

Principles for Effective Civilian Oversight and A Review of the Ordinance

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NACOLE
National Association for Civilian Oversight of Law Enforcement

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Agenda

- Principles for Effective Civilian Oversight of Law Enforcement
- Review of the Ordinance
- Defining Expectations and Building Legitimacy

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An absence of real or perceived influence from LE, political actors, and other special interests looking to affect the operations of the civilian oversight agency (Vitoroulis, McElhiney, & Perez, 2021).

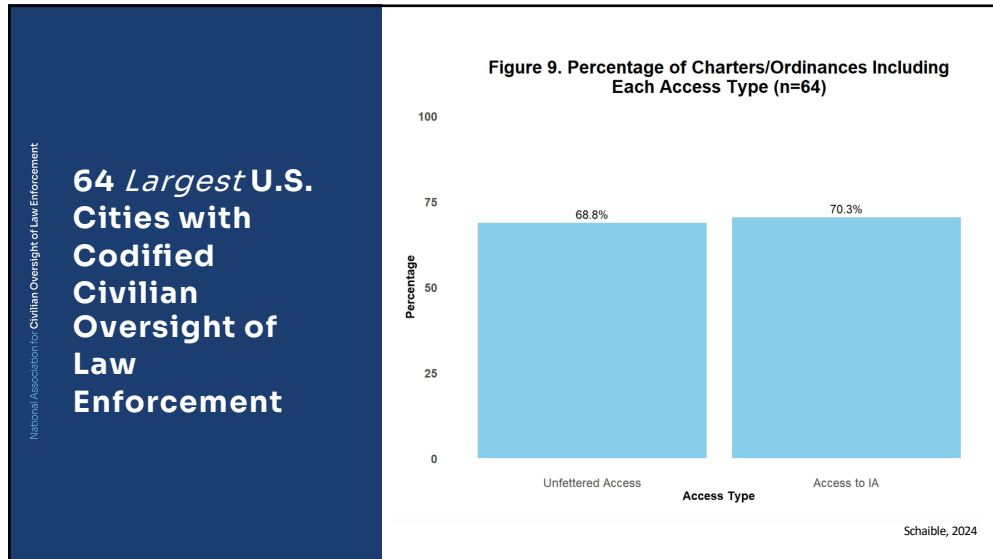




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Table 9. Back-end access to internal affairs databases

	Auditor/ monitor-focused	Investigation-focused	Review-focused	All agencies
Yes	19 %	12.1 %	3.4 %	34.5 %
Sometimes	8.6 %	5.2 %	3.4 %	17.2 %
No	8.6 %	17.2 %	22.4 %	48.3 %
Total number of agencies	21	20	17	58

Source: COAD

Vitoroulis, McElhiney, & Perez, 2021

Table 10. Means by which oversight agencies access law enforcement records

Means of accessing records	Auditor/ monitor-focused	Investigation-focused	Review-focused	All agencies
By law	8 (13.8 %)	14 (24.1 %)	5 (8.6 %)	27 (46.6 %)
By memorandum of understanding or contract with overseen department	8 (13.8 %)	6 (10.3 %)	5 (8.6 %)	19 (32.8 %)
By department policy	11 (19 %)	9 (15.5 %)	9 (15.5 %)	29 (50 %)
None of the above	3 (5.2 %)	0	1 (1.7 %)	4 (6.9 %)
Total number of agencies	17	20	21	58

Source: COAD

Note: Agencies could select multiple responses, so percentages will sum to more than 100 percent. "None of the above" responses indicate that an agency's access to law enforcement records is not addressed in either law, memorandum or contract, or department policy. It does not mean that an agency cannot access law enforcement records.

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Principle: Adequate Funding and Operational Resources

Considerations

- Oversight model
- Jurisdiction
- Size of oversight agency
- Caseload

Needs

- Staff and consultants
- Training
- Community outreach
- Public report dissemination

Budget Allocation

- Percentage-based allocation
- Personnel-based allocation
- *"Only 5 [of the 64 largest cities with codified COLE] require explicit minimum funding and staffing levels, usually represented as either a formula based on the city or police department budget or police department's headcount (Schaible, 2024)."*

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Table 11. Examples of oversight budgets as percentage of overseen law enforcement agency budget

Rank	Name	Model	Oversight budget relative to law enforcement budget (%)
1	Department of Police Accountability (San Francisco, CA)	Investigation-focused	1.2
2	Office of Professional Accountability (Seattle, WA)	Investigation-focused	1.09
3	Berkeley Police Review Commission (Berkeley, CA)	Investigation-focused	1.08
11	Office of Professional Accountability (Richmond, CA)	Investigation-focused	0.83
12	Civilian Investigative Panel (Miami, FL)	Investigation-focused	0.59
13	Office of the Independent Police Monitor (New Orleans, LA)	Auditor/monitor-focused	0.58
27	Civilian Complaint Review Board (New York, NY)	Investigation-focused	0.29

Source: COAD

Note: Ranks presented in descending order out of 58 COAD respondents. Percentages calculated using oversight agency budgets and total budgets for law enforcement agencies. As a result, percentages may not reach the legislated minimum for jurisdictions where oversight budgets are tied to the personnel budget line item for the overseen law enforcement agency. Budgets were reported by COAD respondents and span the years 2016–2019.

Vitoroulis, McElhiney, & Perez, 2021

Table 12. Sworn officers per oversight investigator for investigation-focused models

Rank	Name	Number of sworn officers	Number of investigators	Sworn officers per investigator
1	Office of Professional Accountability (Richmond, CA)	178	2	89
2	Department of Police Accountability (San Francisco, CA)	2,474	24	103
3	Independent Police Review (Portland, OR)	950	7	135
4	Civilian Office of Police Accountability (Chicago, IL)	13,361	93	143
5	Community Police Review Agency (Oakland, CA)	789	5	156
9	Civilian Complaint Review Board (New York, NY)	38,422	110	349
10	Citizen Complaint Authority (Cincinnati, OH)	1,874	2	537
11	Civilian Investigative Panel (Miami, FL)	1,100	2	550

Source: COAD

Note: Ranks presented in ascending order out of 58 COAD respondents. Table shows results for COAD respondents identifying as investigation-focused agencies. Figures calculated by dividing the number of sworn officers by the number of investigators reported as employed by the oversight agency at the time they responded to the COAD survey. Staffing levels span the years 2016–2019.

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Principle: Public Reporting and Transparency

Public Reports

- Uncensored
- Accessible
- Annual Reports
 - 73% of the 100 largest cities with codified COLE "require oversight agencies to periodically produce (usually annually, but sometimes more frequently) at least some sort of public report (Schaible, 2024)."
- Special Reports

Transparency

- Guiding Resources
- Working Documents
- Internal Data
- Share as much as can be legally disclosed

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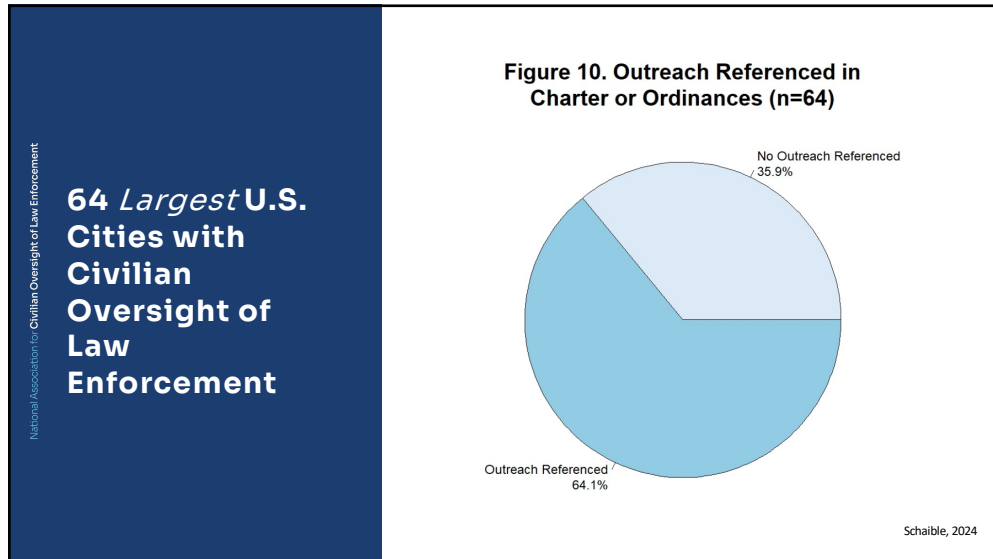
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Principles:

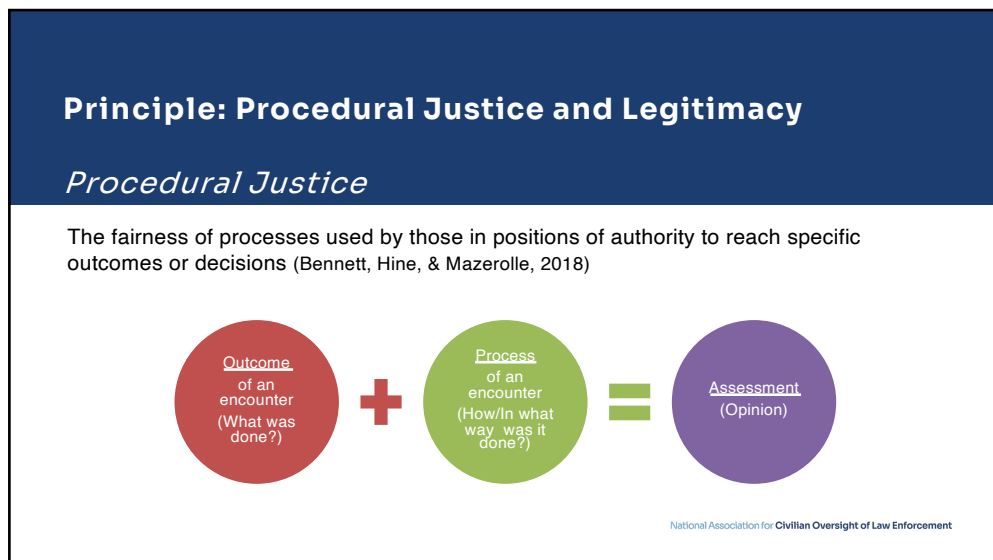


Schaible, 2024

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Principle: Procedural Justice and Legitimacy

Elements of Procedural Justice



Dignity & Respect



Voice



Trustworthy Motives



Neutrality in Decision Making



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Principle: Procedural Justice and Legitimacy

Legitimacy

Legitimacy

A generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definition (Suchman, 1995).

In the context of procedural justice, legitimacy refers to the extent to which an organization and its agents are perceived as morally just, honest, and worthy of trust and confidence (Yale Law School, n.d.).

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Principle: Procedural Justice and Legitimacy

Legitimacy

Pragmatic Legitimacy

- Does the oversight body's interests align with my interests?
- Am I getting anything of value from the oversight body?
- What is the benefit of the oversight body's existence to me?

Cognitive Legitimacy

- Do I know and understand what the oversight body does?
- Is the oversight body accomplishing what it's supposed to?
- Are the oversight body's processes efficient and effective?

Moral Legitimacy

- Is the oversight body a force for good?
- Should the oversight body be doing what it's doing to achieve its objectives? Are its practices ethical?

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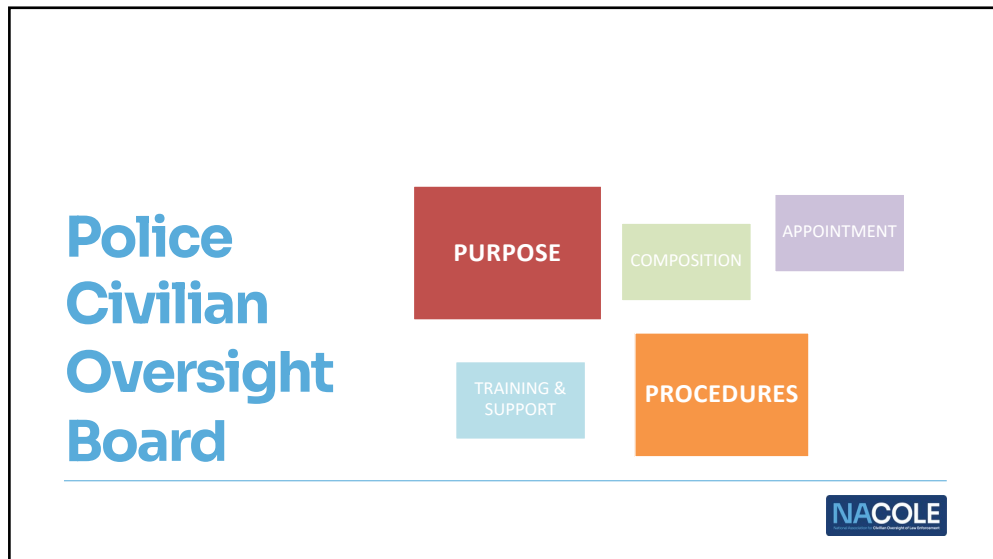
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City of Madison Code of Ordinances

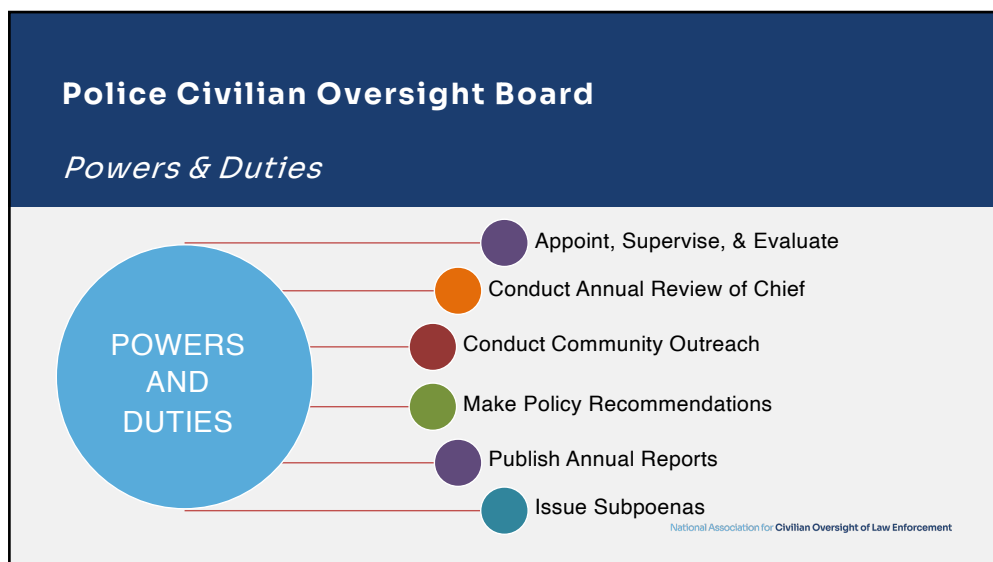
5.19 Office of the Independent Police Monitor

5.20 Police Civilian Oversight Board

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Police Civilian Oversight Board

Other Considerations

**Relationship
with Police and
Fire
Commission**

**Relationship
with
Independent
Monitor**

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Office of the Independent Monitor

PURPOSE

INDEPENDENT
MONITOR

MINIMUM
QUALIFICATIONS

RECRUITMENT

SUPERVISION

INDEPENDENCE

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Office of the Independent Monitor

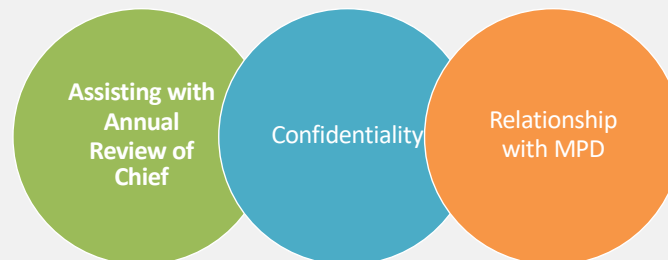
Powers & Duties

- MONITOR POLICY COMPLIANCE
- MONITOR MPD PROGRAMS, ACTIVITIES, INVESTIGATIONS, AND USE-OF-FORCE INCIDENTS
- DEVELOP AND ISSUE REPORTS AND POLICY RECOMMENDATIONS
- CREATE AND SUPPORT A SYSTEM FOR RECEIVING AND PROCESSING COMPLAINTS
- CONDUCT COMMUNITY OUTREACH
- STAFF THE POLICE CIVILIAN OVERSIGHT BOARD
- HIRE OIM STAFF AND ENGAGE INDEPENDENT CONTRACTORS
- ACCESS MPD RECORDS AND ISSUE SUBPOENAS
- RETAIN INDEPENDENT LEGAL COUNSEL

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Office of the Independent Monitor

Other Considerations



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Thank you.

The National Association for Civilian Oversight of Law Enforcement's (NACOLE) mission is to create a community of support for independent, civilian oversight entities that seek to make their local law enforcement agencies, jails, and prisons more transparent, accountable, and responsive to the communities they serve.

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