



POLICE DEPARTMENT
CITY OF BURLINGTON

Sarah Kenney, Chair
Board of Police Commissioners

MEETING OF THE BOARD OF POLICE COMMISSIONERS
BURLINGTON POLICE DEPARTMENT, COMMUNITY ROOM, ONE NORTH
AVENUE

June 27th, 2017, 6:00 PM

AGENDA

1. Additions or Modifications to Agenda
2. Public Forum
3. Update on the Police Commission Role Pilot
4. Update on the Fair and Impartial Policing Policy
5. Commission Reorganization and Election of Chair and Vice-Chair
6. Chief's Report
7. Review of Any Incoming Correspondence *{as needed}*
8. Commissioners' Updates/Comments
9. Review Updated Directives; *{as needed}*
10. Consent Agenda – Minutes of Previous Commission Meetings
11. Next Meeting's Agenda Items and Date
12. Executive Session *{as needed}*
13. Adjournment

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Role of Burlington Police Commission in Review of Complaints Against Police Officers

1. When a complaint is received by the BPD about the conduct of a member of the Burlington Police Department, the chief of police shall cause that complaint to be investigated as soon as practical by an individual or individuals with no interest in or attachment to the issue or officer(s) being investigated.
2. The Chief will maintain a written record of each complaint. That written record will include:
 - The names of the officer(s) involved.
 - The date of receipt of the allegation.
 - The type or nature of the allegation.
 - The name of the person(s) who investigated.
 - The final disposition of each complaint.

In addition, if the complaint involves an allegation of use of force or a weapon, or an allegation of dishonesty or other serious misconduct, the written record will include:

- All action taken in response to the complaint.
 - Identification of all witnesses, documents, evidence, or other information obtained or consulted in the course of the investigation.
3. The written record of each complaint will be considered confidential.
 4. The Commission shall have access to the written records of all complaints, upon request to the Chief.
 5. The Chief will report to the Commission on all complaints against members of the department as follows:
 - For minor complaints, the Chief will provide a verbal or written summary of the complaints and their status or disposition in executive session.
 - For major complaints, such as those involving an allegation of use of force, use of a weapon, dishonesty, discrimination or harassment, or other serious misconduct, or for repeated minor complaints, or for any other conduct for which termination is recommended, the Chief will provide the Commission with a full verbal briefing of the allegations and the recommended disposition of the case in executive session. At the request of any member of the Commission, the Chief will make the written record available for review by the Commission, as well as any audio or video footage, written materials, evidence, or other information related to the allegation.
 - If the complaint has been referred outside of the agency for investigation of possible criminal conduct, the materials will be made available to the Commission in executive

session once a determination has been made that the materials may be disclosed to the Commission without adversely affecting any possible prosecution.

6. After receipt of the report described above, the Commission may

- accept the Chief's report and recommended actions in full or in part,
- request additional information,
- make a recommendation to the Chief about the investigation, process, disposition (including appropriate sanctions for misconduct), or other aspect of the matter, or
- postpone action to a later date.

7. The Chief may accept the Commission's recommendations, or if the Chief does not, shall explain to the Commission why he did not accept the recommendation.

Resolution Relating to

DELEGATION OF AUTHORITY TO POLICE
COMMISSION TO REVIEW DISPOSITION OF
COMPLAINTS AGAINST POLICE

DRAFT

RESOLUTION _____

Sponsor(s): _____
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Seventeen

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, section 184 of the charter of the City of Burlington provides that the Board of Police
2 Commissioners “shall have such authority and responsibility relating to the management of the police
3 department, its services and facilities, as may be delegated from time to time by resolution of the city council;”
4 and

5 WHEREAS, section 190 of the charter provides that the chief of police may investigate and may
6 dismiss any police officer for conduct such as incompetence, negligence, dereliction of duty, or misconduct
7 and that Board of Police Commissioners “shall hear any appeal filed in a timely manner with respect to such
8 actions of the police chief;” and

9 WHEREAS, the residents of and visitors to the City of Burlington have an expectation that the conduct
10 of the police officers responsible for enforcing the laws conform to the highest standards and avoid bias or
11 favoritism; and

12 WHEREAS, in the City’s Diversity and Equity Strategic Plan, the City’s diversity and equity
13 consultant recommended that the City clarify civilian oversight over the police department using a model
14 based on the Vermont State Police Advisory Council (SPAC); and

15 WHEREAS, the City Council believes that it is in the best interests of the people of the City of
16 Burlington and the Burlington Police Department (BPD) that the review of allegations concerning misconduct
17 by police officers towards members of the public be thorough and fair, using a process in which both the
18 public and the police have confidence; and

19 WHEREAS, the Police Commission serves as a fair and impartial representative body of residents of
20 the Burlington community; and

21 WHEREAS, both the Police Commission and the Public Safety Committee of this City Council have
22 considered options for expanding and clarifying the Police Commission to prove effective and responsive
23 civilian oversight;

24 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby delegates the following
25 authority and responsibility to the Police Commission, subject to the terms of the Agreement Between City of

**Resolution Relating to Delegation of Authority to Police Commission to Review Disposition of
Complaints Against Police**

Burlington and the Burlington Police Officers' Association effective July 1, 2014 - June 30, 2018, or any successor contract ("the Police Union Contract") and the Agreement Between City of Burlington and Local 1343 of the American Federation of State, County and Municipal Employees effective July 1, 2014 – June 30, 2018, or any successor contract ("The Dispatcher Union Contract):

1. The Commission shall have the authority to review all complaints from the public against members of the police department as outlined in the attached policy entitled "Role of Burlington Police Commission in Review of Complaints Against Members of Police Department."

2. The Commission will ensure that citizen complaint forms are available in multiple locations throughout the City of Burlington, including at the Police Department and online, and that they may be submitted in a variety of way or locations, including the Chief's office, the City Attorney's Office, the Commission itself, and the Mayor's Office.

3. The Commission will report back to the Public Safety Committee of this Council, no later than June 30, 2018, about how this new authority is working and whether it has any recommendations for improvement.

Public Safety Committee
June 22, 2017
DRAFT Minutes

Committee Members: Councilors Sara Moore (SG) (chair); Adam Roof (AR)

Others Present: Richard Haesler (RH), City Attorney's Office (Committee Staff); City Attorney Eileen Blackwood (EB); Eric Kratochvil (EK), BPD; Jessica Radbord (JR), Vermont Legal Aid; Sarah Russell (SR); Burlington Housing Authority; Stephen Marshall (StM), Homeless Advocate

At 5:34 p.m. Chair Moore commenced the meeting.

1. **Agenda:** motion by AR

second by SM – passes unanimously.

2. **Approval of minutes of 3/20/17:**

Motion by AR to table to July meeting; Second by SM – passes 2-0

Approval of minutes of 5/2/17:

Motion by AR to approve; Second by SM – passes 2-0

3. **Public Forum:**

None

4. **Committee Discussion – Police Commission Models**

SM: intending to look at proposal from the Mayor's Office – possibly look and compare w other models.

EB: Recommends adoption of the SPAC model presented

- Spoke with Nancy Sheehan – Chair of SPAC
- Question who investigates ; we do not have internal affairs
- Instead other methods – example: low level problem can be dealt w internally – see superior officer vs extreme misconduct we will retain outside consultant to conduct investigation
- Also HR matters – see complaint against superior
- Can utilize HR and the City Attorney's Office plus outside consultants – some or all depending on the situation
- Option choices are at the discretion of the Chief; can be in consultation with the Mayor
- Can incorporate some of this into the proposal if desired.

SMarshall: Policy should be that the person(s) making decisions should have no interest or attachment re the outcome

EK: transparency and demonstration of fairness is accomplished through providing the record to the Police Commission

EB: See # 2 in the proposal – there is written record of the complaint – codified the record requirements

See # 5 – references “repeated minor complaints” – addresses the individual who becomes a constant problem as included here despite the fact never egregious.

SM: Is there a way to inspect for trends; i.e. identifying repeat offenders of repeat types of problems? Can this be documented without violating confidentiality

AR: Is there any risk for the City – what if the record became public

EB: Confidentiality must be maintained – confidential records cannot be made public or there is the basis for a claim – that is always the case; needs to be understood.

AR: Do all commissions have ability to go go into Executive Session?

EB: Yes

Note – Criminal prosecution may subject material disclosure to limitation by the prosecution – otherwise disclosure of full record to the commission.

Every complaint follows a prescribed protocol.

Note: e.g. verbal reprimand – victim not informed of outcome but provided outreach per protocol. – may include where appropriate closing the loop with disclosure

See mediation example.

JR: I might recommend a written follow-up to a complaint – sometimes helpful – provides PR component with individuals whose police contacts have been characterized as negative

AR: Would request if possible: total number of complaints annually; public versus internal

EB: See # 6 – recommendation from Council

Training for commissions is something we are looking into generally.

Perhaps with enlarged role for Police Commission it would be helpful.

Implicit Bias Training?

EB: We offer Boards/Commission/All City Departments

AR: Thinks Implicit Bias Training for Police Commission – given the selection process/vetting largely political – this seems like a minimum threshold.

EB: See # 7 - the Chief may follow the recommendation or decline the recommendation but provide rationale.

SM: Can this process be referred to the Police Commission for a trial run?

AR: Generally in agreement

AR: Motion to refer – Role of Burlington Police Commission in Review of Complaints Against Police Officers – to be referred to the Police Commission – both the draft resolution and the attached policy – for their review and consideration with all materials included and to respond by January 2018;

SM second; Passes unanimously.

AR: And furthermore – move that Public Safety Committee makes a request to the Chief and to the Police Commission to attempt in good faith to trial run the set out herein during that time period.

SM second; Passes unanimously.

5. Other Business

AR: Motion to approve the acceptance of the Subcommittee on Eviction Crisis Planning & Protocols Report – and for the Committee to forward to the full Council as a Communication with a request that it be accepted and placed on file.

SM second; Passes unanimously.

6. Other Business

AR: Motion to adjourn.

SM second; Passes unanimously.

MEETING ADJOURNED at 6:42 p.m.

A History and Current View of Citizen Oversight of Police in the US

Author: Jaada Longmore

Editor: Laura Hale

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Executive Summary:

The purpose of this report is to examine the development and functionality of citizen oversight. The components of psychological affects and the mental health aspects related to community policing are also discussed. This report contains brief summaries of various citizen oversight models used throughout the country, and highlights recommendations under the Obama administration on 21st century policing.

I. A Brief History Of Citizen Oversight:

The concept of citizen oversight was first introduced in the early 1900s and has grown over the last century. In 1953 New York City created what is now known as the Civilian Complaint Review Board (CCRB). Citizen oversight boards became a national issue during the civil rights movement when many people of color were victims of police misconduct and activists called for reform. The National Association for Citizen Oversight of Law Enforcement (NACOLE) began in 1985 and development continued. By 1993 there were iterations of oversight in jurisdictions all over the country, including the appointment of independent auditors as one alternative to a whole body of board members. By 2000 over 100 citizen review boards were in place, according to NACOLE. The Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 gave the US Department of Justice's Civil Rights Division the power to investigate systemic abuse by local law enforcement agencies, and today citizen oversight boards are often part of the path to reform for agencies found responsible of misconduct.

Citizen Review board timeline:

1928: The Los Angeles Bar Association created a Committee on Constitutional Rights to receive complaints about police misconduct. This committee was an unofficial body with no real power or authority.

1929: President Herbert Hoover created the National Commission on Law Observance and Enforcement, known unofficially as the Wickersham Commission, to survey the U.S. criminal justice system under Prohibition and make recommendations for appropriate public policy.

1931: The Wickersham Commission released their report "Lawlessness in Law Enforcement" and recommended the creation of a "disinterested agency" in each city to receive citizen complaints about law enforcement.

1935: The New York City Mayor's task force recommended the creation of a committee made up of "five to seven members of mixed race" to receive complaints of police misconduct from citizens of Harlem.

1948: Washington DC developed the first official (CRB) Citizen Review Board. It was dissolved due to infrequent use. This board handled a total of 54 complaints from 1948-1964.

1953: New York City created the Citizen Complaint Review Board.

1958: Mayor Dilworth of Philadelphia created the Police Review Board, later renamed the Police Advisory Board (PAB), made up of citizens that received citizen complaints, referred them to the police department for investigation, and then to the police commissioners for further action after reviewing the police investigative file. The PAB was dissolved in 1969 and reinstated in 1994 as the Police Advisory Commission.

1966: New York City's Mayor John Lindsay expanded the pre-existing Citizen Complaint Review Board (CCRB) originally created in 1953, but in November 1966 voters abolished the newly expanded CCRB.

1970: Kansas Missouri developed the Office of Citizen Complaint (OCC) that reviewed police investigations, and had no authority or independent power to investigate police complaints.

1973: Berkeley California developed the Police Review Commission and was the first citizen oversight board to have any authority to investigate complaints.

II. Citizen Review Board Classes as Defined by the International Associations of Chiefs of Police (IACP)

The IACP offers the following distinctions between Citizen Review Board models:

Class I: Citizen Review Board. Citizen complaints are reviewed and investigated, and recommendations for disciplinary or policy action are made by a board comprised wholly of citizens. The board may or may not have subpoena power. Under this model, a citizen review board handles each step on the continuum from original complaint through review, investigation and recommendations for sanctions. This is the most independent citizen review model.

Class II: Police Review/Citizen Oversight. Complaints are reviewed and investigated, and recommendations for disciplinary or policy action are made by law enforcement officers, with oversight of each case by a citizen or board of citizens. Under this model, the steps on the complaint continuum are handled by the police. A board of citizen reviewers, or a single individual, reviews those actions/determinations. Since law enforcement conducts the initial fact-finding investigation, the Class II model is considered less independent than Class I.

Class III: Police Review/Citizen-Police Appeal Board. Complaints are reviewed and investigated by law enforcement officers in the Internal Affairs Unit, which recommends disciplinary action to the chief. Complainants who are not satisfied with outcomes of investigations can appeal for review to a board composed of both citizens and sworn officers. Under this model, the complaint process is handled by the police. In the event a complainant is not satisfied with the outcome of his or her case, a board that includes police officers undertakes review of how the case was originally investigated. Citizen participation is limited to appeal review only.

Class IV: Independent Citizen Auditor. An independent citizen auditor or auditor system reviews the law enforcement agency's internal complaint review process (IA) and makes recommendations as needed. Under this model, the complaint process is fully in the hands of the police. However, an auditor or audit team has access to that process and reviews it for effectiveness and accuracy of findings, making recommendations to improve the process as needed. The auditor reviews completed complaint cases and contacts complainants to assess satisfaction with outcome.

III. Examples of Citizen Oversight in the US:

The following existing committees all have one consistent element; they have no direct power to hire or fire members of law enforcement, which limits their ability to perform true citizen oversight. The Maine Criminal Justice Academy Board of Trustees does have the power to decertify police officers, but the majority of members of the board are either law enforcement or government officials.

Police Citizen Review Subcommittee (PCRS)

Portland, Maine

Overview:

In November 2001, the Portland City Council created the Police Citizen Review Subcommittee (PCRS) as a subcommittee of the Civil Service Commission. The PCRS consists of six commissioners and one alternate. Members are appointed by the City Manager and the police commission annually appoints one chairperson. The main purpose of the PCRS is to review complaints after final disciplinary action has been taken. The subcommittee will also review complaints after final disciplinary action has been taken and all appeals exhausted, and the case has been closed with no disciplinary action taken. The subcommittee conducts its duties solely to determine the thoroughness, objectivity, fairness and timeline of the police department's internal affairs methods and procedures in regard to citizen complaints against police officers. The subcommittee does not have the power or authority to subpoena or call witnesses to impose or modify any disciplinary action, or lack of action, against police officers.

Duties:

- Reviews the process of police investigations of citizen complaints to ensure it is thorough, objective, fair, and timely
- Determines whether police take investigative action into citizen complaints against police officers
- Audits the police department's Internal Affairs unit investigative methods and procedures
- Reports to City Manager periodically within a year
- Makes recommendations or proposals for necessary modifications police department's Internal Affairs investigative process
- Reviews statistical analysis of all cases, analyzes the nature and identifiable patterns of complaints (complaints that reached IA investigative process)
- Makes recommendations on policy, training, and developing public trust in the department process of investigation of citizen complaints against police officers.
- Holds public hearings once a year to hear comments about the police citizen complaint process.
- Ensure PCRS reports are made public

The Maine Criminal Justice Academy Board of Trustees

Overview:

The purpose of the Maine Criminal *Justice Academy Board of Trustees* is to protect the public health and welfare of Maine by ensuring that the public is served by competent and honest criminal justice practitioners and by establishing minimum standards of proficiency by regulated professions by examining, licensing, regulating and disciplining those in the field of criminal justice. The Board consists of seventeen members, five of whom serve by virtue of their public office. The other twelve members are appointed by the Governor and include representatives from municipal, county, and federal law enforcement, state or country

corrections, and five citizen members who are not and never have been a sworn member of a law enforcement agency. The academy provides a central training facility for all criminal justice personnel.

Duties:

- Training and certification of law enforcement and correctional officers
- Establish admission and graduation standards
- Certification of police chiefs, sheriffs, and jail administrators
- Establishing minimum standards for mandatory law enforcement policies
- Certifying instructors and courses for law enforcement and correctional officers in the state
- Board has authority to revoke or suspend the certification of law enforcement or corrections officers who fail to meet training standards and engage in unlawful practices of the profession

Rochester Civilian Review Board (CRB)

Rochester, New York

Overview:

The purpose of the Rochester Civilian Review Board is to review and make recommendations on completed internal affairs investigations of alleged misconduct by employees of the Rochester Police Department. The CRB, founded in 1973, is housed in the Center for Dispute Settlement and was New York State's first community program of its kind, and one of the first three in the country. The Center provides mediation, facilitation, fact-finding and arbitration programs and services to residents of Western New York including the City of Rochester and surrounding areas, and throughout the Finger Lakes region. Groupings of three CRB panelists are selected on a rotating basis from a pool of qualified individuals of varied ethnic, racial, age and gender backgrounds. Each board contains varied representation, given panelist availability. The panelists have received extensive training in their role as impartial reviewers as well as in police procedures and policies.

The panelists are required to complete a forty hour Principles of Mediation Training and apprenticeship program with Center for Dispute Settlement to become a certified mediator. These aspects of CRB requirements are under the auspices of the New York State Unified Court System, Office of Community Dispute Resolution Centers Program. Panelists must also complete a forty hour training on police policies, procedures and practice. Each new candidate observes a complete session of the CRB review process before being appointed as a panelist.

Duties:

- Review allegations of actions by the Rochester Police Department that would constitute a crime, and allegations involving the use of force
- Review investigations of each citizen complaint for thoroughness, fairness, and timeliness and submit their findings directly to the Chief of Police
- Where appropriate, panelist(s) may make training, investigative, or policy recommendations to the Chief of Police

Citizen Complaint Review Board (CCRB)

New York City

Overview:

The CCRB is empowered to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The board has 13 members, all of whom must be residents of New York City. Five members are appointed by the City Council, with one board member representing each borough. The mayor also chooses five members, including the chair person, and the final three members are chosen by the police commissioner and must have law enforcement experience. The mayor makes official appointments to the board. No member of the board can have any law enforcement background aside from those appointed from the police commissioner. None of these members can be public employees or serves in any public office. These board members serve three-year terms that can be renewed. These members do receive compensation per session basis. Some board members choose to serve pro-bono.

Duties:

- Review and evaluate all completed investigations in order to make findings on the allegations in each complaint
- Conduct case reviews
- Forward all cases with one or more substantiated allegations to the police commissioner
- Examine the need for change in police department policies, procedures, training and reports finding
- Recommend solutions to the police commissioner and the public
- Oversee the agency operations through specialized committee and develop agency policies
- Hold monthly public meetings
- Hire the executive director

Office of Professional Accountability Review Board (OPARB)

Seattle, Washington

Overview:

The development of the OPA was a big turning point in the community review process of discipline and is a result of a Dept. of Justice investigation. This board is made up of seven members appointed by the city council. The mission of the OPARB is to sustain community oversight and provide comprehension of the practices and the employee accountability system. This board has an independent auditor who is appointed by the mayor and approved by the city council. The duties of the auditor are to ensure the thoroughness, fairness and timeline of OPA investigations and the departments policies and practices and makes recommendations accordingly. This structure was developed to ensure the thoroughness of transparency in the investigations. The board upholds their mission of the OPA to ensure public trust into communities. All allegations made against an employee of the Seattle police department go through an extensive review process as well as an independent review. Misconduct investigations are typically investigated by the independent auditor. The investigations consists of detailed interviews with the complainant and officers involved, the identifying and interviewing of witnesses, collecting and reviewing evidence, obtaining copies of the police reports relating to incident. Once investigation is completed it is given to the director of board

and the auditor. The director then confirms that no further investigation is required furthermore the case is reviewed to determine whether or not misconduct occurred. There are six different classes of findings. Sustained, not sustained (unfounded), not sustained (lawful and proper), not sustained (training referral) not sustained (management action). Current court decisions ruled in making these files available to the public

Duties:

- Review the quality of the accountability system
- Promote public awareness of and full access to the system
- Obtain information and opinions from police officers and the community on police practices and accountability
- Advise the City on police practices and accountability
- Conduct an independent review of the quality of the OPA complaint and investigation process for fairness
- Review police policies and procedures
- Research national trends and best practices on police accountability and police practices,
- Report to the community, City government, and the Police Department, on the citizen input it receives and the results of its independent review and research
- Recommend topics to the OPA Auditor for the Auditor's review of OPA

VT State Police Advisory Commission (SPAC)

Overview:

The commission is made up of seven members who are all citizens of Vermont with no employment connection to VSP. Members are all appointed by Governor. All allegations of misconduct by State Police officers are given to the State Police Advisory Commission (SPAC) for review. By statute, SPAC is made up of independent Vermont citizens who have no connection to the Vermont State Police. The State Police Advisory Commission provides advice and counsel to the Commissioner of Public Safety in carrying out his or her responsibilities for the management, supervision and control of the Vermont State Police. The Commission also advises the Commissioner regarding rules concerning promotions, grievances, transfers, internal investigations and discipline

VSP offers three different ways for a citizen to make a complaint against a VT State police officer - either online, by email, or directly to one of the barracks. The complaint is assigned to a commander in the area where the event occurred. If the complaint goes further to the internal Affairs Office, the citizen will be contacted by an investigator from the IA unit from the VSP. The investigator will examine any evidence based on the Code of Conduct violations. The investigator will review the reports and all records pertaining to the case and write a report on any findings in the case. The report is reviewed by the chain of command for the members whom complaint was made against. The Commissioner of Public Safety makes the determination of whether or not a violation of the Code of Conduct actually occurred. The commissioner will impose discipline. The complainant will receive a letter stating whether or not the Code of Conduct was violated. The results in turn are then directed back to SPAC.

The need for SPAC is still in question as it relates to bias policing. Studies and current statistics show that racial and ethnic profiling does in fact exist. Disproportionate racial and ethnic minority representation in VT jails indicates that these groups are incarcerated by our police at a rate 50% higher than whites.

IV. President Obama's Task Force on 21st Century Policing

The President's Task Force on 21st Century Policing final report released in May 2015 produced recommendations that are outlined within each of the six pillars identified. The six pillars are:

1. Building Trust and Legitimacy
2. Policy and Oversight
3. Technology and Social Media
4. Community Policing and Crime Reduction
5. Training and Education
6. Officer Safety and Wellness

Pillar One: Building Trust and Legitimacy "Law enforcement culture should embrace a guardian—rather than a warrior—mindset to build trust and legitimacy both within agencies and with the public. Toward that end, law enforcement agencies should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with rank and file officers and with the citizens they serve. Law enforcement agencies should also establish a culture of transparency and accountability to build public trust and legitimacy"

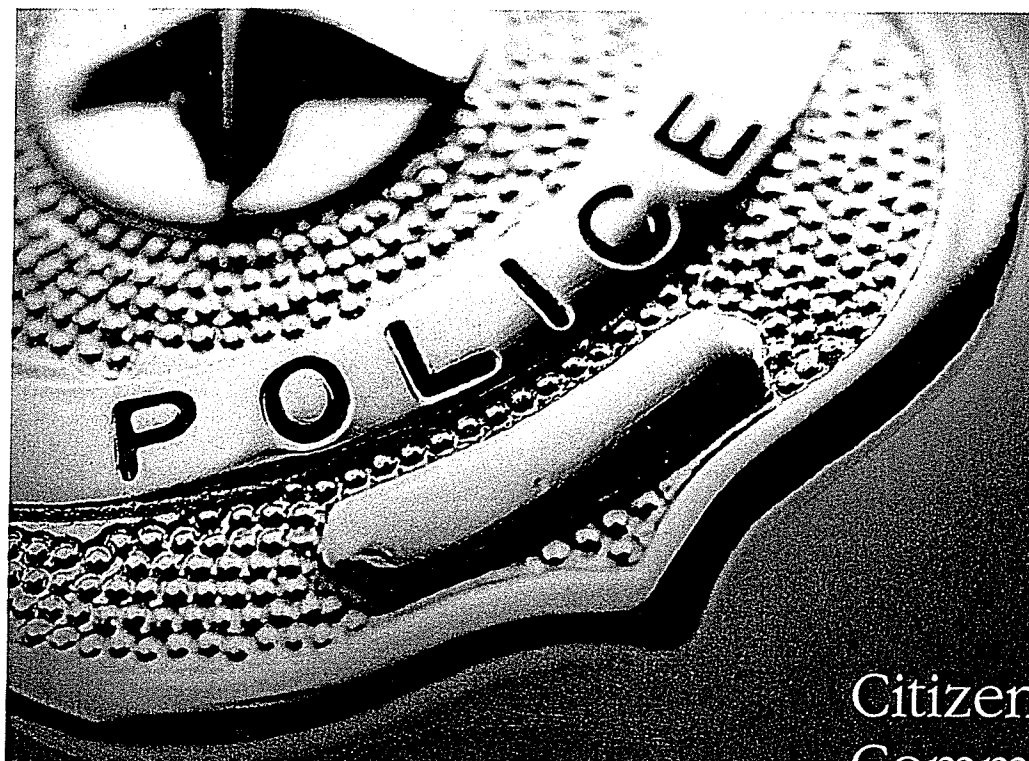
Pillar Two: Policy and Oversight "To ensure policies are maintained and current, law enforcement agencies are encouraged to periodically review policies and procedures, conduct nonpunitive peer reviews of critical incidents separate from criminal and administrative investigations, and establish civilian oversight mechanisms with their communities"

Pillar Three: Technology and Social Media Implementing new technologies can give police departments an opportunity to fully engage and educate communities in a dialogue about their expectations for transparency, accountability, and privacy

Pillar Four: Community Policing and Crime Reduction "Law enforcement agencies should avoid using law enforcement tactics that unnecessarily stigmatize youth and marginalize their participation in schools (where law enforcement officers should have limited involvement in discipline) and communities In addition, communities need to affirm and recognize the voices of youth in community decision making, facilitate youth participation in research and problem solving, and develop and fund youth leadership training and life skills through positive youth/police collaboration and interactions"

Pillar Five: Training and Education "To ensure the high quality and effectiveness of training and education, law enforcement agencies should engage community members, particularly those with special expertise in the training process and provide leadership training to all personnel throughout their careers. One specific method of increasing the quality of training would be to ensure that Peace Officer and Standards Training (POST) boards include mandatory Crisis Intervention Training (CIT), which equips officers to deal with individuals in crisis or living with mental disabilities, as part of both basic recruit and in-service officer training—as well as instruction in disease of addiction, implicit bias and cultural responsiveness, policing in a democratic society, procedural justice, and effective social interaction and tactical skills".

Pillar Six: Officer Wellness and Safety The wellness and safety of law enforcement officers is critical not only for the officers, their colleagues, and their agencies but also to public safety. Pillar six emphasizes the support and proper implementation of officer wellness and safety as a multi-partner effort. Two specific strategies recommended for the U.S. Department of Justice include (1) encouraging and assisting departments in the implementation of scientifically supported shift lengths by law enforcement and (2) expanding efforts to collect and analyze data not only on officer deaths but also on injuries and "near misses."



Citizen Oversight Committees in Law Enforcement

Eduardo L. Calderon
Maria Hernandez-Figueroa



CALIFORNIA STATE UNIVERSITY
FULLERTON

CENTER FOR PUBLIC POLICY

January 2013

EXECUTIVE SUMMARY

Law enforcement officers are charged with performing a variety of difficult tasks in the communities they serve. In order to carry out these tasks officers are vested with high levels of autonomy and authority. Although most law enforcement personnel throughout the United States perform honorable and conscientious police work, enormous amounts of damage can be done by a single reported incident of police misconduct or corruption. In response to allegations of wrongdoing and the use of excessive force by officers, some police agencies have solicited public opinion and involvement in an effort to build bridges of trust and promote transparency. This often includes discussions of establishing a citizen oversight committee.

Citizen oversight committees are officially recognized groups composed of members of the community, often non-sworn civilians, who review complaints about police on behalf of the citizenry. Currently, there are more than 100 citizen oversight committees in the United States and approximately 18 percent of local law enforcement agencies in California have one. Each citizen oversight committee is a unique product of the environment that surrounds it. Citizen oversight committees generally fall into two categories or model types: they are either external or internal to the law enforcement agency. A current trend is to incorporate aspects of both external and internal models into a hybrid model.

While there are no validated “best practices” in creating citizen oversight committees, successful committees can include benefits such as: empowering citizens, promoting change within law enforcement agencies, improving police-community relations, and increasing police transparency. Despite these benefits, committees face a number of structural and political obstacles that can hinder their ability to create lasting and permanent change in the police agencies they oversee. Many officers believe that citizen oversight and outside investigations are “unfair and biased against them” because their presence implies an inability of police agencies to monitor and investigate themselves. Recent changes in police oversight, however, have shifted away from the “us v. them” mentality. Similar to the theories guiding Community Oriented Policing, contemporary citizen oversight committees have embodied values that seek joint partnerships with stakeholders involved in the oversight process.

Support from local politicians and police administrators as well as rank-and-file officers is crucial to the success of all citizen oversight committees. If city officials and the police department do not support the oversight body, it will have no access to the confidential documents and case evidence necessary to review incidents involving police misconduct. To be effective, citizen oversight committees must be skillful at getting policing issues on the city’s agenda so that officials will address, rather than ignore, suppress, or minimize problems in the police agency.

While there are many things to consider, some important questions to keep in mind when implementing a citizen oversight committee are:

- **Membership:** Who will sit on the committee? Do committee members need to have any specialized skills or knowledge beyond an ability to be fair, open-minded, and conscientious? Will they be paid or volunteer positions? Will positions be appointed or by application/qualifications? How will appropriate- and fair-minded citizens be recruited?
- **Power and Responsibilities:** Will the committee conduct investigations or just oversee the investigation process? Will the committee recommend or issue discipline? Will the committee have subpoena powers?
- **Governance:** Who will oversee the committee – an elected body or police administrator(s)? How will a committee be established – by charter or the electorate?
- **Funding:** How will the committee be funded? What costs will be associated with the implementation and maintenance?
- **Goals:** What is/are the goal(s) of the committee?

The success of citizen oversight committees rests on their ability to establish joint partnerships with stakeholders involved in the oversight process. Often citizen oversight committees balance the needs of the public, police officers, and law enforcement agencies in an effort to establish their legitimacy. However, citizen oversight committees should continue to adapt to changes in political leadership and internal departmental transitions so that their membership and legitimacy will remain a fixture for years to follow.

CITIZEN OVERSIGHT COMMITTEES IN LAW ENFORCEMENT

Individuals who have sworn to protect and serve their communities are in a position of visible authority and are therefore held to a higher standard than the general public. California Penal Code Section 830 grants "Peace Officer" status to any individual meeting department and state standards. Police officers are vested with powers that include the ability to take away a person's freedom or even their life in the performance of their official duties. Although most law enforcement personnel throughout the United States perform honorable and conscientious police work, enormous amounts of damage can be done by a single reported incident of police misconduct or corruption (Office of Community Oriented Policing Systems, 2007). With so many law enforcement agencies in the United States, it is imperative that relationships of trust exist between these agencies and their communities. According to the Bureau of Justice Statistics' Census of State and Local Law Enforcement Agencies, in 2008, 60 percent of the more than 1 million full-time law enforcement officers were employed by local police departments. One can easily see how, with constant exposure to local citizens through investigations and patrol, it is crucial for these members of law enforcement and department executives to develop strong and positive bonds with the communities they serve.

Instituting a successful program of police oversight is an inherently difficult task. Through the statutory assignment of power to law enforcement agencies, governments have entrusted police officers with the responsibility of "preserving order and protecting citizens" (West Virginia Advisory Committee, 2004, p. 2). As a result, police officers are typically given a large degree of autonomy to carry out their roles. This level of autonomy becomes troublesome when officers commit acts that cause the public to question the integrity of a police officer or agency. Instances of officer-involved shootings, use of excessive force, or perceived racial profiling can often challenge public trust in law enforcement agencies (De Angelis & Kupchik, 2007). Such violations of public trust often become high-profile incidents that create a demand for effective police oversight.

WHAT IS A CITIZEN OVERSIGHT COMMITTEE?

Citizen oversight committees are defined as officially recognized groups composed of community members, which may include non-sworn civilians, who review complaints about police on behalf of the citizenry (Buren, 2007). For example, they investigate instances of excessive use of physical and deadly force. Citizen oversight committees also investigate cases that include:

- Allegations of harassment of various groups (such as homeless populations, members of homosexual and ethnic communities, women and youth).
- Allegations of espionage on activist groups.
- Allegations that stem from the code of silence within police agencies.

Citizen oversight committees have historically emerged following riots, shootings, accusations of racism and discrimination, or incidents of significant use of force or police brutality. However, citizen oversight groups have not always been officially recognized or supervised by local governments or police agencies. Some police administrators began to accept citizen oversight of the police in the 1990s as citizens involved in the review process began to familiarize themselves with the internal workings of police agencies (American Civil Liberties Union, 2007; Mohr, 2007).

WHY HAVE A CITIZEN OVERSIGHT COMMITTEE?

Although only 18 percent of local law enforcement agencies in California have citizen oversight committees (Gardiner, forthcoming), many cities consider citizen oversight as an acceptable and appropriate way to include community members in the police process. In an era that stresses community involvement and partnerships, it allows a unique opportunity for community members and police administrators to hold police officers accountable for their actions (Buren, 2007) while improving transparency and community relations. The desire to add an independent voice to the investigation of police misconduct is a common thread that runs through the more than 100 citizen oversight organizations that exist in the United States today (De Angelis & Kupchik, 2007). The *Police Accountability and Citizen Review*, published by the International Association of Chiefs of Police in 2000, noted that when public concerns about police agencies lead to mistrust of law enforcement, program directors must consider making citizen oversight a “chosen response for addressing problems and administrative failures” (p. 2). The report also states that citizen review can be used to make police agencies accountable to the communities they serve. Even for agencies not facing a crisis of public trust, establishing a citizen oversight committee can be a vital and strategic way to solicit and incorporate citizen input while improving community trust and cooperation. This is especially true for agencies that ascribe to a community policing philosophy (92 percent of agencies in California (Gardiner, forthcoming)) and can be important when fighting for precious tax dollars.

MODELS OF CITIZEN OVERSIGHT COMMITTEES

Just as the nature of law enforcement is changing to keep up with rapidly evolving communities, so too are citizen oversight committees. Peter Finn states that “there is no single model (of citizen oversight), and it is difficult to find two oversight agencies that are identical” (2001, p. 6). Citizen oversight committees generally fall into two categories or model types: they are either external or internal to the law enforcement agency. Additionally, a current trend is to incorporate aspects of both external and internal models into a hybrid model (Mohr, 2007).

See Table 1 for a detailed list of characteristics of each model.

External Model Of Citizen Oversight Committees

Citizens often support external police oversight committees that follow the Citizen Review Board Model. Citizen Review Boards are independent from law enforcement agencies and are staffed, as well as paid for, by the legislative bodies holding jurisdiction. The committee head may or may not report to local government officials and its membership composition typically reflects the surrounding community it serves. Membership can include one individual or a group of people (Mohr, 2007). According to Peter Finn (2001), this is the most common and basic form of citizen oversight committees. As an external body, members of the community who make up the committee conduct their own investigation and present their findings to police department executives for review and approval (Finn, 2001).

External Models in Action

The Citizens’ Police Review Board of Oakland, California is an example of a civilian review board. It is composed of 12 civilian members, an independent counsel, and six staff members. The CPRB accepts complaints in person, by fax, and by mail. In the first half of 2011, the CPRB received 33 complaints, 14 of which concerned excessive force. The CPRB complaint process is external to the police department. The CPRB reports sustained allegations and discipline recommendations to the City Administrator, who then engages the Chief of Police and recommends disciplinary action (Citizens’ Police Review Board, 2011). The board does not discipline officers; it simply offers its assessment of the incident and recommends an outcome.

Beyond reviewing complaints, the CPRB also recommends policies, many of which have been adopted by the Oakland Police Department since the committee was established in 1980. For example, in 2002, OPD adopted the recommendation to require officers to receive training on how to deal with suspects and community members suffering from mental illness. In 2003, the OPD did away with the use of wooden batons and sting grenades when dealing with crowd control. In addition, the OPD also agreed to work with the Executive Director of the CPRB and community leaders to revise OPD's policies regarding crowd control. In 2007, Oakland approved the recommendation that the OPD be trained in making critical decisions, review pursuit policies, and the adequacy of its databases regarding car pursuits. In 2010, the city of Oakland adopted the recommendation that the Oakland Police Department provide language access services in communities where English is not the predominantly spoken language (CPRB, 2011).

In addition to investigating complaints, the CPRB laid out a community engagement plan in early 2011 in an effort to inform the community about its services and to increase participation of new members. For example, the plan includes sponsoring community outreach programs presented in Spanish and Chinese to recruit new members for the CPRB from areas where English is not predominantly spoken (CPRB, 2011).

Table 1: Models for Civilian Oversight Committees

Internal Citizen Review <i>Police Auditor Model</i>	External Civilian Oversight Agency <i>Citizen Review Board Model</i>
Police administration finds least offensive.	Most popular with civilians.
Dependent on law enforcement agencies.	Based on independence from law enforcement agencies.
Police department (may) staff and fund this position.	Staffed and funded by executive/legislative body within jurisdiction.
Reports directly or indirectly to the Chief of Police.	Head may or may not report to the local government official.
Membership: Individual(s) who reviews allegations of police misconduct. Experts on police matters.	Membership: group or individual. Reflection of the surrounding community.
Can decrease public confidence in police agencies. Can be seen as part of the agency's internal affairs.	Can increase public confidence in police agencies. Can serve as deterrents of police misconduct.
Increased potential risk for preferential treatment of the law enforcement agency.	May lack knowledge of police. Police officers may not trust its decisions or recommendations.
Efficacy threatened due to the public's perception of partiality and by the perception of hierarchical rank of the internal monitor.	Efficacy threatened by lack of knowledge. Civilians will need training on legal matters.

Information for this graph adapted from: Mohr, Beth Anne (2007). *The Use of Performance Measurement in Civilian Oversight in the United States*. Retrieved from http://www.civilianoversight.net/NACOLEPerf_mgmt.pdf and from Finn, Peter. (2001). *Citizen review of police: Approaches and implementation*. U.S. Department of Justice, Office of Justice Programs, NIJ #184430. Washington, D.C.

Internal Model Of Citizen Oversight

While community members often prefer the external model of oversight, police administrators tend to prefer internal review, which is the traditional and longstanding method of investigating allegations within a department. Peter Finn (2001) presents different approaches to internal oversight of police. One approach is for the investigations of police misconduct to be conducted internally, meaning police department members and executives, such as an Internal Affairs Division, conduct the investigation. In accordance with the mandates issued by the Department of Justice Section 14141, the Internal Affairs Division within the police department is responsible for investigating allegations of police misconduct and corruption. Police officers found to be noncompliant with departmental policy would be subject to sanctions, including state or federal prosecution (Simmons, 2010). While the inclusion of citizens in the process is limited and rare, this method is still employed by many departments and is often referred to as a citizen oversight committee despite its lack of citizen involvement (Finn, 2001).

A second approach to internal oversight is to have a system in which the investigation is still carried out by the IAD. However, citizens have a role in reviewing final reports that have already been approved. They can then take action and make recommendations based on their findings from previous and standing investigations (Finn, 2001).

A third approach to internal oversight employs the use of an auditor or contracted positions within a police department that are ultimately tasked with conducting a thorough investigation on behalf of a police department. This type of approach is commonly referred to as the Police Auditor Model and is most commonly found in departments and cities with higher operating budgets and more frequent use (Finn, 2001; Mohr, 2007).

Internal Models in Action

Perhaps the best examples of internal citizen oversight committees in the southern California region are found in the sheriff's departments of Orange and Los Angeles counties. In 2001 the Office of Independent Review was established in Los Angeles County; Orange County followed by forming its own OIR in 2008. Both the Orange County and Los Angeles County OIRs operate as independent contractors, not as employees of either county. Staffed with several attorneys and support staff, each OIR is tasked with monitoring the county sheriff's department and ensuring that the investigation and handling of critical incidents or allegations of employee misconduct are conducted in a thorough, fair and effective way. Additionally, while both offices have an active role in tracking claims throughout the entire investigation period, it is important to note that neither OIR has any official power or role in the outcome of the investigation. Rather, they act as conduits between the public and the county sheriff's department. As stated in Orange County's OIR core principles, "Rather than conducting its own investigations, [the] OIR monitors and contributes to OCSD's [Orange County Sheriff's Department] existing protocols" (Office of Independent Review, 2012).

Another example of this model is found in San Jose. The San Jose Independent Police Auditor is one of individual membership. Judge LaDoris H. Cordell heads the San Jose IPA, which was established in 1993 by a city ordinance. According to the 2011 IPA Year End Report, the mission of the IPA is to ensure and instill confidence in the complaint process. The auditor reviews investigations and make recommendations regarding San Jose Police Department's policies and procedures. The IPA is internal in the sense that it does not actually investigate complaints. When the IPA receives a complaint, she forwards it to the Internal Affairs division of SJPd for investigation. It is the SJPd who issues the findings for allegations and decides whether or not to discipline. The IPA gets involved to ensure that the complaint process meets the Peace Officer's Bill of Rights, and that standards and investigation timelines are met (Independent Police Review, 2011).

HYBRID MODEL OF CITIZEN OVERSIGHT COMMITTEES

In response to rapid developments, community oriented policing, and an increased number of complaints and investigations, many police and sheriff departments have adopted “hybrid” systems of oversight, which borrow features from both internal and external models. The Citizen Police Complaint Commission of Long Beach, California is an example. It was created by the electorate in 1990 in order to investigate instances of police misconduct, particularly in the areas of use of excessive force, wrongful arrest, and racial and sexual harassment. Additionally, the CPCC is also involved in community outreach. Its members hold forums and work with educators to present information to members of the community (Citizen Police Complaint Commission, 2009).

The CPCC is external in that it is composed of nine members appointed by the Long Beach City Council and two at-large members appointed by the mayor. The commission investigates allegations, makes recommendations to the City Manager, represents the community of Long Beach, and oversees the complaint investigation process. The CPCC is internal in that it works in conjunction with the Long Beach Police Department Internal Affairs Division to investigate cases submitted directly to the LBPd. Complaints can be submitted by mail, telephone, in person, online or directly to the LBPd Office of Internal Affairs. While the CPCC cannot discipline or recommend penalties, it does have the power to subpoena and conduct hearings (CPCC, 2009).

BENEFITS TO LAW ENFORCEMENT

While there are no validated “best practices” in creating citizen oversight committees, successful committees can include benefits such as: empowering citizens, improving community-police relations, promoting change within law enforcement agencies, and increasing police transparency. Though law enforcement agencies widely vary in their structure and degree of government support, interjecting this independent voice into police investigations has the power to “improve the public’s faith in the fairness of the complaint process” by giving the appearance of objectivity not available through internal police investigations (WVAC, 2004, p.15). Thus the existence of a citizen oversight committee with valid input into the process can improve the perceived legitimacy of the law enforcement agency and its officers in the eyes of the public. Officers and agencies that are seen as “legitimate” are more effective and receive more support and cooperation from the community (Tyler, 2002).

By creating citizen oversight committees, individuals are able to exert external pressure that is “critical in moving police organizations to change” (Bass, 2000, p. 152). This ability can lead to a great sense of empowerment to groups of citizens who have traditionally felt marginalized by law enforcement agencies. This is especially true of minority groups who are often the victims in cases of police misconduct. Cases of unwarranted use of force, wrongful deaths, and racial profiling have all led to antagonistic relationships between police agencies and minority populations (Liederbach, Fritsch, Carter, & Bannister, 2007).

Civilian oversight committees can help improve an agency’s relationship with the community. Not only does a strong relationship between a community and a police department facilitate community-officer interactions, but it also helps to increase the community’s understanding of police work, build trust and reassurance in the work of officers, help facilitate investigations and promote various community policing models that bring justice and peace to a community (Finn, 2001). Another potential benefit of instituting a civilian oversight committee is that it can promote change within law enforcement agencies. Among some of the benefits are the discouragement of police officer misconduct and improvement of existing policies and procedures. Additionally, organizational change brings about improvements which lead to increases in police officer support and executive leadership, as well as vindication to officers wrongfully accused or that are subject to investigation (Finn, 2001).

CHALLENGES TO SUCCESSFUL IMPLEMENTATION OF CITIZEN OVERSIGHT COMMITTEES

Citizen oversight committees often face political and administrative challenges to successful implementation. A major barrier is the competing powers between the police and oversight bodies. In some instances, government agencies issue police departments certain privileges or grant them powers that make police officers immune to oversight (Lewis, 2000). Another barrier centers on the external oversight committees' inability to obtain important documents, which subsequently inhibits their ability to hold police officers accountable for their actions. Colleen Lewis (2000) suggests that government agencies use tactics that subject oversight committees to limited access to reports or in some cases reports that are biased. Further, police agencies have historically believed that their expertise in law enforcement makes them solely qualified to develop agency reforms, resulting in top-down governance and reform efforts (Simmons, 2010). Breaking down these mental barriers is the first step in realigning police culture and reforming police accountability procedures. *See Table 2 for a list of challenges for successful implementation of a civilian oversight committee.*

Table 2: Factors which can help and hinder the development of civilian oversight.

	Obstacles	Opportunities
Political Support	• Politicians who have a "law and order" agenda not conducive to oversight. • Politicians may limit oversight powers through legislation or budgets.	• Political shifts (e.g. newly elected officials, peace accords, transitions to democracy) can produce favorable conditions for oversight.
Police cooperation	• Campaigning by police unions can challenge oversight agencies. • Lack of cooperation by police departments can undermine effectiveness of oversight.	• Police support and access facilitates effective investigation and audits. • Responsive police departments will implement recommendations for reform.
Activist support	• Deep mistrust of police (e.g. where there is history of systematic human rights abuses) may deter activists from constructive engagement with police reform.	• Lobbying by community groups can help drive police reform.
Resources	• Limited resources for oversight agencies can result in ineffectiveness and failure.	• Well-resourced oversight agencies have a greater chance of meeting their objectives.
Management and leadership	• Poor management and leadership can lead to ineffective oversight agencies and unmet public expectations.	• Effective management creates conditions for efficient and effective investigations. • Strong leadership can raise the profile and create political and public support.
Public attitudes	• Fear of crime can offset support for police accountability. • Where oversight agencies do not appear independent, they may lose public support.	• Outrage at police abuses can prompt action to improve oversight.

Recreated with permission from Miller, J. & Merrick C. (2002). *Civilian Oversight of Policing: Lessons from the Literature*. Vera Institute of Justice. pg. 15.

Once established, civilian oversight groups must deal with a number of obstacles that can reduce the satisfaction of individuals participating in the review process. One of the most important hurdles for any new organization is acquiring power within the existing bureaucratic framework. For example, it is difficult for citizen oversight committees to succeed if they “lack the authority to directly discipline officers and modify police department policies” (Clarke, 2009, p. 11). Furthermore, if city officials and the police department do not support the oversight body, it will have no access to the confidential documents and case evidence necessary to review incidents involving police misconduct. Thus oversight bodies must negotiate with (and sometimes exert pressure on) police agencies to adopt their recommendations. Otherwise, the oversight body is only able to produce suggestions for officer discipline and procedural changes. Oversight bodies with no statutory mandate have little leverage in their negotiations with police agencies and can become symbolic groups rather than a force for change and reform. While the existence of an oversight group signals an increased level of objectivity to the public, they may actually lack the power and ability to reform the police agency they oversee. If this is the case, committee members (and possibly the community at large) may be left with negative rather than positive feelings towards the agency.

A further challenge is that external oversight committees are dependent on the internal investigative reports produced by police agencies. Clarke found that these external oversight committees agree with police department findings 90 percent of the time (2009). This makes it extremely unlikely that members of external oversight committees will produce findings that differ from the ones put forth by an internal police investigation. This is a continual uphill battle that makes it difficult for external oversight committees to obtain or wield any power over police agencies and can lead individual members to feel as if they are not making a difference in their community (Clarke, 2009).

To be effective, citizen oversight committees must be skillful at getting policing issues on the city’s agenda so that officials will address rather than ignore, suppress or minimize problems in the police agency (Bass, 2000). This is especially true of issues involving law enforcement, as there has traditionally been great pressure for politicians and other officials to support police agencies to avoid appearing soft on crime. There is also an institutional incentive for politicians and district attorneys to downplay issues of police misconduct in order to promote harmony between themselves and rank-and-file police officers. Politicians or prosecutors who are seen as overly aggressive in their investigations of the police face the possibility of retaliatory acts that stifle efforts for future cooperation with law enforcement agencies. This leads many officials outside of police departments to adopt a hands-off approach to the investigation of police misconduct (Clarke, 2009).

Finally, many officers believe that citizen oversight and outside investigations are “unfair and biased against them” because their presence implies an inability of police agencies to monitor and investigate themselves (De Angelis & Kupchik, 2007, p. 654). There is also the perception that strong police accountability measures weaken the crime-fighting efforts of the police by limiting officer desire to engage in potentially dangerous situations for fear of negative repercussions (Bass, 2000). Unions representing the interests of law enforcement organizations across the country frequently use this argument to oppose the adoption of citizen oversight committees. Unions also portray citizen oversight committees as lacking the expertise to effectively conduct investigations and having an engrained anti-police bias. In recent years the threat of domestic terrorism has also placed barriers between the police and the community as police departments have become “more militarized and less responsive to citizens’ concerns” (Liederbach et al., 2007, 272). This manifests itself in an adherence to the closed culture that typically surrounds law enforcement agencies.

IS A CIVILIAN OVERSIGHT COMMITTEE RIGHT FOR YOUR COMMUNITY?

Activist groups, human and civil rights advocates, and concerned citizens have played an important role in the development and implementation of citizen oversight committees. However, the formation of police oversight groups has been met with great resistance. Current research suggests that a lack of support for citizen oversight committees has made it difficult to establish new oversight committees (Perry, 2006). Community groups often find themselves under-resourced, politically oppressed, or lacking meaningful community support. These challenges create barriers in the communities' ability to establish legitimacy during the oversight process. The future of citizen oversight committees is contingent on the support of law enforcement agencies, police officers, mass media, public officials and the local community.

Despite challenges and obstacles, the role of police oversight remains an important component in holding law enforcement agencies and police officers accountable for their actions as well as improving community relations. The implementation of a citizen oversight committee has many benefits to both a community and a law enforcement agency. *See Table 3 for a self-assessment checklist of considerations before establishing a citizen oversight committee.* While there are many things to consider, some important questions to keep in mind when implementing a citizen oversight committees are:

- **Membership:** Who will sit on the committee? Do committee members need to have any specialized skills or knowledge beyond an ability to be fair, open-minded and conscientious? Will they be paid or volunteer positions? Will positions be appointed or by application/qualifications? How will appropriate and fair citizens be recruited?
- **Power and Responsibilities:** Will the committee conduct investigations or just oversee the investigation process? Will the committee recommend or issue discipline? Will the committee have subpoena powers?
- **Governance:** Who will oversee the committee – an elected body or police administrator(s)? How will a committee be established – by charter or the electorate?
- **Funding:** How will the committee be funded? What costs will be associated with implementation and maintenance?
- **Goals:** What is/are the goal(s) of the committee?

The success of citizen oversight committees rests on their ability to establish joint partnerships with stakeholders involved in the oversight process. Often, citizen oversight committees balance the needs of the public, police officers and law enforcement agencies in an effort to establish their legitimacy. However, citizen oversight committees should continue to adjust to changes in political leadership and internal departmental transitions so that their membership and legitimacy remain fixtures for years to follow.

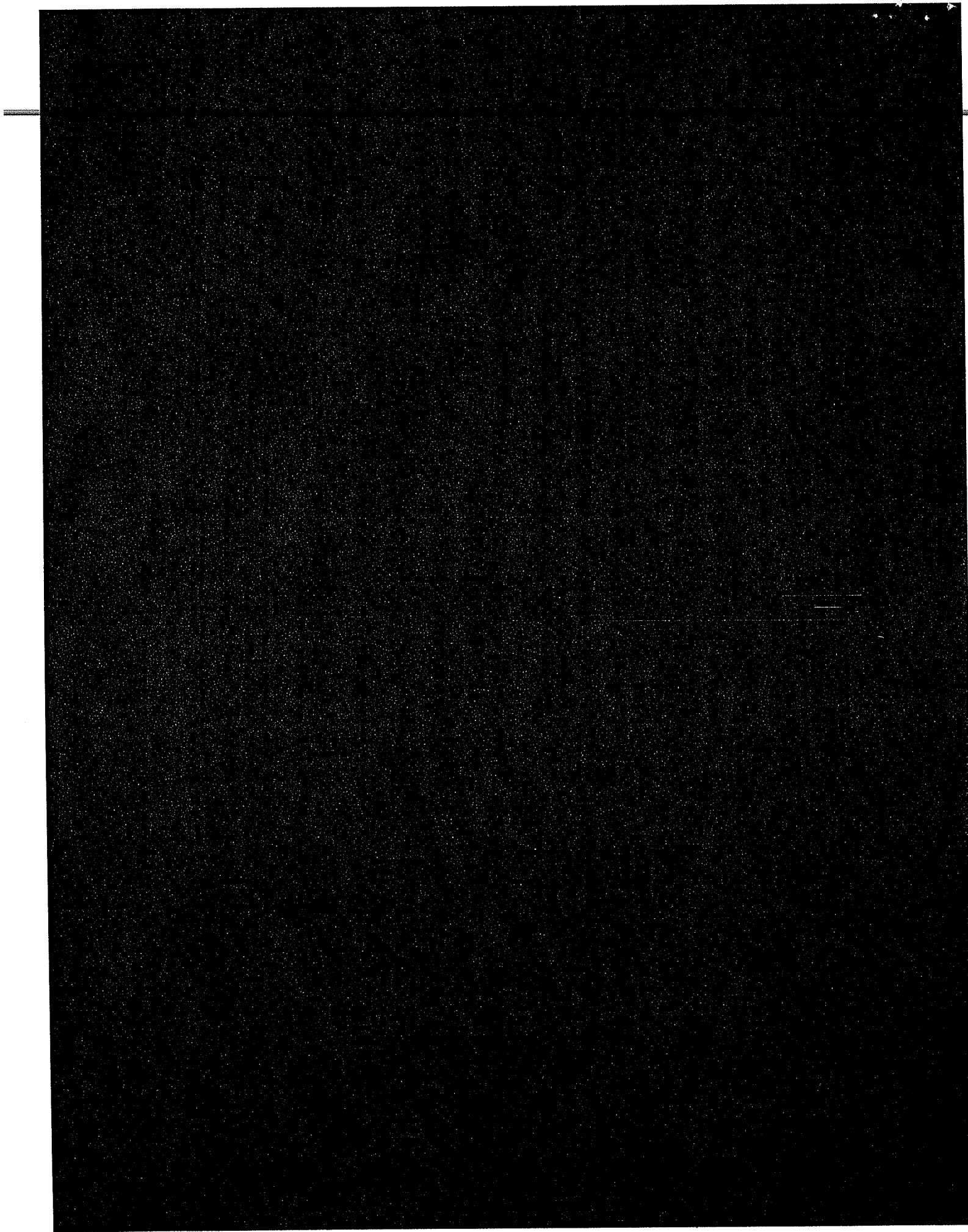
Table 3: Self-assessment checklist for establishing a citizen oversight committee.

Characteristics	External	Internal	Hybrid	YOUR CITY
<i>Committee Members</i>				
Citizens	✓		✓	
Volunteer committee members	✓		✓	
Includes hired police agency staff		✓	✓	
Police employees only		✓		
Paid committee members	✓	✓	✓	
Includes hired staff (not police employees)	✓	✓	✓	
<i>Committee power/purview</i>				
Issue discipline			✓	
Recommends discipline	✓	✓	✓	
Makes policy recommendations	✓	✓	✓	
Subpoena power			✓	
<i>Responsibilities</i>				
Conducts hearings	✓	✓	✓	
Conducts investigations into complaints and allegations of misconduct	✓		✓	
Only reviews final, approved reports by police agency/personnel	✓	✓	✓	
Investigates non-complaint issues (e.g. Oakland crowd control)	✓		✓	
Monitors process on behalf of police		✓	✓	
Monitors process on behalf of citizens	✓		✓	
Engages in community outreach	✓		✓	
Investigates corruption	✓	✓	✓	
Investigates police brutality	✓	✓	✓	
Investigates all complaints (including rudeness)	✓	✓	✓	
<i>Committee reports to</i>				
Chief of Police/Sheriff		✓	✓	
Government officials	✓		✓	

WORKS CITED

- American Civil Liberties Union. (2007). *Fighting police abuse: A community action manual*. Retrieved from aclu.org/racial-justice_prisoners-rights_drug-law-reform_immigrants-rights/fighting-police-abuse-community-ac
- Bass, S. (2000, November). Negotiating change: Community organizations and the politics of Policing. *Urban Affairs Review*, 36(2), 148-177. Retrieved from <http://uar.sagepub.com/content/36/2/148> doi: 10.1177/10780870022184813
- Buren, B. A. (2007). *Evaluating citizen oversight of police*. New York. LFB Scholarly Publishing, LLC.
- City of Long Beach. (2009). *Citizen Police Complaint Commission 2009 Report*. Retrieved from longbeach.gov/cpcc.
- City of Oakland. (2011). *Citizens' Police Review Board, 2011 Semi-annual report January 1- June 30, 2011*. Retrieved from oaklandnet.com/cprb.html.
- City of San Jose. (2011). *2011 IPA yearend report*. Retrieved from sanjoseca.gov/ipa/#.
- Clarke, S. (2009, Fall). Arrested oversight: A comparative analysis and case study of how civilian oversight of the police function and how it fails. *Columbia Journal of Law and Social Problems*, 43(1), 1-49.
- County of Los Angeles (CA). (2012). *County of Los Angeles Office of Independent Review*. Retrieved from laoir.com
- County of Orange (CA). (2012). *County of Orange Office of Independent Review*. Retrieved from egov.ocgov.com
- De Angelis, J. & Kupchik, A. (2007, May). Citizen oversight, procedural justice, and officer perceptions of the complaint investigation process. *Policing: An International Journal of Police Strategies & Management*, 30(4), 651-671. doi: 10.1108/13639510710833929
- Finn, P. (2001). *Citizen review of police: Approaches and implementation*. U.S. Department of Justice, Office of Justice Programs, NIJ #184430. Washington, D.C. p. 6.
- Gardiner, C. (forthcoming). *The state of education in California law enforcement agencies*. California State University, Fullerton: Center for Public Policy.
- International Association of Chiefs of Police. (2000). *Police accountability and citizen review*. Retrieved from theiacp.org/PoliceServices/ExecutiveServices/ProfessionalAssistance/Ethics/ReportsResources/PoliceAccountabilityandCitizenReview/tabid/193/Default.aspx.
- Lewis, C. (2000). The politics of civilian oversight: Serious commitment or lip service? In A. Goldsmith, & C. Lewis, (Eds.), *Civilian oversight of policing: Governance, democracy and human rights* (pp. 19-40). Portland, OR: Hart Publishing.
- Liederbach, J., Fritsch, E. J., Carter, D. L., & Bannister, A. (2007, December). Exploring the limits of collaboration in community policing: A direct comparison of police and citizen views. *Policing: An International Journal of Police Strategies & Management*, 31(2), 271-291. doi: 10.1108/13639510810878721
- Miller, J. & Merrick C. (2002). *Civilian oversight of policing: Lessons from the literature*. Vera Institute of Justice. pg. 15.
- Mohr, Beth Anne (2007). *The use of performance measurement in civilian oversight in the United States*. Retrieved from http://www.civilianoversight.net/NACOLE-Perf_mgmt.pdf

- Office of Community Oriented Policing Systems. (2007). *Building trust between the police and the citizens they serve: An internal affairs promising practices guide for local law enforcement*. Washington, D.C. p. 5.
- Perry, R. (2006). *Mission failure: Civilian review of policing in New York City*. New York Civil Liberties Union (NYCLU). New York, New York.
- Simmons, K.C. (2010). New governance and the “new paradigm” of police accountability: A Democratic approach to police reform. *Catholic University Law Review*, 59 (373), 1-49.
- Taylor, T. (2002). A national survey for monitoring police legitimacy. *Justice Research and Policy*, 4, 71-86.
- U.S. Department of Justice (2011). *Census of State and Local law Enforcement Agencies*, 2008. Washington, D.C.
- West Virginia Advisory Committee [WVAC]. (2004). *Coping with police misconduct in West Virginia: Citizen involvement in officer disciplinary procedures: A review of existing law, legislative initiatives, and disciplinary models*. (1-29). Charleston, WV: WVAC.



BOARD OF POLICE COMMISSIONERS
MINUTES OF MEETING
TUESDAY, June 27, 2017
Approved

A meeting of the Board of Police Commissioners was held in the Burlington Police Department Community Room on **Tuesday, June 27, 2017**. Chair Kenney called the meeting to order at 6:12 PM.

The following Commissioners were present: Chair Sarah Kenney, Co-Chair Christine Kemp Longmore, Commissioner Jim Dunn, Commissioner Robert Simpson, Commissioner Shireen Hart and Commissioner Nyree Miles. Also present: Police Chief Brandon del Pozo and Deputy Chief Jannine Wright (filling in for Police Commission Clerk Brion Houston). Burlington Police Department Training Coordinator Constance Crisp was present as well as Officer Kratochvil.

Additions or Modifications to Agenda:

~ Chair Kenney advised there were no additions or corrections to the agenda.

Public Forum:

~Jared Wood addressed the Commission in regards to pedestrian safety. He believes there should be more education surrounding safety for pedestrians from automobiles, specifically when it comes to stop sign violations. He has a lot of support for a walk-able city and hopes the Commission can be the "spirit carrier."

~Mark Porter, the Chairman of the School Board and member of the DPW Commission addressed the Commission in regards to traffic safety as well. He said there is a conflict between line of sight and the location of stop signs. Parking continues to be a problem in the city and it is scarce and he wonders if we will lose parking spaces because of this. He would like to see an awareness campaign between DPW and BPD for drivers who need to be re-educated on where the stop line is at intersections. He gave examples of dangerous situations and locations.

~Richard Hillyard addressed the Commission in regards to traffic safety and bicycles. He said it has been a problem for a long time and he has seen a number of cyclists near the University that have disrespectful behavior. He would like to see a campaign for education and enforcement. He said East Avenue had asked for traffic calming because of the perception of speeding. He said BPD was contacted and he was told that resources were tight for traffic enforcement. He later got an email from an officer that worked a traffic detail in the area who wrote \$1700 worth of tickets and it substantiated what the neighbors had been saying. Richard advised Chapin Spencer said there is a three to four year queue for traffic safety in that area and they may be able to address it in 2020-2021.

~Rachel Siegel, Executive Direction of the Peace and Justice Center, addressed the Commission regarding funding for Channel 17 to broadcast the Police Commission meetings. Currently, they are using the time of volunteers to record the meetings. She said it seems appropriate for the City to pay for their own recording. If the City would contract with Channel 17, their technicians could do the recording and they wouldn't have issues with equipment like tonight (a forgotten microphone stand.) Siegel also said she would like Jada Longmore's report to be put into the notes of the meeting.

~Max Tracy, City Councilor, attended the Commission meeting to thank Commissioner Kenney for her leadership and hard work on the Police Commission and representing the City. He also spoke about bike/pedestrian traffic safety issues. He would encourage everyone to look at the report for model transport.

~Chief del Pozo responded regarding the traffic safety concerns and said there were 1,100 fewer traffic stops YTD and crashes were slightly lower. He asked how much enforcement really impacted safety. He believes if there are other ways to educate, it should be done but traffic engineering is the safest strategy. He said he was not completely sold on increasing enforcement and wants to continue pursuing campaigns with Local Motion and would like a Fall campaign once the students return for the year.

Update of the Police Commission Role Pilot:

~ Eileen Blackwood, City Attorney and Officer Eric Kratochvil spoke about a draft resolution of the Fair and

Impartial Policing Policy (FIPP). The recommendation from the Public Safety Committee was to try the policy until January of 2018 and then revisit. It was requested that someone from the City Attorney's Office be invited back to the July meeting so they could have a discussion regarding the confidential portal for Commissioners. The City Council passed the FIPP. There has been a request it be sent to Rick Gauthier, Director of the Vermont Police Academy.

Commission Reorganization and Election of Chair and Vice Chair:

~Chair Kenney reviewed the duties of the Chair and others and she suggested a number of the duties be delegated to other commissioners.

Chair Kenney nominated Commissioner Longmore to Chair. Commissioner Hart seconded. Motion carried.

Commissioner Simpson nominated Commissioner Hart for Vice Chair. Commissioner Hart nominated Commissioner Simpson. Commissioner Simpson declined. Commissioner Hart requested the issue be tabled until Commissioner Plumley was present. Agreed.

Chief's Report:

~ Chief del Pozo thanked Chair Kenney for her service to the Police Department and the City.

~Certain parts of the entrance exam for the Vermont Police Academy have been re-written. The local diverse population continues to fail this exam. A guide to the exam has been officially published.

~Chief del Pozo introduced Training and Special Projects Coordinator Constance Crisp who was present at the meeting.

~ Chief del Pozo stated statewide bicycle training was conducted and BPD now has eight trained bicycle officers.

~Chief del Pozo stated Analyst Fowler is working with Professor Seguino on the 2016 race data.

~Chief del Pozo is hoping for six new officers at the August police academy.

~There is a new website for recruitment of officers and other employees.

Review of Any Incoming Correspondence *(as need)* :

~ There was no correspondence to review.

Commissioners' Updates/Comments:

~ Commissioner Longmore would like the discussion about ride-a-longs to be revisited.

Review Updated Directives:

~ No updated directives to review.

Consent Agenda – Minutes of Previous Commission Meetings:

~ Commissioner Hart motioned to accept, Commissioner Simpson seconded, motion passed.

Next Meeting's Agenda Items and Date:

~ The next meeting is July 25th, 2017.

~Add Election of Vice Chair and Commission Organization to the Agenda. (Commissioner Dunn will not be present.)

~Police Commission Role Pilot to start.

~Reminder for Clerk Houston to remind the Commission at the December meeting to relay information to the Public Safety Committee on the findings from the Pilot.

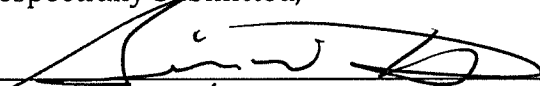
Executive Session:

~ Commissioner Dunn motioned to move into executive session at 8:30 PM. Chair Kenney seconded, motion passed to enter executive session.

Adjournment:

~ Chair Kenney advised that the commission adjourned following executive session at 8:47 PM.

Respectfully Submitted,



Jannine Wright / *bnh*
Deputy Chief of Police
(Acting) Clerk of the Police Commission

07/21/2017

Date