CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

How It Works, Why It Matters

OIR
GROUP

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.

Recommendation 2.8

President's Task Force on 21st Century

Policing – 2015

Why Oversight?

- Transparency
- Accountability
- Improved police/community relations through better communication/input/trust
- Increased public understanding of law enforcement
- Mechanism for improving satisfaction with complaint process

Varied Approaches

- No "one-size-fits-all" model
- Differences between jurisdictions
  - Size/Demographics/Budget
  - History
  - Legal Parameters
- Differences between police agencies

Oversight & Madison

- Role of the Police & Fire Commission
- Madison's needs/priorities
    - History
    - Civic Engagement
    - Community Relations/Issues with MPD

Classifying Oversight Entities

- No two alike

- Different political, cultural, social considerations

- Success based on ability to choose features from among various models

Basic Categories

- Monitoring/Auditing
- Investigative
- Review
- Hybrid

Basic Categories, cont'd

- To be clear:

  - *Labels are broad*

  - *Distinctions exist within categories*

  - *Agencies vary in their roles and component features*

Monitoring / Auditing

- Focus on examining patterns in investigations, findings, and discipline
- Active participation in open IA investigations
- Systemic reviews of policy, practices, training

Monitoring / Auditing

Strengths

- Robust public reporting practices
- Effective at promoting long-term systemic change
- Less expensive than full investigative agencies

Weaknesses

- Professionalized approach perceived as disconnected from "grassroots" concerns
- Limited authority – cannot compel outcomes
- Significant expertise required drives up staff costs

Examples of Monitoring/ Auditing Model

- San Jose, CA Independent Police Auditor
- Denver, CO Office of the Independent Monitor
- New Orleans, LA Independent Police Monitor
- Los Angeles Board of Police Commissioners Office of Inspector General
- Office of the Inspector General for the New York City Police Department

Investigative Models

- Conducts independent investigations of complaints against officers
- Replaces or duplicates agency's IA process
- Staffed by "civilian" investigators

Investigative Models

Strengths

- Reduce bias or perception of bias in complaint investigations
- Specialized training for investigators
- Increased community trust in investigative process

Weaknesses

- Expensive and complex
- Resistance from police personnel
- Diminishes accountability of chief and command staff
- Potential for disillusionment when community expectations not met

Examples of Investigative Models

- San Francisco, CA Office of Citizen Complaints
- Washington, D.C. Office of Police Complaints
- New York, NY Citizen Complaint Review Board
- BART (CA) Office of Independent Police Auditor

Review Models

- Focus on reviewing quality of completed IA investigations/requesting further investigation
- Make recommendations to police executives on findings
- Headed by review board composed of citizen volunteers
- Public meetings to gather input and facilitate communications

Review Models

Strengths

- Ensures community input
- Greater perception of "grassroots" legitimacy
- Reliance on volunteers is cost effective

Weaknesses

- Limited authority/access/credibility with police agency
- Few organizational resources
- Political influence a source of potential skepticism
- Reliance on volunteers affects expertise

Examples of Review Models

- Albany, NY Citizen's Police Review Board
- Indianapolis, IN Citizens' Police Complaint Board
- Urbana, IL Civilian Police Review Board
- St. Petersburg, FL Citizen Review Committee
- San Diego, CA Citizens' Review Board on Police Practices

Hybrid Models

- Choose among features of each model to suit needs of particular jurisdiction

- Balance strengths and weaknesses to create oversight program that is the best fit for community and law enforcement agency

Keys to Success

- Independence
- Access
- Impartiality
- Transparency
- Collaboration

Resources

- National Association for Civilian Oversight of Law Enforcement (NACOLE) – www.nacole.org
- Professor Walker: *The New World of Police Accountability*