

IMPROVE LAW ENFORCEMENT ACCOUNTABILITY AND CULTURE

As the North Carolina Sheriffs' Association recognized in their May 29, 2020, statement on the death of George Floyd, "when law enforcement officers violate laws or policy, we expect them to immediately be held accountable."⁶³ Accountability is an essential part of change. It is more than an enforcement mechanism — at the same time that accountability ensures compliance with the norms set out by the policy, it re-establishes the legitimacy of the body which is held to account. Put simply, accountability engenders trust. Accountability improves community relations. Accountability is the difference between lawlessness and order.

At the same time, we recognize that culture change is an equally essential part of improving North Carolina's law enforcement agencies. As one of our Task Force members has often said, "culture eats policy for lunch." Currently in our state, there are areas where accountability and law enforcement culture can be enhanced. For example, a number of experts spoke to Task Force members about the importance of officers' shifting from a warrior mindset to a guardian mindset, emphasizing that the latter is critical to achieving positive interactions between law enforcement officers and members of the public. Culture changes such as this one, as well as the policy recommendations that are included in this report, must be accompanied by accountability measures to be effective.

At present, North Carolina has few civilian oversight boards, and those that exist have very little meaningful authority. This hampers the extent to which these boards can serve as true instruments of accountability. Further, the lack of data law enforcement agencies collect limits efforts to ensure that our agencies are functioning as they should to protect and serve all North Carolinians equally. When officers use force against community members in a way that warrants investigation, there is no standard or independent investigative body that is required to conduct those investigations. When a law enforcement officer is fired for excessive use of force or other severe misconduct, there are loopholes that allow them to get another

⁶³ *Id.*

law enforcement job, which is called the “wandering officer” problem. And there is currently no process by which a neutral, non-blaming body can investigate law enforcement-caused deaths and other serious incidents to figure out what happened and reduce the likelihood that it happens again. In all of this, racial equity is implicated by the disproportionate amount of contact, sometimes violent, between law enforcement officers and minority communities in our state.

Through the recommendations in this section, the Task Force expects that we will realize a future in which there is mutual respect, cooperation, and appreciation between law enforcement agencies and the communities they serve. The public will have confidence in the professionalism, integrity, and goodwill of law enforcement officers in this state. Similarly, law enforcement officers will earn that confidence in the everyday realities of their actions.

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IMPROVE LOCAL CIVILIAN OVERSIGHT BOARDS.

Where Civilian Oversight Boards (COB) (also known as Citizen Review Boards) have been or are created by local governments, North Carolina should expand their investigative and oversight authority. This includes:

- Recommend that any COB that is created be established at the local level by local governments to be responsive to the communities they serve.
- Recommend that local governments that seek to create COBs coordinate with NACOLE regarding best practices and necessary policies and procedures, e.g., the importance of the inclusion of government and community stakeholders and directly impacted people as members.
- Recommend revisions to state personnel laws to require the release of personnel records be made to a local government created COB or the local government governing body itself.
- Recommend revision of N.C.G.S. §§ 126-23, 153A-98, and 160A-168 to allow for inspection of certain records related to internal investigations by COBs and local governing bodies. The revisions should:
 - Specify that only COBs created by a local government, or the local government governing body, itself may gain access.
 - Determine whether COBs fit under N.C.G.S. §§ 126-24(5), 153A-98(c)(5), and 160A-168(c)(5).

- Create a legal distinction between the documents used in the investigation of the incident and the ultimate disposition or personnel action, which would remain a part of the personnel file and therefore be unavailable to COBs.
 - Ensure that any statutory revisions indicate that these documents are not public records with the exception of aggregated use of force data.
 - Allow review of documents related to the internal affairs investigation by COBs or local government council or commission but not allow them to have copies or further release these documents or the information contained therein.
- COBs created by their local governments shall be able to make the following recommendations upon completion of their review:
 - Recommend that the agency involved in the inquiry take certain steps to address the incident.
 - Recommend that the Standards Commissions review certain incidents for compliance with requirements of the NCAC, contingent upon funding being provided to the Sheriffs' Education and Training Standards and Criminal Justice Education and Training Divisions (Standards Divisions) at the North Carolina Department of Justice (NCDOJ) to staff the investigations.

Necessary Action: legislative change to N.C.G.S. §§ 126-23, 153A-98, and 160A-168; local policy change.

37 REFORM OFFICER-INVOLVED INVESTIGATION AND PROSECUTION PROCEDURES.

We should reform investigation and prosecution procedures for certain incidents involving officers using force. To do so, we should:

- Enact a statute requiring that the State Bureau of Investigation (SBI) be designated to investigate the below-defined Officer Involved Use of Force Incidents (OIUFI) in which local law enforcement officers or officers from another North Carolina state agency are involved. OIUFI include the following: officer-involved shootings (regardless of whether they result in death), all other OIUFI in which death results, sexual assaults by law enforcement officers, domestic violence incidents involving law enforcement officers, and all officer-involved in-custody deaths. The SBI must request that any

Guidebook for the Implementation of New or Revitalized Police Oversight



National Association for Civilian Oversight of Law Enforcement

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

About the National Association for Civilian Oversight of Law Enforcement

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

Mission

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

To this end, the goals of NACOLE are:

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

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

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

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

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

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

In addition, NACOLE:

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

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

Foreword: Message from the President

January 13, 2016

Dear Reader:

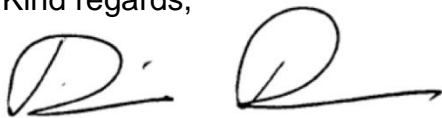
On behalf of the National Association for Civilian Oversight of Law Enforcement (NACOLE), its Board of Directors, members, and staff, I am pleased to present the following guidebook for non-governmental organization (NGO) members and Government of Mexico officials on how to develop and implement external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

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

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

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

Kind regards,

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

Brian Buchner
President
NACOLE

Chapter 1. Introduction

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

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

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

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

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

Chapter 2. Key Steps and Decision Points

I. Goal Setting

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

II. Coalition Building

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

III. Engagement of community and government actors

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

IV. Making Decisions Regarding the Model of Oversight Used

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

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

V. Crafting the Ordinance or Legislation Establishing Oversight

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

VI. Oversight personnel profiles and standards

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

VII. Establishment of Policies and Procedures

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

VIII. Gathering and Analyzing Data

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

IX. Goal Measurement

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

X. Writing Reports

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

XI. Conducting Outreach and Communicating with the Public

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

XII. Building Relationships with Key Stakeholders

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

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

XIII. Ongoing Training and Professional Development

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

XIV. Identifying and Addressing Challenges and Opportunities

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

Chapter 3. Steps in establishing oversight

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

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

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

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

Chapter 4. Overview of civilian oversight

What is civilian oversight?

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

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

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

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

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

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

Chapter 5. Goal Setting

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

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

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

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

Chapter 6. Coalition Building

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

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

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

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

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

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

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

Chapter 7. Engagement of community and government actors:

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

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

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

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

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

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

Chapter 8. Making Decisions Regarding the Model of Oversight Used

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

Structure

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

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

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

Duties, Powers, and Authority

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

Investigatory Systems

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

The range of authority under investigatory systems may include:

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

Strengths and weaknesses of investigatory systems may include:

A. Strengths

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

B. Weaknesses

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

Review Systems

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

The range of authority under review systems may include:

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

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

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

Strengths and weaknesses of review systems may include:

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

Monitoring/Auditing Systems

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

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

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

Strengths and weaknesses of monitoring/auditing systems may include:

- A. Strengths

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

Policy and Process Advisory Systems

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

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

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

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

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

Hybrid Systems

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

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

Funding Mechanism/Budget

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

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

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

Chapter 9. Crafting the Ordinance or Legislation Establishing Oversight

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

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

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

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

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

Chapter 10. Oversight personnel profiles and standards

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

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

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

An agency director:

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

A supervisory investigator:

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

First line investigators:

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

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

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

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

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

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

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

Chapter 11. Establishment of Policies and Procedures

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

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

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

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

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

Chapter 12. Properly Acknowledging Victims of Misconduct

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

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

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

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

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

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

Chapter 13. Gathering and Analyzing Data

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 14. Goal Measurement

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

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

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

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

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

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

Chapter 15. Writing Reports

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

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

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

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

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

Chapter 16. Conducting Outreach and Communicating with the Public

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

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

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

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

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

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

Chapter 17. Characteristics of Effective Oversight

What are the necessary components of effective oversight?

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

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

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

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

Chapter 18. Ongoing Training and Professional Development

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

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

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

Who should attend training events?

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

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

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

Will training be required?

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

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

Who will provide the training and how often?

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

Chapter 19. Conclusion – Identifying and Addressing Challenges and Opportunities

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

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

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

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

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

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

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

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

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

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

Appendix

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

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

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

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

Certified Practitioner of Oversight Recommended Reading List

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

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

Scholarly Books

- Balko, Radley. *Rise of the Warrior Cop: The Militarization of America's Police Forces*. (Public Affairs, 2013)
- Bayley, David H. *What Works in Policing*. (Oxford, 1998)
- Buren, Brenda Ann. *Evaluating Citizen Oversight of Police* (LFB Scholarly Publishing LLC, 2007)
- Chevigny, Paul. *Edge of the Knife: Police Violence in the Americas* (The New Press, 1997)
- Human Rights Watch (Allyson Collins). *Shielded from Justice: Police Brutality and Accountability in the United States*.
- Dunn, Dr. Ronnie and Wornie Reed. *Racial Profiling Causes & Consequences* (2011)
- Goldsmith, Andrew J. *Complaints Against the Police: The Trend to External Review* (Clarendon Press, 1991)
- Goldsmith, Andrew J. *Civilian Oversight of Policing: Governance, Democracy and Human Rights* (Hart Publishing, 2000)
- Gottschalk, Petter. *Policing the Police: Knowledge Management in Law Enforcement* (Nova Science Publishers, 2009)
- Harris, David A. *Profiles in Injustice: Why Police Profiling Cannot Work*. (New Press, 2002)
- Jones, Gareth. *Conducting Administrative, Oversight & Ombudsman Investigations*. (Perfectbound, 2009)
- Kappeler, Victor, Richard Sluder and Geoffrey Alpert. *Forces of Deviance: Understanding the Dark Side of Policing* (Waveland Press, 1998)
- Klinger, David. *Into the Kill Zone: A Cop's Eye View of Deadly Force*. (Jossey-Bass, 2006)
- Lersch, Kim M. *Policing and Misconduct* (Prentice Hall, 2002)

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

U.S. Constitutional Law

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

Biographical Books

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

Peer-reviewed Articles, Publications, and Reports

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

- Finn, Peter, "Citizen Review of Police: Approaches and Implementation," National Institute of Justice (March 2001)
- Iris, Mark, "Illegal Searches in Chicago: The Outcomes of 42 USC 1983 Litigation," 32 St. Lewis University Public Law Review 123 (2012)
- Livingston, Debra. "The Unfulfilled Promise of Citizen Review." Ohio State Journal of Criminal Law, 653-669 (2004)
- Lopez, Christy E., "Disorderly (mis)Conduct: The Problem with 'Contempt of Cop' Arrests," American Constitution Society. (June 2010)
- Miller, Joel and Cybele Merrick. "Civilian Oversight of Policing: Lessons from the Literature," Vera Institute of Justice, Global Meeting on Civilian Oversight of Police, Los Angeles, May 5-8, 2002 (2002)
- Stone, Christopher, Todd Foglesong and Christine M. Cole, "Policing Los Angeles Under a Consent Decree: The Dynamics of Change in the LAPD," Program in Criminal Justice Policy and Management, Harvard Kennedy School (May 2009)
- International Association of Chiefs of Police, "Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement. (September 2006)
- Police Assessment Resource Center, "Review of National Police Oversight Models for the Eugene Police Commission." (February 2005)
- Pitcher, Kris E., André Birotte, Jr., and Django Sibley, "Developing Effective Interactions," The Police Chief 77: 46–48, (May 18, 2010)
- Prenzler, Tim and Colleen Lewis, "Performance Indicators for Police Oversight Agencies," Australian Journal of Public Administration, Vol. 64 Issue 2, 77 – 83. (May 31, 2005)
- Schwartz, Joanna C., "What Police Learn from Lawsuits," 33 Cardozo Law Review 841 (February 2012)
- U.S. Department of Justice. "Principles for Promoting Police Integrity: Examples of Promising Police Practices and Policies." (January 2001)
- U.S. Department of Justice. "Taking Stock: Report from the 2010 Roundtable on the State and Local Law Enforcement Police Pattern or Practice Program, 42 USC § 14141, NCJ 234458. (September 2011)
- Vera Institute of Justice, "Building Public Confidence in Police through Civilian Oversight." (September 2002)
- Walker, Samuel. "The New Paradigm of Police Accountability: The US Justice Department 'Pattern or Practice' Suits in Context," 22 Saint Louis University of Public Law Review 3 (2003)

U.S. Department of Justice, Civil Rights Division

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

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

Special Independent Commissions/Blue Ribbon Reports

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

Approved by the NACOLE Board of Directors 2015.

Recommended Training for Board and Commission Members

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

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

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

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

1. Orientation

a. Civilian Oversight of Law Enforcement

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

- b. Local Oversight Agency
 - i. Historical Account Leading to establishment of the oversight agency
 - ii. Charter, Ordinance, Municipal Code establishing oversight agency
 - iii. Community Expectations of Oversight Agency
 - iv. Local Government Expectations of Oversight Agency
- c. Legal Considerations
 - i. Public records and public meeting laws
 - ii. Confidentiality requirements
 - iii. State / Local Laws relating to peace officers' personnel actions, rights and privacy
 - iv. Case law concerning stops & detentions, search, seizure and arrest, rights of arrested persons
 - v. Steps in the criminal justice process: arrest, booking, arraignment, bail, hearings, trial
- d. Local Law Enforcement Agency
 - i. Organization, history, and cultural evolution of the law enforcement agency
 - 1. Role and responsibilities of patrol, custodial and specialized units
 - 2. Chain of command and supervisory responsibilities
 - 3. Written communication system and training procedures
 - ii. Patrol practices and procedures
 - 1. Duties of patrol officers, sergeants and managers
 - iii. Rules of conduct for officers
 - iv. Agency procedures re: detentions and searches of persons and vehicles
 - v. Booking, custody and prisoner transport procedures
 - 1. Medical screening
 - 2. Handling and processing of prisoner property
 - vi. Juvenile procedures
 - vii. Traffic stop procedures
 - viii. Use of force guidelines and procedures (lethal and non-lethal). For example,
 - 1. Defensive tactics
 - 2. Takedown and pain compliance holds and maneuvers
 - 3. Handcuffing techniques
 - 4. Baton use
 - 5. Use electronic control devices, OC spray, and restraint devices

6. Firearms

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

e. Board Procedures

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

2. Potential Sources For Training

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

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

Qualification Standards for Oversight Agencies

Qualification Standards For Oversight Investigators

1. Education

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

2. Preferred Experience

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

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

3. Required Knowledge, Skills, and Ability

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

Suggested Standards For Supervisory Investigators:

1. Education

1. A bachelor's or an equivalent degree.

2. Experience

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

3. Required Knowledge, Skills & Abilities

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

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

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

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

1. Qualifications For Civilian Oversight Executives

1. Education

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

2. Experience

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

3. Required Knowledge, Skills & Abilities

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

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

NACOLE Code of Ethics

Preamble

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

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

Personal Integrity

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

Independent and Thorough Oversight

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

Transparency and Confidentiality

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

Respectful and Unbiased Treatment

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

Outreach and Relationships With Stakeholders

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

Agency Self-Examination and Commitment to Policy Review

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

Professional Excellence

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

Primary Obligation to the Community

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

Adopted by the Board of Directors on August 12, 2015

Pre-Post Test

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
	1	2	3	4	5
1. ____					
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Additional Resources and Links

NACOLE

www.nacole.org

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

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

Articles and Documents:

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

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

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

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

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

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

Complaint Forms:

Albany, NY:

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

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

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

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

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

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

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

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

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

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

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

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

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

International Resources:

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

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

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

U.S.A. Resources:

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

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

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

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

Implicit Bias Resources:

Rightful Policing

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

Teaching Tolerance

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

Implicit Bias and Law Enforcement (Police Chief Magazine)

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

American Denial: Independent Lens

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

Project Implicit

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

The Nature of Implicit Prejudice

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

The Nature of Contemporary Prejudice

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

State of the Science: Implicit Bias Review 2013

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

Recent Reports and Journal Articles:

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

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

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

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

I-TEAM

NC citizen review boards called 'facades for accountability' as advocates push for more police oversight

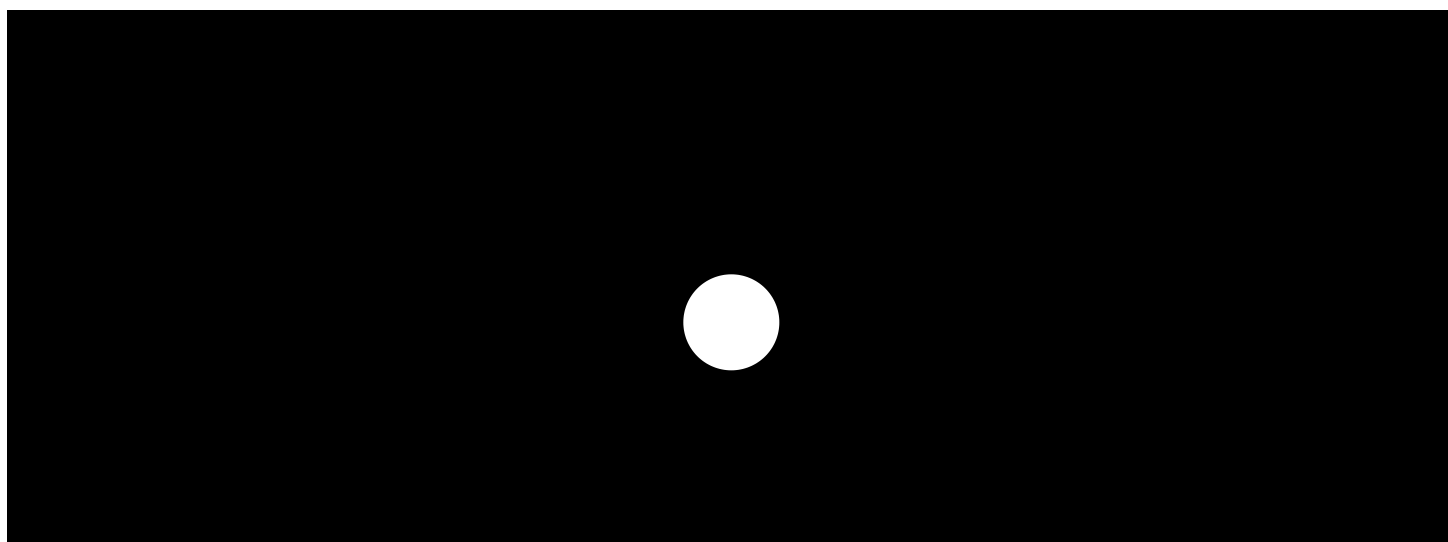
By [Samantha Kummerer](#)

Tuesday, July 7, 2020

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Some North Carolina advocates and leaders call the state's existing boards "toothless."

RALEIGH, N.C. (WTVD) -- As more communities across the nation push to create citizen review boards to oversee police departments, some North Carolina advocates and leaders call the state's existing boards "toothless."

George Floyd's murder in Minneapolis renewed the push for police transparency and

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However, in North Carolina, some advocates said these boards aren't given the power to actually hold police accountable.

"These boards do not do what they are supposed to do, because if they did we would not have the people in the street that we have, we would not see continuously the same bad behavior from law enforcement officers," said Dawn Blagrove, the executive director of Emancipate NC.

Raleigh city leaders [approved a police advisory board](#) earlier this year.

"This board currently has no teeth and so in my eyes it looks like a publicity stunt. It looks like a way to say, 'We have accountability,' when really the city of Raleigh is showing that they don't," said Greear Webb, a newly appointed member of the Raleigh Police Advisory Board.

Blagrove compared the city's board to a cheerleader for the police rather than an oversight mechanism.

"These boards are doing exactly what they are designed to do by system actors, which is create the facade of accountability without creating actual accountability," Blagrove said.

On Tuesday, Raleigh councilman Jonathan Melton acknowledged the shortcomings of the board during a city council meeting.

"Our current police advisory board is tasked with reviewing policy and contributing to fair policy development, which is important. But it lacks the ability to provide transparency and oversight, and notably it lacks subpoena power," Melton wrote in a statement.

However, Raleigh's board isn't the only to lack this power--and the ability to grant increased power is in the hands of state legislators.

"The way citizen review boards are set up right now is like we've given citizens a kiddie table. They're not able to actually sit at the main table with the adults and have the adult conversations about the difficult things like how police officers should be disciplined when they use force inappropriately. They just are told you can sit over there and have nice conversations about how you think we should act, but without any really details or information, or any ability to look into the depths of a case to figure out if what happened was appropriate or not," said North Carolina representative Graig Meyer (D).

Over the years, state lawmakers have proposed bills to give these boards more oversight, including subpoena power. Meyer sponsored a bill in 2015 to give citizen review boards the power to investigate police misconduct, another was proposed in 2017--neither passed.

Durham's Civilian Police Review Board has existed for years. The board reviews citizen complaints only if citizens are not satisfied with the initial police investigation. Members are then tasked with reviewing how the investigation was conducted rather than investigating the complaint itself. If the board decides there's evidence the police investigation into the complaint was inappropriate, it can grant a hearing.

Since 2011, the Durham board has only granted two hearings and reviewed 25 appeals. From 2018-2019, the board heard no appeals--and only one the year before.

"I don't think the numbers are low because these adverse interactions are not happening. Some people may not feel or may not trust the process. Some people may not know the process exists. I'm not sure why our numbers are low," said DeWarren Langley, who has served on Durham's board for 10 years.

Winston-Salem's board has heard five appeals since 2015, and Charlotte's board reported hearing 10 appeals in the last five years.

"Why would you bring a complaint to a citizen review board if you knew the citizen review board doesn't actually have the authority to do anything about it? You'd be wasting your own time," said Meyer.

RELATED: [Use of force incidents largely kept a secret in North Carolina](#)

The way police officers use force is under scrutiny after more and more violent incidents are captured on video.

Langley said he doesn't think Durham's members are confined to the roles established by the city, and they would speak out if an investigation or complaint was concerning. While he thinks the board is effective in what it is designed to do, he said he thinks it's appropriate for state leaders to give subpoena power to the boards and let municipalities decide how and if to use it.

"When we are looking at what needs to improve, I think the focus has to be on what's going on within one's particular community," Langley said.

A city spokesperson said Durham is not seeking subpoena power.

While some look to reform already existing boards, many communities are still pushing to even establish a board.

Her organization helps communities form effective oversight committees. She said in the last few weeks, her phone has been ringing nonstop.

"It's not just cops involved. What's the other half of the equation? It's the community, the community are involved in these encounters. It just can't be from their (police) perspective," Hutson said.

Hutson said the nonprofit plans on leading the way to establish oversight and is producing principles and best practices for communities to adopt. Some of the key principles the organization recommends is independence, access to records, and community outreach.

Hutson said while investigative power is needed, she thinks any form of a citizen review board is a benefit to the community.

"Even having the presence of community or civilians looking at some aspect of policing is effective because it does shed light on things and those in the community can go talk about it. So it does help," she said. "We cannot keep doing things the way they are. Look at what it's done to our country. We do have to do a better job of that."

Community leaders in Fayetteville have pushed for a board for years. [The city council just voted](#) to move forward a few weeks ago.

As the city works to determine what role the board will play, leaders with the Fayetteville Police Accountability Community Taskforce (PACT) are pushing for access to records and independent oversight.

"We're not taking away the authority of the police, but we're saying we want also be able to tell you if you're doing the right things for us as the people," said PACT co-founder Kathy Greggs. "It's not saying we don't trust you, but it's saying we also want to have that authority to see ourselves."

The Fayetteville Police Department did not respond to a request for comment.

Langley, who is a member of the Durham advisory board, said discussion for change will have to involve the community. From Fayetteville to Raleigh, advocates said they are hopeful of where these continual conversations will lead.

"We have got to redesign--not reimagine, but redesign--and act on changing the way we hold our communities accountable and the ways we protect our communities," Webb, who is on the Raleigh board, said.

On Tuesday, the Raleigh City Council voted to send a letter to state leaders, including Governor Roy Cooper, to advocate for increased oversight.

The letter read in part, "The City of Raleigh recognizes that transparency and accountability are needed to engender positive relationships between our community and the police. The City of Raleigh supports and would welcome authority to provide more transparency, oversight, and power to our community."

RELATED: Gov. Cooper vetoes controversial bill that would keep death investigations in police custody confidential

Melton said the city has also added the issue to their legislative priorities for 2021.

At the state level, Meyer said he is advocating for the National Carolina Task Force for Racial Equity in Criminal Justice to discuss citizen review boards.

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This Is Where the Majority of Singles Over 50 Are Finding Love in Durham

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-20
HOUSE BILL 423**

**AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED
PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF
DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-168(c) reads as rewritten:

"(c) All information contained in a city employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

- (1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- (2) A ~~license~~-licensed physician designated in writing by the employee may examine the employee's medical record.
- (3) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- (5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- (6) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- (7) The city manager, with concurrence of the council, or, in cities not having a manager, the council may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Before releasing the information, the manager or council shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services. This written determination shall be retained in the office of the manager or the city clerk, and is a record available for public inspection and shall become part of the employee's personnel file.
- (8) In order to facilitate citizen review of the police disciplinary process, the city manager or the chief of police, or their designees may release the disposition of disciplinary charges against a police officer and the facts relied upon in determining that disposition to the Human Relations Commission Complaint Subcommittee, and may release the disposition of the disciplinary charges to the person alleged to have been aggrieved by the officer's actions or to that person's survivor. Commission members shall maintain as confidential all personnel information released to them under this subdivision that is not a matter of public record under this section, and any member who violates that confidentiality is guilty of the violations set forth in subsections (e) and (f) of this section. Each member of the Commission shall execute and adhere to a confidentiality agreement that is satisfactory to the city. For purposes of this subdivision, the term "disposition of disciplinary charges" includes determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the Greensboro Police Department."

SECTION 2. The act applies only to the City of Greensboro.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 16th day of April, 2001.

s/ Marc Basnight
President Pro Tempore of the Senate

Representatives

s/ Joe Hackney
Speaker Pro Tempore of the House of

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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SENATE BILL 193

Short Title: Charlotte Citizens Review Brd Subpoena Power. (Local)

Sponsors: Senators Marcus, Mohammed, and Salvador (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 9, 2021

A BILL TO BE ENTITLED
AN ACT TO GRANT CERTAIN SUBPOENA POWER TO THE CITY OF CHARLOTTE
CITIZENS REVIEW BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-168(c), as amended by Section 3 of S.L. 1997-305, reads as rewritten:

"(c) All information contained in a city employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

...

- (8) In order to facilitate citizen review of the police disciplinary process, the city manager or the chief of police, or their designees, may release the disposition of disciplinary charges against a police officer and the facts relied upon in determining the disposition to the person alleged to have been aggrieved by the officer's actions or to that person's survivor and to members of the citizens' review board. Board members shall maintain as confidential all personnel information to which they gain access as a member of the Board. Each member of the Board shall execute and adhere to a Confidentiality Agreement that is satisfactory to the City. For purposes of this subdivision, the 'disposition of disciplinary charges' includes determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the Charlotte-Mecklenburg Police Department. In the event that the citizens' review board hears an appeal of a police disciplinary case, the disposition of the case, as defined in this subdivision, as well as the facts and circumstances of the case, may be released by the city manager or the chief of police, or their designees, to any person whose presence is necessary to the appeals hearing as determined by the chief of police or his designee. In the conduct of evidentiary fact-finding proceedings, any of the following may subpoena witnesses and compel the production of evidence: (i) the chair, (ii) the vice-chair when acting in the absence of the chair, and (iii) a majority of the members of the Board. If a person fails or refuses to obey a subpoena issued pursuant to this subdivision, the Board may apply to the General Court of Justice, Superior Court Division, for an order requiring that the subpoena be obeyed, and the court shall have jurisdiction to issue the order after notice to all parties.



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SECTION 2. This act applies to the City of Charlotte only.

SECTION 3. This act is effective when it becomes law.