



Community Review and Advisory Boards and What NACOLE Can Do For Communities

Presented by:

Christian J. Klossner,
At-Large Member, NACOLE Board of Directors

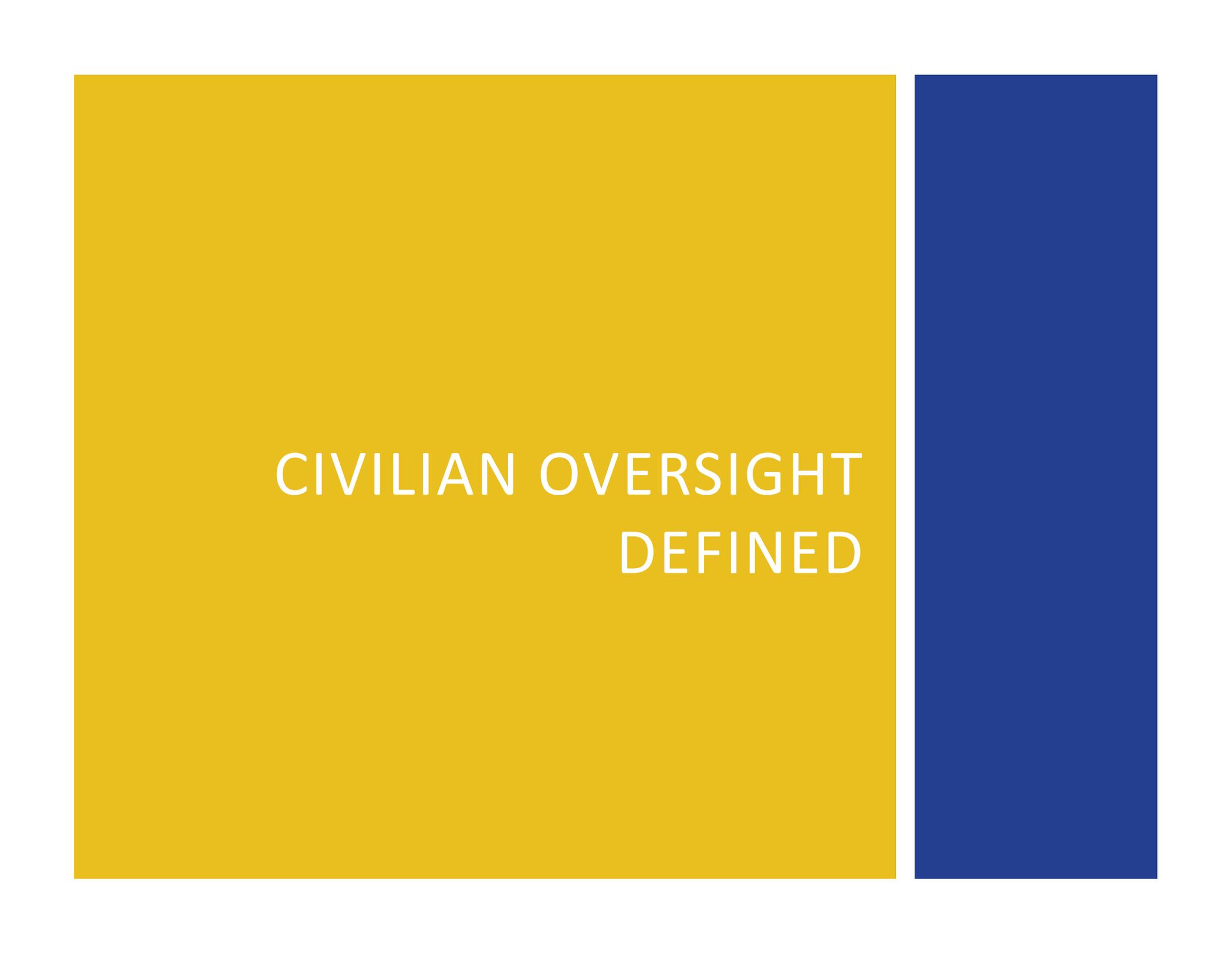
District of Columbia
July 27, 2015

Christian J. Klossner

- Deputy Director, District of Columbia's Office of Police Complaints (OPC); joined OPC in August 2010
- Member of Board of Directors of NACOLE
- Former Bronx County Assistant District Attorney - 4.5 years
- J.D., Fordham School of Law, '05
- B.A., Philosophy, University at Albany, '96

OVERVIEW

- Civilian oversight defined
- Basics and benefits of civilian oversight
- NACOLE
- How can NACOLE help?
- NACOLE Code of Ethics (reference)
- Contacting NACOLE



CIVILIAN OVERSIGHT
DEFINED

CIVILIAN OVERSIGHT DEFINED

- Civilian oversight of law enforcement
 - An agency or procedure that involves participation by persons who are not sworn officers; and
 - Investigates, audits, or reviews internal police investigations or processes, including citizen complaints and use of force incidents
 - Conducts ongoing monitoring of law enforcement agencies' policies, procedures, training, and management and supervision practices



BASICS AND BENEFITS OF CIVILIAN OVERSIGHT

BASIC FACTS

- More than 200 civilian oversight entities across the United States—no two are exactly alike
- Most large cities and large police departments
- Growing number of small and mid-size cities
- Civilian oversight prominently featured in USDOJ settlement agreements
- Often created after critical incidents or scandals

THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING

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

MODELS OF OVERSIGHT

- Oversight can take many forms
- Generally, performs one or more of four main function:
 - Conducts independent investigations
 - Reviews or hears appeals of internal police investigations
 - Audits or monitors police policy, training, investigations, programs, or management and supervision practices; conducts *systemic* investigations
 - Involves civilians in shaping or managing policy, hiring
- Can involve other functions as well
- Many are a hybrid model - e.g. Office of Police Complaints

EVOLUTION OF CIVILIAN OVERSIGHT

- Is moving away from:
 - Being *reactive*
 - Responds to individual complaints
 - Emphasizes legalistic rules
 - Uses adversarial, administrative process
 - Recommends sanctions for individual officers
 - Relies on deterrence

- Is moving toward:
 - Being *proactive*
 - Explores problems proactively (e.g., investigation, collection, and analysis of data)
 - Identifies underlying problems and causes
 - Focuses on organizational change
 - Concentrates on reduction and prevention of misconduct
 - Builds partnerships with law enforcement

BENEFITS OF OVERSIGHT

- Ensures greater accountability
 - Enhances risk management
 - Supports effective and constitutional policing
 - Increases public confidence and trust in the police
 - Builds bridges between law enforcement and the public
 - Protects civil rights
 - Increases public safety
-
- More thorough descriptions and infographic at <https://nacole.org/civilian-oversight-infographics/>

Protects Civil Rights



Civilian oversight is a developing area of civil rights protection. Oversight practitioners are at the forefront of investigating, reviewing, and auditing individual cases or patterns of potential civil rights violations in areas such as racial profiling, biased policing, the use of deadly force, illegal searches, excessive force, and unlawful arrests.

Supports Effective Policing



Mutual trust and respect between police and communities are critical to effective law enforcement. Civilian oversight increases public trust in police by assuring the public that investigations have been done fairly, thoroughly, and objectively. This improved trust leads to greater public cooperation with law enforcement, and in turn, improves public safety.

Ensures Greater Accountability

One of the primary goals of civilian oversight is to advance fair and professional law enforcement that is responsive to community needs. This is accomplished, in large part, by promoting constitutional policing. Oversight focuses on assessing officer and departmental compliance with local policies as well as state and federal law, and institutionalizing and preserving important reforms. It also aids in evaluating the integrity and effectiveness of internal police accountability systems.



Helps Manage Risk

Civilian oversight is critical to managing a municipality's exposure to risk from lawsuits claiming unlawful actions by individual officers or departmental failures to supervise or train officers. Oversight accomplishes this by ensuring that individual officers who engage in misconduct are effectively investigated and disciplined; by evaluating and proposing improvements to police management and supervision and training; and by reporting publicly on a department's progress in implementing such improvements.



How Can Civilian Oversight of Law Enforcement Help You?



Increases Confidence in Police

Civilian oversight works to increase public trust and confidence in the police. By conducting independent reviews and audits of police policies and practices, and by ensuring that investigations of police misconduct or uses of force are handled fairly and objectively, oversight helps a community to trust that issues are resolved in a way that maximizes the public interest. This trust translates to higher confidence in a police force, and greater cooperation in a department's efforts to prevent and solve crimes.



Builds Bridges

Effective policing must be responsive to community standards, values, and needs. Civilian oversight builds bridges between communities and the police forces that serve them by: communicating and cooperating with community and civic leaders before and after major incidents; by assuring the public that investigations of police misconduct have been completed fairly, thoroughly, and objectively; and by conducting independent investigations and reviews to ensure constitutional policing practices. Civilian oversight further acts as a bridge by conveying the concerns and needs of the community to the police, and reporting to the community how the police are performing, which allows the public to trust the police department and its officers and to view them as honest, reliable, and trustworthy. Civilian oversight practitioners are generally not currently-serving police officers, but trained and educated lawyers, investigators, researchers, analysts, and volunteers in your community.

EXPECTATIONS OF OVERSIGHT

What can you reasonably expect from an oversight agency?

- Familiarity with police practices, investigations, and criminal law/criminal procedure
- Impartial and objective
- Willingness to meet and communicate with police organization and staff
- Compliance with confidentiality laws and evidentiary standards
- Willingness to consider all sides of a situation and ability to re-evaluate if additional/contrary information/evidence received
 - Ideally, compliance with NACOLE's Code of Ethics (see later slides)
 - Personal Integrity; Independent and Thorough Oversight; Transparency and Confidentiality; Respectful and Unbiased Treatment; Outreach and Relationships with Stakeholders; Agency Self-examination and Commitment to Policy Review; Professional Excellence; Primary Obligation to the Community



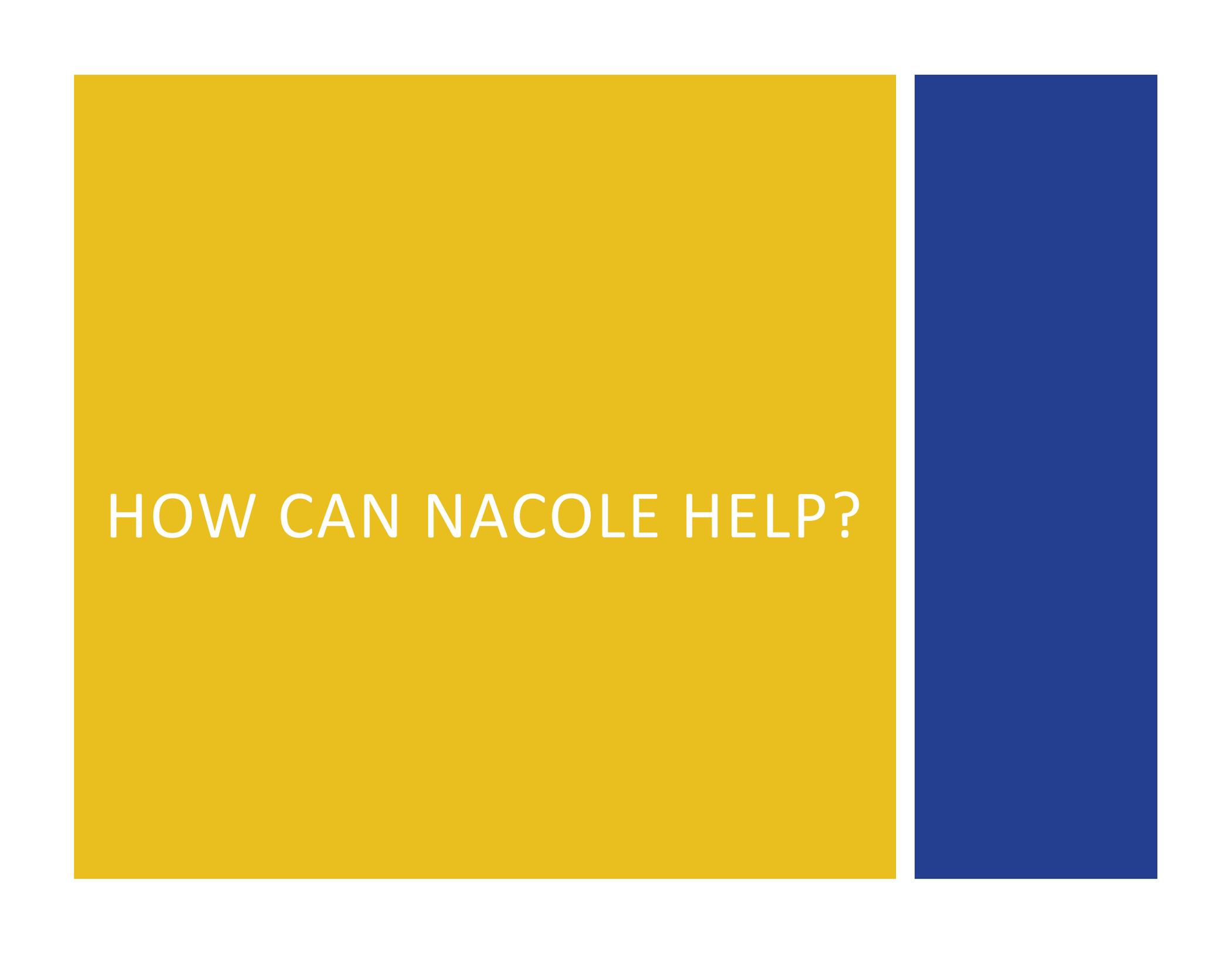
NATIONAL ASSOCIATION FOR
CIVILIAN OVERSIGHT
OF LAW ENFORCEMENT

NACOLE

- Mission Statement: To enhance fair and professional law enforcement that is responsive to community needs
- To carry out its mission, NACOLE:
 - Organizes training conferences and seminars
 - Provides technical assistance and support
 - Encourages networking, communication, and information sharing
 - Publishes a regular newsletter
 - Offers professional credential for oversight practitioners
 - Maintains a national information and resource clearinghouse
 - Sponsors a listserv for news about policing and police oversight

NACOLE

- NACOLE is a not-for-profit 501(c)(3) association of law enforcement oversight agencies and practitioners that works to enhance accountability and transparency in policing and build community trust through civilian oversight
- Membership is composed of oversight practitioners, law enforcement, elected officials, journalists, academics, students, community members, and others



HOW CAN NACOLE HELP?

A community wants civilian oversight of law enforcement

- When there is a community calling for civilian oversight, NACOLE can:
 - Answer questions about oversight
 - Provide advice on different models and functions
 - Review proposals
 - Suggest ways to maximize the effectiveness of a model chosen by a community
 - Provide technical assistance
 - Suggest “best practices”

A community needs guidance on a particular issue related to policing

- NACOLE can provide issue expertise:
 - Investigative standards
 - Review of uses of force
 - Discriminatory policing
 - Treatment of the mentally ill and other marginalized groups (e.g., homeless, LGBTQ, disabled)
 - Technology (e.g., on-body cameras, ECWs)
 - Police training
 - Management and supervision practices
 - Data collection and data analysis

NACOLE CODE OF ETHICS

NACOLE'S 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 to 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.

NACOLE'S CODE OF ETHICS

- 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 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.”

NACOLE'S CODE OF ETHICS

- 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 the following protected classes: age, ethnicity, culture, race, disability, gender, religion, sexual orientation, socioeconomic status or political beliefs.”

NACOLE'S CODE OF ETHICS

- Outreach and Relationships with Stakeholders – “Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialog 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.”

NACOLE'S CODE OF ETHICS

- 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.”

CONTACTING NACOLE

CONTACT US



NACOLE

P.O. Box 87227

Tucson, Arizona 85754

p: (317) 721-8133

w: www.nacole.org

e: info@nacole.org

CONTACT US

Christian J. Klossner

Office of Police Complaints

1400 I St. NW, Suite 700

Washington, DC 20005

p: (202) 727-7158

e: christian.klossner@dc.gov

