



Police Civilian Review Panel

2020 Four-Year Review and 2020 Annual Report

Jimmy Bierman, Chair (2021)

Public Safety Committee Meeting
September 28, 2021

The Panel's Purpose, Structure, and Means

- Purpose: **Enhance legitimacy and trust between the FCPD and the community.**
- Means: (1) Review investigations, (2) Provide independent avenue for making a complaint against the police, (3) Make recommendations regarding policies and practices.
 - Review investigations.
 - Consider whether “complete, thorough, accurate, impartial, objective.”
 - Consider the “what” and “how” of the “Investigation” rather than the “why” of the Complaint.
 - “Initial Complaints” vs. “Review Requests.”
 - No independent investigative authority.
- Makes Recommendations.
 - Recommendations matrix

New Members

- Vice Chair Dirck A. Hargraves
- Cheri Belkowitz
- Todd Cranford
- William Ware

Four-Year Review

- A comprehensive look at the first four years of the Panel's existence, dating back to 2017.
- The bulk of the Review consists of a complete history of the Panel's activities.
- The Review analyzes the Panel's successes, opportunities and challenges.
- The Review makes 11 specific recommendations for the Panel going forward, some of which involve actions by the Board of Supervisors.

Annual Report

- Covers the Panel's activities from March of 2020 to March of 2021.
- Covers challenges from that time period and highlights important considerations for the Panel going forward.
- Makes recommendations, some of which directly overlap with those in the Four-Year Review.
- Provides additional information about the workload of the Panel.

Annual Report by the numbers

Chair Term Years: March 1 - February 28

	2019-20	2020-21	Total
Number of Complaints filed against the FCPD (Panel Authority)	32	35	67
Number of Initial Complaints brought to the Panel	18	20	38
Number of Initial Complaints filed with the Panel but for which there is no ultimate review request	13	4	17
Number of Initial Complaints that are later requested to be reviewed by the Panel	5	8	13
Number of Review Requests Brought to the Panel	10	15	25
Number of Review Requests Taken by the Panel	5	4 [#]	9
Number of Review Requests Declined by the Panel	5	7	12
Number of Subcommittee Meetings Held	8	10	18
Number of Review Meetings Held	3	5	8
Number of Review Requests in process	0	2	2
Number of FCPD Investigations still pending	0	10 [^]	10

Key Takeaways from the Annual Report

- The Panel's work can be placed squarely in the context of a national conversation on race and police reform, happening during a global pandemic.
- Racial Bias and Racial Profiling complaints still present a challenge to the FCPD and the Panel.
- Bylaws change to improve public outreach.
- Recommendation for an Executive Director.
- Appreciation of Quarterly Meetings.
- New training opportunities post-COVID.

Key Takeaways from the Four-Year Review

1. Improved relationship with the FCPD has been critical to functioning of the Civilian Review Panel.
 - a. Recommendations matrix is leading to better practices and investigations.
 - b. Quality of investigations is improving.
 - c. Example of CRP-20-19/CRP-20-27: Investigation roots out problematic officer, leads to policy change.
2. Independence remains of critical importance.
 - a. The Civilian Review Panel cannot be seen as simply another arm of the FCPD.
 - b. In order to have a successful Panel, needs to be seen as fair arbiter.
 - c. Key aspect of the Panel—providing an independent avenue for complaints against the FCPD—requires more independence.
 - d. In four and a half years, have only opposed an IAB investigation once.

Four-Year Review Recommendations

- Eleven specific recommendations.
- Focused on:
 - Infrastructure (i.e., Executive Director, access to files).
 - Process (i.e., ability to draw conclusions; independent investigative authority).
 - Outreach (i.e., public meetings; outreach to rank and file).

The Executive Director

- Thank you!
- Thank you!
- Thank you!
- Thank you!

The Executive Director

- Significant assistance to the Panel.
- Ability to review investigations and help draft reports.
- Can take charge on a comprehensive outreach strategy.
- Reports to the BOS – Independent.

Future Considerations

- Monitoring Ability
 - Review request rule change
- Administrative Support

Ability to Draw Conclusions

- Currently, the Panel's mission is to consider the “how” and “what” of the investigation rather than the “why” of the Complaint.
- Recommends that the Panel's mandate go beyond the current language and ask more broadly if the IAB get things right.
- Current mandate has led to the Panel almost never – only once in four years – disagreeing with the IAB.

Limited Investigatory Authority

- Ability of the Panel to interview the Complainant and up to three witnesses wholly independently of the IAB where requested by a supermajority of the Panel.
 - Very limited investigatory authority.
 - Would require some subpoena power.
 - Would require an Executive Director who can conduct additional investigation.
- Why is this important?
 - There should probably be a way for the Panel to look at *more than* just information provided by the IAB.
 - Current system involves IAB being complete gatekeeper of investigation. This is not a recipe for independence.
 - Complainants rightly protest that they come to the Panel hoping that the Panel won't just "take the officer's word for it" and ultimately the Panel has to, essentially, take the IAB's word for it.
- Important to have this power *even if it isn't always exercised* because then Complainants will know that the Panel *can* look beyond what is provided to it, if there is sufficient basis to do so.

Questions and/or Concerns?