums so that as many people have the ability to participate as possible. In addition, it is important that a method that assures complete transparency in the process be employed.
- 3) Establish a planning or advisory committee composed of elected officials, legal advisors, police officials, police union representatives, and community advocates. Begin to meet regularly to educate the group on the pros and cons of various oversight models, legal requirements, collective bargaining limitations, or other issues.
 - a. Identify sources of resistance and issues of contention and begin to address the concerns or neutralize the resistance.
 - b. A skilled negotiator or professional facilitator may be helpful if communication becomes difficult or begins to break down.
- 4) Identify sources of technical assistance such as NACOLE, the Department of Justice, local bar associations, and practitioners of civilian oversight in other jurisdictions. Visit oversight agencies in other jurisdictions to learn from their staff and observe their procedures.
- 5) Identify the proposed agency's objectives and scope.
 - a. Will the agency accept complaints of police misconduct? If so, what types of complaints will be accepted, and from whom? Will the agency investigate complaints, or review them? Will the agency make both disciplinary and policy/training recommendations? Who shall be the final decision maker for complaint disposition? What should happen when

there is a disagreement between the police department and the oversight agency? What will be the public reporting requirements for the oversight agency? Will the agency offer mediation? Will the agency have subpoena authority? How will the agency's effectiveness be measured? How will elected officials hold the oversight agency accountable?

- 6) Based upon the agreed objectives and scope, select an agency structure:
 - a. Citizen review board model with or without independent investigative authority, the ability to examine patterns or trends in policing practices, and a mandate for policy recommendations.
 - b. Monitor, auditor, ombudsman, or inspector general model with or without independent investigative authority and mandate for policy recommendations.
- 7) Determine whether the oversight agency will be created by ordinance or within the municipal charter. Generally, it is better to have it created within the city charter, as a municipal ordinance is typically easier to overturn.
- 8) Identify staffing needs
 - a. Decide on type and number of staff
 - i. Administrator/ombudsman/monitor/IG
 1. How will the director be selected and what are the director's terms and qualifications of employment?
 2. How can the director be reappointed or removed?
 - ii. Volunteer board members
 1. If the agency will be volunteer based, how many volunteer hours per week/month will it take for a volunteer to perform competently?
 2. How will the volunteer board members be selected?
 3. What are the qualifications (and disqualifications) for being a board member?
 - iii. Administrative assistant(s)
 - iv. Investigators
 - v. Legal counsel (Corporation Counsel or outside legal counsel)
 - b. Consider how training and development will be regularly provided to agency staff and/or volunteers.
- 9) Develop a specific and detailed budget estimate and work to secure political support of elected officials for full funding.
- 10) Present the proposal to the public and allow time for public input and feedback. Work with community advocacy organizations to build public support for the proposal to ensure its passage.
- 11) In the end, you should advocate for the most effective structure possible that can be created within the current local political context, but recognize that

compromises may have to be made to secure its initial passage. Revisions to the law that would strengthen the agency can be proposed at a subsequent point in time when the political context may be more amenable.

Chapter 4. Overview of civilian oversight

What is civilian oversight?

In its simplest meaning, civilian oversight may be defined as one or more individuals outside the sworn chain of command of a police department who take up the task of holding that department and its members accountable for their actions. Contrasted with internal accountability mechanisms commonly found in law enforcement (i.e., internal affairs), independent police review offers a method of citizen involvement in accountability that is often, but not always, external to the department. Its independence from the agency or the sworn chain of command that it seeks to hold accountable allows it to address a wide range of concerns without any actual or perceived bias, and to ensure that policing is responsive to the needs of the community.

Civilian oversight may be established in response to recurring problems in a particular law enforcement agency, such as a pattern or practice of the use of excessive force or repeated complaints of racial profiling. Sometimes oversight is initiated proactively by a local municipality to identify and correct such issues before they become more widespread and difficult to rectify. Often, however, oversight is generated in response to a single, particularly high-profile allegation or incidence of police misconduct. Whatever the circumstances, police oversight is now found in cities and counties both large and small, and in every geographic region of the nation, as well as in other countries.

While practices vary according to the roles of the oversight entity or the laws of its jurisdiction, it is common for civilian oversight agencies to be both an independent source and a repository of qualitative and quantitative data. Oversight agencies may issue public reports on the number, type, and outcome of misconduct investigations; lawsuits; uses of force; or detentions and arrests. They may provide on-scene monitoring of critical incidents, such as officer-involved shootings, or of mass social gatherings, including protests and demonstrations; and they may subsequently provide the public with a singularly independent account of the actions taken by the police, evaluating whether those actions were appropriate under the circumstances or showed a need for some measure of reform. In addition to the issuance of public reports, qualified and experienced oversight entities may also assess a police department's policies, training curricula, and recruitment standards, among other procedures, in order to compare them against the prevailing standards in a perpetually dynamic profession. The effectiveness of oversight in any particular community is dependent on a host of factors including political and budgetary support, ready access to information including police files, records, and performance data, the training and expertise of oversight personnel, and acceptance by the local law enforcement agency and community. Oversight systems can take a variety of forms and operate under a range of authorities.

Each jurisdiction will have to carefully assess the needs of the community and the cost-benefits of the oversight program they adopt. The key question is whether the oversight

system is sufficiently independent--in terms of political, professional, and financial independence—to do what is needed and carry out its oversight responsibilities.

It is helpful to think in terms of the goals of the community and what is being asked of the local oversight system. Specifically, what level of funding and how much authority should be given to the oversight agency in order to shoulder its identified tasks *and* be successful in its efforts. The oversight agency's mission should bear some relationship to the size of the police department, the department's funding levels, and the level of trust or mistrust within the community—particularly among those segments of the community that historically have been the subjects of over- or biased policing.

Chapter 5. Goal Setting

What outcomes can we hope to achieve by establishing an oversight mechanism?

Oversight agencies are sometimes created in reaction to crisis incidents with little thought given to long-term functionality or obligations. The initial focus is usually short-term procedural goals, which are important but can result in actions that do not serve the greater good of the community in the long run. This work requires an understanding of partnership development and constructive engagement, even with those individuals or groups that do not agree with the central premise of increased oversight of the police. That is why it is important to articulate a common goal that all parties are likely to affirm.

The following queries are intended to facilitate your thinking about desired outcomes.

- Is improving community cooperation with police an investment in enhanced public safety?
- Do police need to enhance accountability mechanisms and promote transparency policies to improve citizen confidence, trust, and ownership of shared security responsibility?
- Are you carefully assessing the particular historical context or needs of the local community when planning on institutional interventions to address procedural justice issues?
- What are the current structural or legal issues that might impede progress or change?
- Have you considered:
 - diverse perceptions of reality?
 - process integrity?
 - unjust laws?
 - power dynamics?
 - policy change needs?
 - giving voice to the underserved?

Chapter 6. Coalition Building

Who will I need to bring together in my community to begin this process?

The importance of building a broad coalition of community support for oversight cannot be understated. In the absence of political support from local government or police officials, a strong community coalition can effectively advocate for additional resources, media and public attention, and push for action. Usually, the core group of persons who begin the process of implementation are not sworn police officers but volunteer citizen activists who jump at the window of opportunity that is provided by a civil disturbance, or other crisis. These few will then build a network of like-minded individuals, tapping into existing community-based organizations, civil society groups, and faith communities to assemble a visible coalition that is willing to engage policy and decision-makers in local government or key positions of influence.

Some of the initial work is therefore focused on building relationships and developing an effective strategy as to how to best intervene in key institutions. This is not work that is easily done alone, as no one individual or group is likely to possess all of the qualities necessary to effect the type of structural changes that are being sought. In light of this, teamwork is essentially a requirement.

Core leaders tend to be committed social justice advocates and other professionals willing to devote considerable time and energy to being change agents. They will likely need to be both courageous and compassionate to effectively address perceived injustice as well as the normal resistance to change that is inherent in most institutions. These leaders may be confronted with intense criticism and will need to exhibit emotional strength in order to facilitate the patience and the persistence that are required for success.

Coalition members will ideally be recruited from multiple sectors of society. They may include aggrieved citizens, elected officials, government workers, media professionals, academics, journalists, students, teachers, and current and former law enforcement officers. All of these groups represent community stakeholders who may have an influence on the eventual outcome of efforts to establish oversight.

Longevity in this field is almost always a function of a strong peer support network. Oversight practitioners need to be supported by those they can trust to maintain confidentiality and who can offer guidance from similar experience from their own jurisdiction. Police oversight can be stressful work, and it is undoubtedly helpful to be able to turn to others who have faced similar, if not identical, challenges.

Coalitions that involve persons with diverse backgrounds and expertise are more likely to provide long-term assistance in the development and implementation of civilian oversight of law enforcement. Multiple perspectives, such as those from those legal experts who work with offenders and victims, or from social workers who are connected to traditionally marginalized groups, will increase the likelihood of a broad acceptance of the institutional intervention that is desired.

Chapter 7. Engagement of community and government actors:

From whom do I gather input, and how will I ensure that I have all of the information needed to recommend the appropriate oversight mechanism to address the specific needs of my community?

It is essential that you effectively communicate the benefits of police oversight to everyone that you encounter in the government or the community. One strategy involves asking those you encounter about the future of policing that they wish their children and grandchildren to experience. You may then look for windows of opportunity to share some of the benefits you have learned from your own exposure to the field of oversight, as well as the positive experiences of other communities.

Police oversight can benefit not only the individual complainant, but also the larger community, law enforcement, and even elected or appointed officials. The actual benefits that occur depend on how well the involved groups work together and the type of model implemented. Some potential benefits are:

1. Complainants are given a place to voice concerns outside of the law enforcement agency.
2. Oversight can help hold law enforcement accountable for an individual officer's actions.
3. Oversight agencies can help improve the quality of the department's internal investigations of alleged misconduct.
4. The community at large can be reassured that discipline is being imposed when appropriate and as part of a more transparent process.
5. When the oversight agency confirms a complainant's allegation(s), complainants and their communities may feel validated.
6. Similarly, when the oversight agency exonerates an officer, the officer may feel vindicated.
7. Oversight agencies can help improve community relations by acting as a bridge between the community and the police agency.
8. Oversight agencies can help respond to public concern about high profile incidents.

9. Oversight agencies can help increase the public's understanding of law enforcement policies, procedures and operations.
10. Oversight agencies can improve department policies and procedures that have proven to be deficient. Policy recommendations can prevent future issues by identifying areas of concern and subsequently offering options to improve policing.
11. Oversight agencies can assist a jurisdiction in liability management and reduce the likelihood of costly litigation by identifying problems and proposing corrective measures before a lawsuit is filed.
12. Mediation of some complaints has multiple benefits to both citizens and police officers. It can help complainants feel satisfied by giving them the opportunity to express their concerns to the subject officer in a neutral and safe environment; and it can help police officers better understand how their words, behaviors, and attitudes can unknowingly affect public perceptions.
13. By establishing an oversight system, public officials are provided the opportunity to demonstrate their desire for increased police accountability and the need to eliminate misconduct.

All of these potential benefits help to support the goals of community-oriented policing, which seeks to utilize problem solving techniques to work in a collaborative effort with the community to proactively address concerns.

Chapter 8. Making Decisions Regarding the Model of Oversight Used

What information will I need to determine the appropriate accountability model for my community?

Structure

The first thing to consider when determining the appropriate model of oversight is the structure you believe will work best for your specific community. Generally an agency falls into one of four categories:

1. Conducts independent investigations
2. Reviews or hears appeals of internal police investigations
3. Audits or monitors police policy, training, and investigations, or conducts systemic investigations
4. Shapes or manages policy, advises chief law enforcement executives, or participates in hiring processes

Many current structures in the United States are considered hybrid models that combine multiple aspects of the above categories to create a mechanism that is believed to be the most advantageous. Current trends have seen the focus of oversight agencies move away from being reactive and move toward being proactive, with the aim of preventing misconduct rather than solely responding to it. There are more than 200 civilian oversight entities across the United States, and no two are exactly alike. Differences in specific function commonly result from what is permissible by state law or municipal ordinance, the autonomy allowed by the executive or legislative branch, and the relationship with, or access to, the law enforcement agency, its employees, and its records.

Duties, Powers, and Authority

In trying to evaluate the benefits and limitations of the different oversight models, it is important to understand that different levels of authority and independence will strongly impact the agency's credibility and perceptions of its value and impact. It is therefore important to think carefully about the agency's proposed duties, powers, and authority.

Investigatory Systems

These oversight systems conduct investigations; they do not rely on investigators or investigations from within the police department.

The range of authority under investigatory systems may include:

1. Conducting interviews of witnesses, including civilians and police officers
2. Gathering evidence
3. Preparing investigative reports
4. Making recommendations and/or findings as to whether the evidence supports the allegations raised in the complaint
5. Recommending discipline when warranted¹

Strengths and weaknesses of investigatory systems may include:

A. Strengths

- a. Helps to rebuild the trust of the community
- b. Addresses the concern that internal police investigations, which are often perceived as biased in favor of the police, are the only recourse available to a complainant

B. Weaknesses

- a. Adds to the size of staff and costs needed to run the oversight agency
- b. Police departments and police unions may be resistant to having non-police investigators conducting investigations

Review Systems

These systems involve an individual or a board/commission that is authorized to review completed internal affairs investigations; they can often issue agreement or disagreement with internal affairs findings; and they are usually allowed to review only cases that are investigated by the police.

The range of authority under review systems may include:

1. Reviewing completed investigations and providing feedback
 - a. Review may be conducted by a professional staff or by volunteer board members

¹ Primarily, investigative models of police oversight in the United States make recommendations for discipline when allegations of misconduct are substantiated. One model, the San Francisco Office of Citizen Complaints, investigates all allegations of misconduct filed against San Francisco police officers filed by the public. The OCC then presents the case to the Board of Police Commissioners, which has the authority to impose discipline, up to and including termination. More information about the Office of Citizen Complaints is available here: www.sfgov.org/occ.

2. Requiring additional investigation to be conducted if it is determined that the initial investigation was incomplete or otherwise inadequate
3. Holding public meetings
 - a. This, as well as the content of the meetings, may depend on state laws and union contracts

Strengths and weaknesses of review systems may include:

- A. Strengths
 - a. Provides a high level of transparency
 - b. Facilitates involvement with the community
 - c. Police departments may be more likely to take action on recommendations that are made publicly
- B. Weaknesses
 - a. May lack sufficient power to be effective
 - b. May be limited in number of cases that can be reviewed
 - c. Requires substantial time commitment of board members, who are often volunteers
 - d. Entails systemic training of volunteer board members, which can be costly

Monitoring/Auditing Systems

Most commonly referred to as “auditors,” “monitors,” or “ombudsmen” these systems tend to have an ongoing monitoring or auditing authority over the police department. The oversight agency may actively engage in many or all of the steps of an established complaint process.

The range of authority under monitoring/auditing systems may include:

1. Receiving and classifying complaints
2. Providing input on the investigative process including planning, interviewing, and evidence collecting
3. Conducting systemic investigations
4. Assessing compliance with police department policies and relevant state and federal law, and
5. Evaluating the integrity and effectiveness of the police agency’s accountability systems
6. Crafting analytical and/or empirical reports and audits

Strengths and weaknesses of monitoring/auditing systems may include:

- A. Strengths

- a. Allows for identification of issues with how complaints are handled from start to finish
- b. Facilitates identification of systemic issues with police training, policies and supervision
- c. Assesses effectiveness of early warning and discipline systems
- d. Helps to rebuild the trust of the community
- B. Weaknesses
 - a. Requires extensive data collection and analysis ability
 - b. Must seek ways to account for underreporting of issues by traditionally marginalized groups

Policy and Process Advisory Systems

Policy and process advisory systems are those that help to shape or manage policy, advise the head of the law enforcement agency, or participate in the law enforcement executive or line-officer hiring processes.

The range of authority under policy and process advisory systems may include:

1. Consulting with decision makers inside the police department
2. Evaluating the police department's needs and conducting best practices research
3. Drafting legislation and position papers

Strengths and weaknesses of policy and process advisory systems may include:

- A. Strengths
 - a. May result in expedient policy change, particularly when supported by the community
 - b. May often be less costly than systems that investigate and/or review individual complaints
- B. Weaknesses
 - a. Relies on the expertise and credibility of an established oversight practitioner
 - b. Relies on the stability of the head of the law enforcement agency, who may not be reelected or reappointed

Hybrid Systems

Most communities now realize that civilian oversight of police is not a one-size-fits-all proposition. President Barack Obama's Task Force on 21st Century Policing recognized as much. Many oversight practitioners are finding that it is less useful to talk about models and more useful to talk about an agency's functions or powers and authorities.

The powers and authorities granted to an oversight agency can be combined in any manner that works best for an individual community. While a volunteer review board may not have the resources to ensure each complaint and investigation is handled in a manner that guarantees transparency and accountability, it does add an important layer of community involvement, communication, and trust building. Being limited to reviewing completed investigations might be frustrating for some, while others find that a limited mandate allows for resources to be directed in such a manner so as to ensure that each review is thorough and maximize each opportunity for feedback and change.

Funding Mechanism/Budget

When deciding what model to implement, the needs of the community should be carefully assessed. Often, however, those needs outweigh the financial resources that have been made available. The actual level of support, both financial and political, may therefore heavily influence the decision as to what structure to implement.

In the United States, most oversight agencies are funded by, and are a part of, local city or county governments. In Canada and Australia, the funding mechanism is frequently at the provincial or state level. Funding in countries like England, Ireland, Northern Ireland, and South Africa is at the national level.

Civil society organizations commonly play an essential role in motivating the political will to provide the funds necessary to create and maintain oversight agencies. In the United States, examples of effective advocates for police oversight include the American Civil Liberties Union (ACLU), the League of Women Voters (LWV), the National Association for the Advancement of Colored People (NAACP), the American Friends Service Committee (AFSC), and many other community-based organizations.

Chapter 9. Crafting the Ordinance or Legislation Establishing Oversight

What are the things that I will need to include in the ordinance or enabling legislation to establish an effective oversight mechanism? Are there examples I can look to for guidance?

First, it may be necessary to determine whether the oversight agency will be created by an ordinance or within a municipal charter through a vote. Municipal charter authority is typically stronger, as an ordinance may be easier to overturn. There are other options, including executive order (i.e., ordered by a mayor or chief municipal executive); however, by executive order is a particularly weak means of establishing oversight as any future mayor could easily eliminate it.

The form the enabling legislation takes is usually a function of local standards, but in all cases it should include clear enabling language specifying what the oversight agency is authorized to do. The enabling legislation also may officially determine the agency's level of independence. Other sections of the language may address:

1. How will the head of the oversight agency be selected, what are the terms of the agency head's term of employment, and what are the necessary or desired qualifications for employment
2. How will volunteer board members be selected
3. What the qualifications (and disqualifications) are for being a board member
4. Whether independent legal counsel will be available to provide unbiased guidance to the agency when called upon
5. What professional standards will be used by and within the agency
6. What training or credentials are required for employees of the agency
7. From where will the agency receive funding for its budget
8. What will be the reporting requirements of the agency, such as quarterly or annual reports on things like complaint activity, investigative findings, police use of force, or discipline

In order to establish civilian oversight with lasting strength, it is advantageous to codify such strength within the enabling legislation as it is initially adopted. It is also critical to not leave any vague, or unclear, in the enabling legislation.

Chapter 10. Oversight personnel profiles and standards

*Who will fill our staff and volunteer positions within the oversight agency?
What background or qualifications should they have?*

Being a successful practitioner of citizen oversight of law enforcement requires meeting certain qualification standards and receiving ongoing training and professional development. Training and work qualifications may be different for directors, investigators, analysts, auditors, supervisors, and board members.

NACOLE has worked to legitimize police oversight as a professional field of study and practice and facilitated the development of professional standards, including a Code of Ethics, as well as core competencies and training guidelines for oversight practitioners. The NACOLE website (www.nacole.org) provides a list of suggested training topics and qualifications for full-time practitioners and volunteer board members, some of which are available in the Appendix. Some of these recommended qualifications are discussed in more detail below.

An agency director:

- A. Must be innovative and possess good judgment, objectivity and integrity
- B. Must be able to work effectively with a wide array of professional and elected stakeholders as well as with a multicultural community
- C. Should have exceptional communication skills and the ability to address both community and institutional concerns
- D. Must be able to manage people and organizations by setting goals, developing and implementing programs, supervising and managing personnel, and developing and managing a budget
- E. Must be resilient and possess strong diplomatic skills
- F. Must possess knowledge of general legal principals and statutory law, as well as practices and procedures related to conducting investigations and administrative hearings
- G. Should have strong knowledge of the rules and regulations governing police operations, organization and administration

A supervisory investigator:

- A. Should have a Bachelor's degree in a related field and at least five years of experience conducting civil, criminal or factual investigations
- B. Should possess the ability to plan, conduct and supervise complex investigations and provide training and supervision for other investigators
- C. Must have the ability to review and edit the work of other investigators to ensure that an investigation is thorough and that its findings and analyses are sound
- D. Must have knowledge of criminal justice procedures and the ability to establish investigative procedures and standards that are consistent with best practices in civilian oversight
- E. Should possess a commitment to civilian oversight and strong communication skills

First line investigators:

- A. Should have a Bachelor's degree in a related field and at least three years of experience conducting civil, criminal or factual investigations
- B. Should have knowledge of investigative techniques and procedures and the ability to conduct detailed factual interviews with aggrieved complainants, witnesses and police officers
- C. Should possess knowledge of evidence handling and preservation procedures, skip-tracing techniques to locate witnesses, and legal and criminal justice procedures
- D. Must have the ability to conduct investigations in an unbiased and independent manner, following the evidence wherever it may objectively lead
- E. Must be able to produce clear, concise, well organized and thorough investigative reports and communicate professionally and courteously with individuals from a wide variety of cultural and socio-economic backgrounds
- F. Must be resourceful and demonstrate sound judgment in collecting and developing facts, and must have the ability to analyze and apply relevant laws and regulations to the facts of each investigation

For an oversight agency to be perceived as credible and legitimate, staff or board or commission members must also acquire the knowledge and skills necessary to perform their assignment responsibly. For oversight mechanisms comprising volunteer board or commission members, the types and depth of relevant training depend on the role, duty, and authority of the board or commission. Each agency must critically assess the tasks and functions its members perform and subsequently determine the skills, expertise, or training they will need to perform them effectively.

It is often helpful for board and commission members to receive an initial orientation to civilian oversight that includes a review of the variety of models of oversight. Members should be provided with an historical account of the establishment of their own oversight agency and receive training on the charter, ordinance, or other enabling legislation. Members should also be informed of the expectations that the local community and government stakeholders have expressed for the oversight agency.

Additional education should include laws governing public records and public meetings; confidentiality requirements; state and local laws that affect an officer's rights and privacy; case law on stops and detentions, search and seizure, the rights of an arrestee, and the definition of excessive force; and steps in the criminal justice process including arrest, booking, arraignment, bail, hearings, and trial.

Members should receive information on the history, organization, policies and procedures, and evolution of the local law enforcement agency and should receive extensive training on a wide variety of police practices and procedures, including, but not limited to the following: patrol; rules of conduct; procedures for detention, arrest, booking, transport, and provision of medical care for arrestees; use of force guidelines including defensive tactics, takedown and pain compliance maneuvers, handcuffing techniques, use of batons, less-lethal weapons, or restraint devices, and use of firearms. Members should receive training on the police department's procedures for investigating and reviewing allegations of misconduct and use of force, including officer-involved shootings and in-custody deaths; addressing activities such as large-scale protests; and handling calls or interactions with historically disenfranchised and marginalized communities, such as persons with mental illness, the LGBTQ community, homeless individuals, and persons with disabilities.

Members should also become familiar with the history, culture, and concerns of the communities served by the law enforcement agency. Finally, members should receive specific training on their oversight agency's operations and procedures including complaint intake and investigation, mediation, if available, data analysis practices, and disciplinary procedures; evaluating credibility, reaching findings, and due diligence requirements; procedures for hearings and meetings; and developing policy recommendations. Board and commission members should be encouraged to participate in ride-along opportunities with their local police department, too.

These orientation, training, and continuing education activities are essential for nearly all persons within the oversight structure, regardless of whether that person is a paid staff member or a volunteer board member and regardless of the model of oversight. All oversight practitioners should strive to be well prepared, and they should be justifiably perceived as knowledgeable by the public and the police in order to maximize the probability of earning lasting support.

Chapter 11. Establishment of Policies and Procedures

How will I carry out the day-to-day operations of the agency? How can I ensure that the policies and procedures help to achieve the goals and meet the community's needs?

It is strongly recommended that policies and procedures from existing oversight agencies be carefully studied before deciding what's best for the new or strengthened agency. The Appendix section includes links to NACOLE member organizations, as well as international resources, with examples of enabling legislation, regulations, and procedures from agencies across the United States. When contacted directly, many agencies are ready and willing to candidly discuss the pros and cons of their own structures, policies, and procedures.

Oversight agencies will be well served to consider the following issues when establishing their day-to-day operational policies and practices:

1. Complaint screening method and criteria
2. Strategies for looking beyond the police department's disciplinary system and individual cases of alleged misconduct
3. Identifying opportunities for proactively and collaboratively working with law enforcement agencies to improve operations and internal systems of accountability
4. Selection criteria for volunteer board and committee members
5. Training expectations
6. Compensation for expenses of volunteers (i.e., travel to and from meetings, training, and professional development opportunities)
7. Levels of investigation, review, or monitoring available given available resources

Procedural impediments can sometimes result from a lack of up-front attention to foreseeable variations in financial resources. For example, if an agency starts out with sufficient funding to conduct formal, thorough, and complete investigations or reviews of all complaints presented, and the agency commits to maintaining that standard regardless of future declines in available budgetary funds, the agency may quickly find itself subject to case backlogs that are sure to negatively impact its credibility in the community. Depending on the security of funding, it may therefore be preferable for some agencies to focus their resources on those complaints or issues determined to have a significant policy impact on the community as a whole.

Chapter 12. Properly Acknowledging Victims of Misconduct

How can we support victims of real or perceived police misconduct or criminal acts committed by police officers?

It is very important to realize that a victim's reality is based on his or her own experience and not on an oversight practitioner's expertise. It is generally not prudent for an oversight practitioner to listen to a complaint and immediately respond with a statement or conclusion that the police officer's action did or did not violate police department policy – even when that may appear to be the case. Oversight agencies must honestly project themselves as caring places where people can expect a welcoming ear and a helpful response. One of the most crucial needs of someone who feels they have been mistreated by law enforcement is the need to have their concern genuinely heard and acknowledged, regardless of the eventual outcome of any forthcoming investigation.

One important way to ensure that victims of wrongdoing are being properly acknowledged by oversight is to train staff to become active listeners. Among other things, this requires training in withholding premature judgments or attempting to educate the complainant on police department policy before hearing the complainant's full concern.

The initial intake of a complaint can often be the most important encounter the complainant will have with an oversight agency. Complainants should be assured that their story will be heard as they want to state it, and that the information will be carefully screened to determine what action the agency may take within its established authority.

Some oversight agencies form screening committees to examine each new complaint and ensure that it is processed in accordance with the agency's duty and authority. Ideally, such screening committees should include multiple members with a goal of ensuring that any potential ethnic, race, gender or age-related bias be minimized as much as possible.

Acknowledging victims can also help them understand what limitations exist in oversight's ability to respond to their concerns. It is deeply important not to create false expectations by overpromising what can be done. This requires every member of an oversight agency, staff at all levels included, to know what alternative external resources may be available for those cases that the agency is not allowed to take on itself. Every discussion at a case screening should include where to refer the complainant if no action is possible by the agency on the complainant's behalf.

Chapter 13. Gathering and Analyzing Data

What information can or should I gather and analyze that will allow me to better understand police misconduct and the need for continued accountability measures in our community?

How can we use these data to make recommendations for effective changes?

A review of annual reports from various oversight agencies reveals there is great variety in what is included in these documents. This variety of information is often a result of the type of oversight model that is employed, as well as the specific requirements of the local enabling legislation.

Even with these differences, at a minimum, descriptive statistics should be offered to give a sense of the demand for civilian oversight and the justification of utilizing resources to support an oversight agency. These statistics may include internal metrics of the level of agency performance:

1. Number of service inquiries
2. Number of complaint intakes
3. Screening case categorization distributions
4. Case disposition distributions
5. Policy recommendations

Some agencies include process measures as well in their periodic reports. These measures may include:

1. Number of cases backlogged or waiting for service
2. Average time taken to complete an investigation
3. Staff caseload distribution
4. Average time taken to reach a final disposition in a case

Reported outcome measures vary a great deal from agency to agency as they depend on localized needs and are affected by the complexity of cases worked. A sample of outcome measures that are reported on may include:

1. Number of complaints determined to be Unfounded
2. Number of complaints determined to be Not Sustained
3. Number of complaints determined to be Sustained
4. Number of complaints determined to be Exonerated

5. Number of complaints for which the oversight agency did not have jurisdiction to investigate or reach a finding
6. Number of complaints that were Administrative Closed for reasons such as the following:
 - a. Loss of contact with the complainant
 - b. Investigation of the complaint was determined to be demonstrably false on its face

In crafting periodic reports on the work of your oversight agency, it is advisable to emphasize police department policy changes that have taken place as a result of your work. To provide the public with them most complete picture of your agency, you should also consider providing data that illustrates any resistance to a recommended policy change as well.

It is also critical to present and analyze data from the police department. This may include²:

1. Police use of force, broken down in a way that can be understood by police management, local government, and the public
2. Injuries to and deaths of persons in custody
3. All complaints and their dispositions
4. Stops, searches, and arrest data that includes sufficient demographic data
5. All criminal proceedings, including domestic violence
6. Motions to suppress granted based on officer's constitutional violation(s)
7. All disciplinary and non-punitive action taken against employee
8. All awards and commendations
9. Traffic collisions, both preventable and non-preventable
10. Firearms qualifications
11. Assignments
12. Training
13. Civil lawsuits and administrative claims
14. Vehicle pursuits

² The United States Department of Justice has required similar measures be gathered in early warning systems, sometimes referred to as early intervention systems, by local American law enforcement agencies.

Chapter 14. Goal Measurement

What information can or should we gather and analyze that will us to measure our agency's impact (e.g., complaint sustain rates, levels of community satisfaction, levels of community trust, lawsuits, settlements, uses of deadly force, policy changes, compliance rates, or early warning system indicators)?

With the goal of improving the public's trust in the police, surveys of the public and police can be a useful method for obtaining repeat measures in levels of trust and mutual cooperation and support over time. A local university can be an important partner to help create valid research instruments suited to the community served. This effort is further aided by data provided by police agencies. To ensure cooperation in this effort, provisions for access to police data should be specified in the enabling legislation.

If appropriate, the tracking of monetary settlements of lawsuits or the awards made to victims of police misconduct will help measure the success and cost efficiency of an agency over time (See Chapter 13 above).

Complainant and respondent satisfaction measures are used by a few agencies but so much depends on how these are constructed and implemented that they are not usually recommended as the best way to demonstrate agency impact. Most agencies work for the greater good of the community, not on the side of either complainant or respondent. This need for maintaining neutrality often causes dissatisfaction for one of the two parties.

An agency that can document major police department policy changes is more likely to survive than one that closes hundreds of complaint cases but cannot document changes in policy.

It is important to occasionally sample community groups to get a sense of how many people know that your agency exists. It is recommended that each agency sets goals to increase the percentage of citizens that not only are aware of the agency but have had opportunities to meaningfully engage with the process and help improve public safety in their own community.

Chapter 15. Writing Reports

What reports will we need to produce to sustain a level of transparency regarding police conduct and the work being done by our agency?

Writing is an essential skill in the practice of civilian oversight and it is always a good to remember the audience. A report that uses a lot of technical jargon and bureaucratic speech may not be the best way for a citizen to capture what they need or want to know.

You will need to develop a format that works for use in your particular community. Many examples are available, including on the NACOLE website. For example, reports produced by agencies that manage a complaint processing system may include:

1. A summary of the complainants articulation of what happened, when, where, etc.
2. The policy violation alleged
3. A description of the investigation methods
4. A summary of the respondents position statement
5. The agency disposition of the complaint
6. Policy recommendations

The agency will at times be called on to do special reports that may incorporate multiple complaints stemming from a civil disturbance, use of excessive force during a permitted demonstration, or a request by an elected official or judicial authority to conduct an inquiry focused on a particular kind of wrong doing, like profiling during traffic stops. Whatever the reason for the report, clear, objective, and fact-based writing and analysis are critical to an oversight agency's ability to effect change.

Chapter 16. Conducting Outreach and Communicating with the Public

What steps can we take to communicate and engage with the community that will allow us to develop continued understanding of their needs AND allow them to know what work is being done by the oversight agency?

The need to hear from, and meaningfully engage with, the community and to give the community a voice in policing has been a significant part of oversight's history dating back to its growth following the Civil Rights Movement of the 1960s. Different approaches to communicating and engaging with the community have been adopted over the years, some successful and some not. Recent developments like social media, for example, offer important opportunities to connect with stakeholder groups in new and exciting ways. Engaging youth, through outreach in the schools, through social media and online public service announcements, including "know your rights" guides to interacting with the police, should be a priority of any oversight agency.

Agencies should also have a clear policy for releasing information to the public, and all staff or board or commission members must follow it carefully. It is recommended that all media contacts be managed or designated by the agency director, board chair, or designated public information officer. In addition, the community outreach or public information officer on staff should be authorized to prepare press releases to alert the media every time you have something important to report to the community.

Community outreach is usually the responsibility of the agency Director or a dedicated staff person who is highly visible in the community and is particularly skilled at community engagement. Unfortunately, this staff position is often the first one cut when there is a budget deficit. It is important to remember that the best community outreach is by word of mouth from persons who have been served by your agency. However, initially, very few people will know that you are open for business and a full blown media campaign is a very good idea. Some agencies will put up posters on busses and trains to announce their availability to a large segment of the population.

Police oversight agencies must be on radio and television programs to help educate the populace and market your services. Participating in community events and networking opportunities will make the agency more visible.

One important partner in an overall outreach and engagement strategy is the independent press. Therefore, relationships with local, regional, and national press partners are something that should be cultivated and attended to regularly. bhhbni9

Chapter 17. Characteristics of Effective Oversight

What are the necessary components of effective oversight?

There is no right answer as to what an effective police oversight body “must” look like. Over time, many have found that flexibility is key; however, there are some features that effective police oversight shares, and they are as follows:

- A. Independence. The oversight body must be separate from all groups in order to garner trust by being unbiased.
- B. Adequate funding. Oversight bodies must have enough funding and spending authority to fulfill the duties set forth in the enabling legislation. This includes enough money for adequate staff and money to train that staff.
- C. Complete and unfettered access. This includes access to all police agency personnel and records, but it also means access to decision makers in both the law enforcement agency and elected officials.
- D. Ability to influence decision-makers. The ability of oversight to provide input and influence micro-level decisions (i.e., individual use of force or complaint investigations) and macro-level decisions (i.e., policy-related or systemic issues)
- E. Ample authority. Whatever the model of oversight, it must have enough authority to be able to carry out its mandate and stand up against the inevitable forces and pressures that will the organization and its staff will face.
- F. Community and stakeholder support. Maintaining community interest and support is important for sustaining an agency through difficult times, especially when cities or governments look to cut services and budgets.³
- G. Transparency. Reporting publicly provides transparency and accountability to the community, and typically includes complaint analysis and other observations about the law enforcement organization and its practices. Reporting also increases public confidence in the oversight agency, as much of the work related to complaint investigations may be confidential and protected from public disclosure.⁴

³ <http://nacole.org/wp-content/uploads/Oversight-in-the-United-States-Attard-and-Olson-2013.pdf>

⁴ <http://nacole.org/wp-content/uploads/Oversight-in-the-United-States-Attard-and-Olson-2013.pdf>

Chapter 18. Ongoing Training and Professional Development

What steps can we take to build on and enhance staff and volunteer skills, knowledge, and abilities?

Every opportunity to advance the knowledge and skills of staff and volunteers is a wise investment. Experts from other jurisdictions or organizations like NACOLE can provide basic and advanced training initially, at least until systems are developed locally to ensure that oversight meets local needs.

It is also recommended that as many staff and supporters as possible attend any training conferences that may be offered in other countries, states, or jurisdictions.

Who should attend training events?

1. Oversight agencies, their members, and staffs
2. Elected officials and other representatives of local governments
3. Members of civic, civil rights, and other advocacy groups that seek to promote greater police accountability
4. Law enforcement agencies and their staffs that seek to learn more about citizen oversight and that also want to broaden their knowledge of police accountability issues
5. Academics, researchers, and students who are conducting or planning to conduct research in this area
6. Journalists and others interested in learning more about citizen oversight developments in the United States and abroad

What kinds of technical assistance, advice, and training should be offered to communities that want help?

The agency should develop and provide a clearinghouse of information for communities that want to start up new oversight agencies or improve already existing ones. A website that contains many useful resources and materials should be made available to everyone.

Will training be required?

Training should be offered at multiple levels so that newcomers can access basic information and experienced persons may take more advanced sessions aimed at the enhancement of skills.

The Appendix section includes examples of the knowledge incorporated in training events conducted by NACOLE.

Who will provide the training and how often?

The answer to this question depends on what funding resources are available. Developing a local support network that allows staff and members to acquire new knowledge or skills is important. Seeking advice and information from experts is also important. Eventually, as funding materializes, oversight agencies should prioritize continuing education and professional development opportunities so as to keep up with new developments in this specialized field of study and practice.

Chapter 19. Conclusion – Identifying and Addressing Challenges and Opportunities

What challenges will we face right now? What challenges will we face in the near-term or will they be ongoing? What opportunities exist to advance the agency's mission and provide effective oversight of the police?

Any agency, no matter its tenure, will be subjected to many different challenges over the developmental course of its existence. Initially, the agency must build credibility, which requires a great deal of patience and persistence. Staff and volunteers must be well trained. Critics and supporters will need to be informed about the role, authority, and limitations of the model of oversight. Diluted systems should be avoided. Inadequate funding, lack of independence, and the lack of access to critical information will make a skeptical public even more skeptical and will not result in real change in policing.

One of the first questions to consider is whether the oversight system will focus on the traditional realm of complaints or if the community sees a broader role for oversight. Many oversight agencies have merged features from the different systems to address their specific needs. Still, if systems are too weak to be effective, they will fail or simply wither before healthy change in police culture can be achieved.

It is a good strategy to be known as a creative agency that changes over time to address the current needs of the community. If the investment is made and pays off in improved police performance, it should help identify high-risk law enforcement employees or high-risk areas of operation. Greater confidence in law enforcement also pays off in reduced crime and safer communities, as more people are willing to report crime and testify in criminal cases.

All oversight bodies have limited authority and civilian oversight alone cannot ensure police accountability. Genuine change must be seen as desired by law enforcement leadership. And oversight must be seen as contributing to the solution. Additional internal and external mechanisms are needed. Consider characteristics of the population, law enforcement agency being overseen, and local, state, and federal law, among other critical information, when deciding what type of system will best suit a community's unique needs and resources.

The 21st Annual NACOLE Conference in Riverside, California, featured an important session facilitated by principals from the National Initiative for Building Community Trust and Justice, an effort designed to improve relationships and increase trust between communities of color and the criminal justice system. More information about the National Initiative can be found on their website, <http://trustandjustice.org>. NACOLE

was invited to participate, and has been working to ensure citizen oversight has an important role to play in their programmatic efforts. They report that:

- A. Reconciliation facilitates frank conversations between communities and law enforcement that allow them to address historic tensions, grievances, and misconceptions between them and reset relationships.
- B. Procedural justice focuses on how the characteristics of law enforcement interactions with the public shape the public's views of the police, their willingness to obey the law, and actual crime rates.
- C. Implicit bias focuses on how largely unconscious psychological processes can shape authorities' actions and lead to racially disparate outcomes even where actual racism is not present.

In response to protests over the fatal shooting of Michael Brown in Ferguson, Missouri, as well as other incidents nation-wide that exposed the rift in the relationships between local police and the communities they are sworn to protect and serve, President Barack Obama established the Task Force on 21st Century Policing. The President charged the task force with identifying best practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust.

The task force released its final report in May 2015. The final report is available here: www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. The report provides a road map of sorts, for communities and law enforcement agencies to use in their efforts to reform and rebuild public trust. Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible, for the police to maintain the public's trust.

Appendix

Summary of “Thirty Principles of Community Oversight of Policing” presentation by Dr. Eduardo I. Diaz at the Causa en Común 4th National Conference

1. **Affirmation** **Repeatedly affirm supra-ordinate common goal:**
Public Safety, Shared Security Responsibility, and Resist Us versus Them Thinking, Value Diverse Perceptions and Experience of Reality.
2. **Commonality** **Learn from international experience:** Power and Influence, Listening to All, Current Events, Reinvention Prevention, and Corruption Variables.
3. **Cooperation** **Partners don’t always agree:** Desirable Policing, Constructive Peace and Conflict, Commendations and Criticisms, Building Community.
4. **Trust** **Work to earn community trust:** Assessment of Wants, Accountability, Criticism Expectation, Admission of Imperfection, Surveys.
5. **Integrity** **Be known for independent judgment and fairness:**
High Standards, Thorough and Complete, Preservation of Evidence, How You Treat People, Speaks Truth to Power.
6. **Complexity** **No model is the best fit for all time:** Community History, Culture and Political Context, Evidence Quality, Memory, Power Dynamics, Laws.
7. **Compassion** **Realize cops, and critics, are human first:**
Prejudice and Implicit Bias, Human Nature, Victim and Offender, Understanding Privilege.
8. **Teamwork** **Do not work alone:** Fellowship of Parenting, Screening, No One Irreplaceable, Multiple Perspectives, Cross Training, Age and Gender Balance.
9. **Teaching** **Educate police and critics:** Human Rights, Constitutional Policing, Restorative Justice, Consequences of Militarization, Legitimate Actions.

10. **Confidentiality** **Trust is difficult to earn and easy to lose:**
Respecting Both Confidentiality and Procedural Transparency, Quiet Diplomacy,
Some Things are Best Unsaid, Consider Safety.
11. **Independence** **Struggle to achieve and maintain independence:**
Funding, Politics, Staff, Boards, Credibility, Reporting Relationships, Conflicts of
Interest.
12. **Authority** **Legislate the strongest possible at the time:**
Windows of Opportunity, Changes by Design, Voting, Moral Authority,
Consensus or Sense of the Meeting.
13. **Efficiency** **Wisely invest time and treasure:** Screening,
Selection, Training and compensation, Investigation, Policy Impact, Procedural
Impediments.
14. **Belonging** **Create a support group of fellow travelers:** Peer
Support Network, Professional Mentoring, Respect of Elders, Professional Tribe,
Not Alone.
15. **Truth** **Be genuine, honest and respectful:** Media
Relations, Community Outreach, Situational Variables, Lawful but Awful,
Varieties of Truth.
16. **Partnerships** **Work to attract allies:** Civil Society Group Activity,
Faith Community Partners, Enhancing Community Cooperation, and
Engagement Workshops.
17. **Intention** **Act to build, not weaken, community engagement:**
Citizen Clients, Partners, Patience and Persistence, Peace with Justice, Safe for
all Security.
18. **Change** **Learn from every injustice and error:** Resistance
Analysis, Mining Complaints, Policy Change, Disparate Outcomes, and Unjust
Law Modification.
19. **Creativity** **Be creative with conflict management:**
Police/Community Workshops, Nurturing Relationships, Crisis Utilization, Timing
Interventions.
20. **Openness** **Be open to new or different methods:** Risk
Management, Technology, Mediation, Outside Typical Process, Science,
Restoring Confidence.

21. **Assessment** **Measure success by greater good, not win/lose:**
Evaluation Criteria, Recurrent Queries, Continuing Revelations, and Multiple
Perspective Analyses.
22. **Accountability** **Focus on accountability, not blame:** Understanding
Family Violence Dynamics, Self-deception, Wrongdoing Reporting Resistance,
Street Credibility.
23. **Learning** **Study Organizational Structure, Process and**
Outcomes: Models and Pitfalls, Over-reaching Mistakes, Error Analysis, Chain
of Causality.
24. **Development** **Helps people grow and take over:** Caring for
Others, Support, Empowering Volunteers and Staff, Professional
Development/Training.
25. **Listening** **Hear all voices, help them be heard:** Gives Voice to
Underserved, Minority Reports, Thorough Intake Sensitivity, Least We Can Do.
26. **Ethics** **Respected by peers:** Open to Evidence,
Competence, Investigatory Credibility, Professional Code of Conduct, Training,
Due Process.
27. **Humility** **Accept your limitations:** Arrogance Insurance,
Value Dissent, Credit Etiquette, Awards as Opportunities, Gift Recognition,
Honoring Founders.
28. **Courage** **Choose battles with long term vision:** Honorable
Retreats, Limitations of Sacrifice, Tough Skin, Necessity of Criticism, and
Emotion Acceptance.
29. **Wisdom** **Know when to struggle and when to accept:**
Letting Go, Retirement, Succession Planning, Continuing Improvements, Best
Current Practice.
30. **Responsibility** **Grow the Movement:** Sharing Experience, Lessons
Learned, Skill Development, Early and Mid-Career Empowerment, Startup
Assistance.

Certified Practitioner of Oversight Recommended Reading List

NACOLE offers a Certified Practitioner of Oversight (CPO) Credential through its annual conferences. This program recognizes oversight practitioners who have achieved a high level of professional oversight training and encourages employers and oversight agencies to financially support and encourage participation in these voluntary training programs. To earn the CPO Credential, a person must participate in designated training sessions at three qualifying conferences in a five-year period, and satisfy supplemental reading requirements. The 2008 NACOLE Conference was the first qualifying conference for this program. The Credential is valid for five years from the date of the first qualifying conference.

Please select any two from the list to complete the reading requirement of the certificate program.

Scholarly Books

- Balko, Radley. *Rise of the Warrior Cop: The Militarization of America's Police Forces*. (Public Affairs, 2013)
- Bayley, David H. *What Works in Policing*. (Oxford, 1998)
- Buren, Brenda Ann. *Evaluating Citizen Oversight of Police* (LFB Scholarly Publishing LLC, 2007)
- Chevigny, Paul. *Edge of the Knife: Police Violence in the Americas* (The New Press, 1997)
- Human Rights Watch (Allyson Collins). *Shielded from Justice: Police Brutality and Accountability in the United States*.
- Dunn, Dr. Ronnie and Wornie Reed. *Racial Profiling Causes & Consequences* (2011)
- Goldsmith, Andrew J. *Complaints Against the Police: The Trend to External Review* (Clarendon Press, 1991)
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- Gottschalk, Petter. *Policing the Police: Knowledge Management in Law Enforcement* (Nova Science Publishers, 2009)
- Harris, David A. *Profiles in Injustice: Why Police Profiling Cannot Work*. (New Press, 2002)
- Jones, Gareth. *Conducting Administrative, Oversight & Ombudsman Investigations*. (Perfectbound, 2009)
- Kappeler, Victor, Richard Sluder and Geoffrey Alpert. *Forces of Deviance: Understanding the Dark Side of Policing* (Waveland Press, 1998)
- Klinger, David. *Into the Kill Zone: A Cop's Eye View of Deadly Force*. (Jossey-Bass, 2006)
- Lersch, Kim M. *Policing and Misconduct* (Prentice Hall, 2002)

- Noble, Jeff and Geoffrey Alpert. Managing Accountability Systems for Police Conduct: Internal Affairs and External Oversight (2008)
- Perez, Douglas W. Common Sense about Police Review. (Temple University Press, 1994)
- Prenzler, Tim. Preventing Misconduct and Maintaining Integrity: Advances in Police Theory and Practice (2009)
- Perino, Justina. Citizen Oversight of Law Enforcement. (ABA, 2007)
- Skolnick, Jerome H. and James J. Fyfe. Above the Law: Police and the Excessive Use of Force (Free Press, 1994)
- Walker, Samuel. Police Accountability: The Role of Citizen Oversight. (Wadsworth Professionalism in Policing Series, 2001)
- Walker, Samuel and Archbold, Carol. The New World of Police Accountability. (Sage Publications, 2013)
- Wilson, James Q. Varieties of Police Behavior. (Athenaeum, 1968)

U.S. Constitutional Law

- Sue Davis. Corwin and Peltason's Understanding the Constitution. (17th ed., 2008)
- Domino, John C. Civil Rights and Liberties in the 21st Century. (2010)

Biographical Books

- Domanick, Joe. To Protect and to Serve: The LAPD's Century of War in the City of Dreams. (Figueroa Press, 2003)
- Quinn, Michael W. Walking with the Devil: The Police Code of Silence: What Bad Cops Don't Want You to Know and Good Cops Won't Tell You. (Quinn and Associates Publishing and Consulting, 2011)

Peer-reviewed Articles, Publications, and Reports

- Bobb, Merrick. "Civilian Oversight of the Police in the United States," Saint Louis University Public Law Review, Volume 22, Number 1. (2003)
- Bobb, Merrick. "Internal and External Oversight in the U.S.," PARC Issues Paper. (October 2005)
- De Angelis, Joseph and Kupchik, Aaron. "Citizen Oversight, Procedural Justice, and Officer Perceptions of the Complaint Investigation Process", Policing: An International Journal of Police Strategies & Management, Vol. 30 Iss: 4, pp.651 – 671 (2007)
- De Angelis, Joseph, "Assessing the Impact of Oversight and Procedural Justice on the Attitudes of Individuals Who File Police Complaints," Police Quarterly, Volume 12, No. 2, 214-236. (June 2009)
- Ferdik, Frank, Jeff Rojek and Geoffrey P. Alpert., "Citizen Oversight in the United States and Canada: An Overview," 14 Police Practice and Research, 104-116 (2013)

- Finn, Peter, "Citizen Review of Police: Approaches and Implementation," National Institute of Justice (March 2001)
- Iris, Mark, "Illegal Searches in Chicago: The Outcomes of 42 USC 1983 Litigation," 32 St. Lewis University Public Law Review 123 (2012)
- Livingston, Debra. "The Unfulfilled Promise of Citizen Review." Ohio State Journal of Criminal Law, 653-669 (2004)
- Lopez, Christy E., "Disorderly (mis)Conduct: The Problem with 'Contempt of Cop' Arrests," American Constitution Society. (June 2010)
- Miller, Joel and Cybele Merrick. "Civilian Oversight of Policing: Lessons from the Literature," Vera Institute of Justice, Global Meeting on Civilian Oversight of Police, Los Angeles, May 5-8, 2002 (2002)
- Stone, Christopher, Todd Foglesong and Christine M. Cole, "Policing Los Angeles Under a Consent Decree: The Dynamics of Change in the LAPD," Program in Criminal Justice Policy and Management, Harvard Kennedy School (May 2009)
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- Police Assessment Resource Center, "Review of National Police Oversight Models for the Eugene Police Commission." (February 2005)
- Pitcher, Kris E., André Birotte, Jr., and Django Sibley, "Developing Effective Interactions," The Police Chief 77: 46–48, (May 18, 2010)
- Prenzler, Tim and Colleen Lewis, "Performance Indicators for Police Oversight Agencies," Australian Journal of Public Administration, Vol. 64 Issue 2, 77 – 83. (May 31, 2005)
- Schwartz, Joanna C., "What Police Learn from Lawsuits," 33 Cardozo Law Review 841 (February 2012)
- U.S. Department of Justice. "Principles for Promoting Police Integrity: Examples of Promising Police Practices and Policies." (January 2001)
- U.S. Department of Justice. "Taking Stock: Report from the 2010 Roundtable on the State and Local Law Enforcement Police Pattern or Practice Program, 42 USC § 14141, NCJ 234458. (September 2011)
- Vera Institute of Justice, "Building Public Confidence in Police through Civilian Oversight." (September 2002)
- Walker, Samuel. "The New Paradigm of Police Accountability: The US Justice Department 'Pattern or Practice' Suits in Context," 22 Saint Louis University of Public Law Review 3 (2003)

U.S. Department of Justice, Civil Rights Division

- Findings Letters
 - Ferguson Police Department: Findings Report (2015)
 - Newark Police Department: Findings Report (2014)
 - Albuquerque Police Department: Findings Letter (2014)
 - Cleveland Division of Police: Findings Letters (2014)
 - City of Miami Police Department: Findings Letter (2013)
 - Los Angeles Sheriff's Department: Antelope Valley stations (2013)

- Portland Police Bureau: Findings Letter (2012)
- New Orleans Police Department: Findings Report (2011)
- Puerto Rico Police Department: Findings Letter (2011)
- Seattle Police Department: Findings Letter (2011)

Special Independent Commissions/Blue Ribbon Reports

- Final Report of the President's Task Force on 21st Century Policing. (2015)
- U.S. Commission on Civil Rights. Who is Guarding the Guardians? A Report on Police Practices. (1981)
- U.S. Commission on Civil Rights. "Revisiting 'Who is Guarding the Guardians?'" (November 2000)
- National Advisory Commission on Civil Disorders (Kerner Commission). (1968)
- Report of the Independent Commission on the Los Angeles Police Department (Christopher Commission). (1991)
- Five Years Later: A Report to the Los Angeles Police Commission on the Los Angeles Police Department's Implementation of Independent Commission Recommendations. (1996)
- Los Angeles County Sheriff's Department: Report by Special Counsel James G. Kolts and Staff. (1992)
- Los Angeles County Citizens' Commission on Jail Violence. (September 2012)
- The City of New York, Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department (Mollen Commission). (1994)
- Rampart Independent Review Panel. "Rampart Reconsidered – The Search for Real Reform Seven Years Later." (2000)

Approved by the NACOLE Board of Directors 2015.

Recommended Training for Board and Commission Members

NACOLE is committed to establishment, development, education and technical assistance for local civilian oversight agencies. NACOLE is also committed to supporting the training of appointed board, committee, and commission members so that they may acquire the understanding, knowledge, and skills necessary to perform responsibly in their assignment in civilian oversight in law enforcement.

Providing new members with the information they need to perform effectively is a critical step in the development of a strong board or commission. The responsibilities for developing and implementing an effective program of board orientation are shared between oversight practitioners and the board itself. There must be a commitment to developing a well-informed board, one with the knowledge needed to lead an effective organization.

Civilian oversight boards are comprised of individuals with a variety of backgrounds. They have differing life, cultural, professional and educational backgrounds and varying degrees of exposure to law enforcement and corrections professionals, municipal government operation, the criminal justice system, and the full and diverse range of communities served by local law enforcement agencies.

The types and depth of relevant training depend on the role, duties and authority of the board or commission. Some boards and commissions review all documents, statements and evidence discovered in investigations while others render decisions based on summaries or presentations by agency investigators or law enforcement managers. Others deal solely with broader policy issues. Each agency must critically assess the tasks and functions its members will perform and determine the skills, expertise or training they need to acquire in order to perform their duties. As such, NACOLE has not mandated minimum structured training programs or hourly classroom requirements in connection with member appointments.

1. Orientation

a. Civilian Oversight of Law Enforcement

- i. Civilian Oversight of Law Enforcement
- ii. Models of Civilian Oversight

b. Local Oversight Agency

- i. Historical Account Leading to establishment of the oversight agency
- ii. Charter, Ordinance, Municipal Code establishing oversight agency
- iii. Community Expectations of Oversight Agency
- iv. Local Government Expectations of Oversight Agency

c. Legal Considerations

- i. Public records and public meeting laws
- ii. Confidentiality requirements
- iii. State / Local Laws relating to peace officers' personnel actions, rights and privacy
- iv. Case law concerning stops & detentions, search, seizure and arrest, rights of arrested persons
- v. Steps in the criminal justice process: arrest, booking, arraignment, bail, hearings, trial

d. Local Law Enforcement Agency

- i. Organization, history, and cultural evolution of the law enforcement agency
 - 1. Role and responsibilities of patrol, custodial and specialized units
 - 2. Chain of command and supervisory responsibilities
 - 3. Written communication system and training procedures
- ii. Patrol practices and procedures
 - 1. Duties of patrol officers, sergeants and managers
- iii. Rules of conduct for officers
- iv. Agency procedures re: detentions and searches of persons and vehicles
- v. Booking, custody and prisoner transport procedures
 - 1. Medical screening
 - 2. Handling and processing of prisoner property
- vi. Juvenile procedures
- vii. Traffic stop procedures
- viii. Use of force guidelines and procedures (lethal and non-lethal). For example,
 - 1. Defensive tactics
 - 2. Takedown and pain compliance holds and maneuvers
 - 3. Handcuffing techniques
 - 4. Baton use
 - 5. Use electronic control devices, OC spray, and restraint devices

6. Firearms

- ix. Investigation and review of shootings and in-custody deaths
- x. First amendment activities
- xi. Training, resources and procedures for dealing with mentally disturbed individuals and individuals under the influence of drugs or alcohol
- xii. Community and cultural awareness: Understanding the history, culture, and concerns of communities served by the law enforcement agency
- xiii. Community relations and outreach
- xiv. Biased based policing / racial profiling
- xv. The complaint, investigative and disciplinary processes
- xvi. Mediation of complaints
- xvii. Evaluating credibility and reaching findings
- xviii. Procedures and practices for misconduct investigations, including interviewing and report writing, collection and preservation of evidence, sources of information, and due diligence standards.

e. Board Procedures

- i. Intake Procedures
- ii. Investigative Procedures and Practices
- iii. Hearings / Meetings
- iv. Case Review, Presentation, Findings
- v. Communications
- vi. Policy Recommendations

2. Potential Sources For Training

- a. Civil Rights / Community / Public Interest Organizations
 - i. American Civil Liberties Union (ACLU)
 - ii. National Alliance on Mental Illness (NAMI)\
 - iii. Homeless Advocacy Organizations
 - iv. Urban League
 - v. Mediation Centers
- b. Government Organization Resources
 - i. Mayor / City Manager / County Supervisor / County Administrative Executive
 - ii. US Attorney / State Attorney General / County Counsel / City Attorney
 - iii. Public Defender's Office
 - iv. FBI (Color of Law Abuses by public officials)
 - v. Risk Management Department
 - vi. Presiding Judges

- c. Law Enforcement Academy
 - i. Recruit Training
 - ii. Menu Training
 - iii. In-Service Refresher Training
- d. Visits to Law Enforcement Facilities
 - i. Headquarters and Division Stations
 - ii. Communications / Dispatch / 911 Facilities
 - iii. Jail Detention Facilities
 - iv. Juvenile Detention Facilities
 - v. Crime Laboratories
 - vi. Medical Examiner Facilities
- e. Ridealongs
 - i. Patrol
 - ii. Special Units
 - 1. K-9
 - 2. Homeless Outreach
 - 3. Special Events (Sporting Events, Conventions, Conferences)
 - 4. Vice Squad
 - 5. Gang Suppression

Qualification Standards for Oversight Agencies

Qualification Standards For Oversight Investigators

1. Education

1. A bachelor's or an equivalent degree, or a combination of education and relevant experience. Competent oversight investigators must possess sophisticated analytical and written communication skills, and must become proficient in a wide variety of subject areas, from case law on search and seizure, to cultural awareness to the latest research on perception and recollection. A college degree is an excellent indicator of likely proficiency in these areas.

2. Preferred Experience

1. Three (3) years' experience conducting civil, criminal or factual investigations that involved gathering, analyzing and evaluating evidence, conducting interviews with friendly and adverse witnesses and documenting information in written form. Applicable experience would include: criminal investigations conducted for a law enforcement or a prosecuting agency; criminal defense investigations in the public or private sector; investigating allegations of misconduct or ethical violations

(especially involving public officials or police officers); investigations conducted in connection with litigation or hearings conducted by a government agency; personnel investigations; civil rights investigations and investigations of human rights abuses; investigations and audits of fraud or abuse.

3. Required Knowledge, Skills, and Ability

1. Knowledge of investigative techniques and procedures.
2. Ability to conduct detailed factual interviews with aggrieved individuals filing complaints, with friendly, neutral and adverse witnesses, with police officers and managers, and with experts such as medical practitioners, law enforcement trainers, crime lab personnel, etc.
3. Ability to write clear, concise, well-organized and thorough investigative reports.
4. Ability to communicate professionally and courteously with individuals from a wide variety of cultural and socio-economic backgrounds, to develop sensitivity to a variety of communication styles, to elicit information from reluctant individuals and to provide information in a clear and articulate manner.
5. Ability to plan investigations and to prioritize multiple tasks and meet required deadlines, and to conduct investigations of a highly confidential and sensitive nature.
6. Ability to organize and present information using matrices, timelines and relational database software.
7. Ability to analyze and apply relevant laws, regulations and orders to the facts of the case being investigated.
8. Ability to use initiative, ingenuity, resourcefulness and sound judgment in collecting and developing facts and other pertinent data.
9. Knowledge of evidence handling and preservation procedures, of skip-tracing techniques to locate witnesses and of legal and criminal justice procedures.
10. Ability to conduct investigations in an objective and independent manner and to adhere to high standards of ethical conduct and to evaluate evidence and make findings without bias or concern for personal interest.

Suggested Standards For Supervisory Investigators:

1. Education

1. A bachelor's or an equivalent degree.

2. Experience

1. Five (5) years' experience conducting civil, criminal or factual investigations that involved gathering, analyzing and evaluating evidence, conducting interviews with friendly and adverse witnesses and documenting information in written form. Applicable experience would include: criminal investigations conducted for a law enforcement or a prosecuting agency; criminal defense investigations in the public or private sector; investigating allegations of misconduct or ethical violations (especially involving public officials or police officers); investigations conducted in connection with litigation or hearings conducted by a government agency; personnel investigations; civil rights investigations and investigations of human rights abuses; investigations and audits of fraud or abuse.

3. Required Knowledge, Skills & Abilities

In addition to the skills and knowledge required for investigators, the following should be required.

1. Ability to plan, conduct and supervise complex and difficult investigations, including those involving serious allegations of misconduct (such as officer-involved shootings and in-custody deaths), investigations involving a large number of complainants, witnesses or officers, high-profile investigations and those involving multiple law enforcement agencies or significant policy issues.
2. Ability to train, advise, motivate, and mentor new and veteran investigators on an individual level and through a formal and ongoing training program.
3. Ability to implement investigative procedures and standards consistent with best practices for civilian oversight agencies.
4. Ability to review the work of investigators to ensure that the investigation is thorough and the factual findings and analyses are sound.
5. Ability to set an example of professionalism, ethical conduct and commitment to a quality work product.

6. Commitment to civilian oversight.
7. Knowledge of criminal justice procedures, investigative techniques and issues involving police and civilian oversight practices and police-community relations.
8. Ability to effectively communicate, both orally and in writing, with agency staff, members of the law enforcement agency, government managers and members of the diverse communities served by the law enforcement and the civilian oversight agency.
9. Ability to edit reports and other written materials prepared by investigative staff for clarity and style.
10. Ability to establish investigative procedures and standards consistent with best practices for civilian oversight agencies

Suggested Standards For Oversight Executives: Directors, Auditors, and Monitors

1. Qualifications For Civilian Oversight Executives

1. Education

1. A bachelor's or an equivalent degree. Master's degree, Juris Doctorate, or Ph.D. is highly desirable.

2. Experience

1. At least four (4) years of experience in the field of public or private administration or in the practice of law.
2. Prior managerial or supervisory experience.

3. Required Knowledge, Skills & Abilities

1. Creative, innovative and outgoing leader with recognized judgment, objectivity and integrity with a commitment to achieving solutions and results
2. Strong passion for community relations and outreach with the ability to build strong, yet independent working relationships with a wide array of constituents and community representatives particularly, experience working with multicultural/ethnic communities

3. Ability to bridge community and institutional concerns around fairness and justice issues and knowledge of social problems, community attitudes, organization and subcultures
4. Work effectively within the framework of governmental and judicial structures
5. Exceptional analytical, verbal and written communication skills
6. The ability to manage people
7. Knowledge of organization and management practices and methods, including goal setting, program development and implementation, employee supervision, personnel management, employee relations, team building, budget development and financial management
8. High level of resiliency and the ability not to personalize adversity
9. The ability to interact and operate effectively with various stakeholders, e.g., elected and appointed officials, law enforcement officers and administrators, community groups, and others
10. The ability to work independently, fairly and objectively
11. Effective facilitation, negotiation and diplomacy skills
12. A willingness to make a long-term commitment to the organization
13. Knowledge of general legal principals and statutory law including knowledge of employer-employee hearing and administrative procedures
14. Knowledge of principles, practice and procedures related to conducting investigations and administrative hearings including rules of evidence and due process
15. Knowledge of police administration and organization, and the rules, laws and regulations thereof

NACOLE Code of Ethics

Preamble

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and the ethical and professional standards described herein.

The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

Personal Integrity

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

Independent and Thorough Oversight

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

Transparency and Confidentiality

Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

Respectful and Unbiased Treatment

Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

Outreach and Relationships With Stakeholders

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

Agency Self-Examination and Commitment to Policy Review

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

Professional Excellence

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

Primary Obligation to the Community

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

Adopted by the Board of Directors on August 12, 2015

Pre-Post Test

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
	1	2	3	4	5
1. ____					
2. ____					
3. ____					
4. ____					
5. ____					
6. ____					
7. ____					
8. ____					
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20. ____					
21. ____					
22. ____					
23. ____					
24. ____					
25. ____					

Additional Resources and Links

NACOLE

www.nacole.org

European Partners Against Corruption/ European contact-point network: Police Oversight Principles

https://nacole.org/wp-content/uploads/European_Police_Oversight_Principles.pdf

Articles and Documents:

<http://nacole.org/wp-content/uploads/Oversight-in-the-United-States-Attard-and-Olson-2013.pdf> An excellent overview by two past presidents of NACOLE, Barbara Attard and Kathryn Olson

<http://static1.squarespace.com/static/5498b74ce4b01fe317ef2575/t/54caf3abe4b04c8e2a3b6691/1422586795583/Review+of+National+Police+Oversight+Models+%28Feb.+2005%29.pdf> A detailed study of police oversight models conducted in 2005 by the Police Assessment Resource Center (PARC)

<http://www.firescience.org/building-trust-in-law-enforcement/> A good article about various community / law enforcement partnerships and programs.

<http://www.nyc.gov/html/ccrb/html/outreach/calendar.shtml> An outreach activities calendar of the CCRB in New York, New York

<http://www.post-gazette.com/opinion/Op-Ed/2015/05/10/What-does-good-policing-look-like-Here-are-10-policies-that-every-police-department-should-adopt/stories/201505100056> What Good Community Police Practice Should Look Like (An op-ed article from the Pittsburgh Post-Gazette)

http://www.riversideca.gov/cprc/Outreach/Outreach_Activity_Table.htm The outreach log for the Riverside Community Police Review Commission in 2015

Complaint Forms:

Albany, NY:

http://www.albanylaw.edu/media/user/glc/police_review_board/cprbcomplaintfinal5701rt1.pdf

Atlanta, GA: <http://acrbgov.org/wp-content/uploads/2010/08/Complaint-form-Corrected-Copy-March-2015.pdf>

Austin, TX: <http://www.austintexas.gov/department/complaint-process>

Denver, CO: <http://www.denvergov.org/Portals/374/documents/OIMCCForm.pdf>

Los Angeles, CA: <http://www.oig.lacity.org/#!/filing-a-complaint/c1krl>

Miami, FL: <http://www.ci.miami.fl.us/cip/pages/Services/BrochuresForms.asp>

Philadelphia, PA: <http://www.phila.gov/pac/PDF/complaintform.pdf>

Portland, OR: <http://www.portlandonline.com/Auditor/Index.cfm?c=42860>

Salt Lake City, UT: <http://www.slcdocs.com/civreview/complaintform.pdf>

San Diego, CA: <http://www.sandiego.gov/citizensreviewboard/pdf/complaint.pdf>

San Francisco Bay Area Rapid Transit District (BART): <http://bart.gov/policecomplaint>

San José, CA: <http://www.sanjoseca.gov/DocumentCenter/View/14705>

Washington, D.C.: <http://policecomplaints.dc.gov/service/complaint-forms-and-brochures>

International Resources:

Universal Declaration of Human Rights
<http://www.un.org/en/documents/udhr/>

United Nations Code of Conduct for Law Enforcement Officials
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>

Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)
<http://www.cacole.ca/>

U.S.A. Resources:

Core Competencies for Civilian Oversight Practitioners
<https://nacole.org/about-us/core-competencies-civilian-oversight-practitioners/>

Police Assessment Resource Center
<http://www.parc.info/>

U.S. Department of Justice, Civil Rights Division, Special Litigation Section
<http://www.justice.gov/crt/special-litigation-section>

National Initiative for Building Community Trust and Justice
<http://trustandjustice.org>

Implicit Bias Resources:

Rightful Policing

<http://www.hks.harvard.edu/programs/criminaljustice/research-publications/executive-sessions/executive-session-on-policing-and-public-safety-2008-2014/publications/rightful-policing>

Teaching Tolerance

<http://www.tolerance.org/Hidden-bias>

Implicit Bias and Law Enforcement (Police Chief Magazine)

http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2499&issue_id=102011

American Denial: Independent Lens

<http://video.pbs.org/video/2365422025/>

Project Implicit

<https://implicit.harvard.edu/implicit/>

The Nature of Implicit Prejudice

http://www.fas.harvard.edu/~mrbworks/articles/InPress_Shafir.pdf

The Nature of Contemporary Prejudice

<http://www.yale.edu/intergroup/PearsonDovidioGaertner.pdf>

State of the Science: Implicit Bias Review 2013

http://kirwaninstitute.osu.edu/docs/SOTS-Implicit_Bias.pdf

Recent Reports and Journal Articles:

Final Report of the President's Task Force on 21st Century Policing

www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

The Impact of Psychological Science on Policing in the United States: Procedural Justice, Legitimacy, and Effective Law Enforcement

<http://psi.sagepub.com/content/16/3/75.full>



CITY OF West Linn

22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

POLICE OVERSIGHT AND ACCOUNTABILITY TASK FORCE DRAFT MINUTES

Wednesday, February 24, 2021

6:00 p.m. – Meeting – Webex*

Members:

Kristina Garcia Siegel, Linda Hamel, Michael Harper, and Nicole Dawson

Liaisons:

City Manager Jerry Gabrielatos, Acting Police Chief Peter Mahuna, City Recorder Kathy Mollusky, and City Attorney Shannon Lee Erskine

Guests:

NACOLE Board Member Anthony Finnell and Councilor Mary Baumgardner

1. Call to Order

The Meeting was called to order at 6:07 pm by Chair Dawson.

2. Approval of Agenda

The committee approved the agenda by a voice vote. There were no dissenting votes.

3. Public Comment

There were no public comments.

4. Anthony Finnell, Board Member of NACOLE

Chair Dawson gave the background of this Police Oversight Task Force to Anthony Finnell.

Anthony Finnell summarized his 24-year law enforcement career and after he retired, his police investigative career. His current role is strategic initiative lead and he oversees special projects; for instance, they are doing an event review of last summer's protests and they do training, teaching effective interview and communication techniques. He also serves on the board of NACOLE. He explained how forming a Police Oversight entity requires a lot of work. You have to get input from all of

the stakeholders, from the Police Department, the police union, community activists, and other citizens. He explained there are many different models: the police auditor model, review model, investigative model, recommendations model, and others that hire and fire police chiefs and give out discipline and hybrids of those models. Each model comes with an expense. The full investigation model requires personnel and a huge budget. Smaller communities, like West Linn, might need more of a model that focuses on policies, looks at trends, and does data analysis. This helps the department formulate policies that work for the police and the community they serve. He suggested the Task Force does their homework and comes back as team to make recommendations to the City leadership based on best practices throughout the country to create a process that is transparent, independent, and objective that will hold people accountable and help build trust in the community. An oversight committee can help police departments by creating policies or making policies better. To make sure the officers have the best mental health services available because of the things they endure and see. It can help identify training needs or training deficiencies and help create the best training. It is about identifying systemic issues and helping to rectify those issues. He spoke about having an independent complaint process regarding police where the complainer has to sign that it is true and if it is not true, the person who signed the false complaint is subject to criminal charges.

5. Staff Update

City Manager Gabrielatos gave the status of the Police Chief recruitment. The Request for Proposals to do the recruitment went out a few weeks ago.

6. Membership

Chair Dawson is concerned about the loss of members after the last meeting. Evan Wickersham has a conflict and may or may not be involved in the future. Nancy Noye is moving so she is not going to be involved anymore. Sharron Furno is no longer going to be involved. Fred Groves has other conflicts so he is not going to be involved anymore, he may join occasionally to speak. Rishi Bansal is deciding if he would like to continue or not.

7. Applicants for Tier 3

Determine model, scope, & focus. Look into models at specific cities mentioned: San Jose, Oakland, DC, Denver, Fairfax. Kristina Garcia Siegel and Linda Hamel volunteered to look at these cities for Police Oversight Committee models and bring back to the group next week.

The Task Force discussed subpoena power – a powerful thing to keep people accountable and increase access to that information and the legality of it.

City Manager Gabrielatos stated the Task Force voted on December 30, 2020. The subpoena was voted on and passed unanimously. Since it already passed, we do not need to revisit it. The attorneys will work with Council to develop language, it is not the Task Force's job. The Task Force provides the framework and the City can right size, scale it for West L. We are 26,000 people.

Framework:

- Body that involves 7 people.
- Can call on professional investigator or just one auditor
- Body of community members, people of color, LGBTQ+ who have been marginalized.

The Task Force wants to do their homework and make recommendations based on research from past data collection, get it on paper, and give a general model to the City so they can take it from there. They want to know if this is sufficient to get applicants to have as a permanent body.

Council is supportive of this work. They are not expecting something completely done, just the framework.

The next meeting is on Wednesday, March 10, from 6:00 to 8:00 pm.

The meeting adjourned at 8:07 pm.

DRAFT

Mollusky, Kathy

From: Roberta Schwarz <[REDACTED]>
Sent: Wednesday, February 24, 2021 9:56 AM
To: #Task Force - Police Oversight and Accountability
Subject: Please enter this into the public record as part of the City Comments for the Police Oversight and Accountability Committee meeting tonight

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

West Linn Police Oversight and Accountability Task Force,

Please have this entered into the public record as part of the Community Comments for the Police Oversight and Accountability Committee meeting tonight.

This is the new Charter Change for Portland's Police Oversight which passed in November 2020 in Portland with a vote of 81.58%.

West Linn should look into a modified version of this for our city also. Please see below:

[https://ballotpedia.org/Portland, Oregon, Measure 26-217, Police Oversight Board Charter Amendment \(November 2020\)](https://ballotpedia.org/Portland,_Oregon,_Measure_26-217,_Police_Oversight_Board_Charter_Amendment_(November_2020))

Thanks so much,
Roberta and Ed Schwarz