
Civilian Review of Law Enforcement

*Challenges, Guiding Principles, and the Road to Police
Accountability*

**City of Berkeley
Police Civilian Review Panel**

Training Retreat: March 25, 2023

Presentation by Brian Corr • Past President of NACOLE



Morning Overview



Effective Oversight, Connecting with the Community, & Looking Forward

- Warming Up & Opening Activities
- Historical Perspective on Policing and Civilian Oversight in the United States
- The Path to Civilian Oversight in the U.S.
- The Nature and Structure of Civilian Oversight
- Protest, Reform, Reimagining Policing, and Transformation
- The Police Accountability Board and the Office of the DPA



Of the things we think, say or do:

1. Is it the TRUTH?
2. Is it FAIR to all concerned?
3. Will it build GOODWILL and BETTER FRIENDSHIPS?
4. Will it be BENEFICIAL to all concerned?

The Four-Way Test

Image from the Rotary Club of Caloundra, Queensland, Australia

Brian Corr: Background



- Executive Director, City of Cambridge, Peace Commission since 2008; also Executive Director, Police Review & Advisory Board since 2010
- President of the National Association for Civilian Oversight of Law Enforcement (NACOLE) 2016-2019, Board member 2012-2021
- Past Massachusetts Statewide Organizer, ACLU
- Background in organizing and activism since graduating in 1986: B.A. in Russian Language & Literature, University of Michigan
- Trained in Group Crisis Intervention, Post-Traumatic Stress Management, Psychological First Aid, and Mental Health First Aid
- NACOLE Certified Practitioner of Oversight

Historical Perspective on Policing and the Theories Guiding Policing and Civilian Oversight in the United States

Two Histories, One Nation -> The Role of Procedural Justice & Legitimacy



Policing and Civilian Oversight in the United States

History and the Role of Procedural Justice & Legitimacy



Carryovers from England



The Standard Narrative of the Origins of U.S. Policing

“When one thinks about policing in early America, there are a few images that may come to mind: A county sheriff enforcing a debt between neighbors, a constable serving an arrest warrant on horseback, or a lone night watchman carrying a lantern through his sleeping town. These organized practices were adapted to the colonies from England and formed the foundations of American law enforcement.”

<https://lawenforcementmuseum.org/2019/07/10/slave-patrols-an-early-form-of-american-policing/>

Enslaved Africans and Slave Patrols: 1704 to 1865



Slave Patroller's Oath, North Carolina, 1828

“I [patroller's name], do swear, that I will as searcher for guns, swords, and other weapons among the slaves in my district, faithfully, and as privately as I can, discharge the trust reposed in me as the law directs, to the best of my power. So help me, God.”

<https://lawenforcementmuseum.org/2019/07/10/slave-patrols-an-early-form-of-american-policing/>

“The Police are the Public, and the Public are the Police”



Sir Robert Peel's Seventh Principle, 1829

“Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.”

“The Police are the Public, and the Public are the Police”



- Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community.
- Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.
- 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.

“What happens when they followed the rules, but...?”



The focus on identifying and addressing police misconduct is necessary but insufficient.

- “Lawful but Awful”
- When there’s “no violation of policy” we still need to ask “what went wrong and what should be done in the future?”
- Back-end accountability: it’s designed to answer the question of what happened.
- Procedural justice is more important than the lawful nature of police conduct.





BT
30 YEARS

MINNEAPOLIS CITY COUNCIL VOTES TO DEFUND POLICE DEPARTMENT

WESTBOUND QEW

NOW 10° AFTERNOON 26° NIGHT 13°

427
▼
BRANT STREET

NOW	NORMAL
35 min	35 min

MAP DATA © 2020 GOOGLE

FOOD BANKS CANADA: (905) 602-5234 OR TOLL FREE: 1-877-535-0958, **7:11 AM**

Public Safety

Reinventing

Recommendations

a collaborative

Fresno Commission for Police Reform

REPORT AND RECOMMENDATIONS



¹photo courtesy of Chris Schneider.
²photo courtesy of Fresno Building Healthy Communities.

2020 POLICE REFORM PROCESS

Announced in June 2020, the City's police reform initiative is a transformational, community-driven process.

Wide Representation



Across five working groups, the City has partnered with over 100 community members from diverse backgrounds to design solutions that work for everyone.

Police Department Buy-In



The City's working groups included officers from every rank of the department. Group recommendations are made in partnership with police.

How Six Cities Across America Are Addressing Police Transformation



Five Reform Areas



The Westchester County Police Reform and Reimagining Task Force

Public Forums

Tuesday, August 18
6 to 8 p.m.

Come and share your thoughts on police reform in an open and safe environment. **Participants must wear masks.**

Transform Your Thinking

REGISTRATION INFORMATION

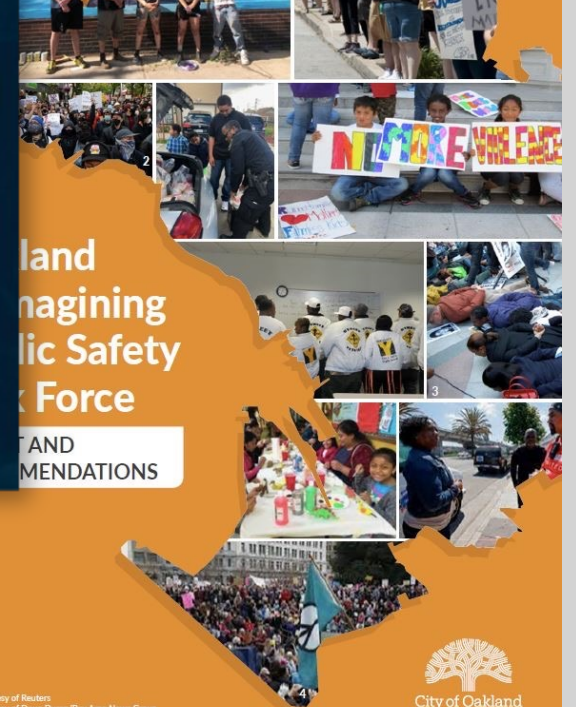
IN PERSON FORUMS: Send an email to PoliceReform@Westchester.gov or call (914) 832-2021 to register and speak. Please include your full name and specify which location you will be attending. *You will be given a virtual link if you are unable to attend in person. **PARTICIPANTS MUST WEAR MASKS.**

LOCATIONS:	Westchester County Board of Elections, 3rd Floor, 35 Chatterbox Street, White Plains, NY 10601	New Rochelle City Hall Council Chamber, 375 North Avenue, New Rochelle, NY 10801
Yorkville Resident Library, 1 Larkin Center, Yorkville, NY 10591	The Neighborhood Center at Peekskill Field Library, 4 Nelson Avenue, Peekskill, NY 10566	Mount Kisco Public Library Community Room, 188 Main Street, Mt Kisco, NY 10549

VIRTUAL FORUM: We are offering an additional digital forum where residents may speak their concerns. To attend this digital forum, please register at <https://bit.ly/20002242>.

PERSONS WISHING TO CALL INTO THE VIRTUAL FORUM: Toll-Free Phone Number: 1-844-626-3665
Access Code: 101 747 7718

Please note: Seating is limited within community rooms. Please email PoliceReform@Westchester.gov if you need assistance.



Reimagining Public Safety

Task Force

REPORT AND RECOMMENDATIONS

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

RESOURCES & GUIDE FOR PUBLIC OFFICIALS AND CITIZENS

AUGUST 2020

¹ photo courtesy of Reuters
² photo courtesy of David Dearn/Bay Area News Group
³ photo courtesy of Jacob Huff (CC BY 2.0)
⁴ photo courtesy of Paul Chen, The Chronicle



President's Task Force on 21st Century Policing



The President's Task Force on 21st Century Policing divides its recommendations into six pillars:

- Building Trust and Legitimacy
- Policy and Oversight
- Technology and Social Media
- Community Policing and Crime Reduction
- Officer Training and Education
- Officer Safety and Wellness



President Obama's Task Force on Policing Recommends

https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

President's Task Force on 21st Century Policing



Former President Obama on 21st Century Policing Recommendations



On June 3, 2020, Former President Barack Obama participated in a virtual town hall on racial justice and police reform hosted by My Brother's Keeper Alliance.

He discussed the 21st century policing recommendations that were proposed during his administration.

<https://www.c-span.org/video/?c4879567/president-obama-21st-century-policing-recommendations>

President's Task Force on 21st Century Policing



From “Pillar Two: Policy and Oversight” in the report’s executive summary:

“...policies must reflect community values. Law enforcement agencies should collaborate with community members...to develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing community engagement, and fostering cooperation.”

President's Task Force on 21st Century Policing



From the Task Force's Implementation Guide, p. 4:

“The National Association for Civilian Oversight of Law Enforcement (NACOLE) brings together individuals and agencies working to establish or improve the oversight of law enforcement officers in the United States.

The continuum for civilian oversight ranges from limited authority to reviewing and making recommendations to boards that have investigative and subpoena powers. Each community establishes its own local parameters for independent citizen review.”



The Four Pillars of Procedural Justice

Voice

- Having the opportunity to participate in the decision making, to let their side be heard.

Neutrality

- Perceiving that the decision-making process is unbiased and trustworthy.

Respect & Quality of Treatment

- Receiving interpersonal treatment that is respectful and dignified.

Trust

- Believing that the police are concerned about people and want to do what is right for them and the community.

What Shapes Legitimacy?



The primary issue shaping people's views about legitimacy when dealing with the police is whether the police are exercising their authority in fair ways: **procedural justice**.

- **Quality of decision making:** Are decisions made fairly, in a neutral, unbiased way?
- **Quality of treatment:** Are people treated fairly, in a respectful, courteous way?
- **Procedural justice** is often more important than the legal outcome of those encounters and experiences.
- **Putting legitimacy into practice** involve sustained, deliberate thoughtful effort.

Legitimacy in Policing



What is legitimacy in policing? The belief that:

- The police are trustworthy, honest, and concerned about the well being of the people they interact with.
- Police authority ought to be accepted.
- People should voluntarily accept police decisions and follow police directives.
- They should comply with the law and cooperate with the police.

Legitimacy in Civilian Oversight



What does legitimacy look like in *civilian oversight*? The belief that:

- The oversight agency is trustworthy, honest, and concerned about the well being of the people they interact with.
- Oversight and its authority ought to be accepted.
- People should accept oversight agency decisions and recommendations.
- They should comply with the law and cooperate with the oversight agency.

Procedural Justice and Legitimacy



- **Procedural justice** typically centers on how authority is exercised. For oversight agencies 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 their legitimacy.
- Incorporating principles of procedural justice in complaints process increases complainant satisfaction.
- Officers who perceive their work environment to be unfair and unjust are more likely to engage in misconduct, use force, and less likely to support community policing.

Incorporating Procedural Justice into Your Work



- **Reflect** on how you do your work procedurally and look for ways to streamline your processes
 - For example, developing clear and consistent protocols for referring certain types of complaints to mediation can save time and resources
- **Embracing internal procedural justice** enhances your legitimacy
 - We often talk about procedural justice in the context of police-community relations, but police perceptions of the oversight process are equally important
 - By being consistent and ensuring fairness in the disciplinary process, oversight agencies can function as a resource for officers as well

Types of Authority



Statutory Authority:

- Local ordinances, state and federal law

Foundation:

- Reactive
- Authority-driven
- Problem-driven
- Focus on accountability and punishment
- Command and Control: the lawful use of authority
- Measuring numbers and results

Legitimacy-based Authority:

- Community expectations and values

Foundation:

- Proactive approach
- Willing compliance
- Community outreach & engagement
- Quality of the process is as important as the outcome
- Changing the conditions that lead to police misconduct

The Three Pillars of Civilian Oversight of Law Enforcement in the United States

Independence • Transparency • Accountability



Independence



Oversight must have the authority to act independently:

- Speaking with the media
- Interacting with other agencies and officials to gather information/evidence
- Producing and distributing reports
- Making recommendations for changes in police policies procedures
- Making hiring decisions for key staff positions

Transparency



Promoting transparency is a *shared* responsibility:

- Enacting policies to improve citizen confidence such as access to police reports, video, radio transmissions, etc.
- Access to reports of findings resulting from citizen complaints
- The wider community can be reassured that discipline is being imposed when appropriate, while also increasing the transparency of the disciplinary process
- Tracking complaints to identify patterns and trends
- Promoting mechanisms that value civil and human rights in all encounters with the police
- Improve community relations by fostering communication between the community and police agency
- Collecting data on numbers and types of complaints filed

Accountability



Accountability must be demonstrated by *all* applicable stakeholders:

- Support the goals of community-oriented policing
- Oversight can help hold law enforcement accountable for an individual officer's actions.
- Improve the quality of the department's internal investigations of alleged misconduct
- When the oversight agency confirms a complainant's allegation(s), complainants and their communities may feel validated.
- When the oversight agency exonerates the officer, the officer may feel vindicated.

Key Points to Consider



- 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 to holding themselves to ethical and professional standards.
- 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.

The Path to Civilian Oversight in the United States

History & Structure



Facts about the Field: *Law Enforcement*



- There are approximately 18,000 law enforcement agencies across the United States — no two are exactly alike.
- They vary from small suburban or rural communities with a single officer to the New York City Police Department with 36,000 and Los Angeles County Sheriff's Department with 9,972 sworn – separate from the 9,843 sworn officers in the City of Los Angeles.
- Every state has different laws, and within states counties, cities, and towns have their own laws.

Facts about the Field: *Civilian Oversight*



- There are more than 225 civilian oversight entities across the United States — no two are exactly alike.
- Most large cities and large law enforcement agencies have oversight agencies, as do a growing number of small and mid-size cities.
- Many began in reaction to specific incidents of police misconduct or scandals.
- Civilian oversight has been prominently featured in USDOJ settlement agreements.

History of Civilian Oversight in the U.S.



1928: Committee on
Constitutional
Rights Formed

1948: First Official
Civilian Oversight
Board formed
(Washington, DC)

1958: Police
Advisory Board
formed in
Philadelphia, PA

1931: Wickersham
Commission
Recommends
Disinterested
Agency to combat
"Lawlessness in
Law Enforcement"

1953: First New
York City Civilian
Complaint Board
Formed

History of Civilian Oversight in the U.S.



1970: Kansas City
Office of Citizen
Complaints
Established

1980: 13
Civilian
Oversight
Agencies in
Operation

2022: Over 225
Oversight Agencies
with More under
Development or
Consideration

1973: Police
Review Committee
Established in
Berkeley, Calif. by
City Ordinance

2000: More
than 100
Oversight
Agencies



Evolution of Civilian Oversight



Civilian Oversight has usually been *reactive*:

- Follows a high-profile incident or scandal
- Responds to individual complaints
- Reviews policies after one or more complaints
- Emphasizes legalistic rules
- Uses adversarial, administrative process
- Recommends sanctions for individual officers
- Relies on deterrence



Evolution of Civilian Oversight



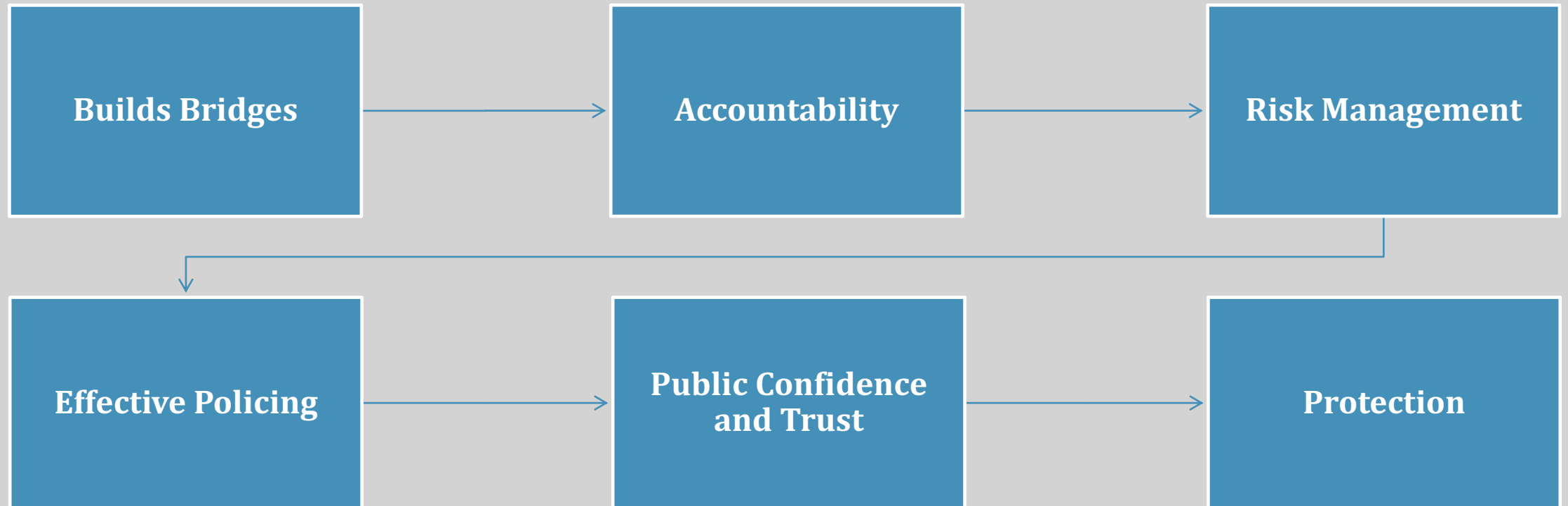
Civilian Oversight is increasingly *proactive*:

- Explores problems proactively (e.g., investigation, collection, and analysis of data)
- Identifies underlying issues and causes
- Focuses on organizational change
- Concentrates on reduction and prevention of misconduct
- Builds partnerships with law enforcement
- Creates bridges between law enforcement and the wider community



Photo: Kristopher Skinner/Bay Area News Group

Benefits of Oversight



Common Goals of Oversight



To ensure the police complaint process is **ACCESSIBLE** to all and to remove impediments to the filing of complaints

To ensure that investigations are **FAIR AND THOROUGH**, that findings are **REASONABLE** and **DISCIPLINE IS APPROPRIATE**

To **IMPROVE PUBLIC CONFIDENCE** in the police

To enhance the **TRANSPARENCY** of police organizations by publicly reporting on the department's efforts in holding officers accountable

Common Goals of Oversight



To IMPROVE law enforcement agencies by analyzing patterns in complaints and other police-related data to improve policies, practices, training and management

To DETER OFFICER MISCONDUCT through the creation of more effective and consistent investigation and disciplinary processes

To REDUCE LEGAL LIABILITY from officer misconduct

To improve the public's UNDERSTANDING of police policy, training, and practices



Shared Accountability for Community Safety

Civilian Oversight Promote the Idea that both the Public *and* the Police Have a Voice:

- When an external agency finds that a complainant's allegations are sustained, complainants and their communities feel validated.
- When an external agency exonerates an officer, the officer knows that non-sworn individuals found their actions complied with policy and procedure.
- When an external agency supports the conclusions of the internal affairs unit, it demonstrated the validity of internal review and disciplinary processes.

Front-End Accountability



Based at New York University School of Law, the Policing Project is developing methods of democratic engagement for policing agencies and the communities they serve, and testing them in interested jurisdictions.

- There have been many conversations on the underlying causes of the problems in policing.
- Communities feel both “over-policed” and “under-policed” at the same time.
- Other fields use experts to create rules, engage with public and get feedback and ultimately consent, and then implement.
- The Policing Project is experimenting and at the beginning of a learning process based on a cost/benefit analysis of social cost of policing.
- They are helping facilitate conversations between communities and police.

Is Civilian Oversight “The Answer?”



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.

The Nature and Structure of Civilian Oversight in the U.S.

Content & Context



Civilian Oversight in the U.S.



Civilian Oversight in the United States:

- Investigates, audits, or reviews internal law enforcement investigations or processes, including citizen complaints and use of force incidents.
- Conducts ongoing monitoring of law enforcement agencies' policies, procedures, training, and management and supervision practices.
- Includes any agency or procedure that involves active participation in the above by persons who are not sworn officers.

Common Models of Oversight in the U.S.



- Review-Focused Model
- Investigation-Focused Model
- Monitor/Auditor/Inspector General Model
- Hybrid Models

COMMON MODELS OF OVERSIGHT



Review Focused

Ensures the community has the ability to provide input into the complaint investigation process.

Community review of investigations may increase public trust in the process

An individual or a board/commission authorized to review completed internal investigations – can agree/disagree with findings

Investigation Focused

Full-time civilian investigators may have highly specialized training

Investigations conducted by oversight agency-does not rely on investigators from within the police department

Civilian-led investigations may increase community trust in the investigation process

Auditor/Monitor Focused

Often have more robust reporting practices than other models

May be more effective at promoting long-term, systemic change in police departments

Generally less expensive than full investigative agencies

Allow the agency to actively engage in many or all of the steps of the complaint process

Hybrid

Contain elements from one or more of the three models

Have been developed to address the needs of a specific community and conform to state or local laws

May be modifications of a previous oversight agency

Are increasingly common

Models of Oversight: *Is one model better than another?*



NO! Each model has strengths *and* weaknesses.

When deciding what model to implement, the needs of the community should be carefully assessed:

- History and “narrative” of the community or communities
- Level of support; both financial and political
- Level of authority and independence
- Expected outcomes

Establishing Credibility: Expectations of Oversight



- Familiarity with police practices, investigations, and criminal law/criminal procedure
- Impartial and objective
- Willingness to meet and communicate with police organization and staff
- Compliance with confidentiality laws and evidentiary standards
- Willingness to consider all sides of a situation and ability to re-evaluate if additional/contrary information/evidence received

Training for Board or Commission Members



POLICIES AND PROCEDURES OF
THE LOCAL LAW ENFORCEMENT
AGENCY



ESSENTIALS OF
CIVILIAN OVERSIGHT



AUTHORITY AND
RESPONSIBILITIES

The History, Structure, & Duties of the Police Accountability Board



City of Berkeley, California



- **Diversity in a community of 120,000 people**
 - \$97,834 median household income (4th highest nationally, 2020 census)
 - 17.6% poverty rate
 - 10% of residents are not U.S. citizens
 - 29% primarily speak a non-English language
- **172 sworn officers**

Role of Oversight Authorities in Berkeley



- **The Police Accountability Board** promotes public trust through independent, objective, civilian oversight of the Berkeley Police Department, provides community participation in setting and reviewing Police Department policies, practices, and procedures, and provides a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department.
- **The Office of the Director of Police Accountability** promotes public trust through independent, objective civilian oversight of the Police Department by conducting prompt, fair, and impartial investigation of complaints against sworn employees of the Police Department, and by assisting the Police Accountability Board in its role to advise the public, City Council, and City Manager on policies and procedures of the Police Department with community participation.

Highlights of the Work of the PAB and the ODPA



- The Office of the Director of Police Accountability began operating, with Police Review Commission staff winding down the work of the PRC and transitioning to ODPA staff.
- The Police Accountability Board began meeting, electing a chair and vice-chair, setting a meeting schedule, adopting standing rules, and establishing subcommittees.
- Training of Board members as required by the Charter began.

Highlights of the Work of the PAB and the ODPA *continued*



- Interim regulations for handling complaints were developed by the Director and the Board, and approved by the City Council. The Board also adopted Standing Rules for its internal procedures, which the City Council ratified.
- The ODPA began accepting and investigating complaints against sworn officers, and presenting findings and recommendations to the Board
- The Board began its considerations of those findings and recommendations, holding hearings when warranted, all according to the new procedures established by the Charter.
- The Director worked closely with the Police Department to establish the new procedures, which require more coordination than under the former PRC process.

Challenges and Opportunities



- **Board responsibilities:** The Board was required to receive 40 hours of training on such topics as constitutional rights and liberties and Police Department operations, and policies, within 6 months of appointment. This was difficult to achieve by the end of 2021, due to other demands on the Board's time, which included hearings on complaint investigations and policy work stemming from Council referrals, ordinance mandates, and public requests.
- **Interpreting Charter mandates:** Two significant parts of the Charter amendment have taken time and much reliance on the City Attorney's Office to interpret. One concerns the process for presenting findings and recommendations to the Board after staff's investigation is completed. A second new territory being explored is the ODP&A and Board's access to Police Department records, necessitating new parameters and procedures for releasing records.

Challenges and Opportunities *continued*



- **Board relationship with police association:** Successful civilian oversight of law enforcement is dependent upon the good faith collaboration of all stakeholders, and on the perceived legitimacy of stakeholders by others. More work is necessary to develop the needed trust between the parties for fruitful collaboration to occur.
- **Permanent regulations to be adopted:** The Board may approve permanent regulations for handling complaints against police officers this fiscal year, but some provisions will likely be subject to meet-and-confer with the police union. The regulations must then be approved by the City Council.

Establishing Credibility: Key Tasks for Oversight



Training and Professional Development is Essential for Credibility:

- 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.

Building Credibility with the Berkeley Police Department



- Working with a culture you don't always agree with and with different priorities
- Stay focused on the task at hand and not rush to address other issues.
- Be consistent, do what you say you're going to do, and deliver on your promises.
- Be patient and recognize that you'll get there – just not right away: Trust takes time.
- Recognize that you are interacting with an established community culture
- Acknowledge how you view each other: Recognize we all play different roles in how we address issues in the community.
- Be interested and enter with curiosity (not judgment) about policies/procedures.
- Demonstrate that you care about them – and the community you both serve.

Maintaining Credibility with the Berkeley Police Department

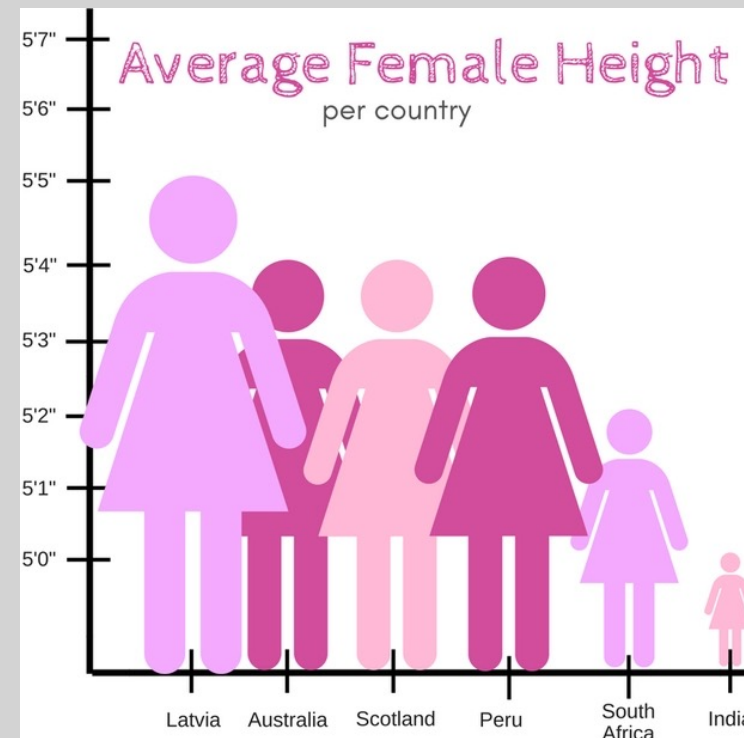
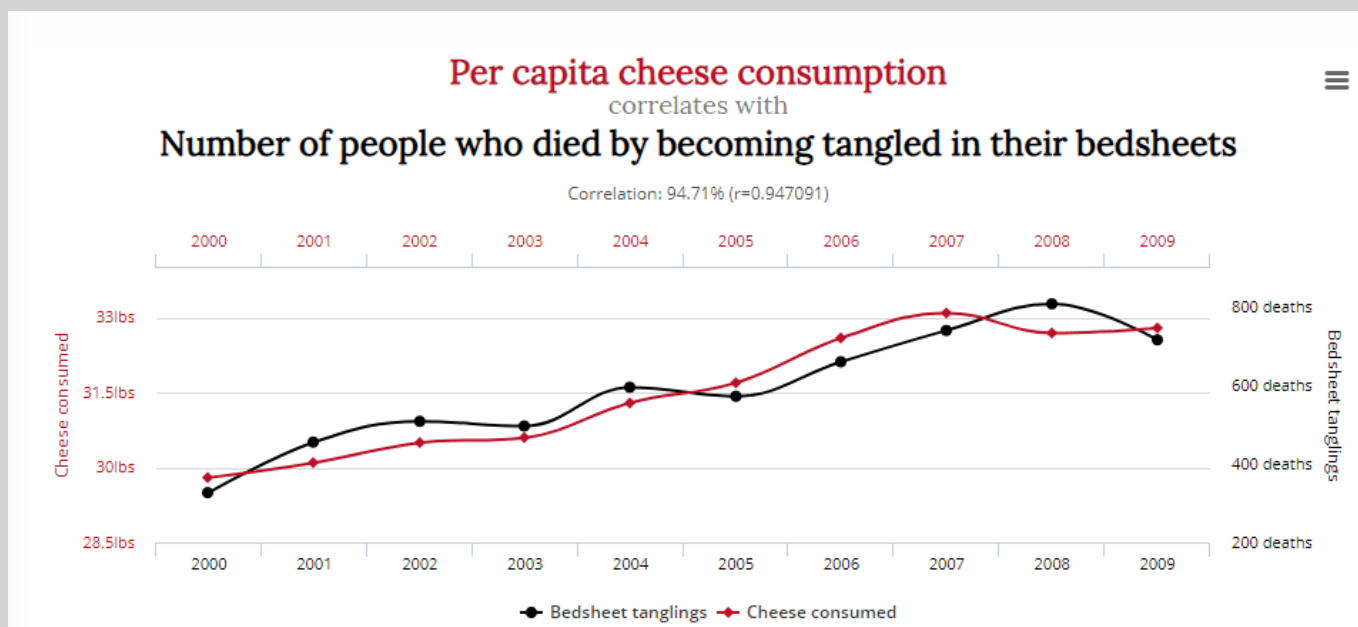


- Identify key people to promote this initiative: leadership buy-in is vital because you might be trying to do systemic change
- Forming relationships and building trust
 - Interview with individual officers, explore why they chose to do this work
 - Ride-alongs and walk-alongs are important for everyone
- Be flexible with your meetings
- Tailor the presentations to the BPD *and* the community
- Gaining familiarity within the department
- Present to the Command Staff
- Use real-life local stories



A Word about Data, Analysis, Findings, and Recommendations

"Figures don't lie, but liars figure." – Quoted by Edwin Corr, mechanical engineer (original source uncertain)



<http://www.tylervigen.com/spurious-correlations>

Tweet by Sabah Ibrahim in 2020



Of the things we think, say or do:

1. Is it the TRUTH?
2. Is it FAIR to all concerned?
3. Will it build GOODWILL and BETTER FRIENDSHIPS?
4. Will it be BENEFICIAL to all concerned?

The Four-Way Test

Image from the Rotary Club of Caloundra, Queensland, Australia

Key Points to Consider



- 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 to holding themselves to ethical and professional standards.
- 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.

Ethical and Professional Standards of Civilian Oversight



NACOLE's Code of Ethics

- Personal Integrity
- Independent and Thorough Oversight
- Transparency and Confidentiality
- Respectful and Unbiased Treatment
- Outreach and Relationships with Stakeholders
- Agency Self-examination and Commitment to Policy Review
- Professional Excellence
- Primary Obligation to the Community

View and download the full document at www.nacole.org/nacole_code_of_ethics

Ethical and Professional Standards of Civilian Oversight



Personal Integrity

Professional
Excellence

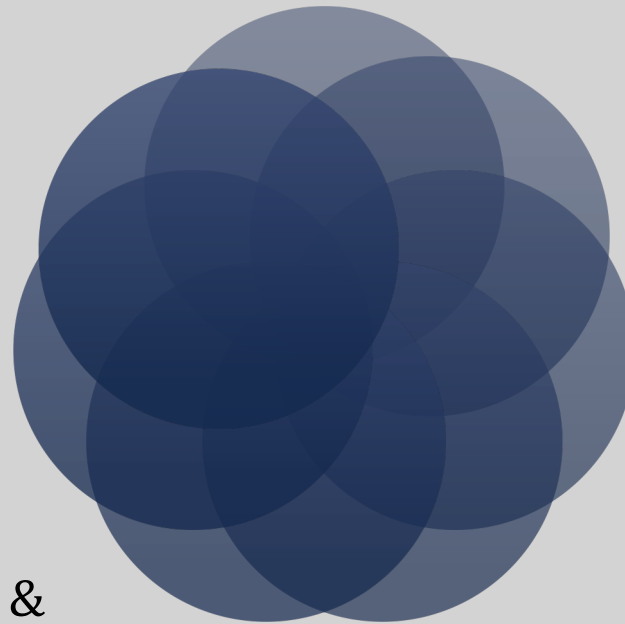
Fair,
Independent &
Thorough
Review

Agency Self-
examination and
Commitment to
Policy Review

Transparency
and
Confidentiality

Outreach &
Relationships
with All
Stakeholders

Respectful and
Unbiased
Treatment



Lunch



Afternoon Overview



Effective Oversight, Connecting with the Community, & Looking Forward

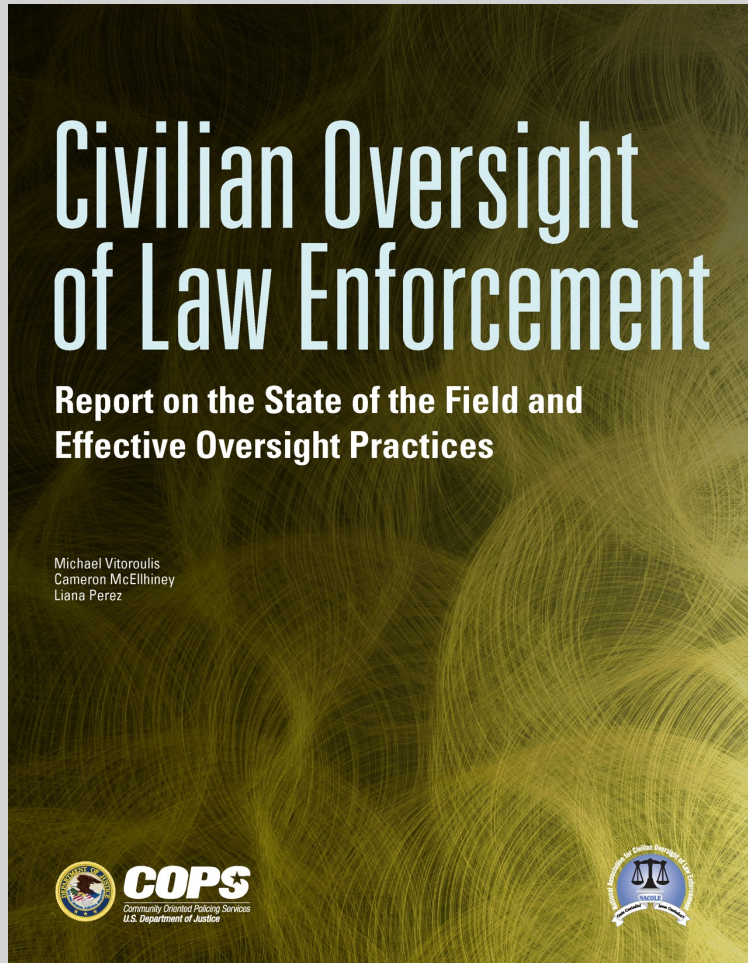
- The State of the Field & Effective Practices
- Effective Community Outreach and Connecting with Berkeley's Communities
- Trauma, Systemic Injustice and Healing: Context for Our Work
- Ongoing Training and Working Effectively
- Challenges and Opportunities: Setting the stage for success

Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices

A project funded by the U.S. Department of Justice Community Oriented Policing Services Office, Community Policing Development Grant number 2016CKWXK017



Civilian Oversight of Law Enforcement: *Project Deliverables*



NACOLE and the U.S. Dept. of Justice released the following in July 2021:

- Nine Case Studies of Civilian Oversight Models
- Report on the State of the Field and Effective Oversight Practices
- Decision-Making Guidebook on Establishing and Strengthening Various Models of Civilian Oversight
- Interactive Online Toolkit at www.NACOLE.org/COAD
- All available at www.NACOLE.org/recent_reports

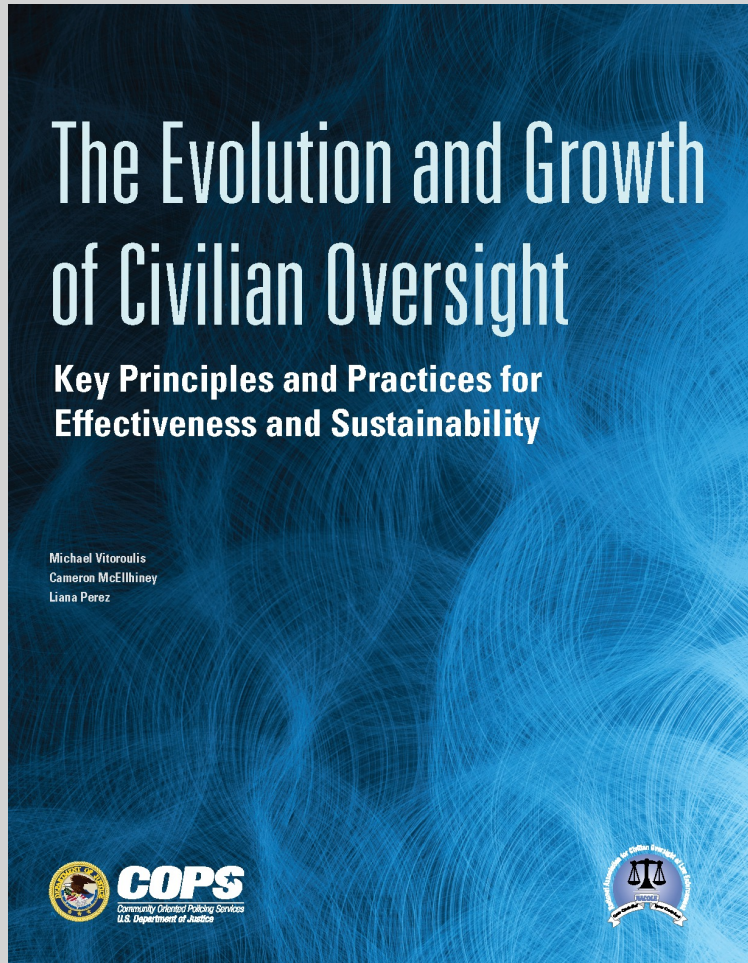
Civilian Oversight of Law Enforcement: *Case Studies*



Agency	Model	Year created	Population	Overseen staff/officers
Atlanta Citizens Review Board	investigative	2007	472,522	2,230
Cambridge Police Review & Advisory Board	hybrid (investigative/review)	1984	113,000	278
Denver Office of the Independent Monitor	auditor/monitor	2004	693,060	2,444
Indianapolis Citizens Police Complaint Office	review	1989	864,771	1,511
LAPD Office of the Inspector General	auditor/monitor	1995	3,976,000	12,812
Miami Civilian Investigative Panel	investigative	2001	453,579	1,100
New Orleans Independent Police Monitor	auditor/monitor	2008	391,495	1,158
Philadelphia Police Advisory Commission	review	1993	1,568,000	6,300
Washington, DC Office of Police Complaints	investigative	1998	693,972	3,900

Executive Summary: The Evolution and Growth of Civilian Oversight

Key Principles and Practices for Effectiveness and Sustainability



- The number of civilian oversight agencies continues to grow.
- Data-driven policy analysis is increasingly common.
- Access to department records and information varies greatly.
- Accountability and evaluation requirements for civilian oversight agencies are increasingly common.
- There is an increasing focus on front-end accountability, rather than only back-end accountability.
- Centering procedural justice and legitimacy with all stakeholders is essential for effective oversight.



Thirteen Principles of Effective Civilian Oversight

1. Independence
2. Clearly defined and adequate jurisdictional authority
3. Unfettered access to records and facilities
4. Access to law enforcement executives and internal affairs staff
5. Full cooperation
6. Sustained stakeholder support
7. Adequate funding and operational resources
8. Public reporting and transparency
9. Policy and pattern analysis
10. Community outreach
11. Community involvement
12. Confidentiality, anonymity, and protection from retaliation
13. Procedural justice and legitimacy



Thirteen Principles of Effective Civilian Oversight

Key considerations for evaluating effective practices:

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

Effective Community Outreach & Engagement



Effective Community Outreach & Engagement



COMMUNITY: Who are we talking about?

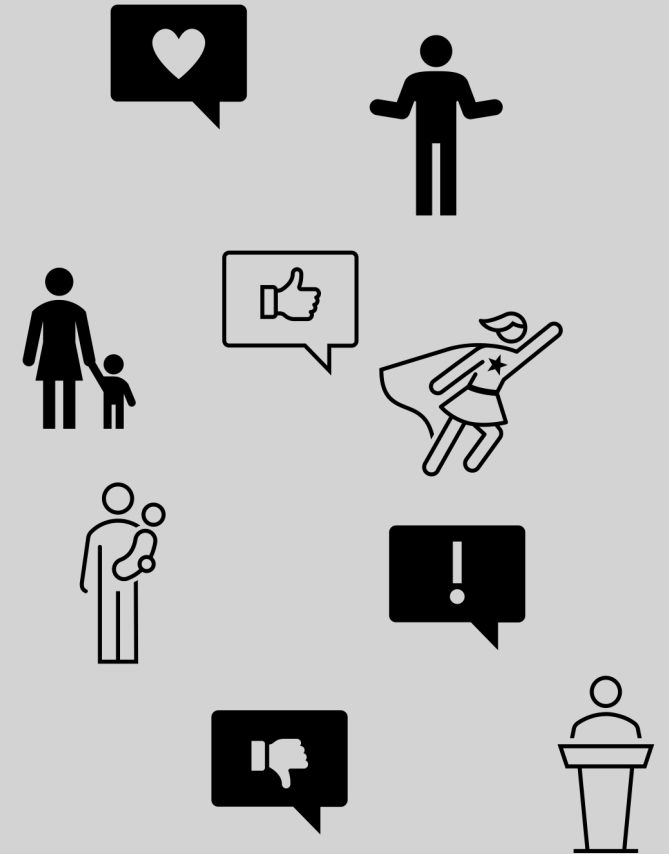
- Broader Community
- Affected Communities
- Disparately-impacted Groups and Individuals
- Institutions
- Communities of Interest and Other Groups



What Do We Mean by “Community Engagement?”



- Gathering perspectives of community members
- Sharing those perspectives with stakeholders and partners
- Developing practical recommendations that are informed by community views
- Providing education and training
- Educating community members
- Informing the community about the process and status of reforms



Getting to Know "The Community"



- Demographic and Census Data
- Local Politics
- Collaborations and Active Partnerships (with and without the police)
- History (especially related to community and historical trauma)
- Mix of Urban, Suburban, and Rural Experiences and Lifestyles
- Proximity to Other Communities (what flows in from outside)

Getting to Know Experiences of Trauma



- Natural Disasters
- Community Violence
- Immigration Issues
- Racial Tensions and Historical Racism
- Poverty
- Housing/Food Insecurities

Getting to Know the City of Berkeley Police Department



- BPD Structure and Composition
- Common Experiences with Officers
- Department Priorities
- How to Have Credibility and Influence as an “Outsider”
- Police/Community partnerships
 - What activities/partnerships have happened – and what is the history?
 - What were the outcomes?
 - How does the community feel about the police and vice versa?

Common Methods for Effective Community Engagement



- Informing the community about recommendations and adopted policies
- Informing the community about civilian oversight and its role
- Supporting and/or promoting training of affected individual, groups & the broader community
- Supporting and/or promoting the training of Police Department employees
- Gaining insight on important issues
- Being a resource to the wider community

Determining the Purpose and Goals of Outreach



- What steps will be taken to communicate and engage with the community that will allow continued understanding of their needs AND will allow the community to know what work is being done by the oversight agency?
- What is your “Theory of Change”
- “If you don't know where you are going, any road will take you there.”

Training for Staff and Board/Commission Members



POLICIES AND
PROCEDURES OF THE
LOCAL LAW ENFORCEMENT
AGENCY



ESSENTIALS OF CIVILIAN
OVERSIGHT



AUTHORITY AND
RESPONSIBILITIES
ASSOCIATED WITH THE
AGENCY



CONTINUING EDUCATION
AND PROFESSIONAL
DEVELOPMENT

Training: Where to Start?



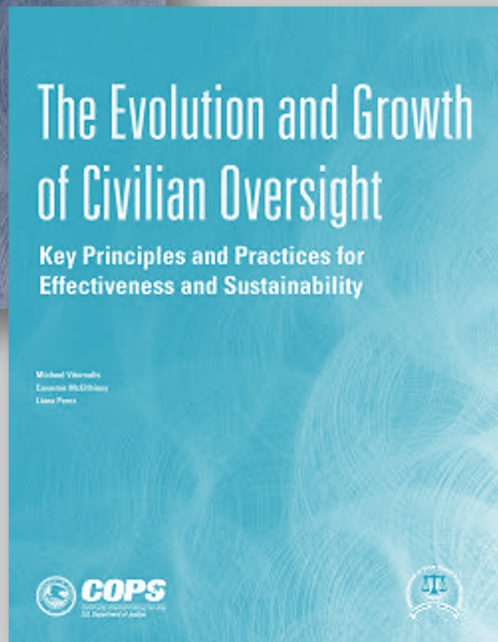
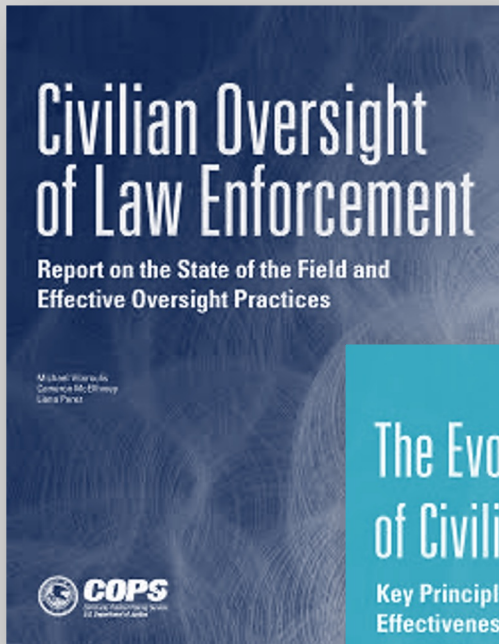
- Basic information
- Historical information
- Knowledge of Ordinance
- Legal Considerations
- Knowledge of local law enforcement agency
- Board procedures

Sources of Appropriate Training



- NACOLE training conferences and webinars
- Oversight trainers and consultants
- Civil rights, community, or public interest organizations
- Government organization resources
- Law Enforcement

NACOLE Resources



Civilian Oversight Agency Database

Nine (9) Case Studies

Data Analysis

Report on the State of the Field and Effective Practices

This project was supported by grant number 2016CKWXXK017 awarded to the National Association for Civilian Oversight of Law Enforcement by the U.S. Department of Justice, Office of Community Oriented Policing Services

Other Considerations



- The importance of communicating with police and government officials
- How to work effectively with the staff of the oversight agency itself
- The expectations of the community
- How to reach out and engage them in the process

Keys to an Effective Practice Framework



In the field of civilian oversight, there are several possible paths to success.

Development must allow for flexibility and context but still take into consideration criteria that is understood to be crucial to successful and effective oversight.

Oversight must take into consideration the core values and principles that should be satisfied to produce better outcomes.

The diverse perspectives and wisdom of experienced practitioners should be valued.

Stakeholder input and dialogue should be prioritized.

Key Considerations for Evaluating Effective Practices



Is this practice an appropriate “fit” for our local context?

How will this practice strengthen civilian oversight in relation to the thirteen principles for effective oversight?

What are the potential unintended consequences of implementing this practice?



Thirteen Principles of Effective Civilian Oversight: *A Reminder*

1. Independence
2. Clearly defined and adequate jurisdictional authority
3. Unfettered access to records and facilities
4. Access to law enforcement executives and internal affairs staff
5. Full cooperation
6. Sustained stakeholder support
7. Adequate funding and operational resources
8. Public reporting and transparency
9. Policy and pattern analysis
10. Community outreach
11. Community involvement
12. Confidentiality, anonymity, and protection from retaliation
13. Procedural justice and legitimacy



Thinking Strategically about the Thirteen Principles

How can you build on opportunities, while addressing and understanding the challenges?

How will you build legitimacy with all stakeholders and goodwill for the future?

What are your priorities and what can go on the “back burner”?

How can you adapt to conditions in order to achieve your mission?



Moving to an Effective Practice Framework: *“Best practices” vs. “Effective practices”*



Limitations on the applicability of a “best practices” approach has led NACOLE to propose an “effective practices” approach based on thirteen principles that serve as a foundation for successful and effective oversight.

The form that oversight takes in a community should be one that is possible, feasible, and congruent with community expectations.

The “best” form of oversight will depend on the local circumstances of the jurisdiction.

Moving to an Effective Practice Framework: Limitations of “*Best practices*”



The complexities of social and political contexts make identifying successful practices employed in one jurisdiction and transferring them to another a challenging and unreliable task fraught with potential errors of interpretation and extrapolation.

The goals of civilian oversight do not lend themselves to systematic, comparative measurement.

There is a lack of standardized definitions related to the data being collected and analyzed that make cross-jurisdictional comparison difficult, if not impossible.

No two civilian oversight agencies are the same.

Trauma, Systemic Injustice and Healing: Context for Our Work

A trauma-informed approach to policing and civilian oversight in the United States



CONTENT WARNING



This session will include discussion of a range of traumatic incidents and how they affect people, including discussion of violence and death, and some people might find it disturbing.

Please take care of yourself and if you need to step away from or leave the session, there will be no judgment or questions about why.

If you or someone you know is suicidal or in crisis, please, contact your physician, go to your local ER, or call or text 988.

988 is the new three-digit number that sends callers to the “**988 Suicide & Crisis Lifeline**” (formerly known as the National Suicide Prevention Lifeline). It has been active across the United States since July 2022.

When people call, text, or chat 988, they will be connected to trained counselors that are part of the existing Lifeline network. These trained counselors will listen, understand how their problems are affecting them, provide support, and connect them to resources if necessary. (Both programs provide free, confidential support 24/7.)

What is Trauma?



“Individual trauma results from an event, or series of events, that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual’s functioning and physical, social, emotional or spiritual well-being.”

— *Definition from the Substance Abuse and Mental Health Services Administration (SAMHSA)*



Universal Types of Trauma



Interpersonal
trauma

Terrorism &
mass-casualty
events

Natural or
human-made
disasters

Vicarious
trauma

Oppression &
marginalization

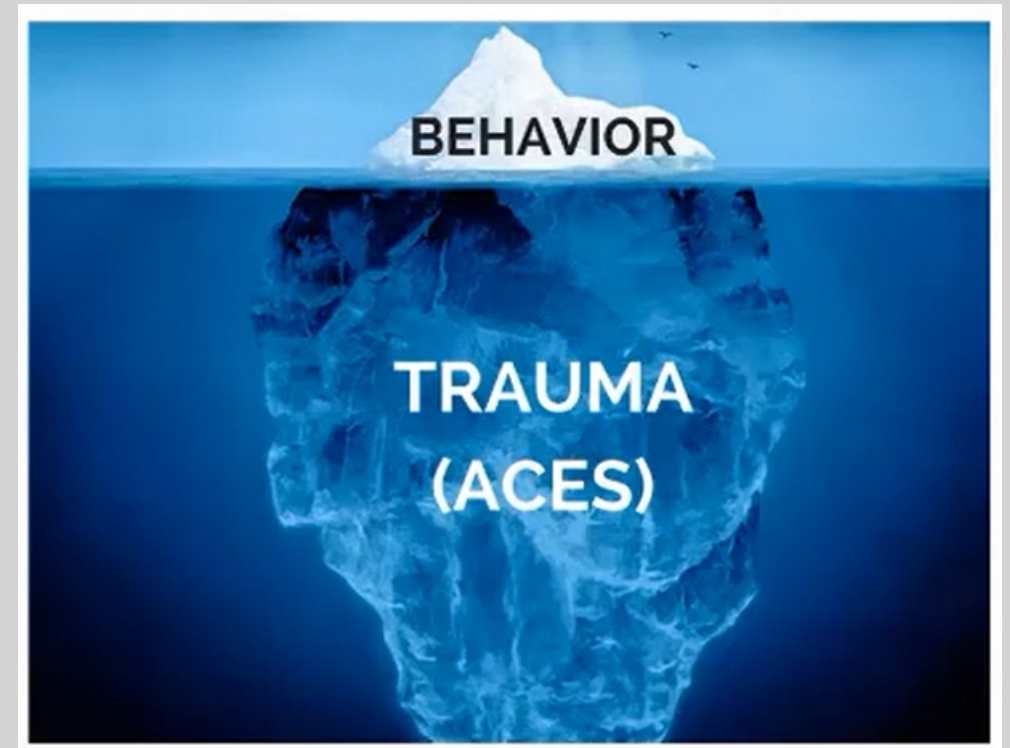
Historical &
community
trauma

Traumatic Response



What is a “traumatic response”?

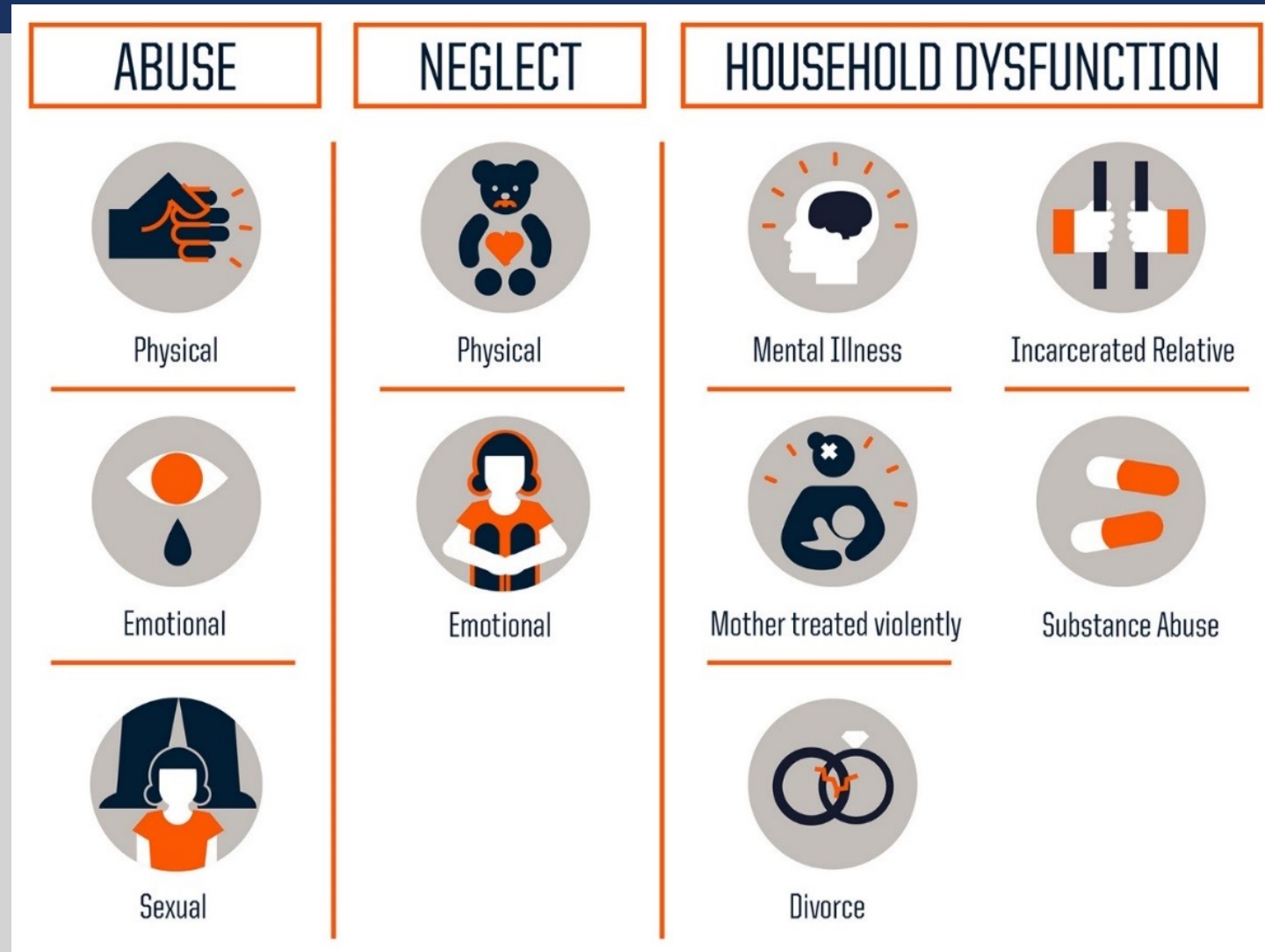
- Traumatic stress reactions are normal reactions to abnormal circumstances.
- Reactions to trauma can vary greatly and are significantly influenced by the individual’s sociocultural history.



Adverse Childhood Experiences



67% of all adults report experiencing at least one ACE, and 12.5% of adults report experiencing four or more.



What does “being trauma-informed” actually mean?



Trauma- Informed

- **Realizing** the widespread impact of trauma and understands potential paths to recovery
- **Recognizing** the signs and symptoms of trauma in clients, families, staff and others involved with the system
- **Responding** by fully integrating knowledge about trauma into policies, procedures and practices
- Seeking to actively **Resist** re-traumatization

Experiences That May Be Traumatic



- Physical, sexual, and emotional abuse
- Childhood neglect
- Living with a family member with mental health or substance use disorders
- Sudden, unexplained separation from a loved one
- Poverty
- Racism, discrimination, and oppression
- Violence in the community, war, or terrorism

From: <https://www.traumainformedcare.chcs.org/what-is-trauma/>



Resiliency and Self-care



Building Resilience: Ideas from the Mayo Clinic (1 of 3)

To become more resilient, consider these ideas:

- Get connected. Building strong, positive relationships with loved ones and friends can provide you with needed support, guidance and acceptance in good and bad times.
- Make every day meaningful. Do something that gives you a sense of accomplishment and purpose every day.
- Learn from experience. Think of how you've coped with hardships in the past. Consider the skills and strategies that helped you through difficult times.

<https://www.mayoclinic.org/tests-procedures/resilience-training/in-depth/resilience/art-20046311>



Building Resilience: Ideas from the Mayo Clinic (2 of 3)

To become more resilient, consider these ideas:

- Remain hopeful. You can't change the past, but you can always look toward the future. Accepting and even anticipating change makes it easier to adapt and view new challenges with less anxiety.
- Take care of yourself. Tend to your own needs and feelings. Participate in activities and hobbies you enjoy. Include physical activity in your daily routine.
- Get plenty of sleep and create consistent bedtime rituals. Eat a healthy diet. Practice stress management and relaxation techniques, such as yoga, meditation, guided imagery, deep breathing or prayer.

<https://www.mayoclinic.org/tests-procedures/resilience-training/in-depth/resilience/art-20046311>



Building Resilience: Ideas from the Mayo Clinic (3 pf 3)

To become more resilient, consider these ideas:

- Reduce stress. Relaxation techniques can reduce stress symptoms and help you enjoy a better quality of life, especially if you have an illness. Explore relaxation techniques you can do by yourself.
- Be proactive. Don't ignore your problems. Instead, figure out what needs to be done, make a plan and take action.
- Although it can take time to recover from a major setback, traumatic event or loss, know that your situation can improve if you work at it..

<https://www.mayoclinic.org/tests-procedures/resilience-training/in-depth/resilience/art-20046311>

Identifying Challenges & Opportunities



Stepping Back: Why We Are Here



Sankofa: The necessity of looking to our history and knowledge gained in the past to make positive progress in the present.

Reflections:

- Why was this board established?
- What is City of Berkeley looking for?
- What will your legacy be?



Stepping Through: Challenges



Very high expectations

Fear of change

Community trauma

Skepticism from law enforcement

Lack of understanding of oversight and its role

Impartiality

Having legitimacy with “both sides”

Need for training

“Change can’t wait”

Attempting to meet all the demands

Some stakeholders think others cannot be engaged

Stepping Up: Opportunities

The moment we're in /
"The Fierce Urgency of Now"

State law has possibilities

Community trauma

Government support for oversight

Calls for reform/defunding/abolition

Centering those most impacted

Demonstrating legitimacy

Policy and procedures can be changed

Creating something sustainable

Defining the role, work, and outcomes

Engaging all stakeholders



Creating Sustainable Oversight



Results and looking forward:
What do you hope to see in five years?



How will you set expectations and measure success?



How will you actively listen to and honor all voices, perspectives, and lived experiences?



© Ricardo Levins Morales

“If you have come to help me you are wasting your time.

But if you have come because your liberation is bound up with mine, then let us work together.”

*Australian Aboriginal activists in Queensland,
1970s*



For more information contact:

Brian Corr
Principal, Cambridge Consulting Services Group
Past President of NACOLE

bcorr@transformpolicing.com • 617.254.8331

