



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Agenda

### Citizens Police Advisory Committee

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Tuesday, November 3, 2020

5:30 PM

Hagler Mason Conference Room, 2nd Floor

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#### CALL TO ORDER

#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### PRAYER

#### APPROVAL OF MINUTES

1. [20-00715](#) Minutes for Meeting Oct. 20, 2020

Attachments: [Meeting Minutes Oct. 20, 2020](#)

#### OPEN FORUM

#### PRESENTATION ITEMS

4. [20-00525](#) Magee Field presentation by Anthony Caldwell.

Attachments: [Community Trust](#)

#### DISCUSSION ITEMS

2. [20-00671](#) Florida Police Chiefs Association Report

Attachments: [Florida Police Chiefs Association](#)  
[Florida Police Chiefs Association Proposes Reforms for Use of Force - Orlando](#)

3. [20-00720](#) CPAC Effectiveness

Attachments: [Civilian Oversight of the Police in Major Cities](#)

#### ADJOURNMENT

*The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1629 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.*



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 20-00715

Citizens Police Advisory Committee

11/3/2020

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### **SUBJECT:**

Minutes for Meeting Oct. 20, 2020



# City of Pensacola

## Citizens Police Advisory Committee

### Meeting Minutes

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Tuesday, October 20, 2020

5:30 PM

Hagler Mason Conference Room, 2nd Floor

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#### Call To Order

#### Roll Call

**Present** 11 - Scott Remington, Kyle Kopytchak, Joseph L. Marshall, Jonathan Green, Autumn Blackledge, Charles Bare, Drew Buchanan, Haley Morrisette, Kendra Carr-Pineda, Kyle Cole, and Lara McKnight

**Absent** 1 - Vin Durant

#### Pledge of Allegiance

#### Prayer

#### Approval of Minutes

A motion was made by Kopytchak, seconded by Remington, that this be Approved. The motion carried by the following vote:

**Yes:** 9 - Remington, Kopytchak, Marshall, Green, Blackledge, Morrisette, Carr-Pineda, Cole, and McKnight

**No:** 1 - Bare

**Absent:** 2 - Durant, and Buchanan

1. [20-00668](#) Meeting Minutes Oct. 6, 2020

**Indexes:**

**Attachments:** [Meeting Minutes Oct. 6, 2020](#)

#### Open Forum

There were not any members of the public that wished to speak during open forum.

#### Presentation

Requests were made for cost estimates from MRT/TIPS.

5. [20-00525](#) Presentation by Lakeview Center representatives: Carolyn Shearman, Director of Emergency Services; David Josephs, Director of Inpatient Services; and Shawn Salamida, President of Behavioral Health Services

Indexes:

Attachments: [MRT Presentation](#)

## Discussion Items

2. [20-00527](#) Recommendations to build community trust with the Pensacola Police Department

3. [20-00672](#) Kansas City Police Preventive Patrol Study  
Decriminalization of Marijuana Guideline

Indexes:

Attachments: [Kansas City Police Preventive Patrol Study](#)

[Decriminalization of Marijuana Guideline](#)

4. [20-00671](#) Florida Police Chiefs Association Report

Indexes:

Attachments: [Florida Police Chiefs Association](#)

[Florida Police Chiefs Association Proposes Reforms for Use of Force](#)  
[- Orlando Sentinel](#)

**20-00712** Recommendation: City Council and Mayor enact an ordinance making marijuana punishable by a fine for up to 20 grams.

**A motion was made by Green, seconded by Cole, that this Legislative Action Item be Approved. The motion carried by the following vote:**

**Yes:** 7 - Remington, Marshall, Green, Buchanan, Morrisette, Carr-Pineda, and Cole

**No:** 4 - Kopytchak, Blackledge, Bare, and McKnight

**Absent:** 1 - Durant

**20-00713** Two meetings in November.&nbsp;  

**A motion was made by Marshall that this Legislative Action Item be Approved. The motion carried by the following vote:**

**Yes:** 11 - Remington, Kopytchak, Marshall, Green, Blackledge, Bare, Buchanan, Morrisette, Carr-Pineda, Cole, and McKnight

**Absent:** 1 - Durant

**20-00714** Two meetings in December.

**A motion was made by Marshall that this Legislative Action Item be Approved. The motion carried by the following vote:**

**Yes:** 7 - Remington, Kopytchak, Buchanan, Morrisette, Carr-Pineda, Cole, and McKnight

**No:** 4 - Marshall, Green, Blackledge, and Bare

**Absent:** 1 - Durant

## **Adjournment**

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# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 20-00525

Citizens Police Advisory Committee

11/3/2020

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**SUBJECT:**

Magee Field presentation by Anthony Caldwell.

# Building Community Trust:

Promoting relations between the Pensacola Police Department (PPD)  
and East Pensacola Student Athlete Program (EPSAP).

Presentation by Kyle Kopytchak & Anthony Caldwell  
Citizens Police Advisory Committee | November 3, 2020

City of Pensacola  
Citizens Police  
Advisory Committee

Recommendation:

(from September 1, 2020)

To build community trust with  
the Pensacola Police  
Department.

Scope:

Promoting relations between the  
Pensacola Police Department  
(PPD) and East Pensacola  
Student Athlete Program  
(EPSAP).

**A.S. Magee Field**

Magee Field is named in honor of Dr. A.S. Magee, a local physician who owned a pharmacy at Alcaniz and LaRua Streets. His residence was at the southwest corner of Blount Street and 8<sup>th</sup> Avenue. A letter to the editor of the *Colored Citizen* in 1914 tells that Dr. Magee performed surgery to remove a fibroid tumor and appendix on November 5, 1914. African American doctors were not allowed to practice in hospitals during the early Jim Crow years. Dr. Magee had no place to perform any major operation except in a residential dwelling. Magee performed the surgery with the help of African American doctors Dr. M.C. Beverette, Dr. A.A. Dixon and Dr. H.G. Williams. Mrs. Callis Mills and Mrs. Katie Mayes served as the assisting nurses. The patient was so pleased with the successful surgery that she was prompted to write a letter to the editor of the local newspaper praising Dr. Magee.

Dr. A. S. Magee Field Sports Complex is the Home of the East Pensacola Student Athlete Program & The East Pensacola Rattlers



East Pensacola Student Athlete Program is a year-round development function that promotes football (flag & tackle), baseball, basketball, cheerleading, academics and prevention.



All youth participants are held to a standard with parental support.  
All board members and adult mentors are volunteers.



EPSAP mentors approx. 250 youths  
from ages 6 to 15-years-old.



Rattlers Play In Northwest Florida Youth Sports Alliance (Brent, Perdido, Bellview, Pace, Gulf Breeze, Milton, Navarre, Wedgewood, Cantonment, Ensley, SYSA, NEP, Boys And Girls Club, And Salvation Army)



All activities are funded through registration and fundraising. Equipment, uniforms, banquets, league fees and insurance are funded by car washes, can shakes, doughnut sales, sponsorships and donations



When you notice helmets don't match, funding is an issue. Dignity matters.





East Pensacola Student Athlete Program classroom. With a capacity of 6 to 8 students the bleachers are then utilized



Locker room facilities – Unisex – Notice the dryer

Up and Coming Prevention  
Juvenile Delinquency, Dependency, School Dropout,  
Teenage Pregnancy, Drug Prevention



Promoting relations  
between the  
Pensacola Police  
Department and  
East Pensacola  
Student Athlete  
Program



# Recommendations for Pensacola Police participation



## *East Pensacola Student Athlete Program, Inc (EPSAP)*

2400 Dr. Martin Luther King Drive  
Pensacola, FL 32503  
Office: 850-595-1238  
Epsap@yahoo.com

List of ways Pensacola Police Department can participate in the community for positive, non-law enforcement interactions with officers at Magee Field.

1. Conduct monthly presentations on law related education topics such as, crime, violence prevention, dangers of social media, anti-gang education, safety, and alcohol and drug prevention.
2. Volunteer at concessions while in uniform or police wear to promote positive community interaction with kids.
3. Volunteer for Chains gang on Saturdays (Officer in police wear)
4. Participant in Homecoming events and activities. Officers can volunteer to work booths, instructing kids how to play games or even play touch/flag football with kids.
5. Have female officer(s) conduct presentations with cheerleaders and cover topics such as, sexual harassment, teen pregnancy, and theft.

### *Officers*

*Henry McAnway*  
*President*

*John Albritton*  
*Vice President*

*Clarence Stokly*  
*Treasurer*

*Deborah Forbes*  
*Secretary*

*Anthony Caldwell*  
*Athletic Director*

# Let's play ball, TOGETHER!



Pensacola Businesses: Donate; advertise with your banner; help us with uniforms, computers, classroom chairs & tables. We want to grow to give back.



KIS / NIKE –  
KEEP IT  
SIMPLE

& JUST DO IT!

- CPAC Recommendation regarding Building Community Trust with PPD:

Motion – Pensacola Police Department to engage East Pensacola Student Athlete Program, Inc.; agree on law enforcement interactions & coordinate scheduled events inherent to EPSAP's recommendation on slide 11.

- Additional CPAC Recommendations as a body:
  - Participate
  - Assist in marketing donations
  - Assist in mechanization of business donation process – Covered
  - Assist in the creation of banners - Covered



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 20-00671

Citizens Police Advisory Committee

11/3/2020

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### **FOR DISCUSSION**

**TO:** Citizens Police Advisory Committee Members

**FROM:** Drew Buchanan

**DATE:** 10/20/2020

**SUBJECT:**

Florida Police Chiefs Association Report

**BACKGROUND:**

Text

**STAFF CONTACT:**

Lawrence Powell, Neighborhoods Administrator



# FLORIDA POLICE CHIEFS ASSOCIATION

## Subcommittee on Accountability and Societal Change

September 3, 2020  
Report and Recommendations:  
Use of Force Policy and Related Issues

Submitted by: J. David Marsey, on behalf of Chair Chief Anthony Holloway, St. Petersburg Police Department, and the Subcommittee

Approved by the Florida Police Chiefs Association (FPCA) Board of Directors on September 3, 2020.

## **I. Executive Summary**

The Subcommittee on Accountability and Societal Change (“Subcommittee”) was created to study the intersection between law enforcement and the community to determine how the Florida Police Chiefs Association’s members can better serve its customers – the community. The Subcommittee is comprised of law enforcement executives, members of the community and subject matter experts. The team has worked collaboratively and has accomplished a lot during its short tenure, but there is more to be accomplished.

The Subcommittee recognized the importance of sending a prompt and substantive message, and therefore, has elected to prepare this Report to make its recommendations regarding the development and revision of use of force and other policies and to endorse guiding principles that Florida’s law enforcement agencies should follow to increase accountability and to foster understanding and a working relationship with their community partners.

Nothing contained in this Report may set a state-wide standard nor can it form a basis to limit the otherwise lawful development of individual agency policies or the lawful use of otherwise lawful techniques. Nevertheless, the Subcommittee respectfully submits this Report and Recommendations regarding use of force policy and related issues to the FPCA Board of Directors. The Subcommittee further requests that the FPCA Board of Directors endorse its recommendations contained herein and to publish a public statement that will be distributed to all FPCA Members, encouraging the adoption of the aspirational goals set forth in this Report. Members of the Subcommittee continue to work diligently and anticipate providing additional reports.

## **II. Composition of the Subcommittee**

The Subcommittee was created by Immediate Past President Ken Albano, Temple Terrace Police Department, who memorialized the collective commitment of the Florida Police Chief’s Association to real, meaningful, lasting change. Through his leadership, and that of President Jeff Pearson, Satellite Beach Police Department and Executive Director Amy Mercer, designated members of the Association have entered into a partnership with prominent community members to explore ways to implement change. The Subcommittee is comprised of a diverse mixture of community members, law enforcement leaders and subject matter experts, and consists of:

- Chair: Chief Anthony Holloway – St. Petersburg Police Department

### **Community Leaders:**

- T. Willard Fair, President and CEO, Urban League of Greater Miami
- Rev. Watson L. Haynes, II, President & CEO, Urban League of Pinellas County
- Paula Hoisington, Chairwoman, Central Florida Urban League
- Rev. Arthur Jackson, III, Senior Pastor, Antioch Missionary Baptist Church, Miami Gardens
- Dr. Randy Nelson, Program Director, Bethune-Cookman University Center for Law and Social Justice
- Dr. Shirley Plantin, Executive Director, Miami-Dade County Community Relations Board
- Kareem J. Spratling, Shareholder, Bryant Miller Olive P.A.
- Sabrita Thurman-Newby, Co-Chair, The Neighborhood First Initiative, Tallahassee
- Marilyn Turman, SPC Corporate Trainer, Event Coordinator, Community Activist
- Kerry Wiggins, Educator and Coach, City Commissioner, Sanford
- Pastor Rodney Wilkinson, Lead Pastor, Gospel Fellowship, Boynton Beach

### **Law Enforcement Members and Subject Matter Experts:**

- Chief Charles Broadway, Clermont Police Department
- Chief Terri Brown, Florida State University Police Department
- Major David De La Espriella, Miami Beach Police Department and president, Miami-Dade County Association of Chiefs of Police
- Chief Brian Dugan, Tampa Police Department
- Dr. Lori Fridell, Professor, and subject matter expert on use of force, Department of Criminology, University of South Florida
- Chief Michael Gregory, Boynton Beach Police Department
- J. David Marsey, General Counsel, and subject matter expert on use of force and policy development, Florida Police Chiefs Association
- Assistant Commissioner Jennifer Pritt, Florida Department of Law Enforcement

- Chief Orlando Rolón, Orlando Police Department
- Chief Daniel Slaughter, Clearwater Police Department
- Chief Cecil Smith, Sanford Police Department
- Chief Dexter Williams, Miramar Police department and president, Broward County Association of Chiefs of Police

### **III. Tasking**

The Subcommittee was provided wide latitude to determine its own course and scope through the cooperative engagement of its members. During this collaborative process, and in recognition of the unanimous desire to make a prompt and meaningful statement, the Subcommittee decided to adopt a multi-phase process. First, the Subcommittee determined its mission statement and goals. Second, it identified recommendations regarding use of force policies and related issues to present to the FPCA Board for adoption and dissemination. Third, it determined a broader discussion on societal issues impacting law enforcement officers, agencies and their communities warranted a more detailed and comprehensive dialog, which remains ongoing.

This Report is intended to convey the Subcommittee’s recommendations regarding the adoption, in part, of the 2020 National Consensus Policy and Discussion Paper on Use of Force (“Consensus Policy”). Because a consensus could not be reached on the adoption of the Consensus Policy as a whole, this report serves to more fully identify the additional recommendations of the members that may not be fully discussed in the Consensus Policy.

### **IV. Methodology**

At the outset, the Subcommittee prepared its mission statement:

The Florida Police Chiefs Association’s Subcommittee on Accountability and Societal Change, as composed of law enforcement and community leaders, will review reform recommendations and develop a series of proposals that could be implemented at the local and state level to enhance trust, ensure transparency and accountability, and strengthen relationships between the police and the communities they serve

Once its mission was identified, the Subcommittee had its first meeting with its law enforcement members and subject matter experts on June 15, 2020 to prepare

a preliminary plan and timeline. Of the utmost importance was the identification of community members to aid the Subcommittee on its Mission. In furtherance of that goal, members identified and submitted the names of community members to serve side-by-side with them. Particular emphasis was placed on the “8 Can’t Wait” and other nationally recognized talking points as the foundation of discussion. Members recognized that many of those factors were already incorporated into law enforcement best practices generally and the policies of the law enforcement Subcommittee members specifically. During subsequent discussions with the full Subcommittee, the subject matter experts incorporated these factors in their numerous presentations and moderated discussions.

The Subcommittee met approximately once per week and the majority of these meetings included our community partners. Subject matter experts Dr. Lorie Fridell and General Counsel David Marsey made numerous presentations on use of force, policy and related issues that served as the springboard for productive engagement and discussion. There were several occasions where FPCA staff conducted surveys of FPCA members, including the areas of force models and guiding principles, the results of which were used to supplement Subcommittee discussions. While recognizing the FPCA’s inability to “require” change, Subcommittee members agreed to prepare this report to make recommendations about the adoption of use of force policies and other practices. The Subcommittee anticipates additional reports will be forthcoming as the Subcommittee continues its important work.

## **V. Recommendations**

Because the Subcommittee’s intent was to promptly address use of force policy and related issues, it utilized the existing National Consensus Policy and Discussion Paper on Use of Force as the starting point. The Consensus Policy was a result of a collaboration between a variety of national associations affiliated with or representing law enforcement, including Associations that represent persons of color. It “incorporates the most current information and contemporary professional judgment and is designed to provide a framework of critical issues and suggested practices from which agencies can develop their own use of force policies.” *See* Discussion Paper, §I(A). Although the Consensus Policy “is not intended to be a national standard by which all agencies are held accountable, and agencies are not required to institute” it, it reflects the best practices in the law enforcement community. *See* Discussion Paper §I(A). The Consensus Policy was created by several of the leading law enforcement leadership and labor organizations:

- Association of State Criminal Investigative Agencies
- The Commission on Accreditation for Law Enforcement Agencies, Inc.
- Fraternal Order of Police
- Federal Law Enforcement Officers Association
- International Association of Chiefs of Police
- Hispanic American Police Command Officers Association
- International Association of Directors of Law Enforcement
- National Association of Police Organizations
- National Association of Women Law Enforcement Executives
- National Organization of Black Law Enforcement Executives (NOBLE)
- National Tactical Officers Association

As more fully set forth below, the Subcommittee recommends the FPCA Board of Directors endorse the Consensus Policy in part, with several substantive exceptions.

*The Consensus Policy and Nationally Recognized Talking Points*

The Consensus Policy was determined to be a solid foundation for discussions because many of the current discussion factors circulating nationally were already addressed within its provisions. More specifically, the following factors were satisfactorily addressed by the Consensus Policy:

1. Banning Chokeholds – Chokeholds are prohibited unless the use of deadly force is authorized. *See* Consensus Policy, §IV(D)(3)(e).
2. Require De-Escalation – De-escalation techniques are required whenever possible and appropriate before resorting to force and to reduce the need for force. *See* Consensus Policy, §IV(B).
3. Require Warning Before Shooting – Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force. *See* Consensus Policy, §IV(D)(2).
4. Require a Duty to Intervene – An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and responsible to do so. *See* Consensus Policy, §IV(A)(4).

5. Require Comprehensive Reporting – All uses of force shall be documented and investigated pursuant to his agencies policies. *See* Consensus Policy, §IV(A)(5). The Subcommittee has additional recommendations beyond those included in the Consensus Policy, which are discussed more fully below.

Several other factors were substantially addressed in the Consensus Policy, but required some minor revision to ensure the safety of the officers and community:

6. Require the Exhaustion of All Alternatives Before Shooting – The requirement to exhaust all alternatives before shooting is impractical and could result in unnecessary risk to officers and citizens. The Subcommittee recognized that in some circumstances, the only reasonable response would be the immediate use of deadly force, *i.e.* an officer being shot at or otherwise being under the imminent threat of death or great bodily harm. Accordingly, the Subcommittee recognizes and recommends the endorsement of the Consensus Policy that requires “Officers shall use force only when no reasonably effective alternative appears to exist and shall only use the level of force which a reasonably prudent officer would use under the same or similar circumstances.” *See* Consensus Policy, §III, Definitions; §IV(B)(1).
7. Ban Shooting at Vehicles – The complete ban on shooting at vehicles is impractical and could result in unnecessary risk to officers and citizens. The Subcommittee recognized that in some narrow circumstances, that shooting at a moving vehicle may be required for the preservation of human life and to protect against the imminent threat of death or great bodily harm. Accordingly, the Subcommittee recognizes and recommends the endorsement of the Consensus Policy that prohibits the shooting at moving vehicles, unless: (1) a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle, or (2) the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all or the reasonable means of defense have been exhausted, are not present, or are impractical, which includes moving out of the path of the vehicle. *See* Consensus Policy, §IV(D)(3)(C).
8. Requiring a Use of Force Continuum – Agency use of force policies are generally categorized as a force continuum, sometimes referred to as a linear force matrix, and objective reasonableness models. Although bare

minimum constitutional standards require an officer to consider the totality of circumstances before using any force, generally, a force continuum identifies specific areas of resistance and the appropriate officer response, with the anchor factor being the subject's conduct. An objective reasonableness policy includes subject factors as one of the many variables that an officer takes into account when determining the appropriate level of force to use but does not incorporate a matrix. Several objective reasonableness policies include descriptors of suspect conduct typically included in the force continuum, therefore, the lines between the models are frequently obscured.

Significant discussion was held regarding the adoption of a force continuum or an objective reasonableness model. Assuming the bare threshold constitutional requirement that officers must consider the totality of circumstances, both models are permissible. While the movement by law enforcement agencies is towards the objective reasonableness policy each model has its own proponents and opponents. A survey of a representative sample of FPCA members revealed an approximately 50/50 split of members who have a linear continuum policy and those who have an objective reasonableness policy. While the Consensus Policy endorses an objective reasonableness policy, *see* Discussion Paper, §III(C), the Subcommittee does not endorse or reject the force continuum model, but instead, recognizes that both models may be legally sufficient if properly drafted. Instead of adopting one force model over another, the Subcommittee offers guiding principles it believes should be considered in the development of agency use of force policies, as more fully set forth below.

### *Exceptions to the Consensus Policy*

Although the Consensus Policy provides a foundation for some of the changes discussed by the Subcommittee, there were two noteworthy exceptions to the Policy the Subcommittee expressly seeks to reject, and in the place of, to make the following recommendations.

1. Warning Shots – A warning shot is defined as the “[d]ischarge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.” *See* Consensus Policy §III (Definitions). The Consensus Policy permits the firing of warning shots under certain limited conditions. *See* Consensus Policy §IV(D)(3)(b).

However, in recognition of the serious danger of discharging a firearm for warning purposes and the potential to inflame already tense and dangerous situations, the Subcommittee specifically rejects this section of the Consensus Policy and recommends that the Association endorse a prohibition on warning shots.

2. Vascular Neck Restraint – A vascular neck restraint is “a technique that can be used to incapacitate individuals by restricting the blood flow to their brain” which results in temporary unconsciousness. *See* Consensus Policy, §III(Definitions). Although the Consensus Policy defines, but does not address, the use of the vascular neck restraint, the Discussion Paper recommends that these techniques be permitted only when deadly force is authorized. The Subcommittee endorses the Discussion Paper’s recommendation, and in the absence of a specific provision of the Consensus Policy, recommends that the Association endorse the prohibition on the use of the vascular neck restraint unless deadly force is authorized.

*Guiding Principles that Should be Considered in the Drafting of  
Agency Use of Force Policies*

Although the Consensus Policy, as modified, addresses many of the concerns identified by the widely disseminated talking points and the members of the Subcommittee, it failed to satisfactorily cover the breadth and scope of the Subcommittee’s recommendations. Additionally, the Subcommittee’s inability to endorse a specific force model requires further supplementation to the terms of the Consensus Policy. The Subcommittee recommends and endorses the following guiding principles govern the development of agency use of force and other policies:

1. Preservation of Life – The preservation of life should guide all law enforcement actions. Where necessary to use force against a member of the community, the force should be objectively reasonable, proportional, and necessary in defense of an officer, another, or in pursuit of a lawful objective.
2. Communication by Officers – Many incidents involving the use of force may be eliminated or mitigated by thoughtful, clear, continuous, and calm communications when possible. In every encounter with the community, officers should strive to thoughtfully communicate as a reasonably prudent officer would and to use force only when all

reasonable efforts to communicate without the use of force are unsuccessful or impracticable.

3. Communication by Administrators – Many misperceptions, misconceptions, rumors, and innuendo may be eliminated or mitigated by a law enforcement administration's prompt, clear, and continuous communication with the community. This communication should occur as a matter of course and in the absence of any pressing critical incident. Only through comprehensive and continuous communication can the community and law enforcement administrators develop a relationship to more fully understand and appreciate the other's perspective. In the case of a critical incident, law enforcement administrators should release as much information as appropriate under the law as quickly as possible. This will serve the two-fold purpose of educating the community and reducing the dissemination of incorrect or false rumors.
4. Training – Regardless of which force model adopted by an agency, law enforcement officers should receive sufficient training to provide them the tools to interpret policy and to engage with the community in a meaningful manner. Agencies should not simply rely on police academy training or the use of field training programs. Instead, training should be ongoing and continuous to include the use of scenarios that require officers to apply the legal and policy fundamentals to a variety of factual circumstances they may find in the community.
5. Aggressive Investigation, Tracking and Reporting of Use of Force Data – Law enforcement agencies should develop policies, customs and practices that require officers to report when force is used, including the pointing of a firearm at someone even if it is not discharged. These use of force incidents should be reviewed by multiple levels of supervision, investigated where appropriate, and prompt remedial action taken if the force is in violation of law or policy. The collection of data should include a mechanism by which an officer's history of using force may be reviewed to promptly identify overly aggressive officers or those in need of remedial or additional training. The reporting of force incidents will more fully inform the community of the nature, type, and extent an agency utilizes force against citizens. Statistically, the number of encounters that involve the use of force is very small and the promulgation of such information at the local level may educate the community, foster trust and prompt additional communications between the agency and the community.

6. Accountability – Hand in hand with the investigation, tracking and reporting of force applications is the principle that all officers should be held accountable should they use excessive force or otherwise violate policy. Accountability may include termination or lesser discipline, retraining, or referral to outside agencies for criminal prosecution if warranted. Accountability also includes communicating with the community about investigative outcomes as allowed by the Officer’s Bill of Rights, Florida public records law and other legal requirements.
7. Local Reform – Agencies should identify and advocate for reform at the local level. Although state and national reform may also be necessary, the unique local environments and relationships demand prompt, comprehensive and continuous efforts to engage with the community to achieve mutual goals. Local reform particularly is about how the local agency “can do better,” while remaining mindful of the need for officers to protect themselves, members of the community and the integrity of internal or criminal investigations.
8. Recruitment – Applications to serve as a law enforcement are at historically low levels, especially amongst people of color. Agencies should actively recruit police officers who reflect the demographics of the community. The use of community outreach and increased communications with the community may result in attracting police recruits with a desire to serve their community.

## **VI. Conclusion**

Although the Subcommittee has addressed many issues during its short tenure its work is just beginning. The information and ideas exchanged during Subcommittee meetings is indicative of the success that may be had at the local level if law enforcement administrators engage with their communities. After careful consideration and much discussion, the Subcommittee recommends the FPCA Board of Directors issue a statement adopting the National Consensus Policy, subject to the clarifications and modifications set forth above, as well as setting forth the guiding principles upon which its members should abide when developing and revising agency policies and procedures.

ADVERTISEMENT

POLITICS

# Florida police chiefs association proposes reforms for use of force

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By JIM SAUNDERS  
NEWS SERVICE OF FLORIDA | SEP 04, 2020



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## TODAY'S TOP POLITICS VIDEOS

Up Next - Today's Top Politics Videos: Florida Vote



TALLAHASSEE — As protests and political battles rage across the country about police officers using force, the Florida Police Chiefs Association has issued a report calling for steps that include “preservation of life,” largely banning chokeholds and other neck-related restraints and stepping up recruitment of police officers who would better reflect communities.

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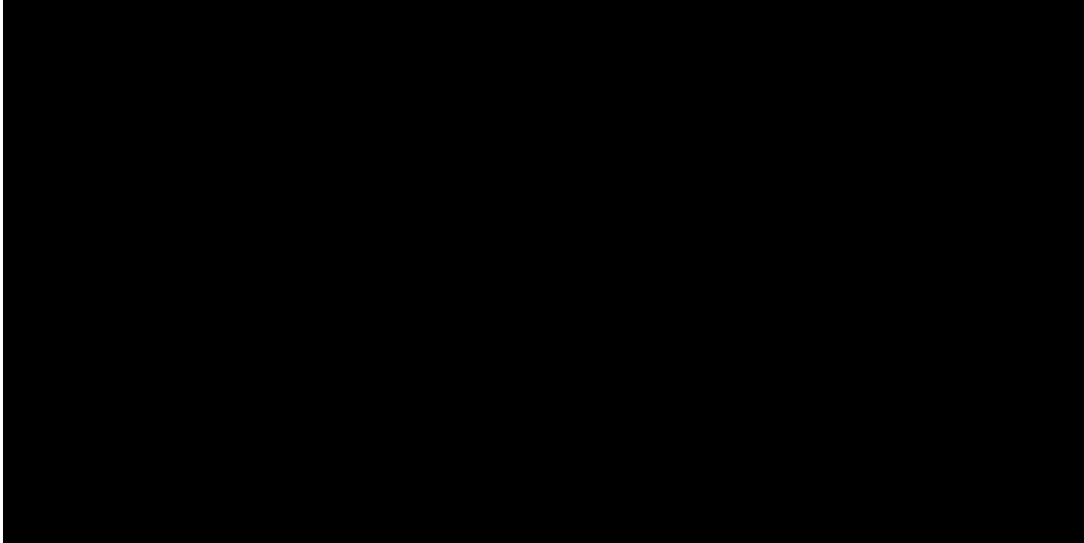
ORANGE COUNTY ELECTIONS OFFICE WEBSITE BECOMES UNAVAILABLE ON FIRST DAY OF EARLY VOTING

CENTRAL FLORIDA 2020 VOTERS GUIDE | EARLY VOTING STARTS MONDAY

counter-protests that surged after a May incident in which George Floyd, a Black man, died when a Minneapolis police officer knelt on his neck.

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The new report from the Florida association was put together by a subcommittee formed after Floyd's death and includes representatives of law enforcement and community and religious organizations. The recommendations are not binding on Florida police departments and are based, in part, on a national report about use of force.

"The Florida Police Chiefs Association promised to lead the way to strengthen trust and accountability between law enforcement and the communities they serve," association President Jeff Pearson, the police chief in Satellite Beach, said in a statement released with the **report**. "This report puts those promises into action."

Along with addressing a series of specific policy issues, the report also offered "guiding principles" for police agencies on the use of force, including a principle of "preservation of life."

"The preservation of life should guide all law enforcement actions," the report said. "Where necessary to use force against a member of the community, the force should be objectively reasonable, proportional, and necessary in defense of an officer, another, or in pursuit of a lawful objective."



Also, the guiding principles included better communication by police officers and administrators, improved training for officers and bolstering police-recruitment efforts.

#### LATEST POLITICS

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Orange County elections office website down on first day of early voting

16m

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Early voting: Here is when and where to do it in Central Florida

1h

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Orange County early voting locations open, 20 sites available

1h

“Applications to serve as a law enforcement officer are at historically low levels, especially amongst people of color,” the report said. “Agencies should actively recruit police officers who reflect the demographics of the community. The use of community outreach and increased communications with the community may result in attracting police recruits with a desire to serve their community.”

The recommendations followed the national report, known as the National Consensus Policy, in calling for a prohibition on the use of chokeholds “unless the use of deadly force is authorized.” The recommendations also called for such a

prohibition on “vascular neck restraint,” which includes techniques that can incapacitate people by restricting blood flow to their brains

Several recommendations in the association’s report dealt with police officers shooting weapons, including calling for officers when “feasible” to identify themselves and warn of intent to use deadly force before shooting. Also, the report recommended prohibitions on warning shots, which it said pose a danger and have “the potential to inflame already tense and dangerous situations.”

The report backed requiring police officers to intervene “to prevent or stop the use of excessive force by another officer when it is safe and responsible to do so.”

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# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 20-00720

Citizens Police Advisory Committee

11/3/2020

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### **FOR DISCUSSION**

**TO:** Citizens Police Advisory Committee Members

**FROM:** Joseph Marshall, Chair

**DATE:** 11/3/2020

**SUBJECT:**

CPAC Effectiveness

**BACKGROUND:**

Text

**STAFF CONTACT:**

Lawrence Powell, Neighborhoods Administrator

# Civilian Oversight of the Police in Major Cities

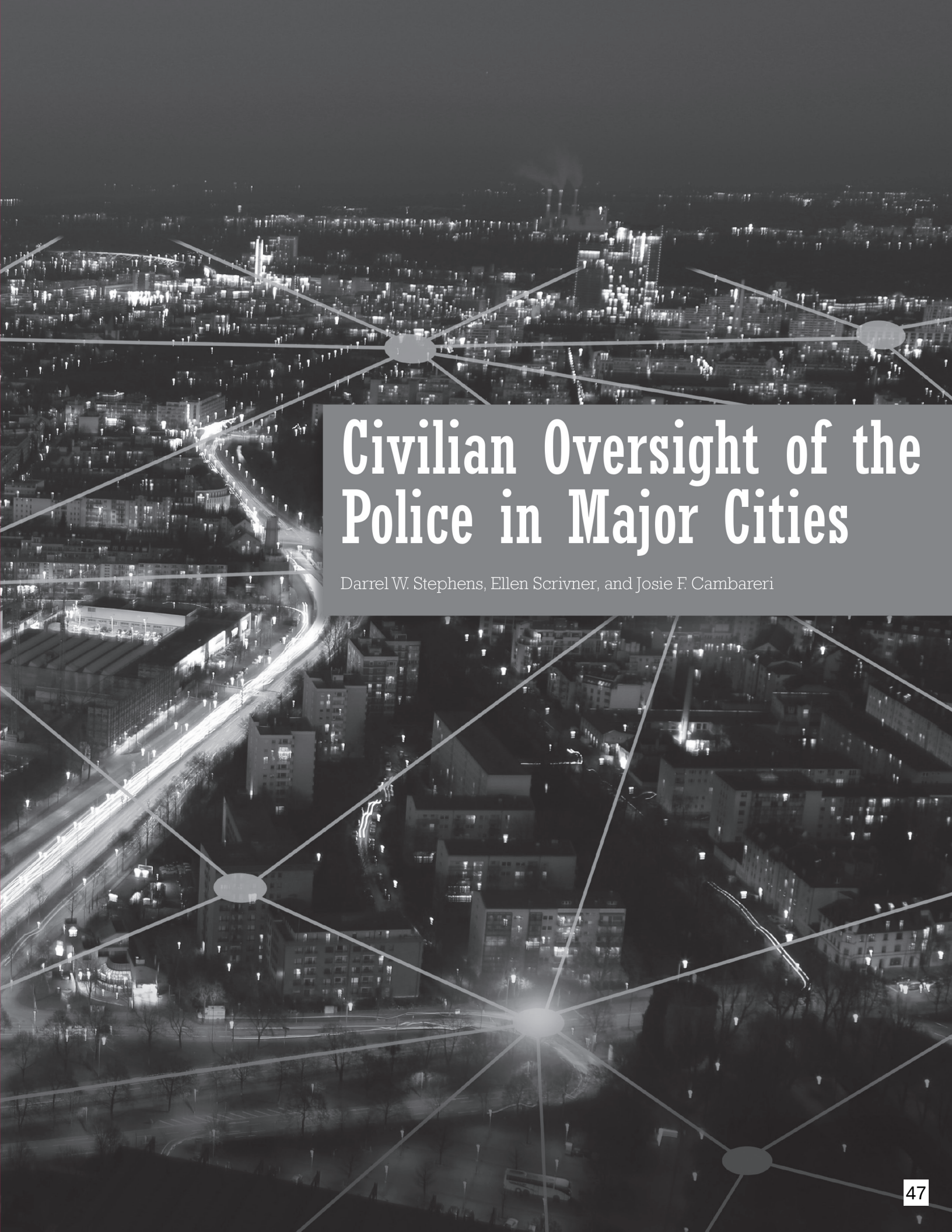
Darrel W. Stephens, Ellen Scrivner, and Josie F. Cambareri



**COPS**  
Community Oriented Policing Services  
U.S. Department of Justice





An aerial night photograph of a city, likely New York City, showing a dense urban landscape with numerous illuminated buildings and a prominent highway with light trails from traffic. Overlaid on the image is a network of white lines connecting several circular nodes, suggesting a global or interconnected theme.

# Civilian Oversight of the Police in Major Cities

Darrel W. Stephens, Ellen Scrivner, and Josie F. Cambareri



This project was supported, in whole or in part, by cooperative agreement number 2015-CKWX-0024 awarded by the Office of Community Oriented Policing Services, US Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the US Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the US Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the original date of this publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity.

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# Letter from the Director of the COPS Office

Colleagues:

As you know, civilian oversight of law enforcement agencies is nothing new. In fact, agencies have always been accountable to the communities they serve. Moreover, additional oversight boards have existed in various forms since the 1950s. While not present everywhere, according to Liana Perez, director of the National Association for Civilian Oversight of Law Enforcement, there are now more than 200 oversight boards across the nation.

However, like any local law enforcement initiative, civilian oversight takes different forms in different jurisdictions. Many agencies exploring options for their own communities often ask what others are doing to inform their own decision making. To assist those agencies who want to know how civilian oversight is working in communities across the nation, the COPS Office awarded funding to the Major Cities Chiefs Association (MCCA) to survey its members and hold a round table to discuss the results.

The round table participants, who represented 21 agencies in Canada as well as the United States, talked about how civilian oversight worked in their own communities. They described the objectives of their oversight programs and debated their advantages, challenges, and effectiveness, calling attention to issues they felt were especially important for their peers to know.

On behalf of the COPS Office, I thank the MCCA and its members who responded to the survey, as well as the 21 round table participants, all of whom generously gave of their time and forthrightly expressed their opinions. Our thanks also go out to the National Law Enforcement Memorial Fund, which hosted the meeting.

This report provides an overview of the existing landscape in local oversight. It is important to share this with the field as law enforcement agencies throughout the nation work to continue to build and maintain trust, ensure the quality of the services they deliver, and enhance their mechanisms for local accountability and control that are so important to effectively policing our nation's many and varied communities. The COPS Office is proud to be able to support local agencies in making informed decisions for their communities.

Sincerely,



Phil Keith  
Director  
Office of Community Oriented Policing Services



An aerial night view of a city, likely New York City, with a network of white lines overlaid on the image, suggesting a digital or interconnected theme. The city lights are visible, and the lines form a complex web across the top of the page.

## Acknowledgements

The authors would like to acknowledge the important contributions made to this project by members of the Major Cities Chiefs Association that responded to our membership survey on their civilian oversight models and for participating in the round table discussion. We are also grateful for the participation of President Brian Corr and Vice President Margo Frazier from the National Association of Civilian Oversight of Law Enforcement in the round table discussion. MCCA Associate Director Patricia Williams made an important contribution through handling the administrative and logistical aspects of the project.





# Introduction

Civilian oversight of the police has been a topic of discussion and debate since the 1960s. The debate generally surfaces in communities where there has been a high-profile incident in which a member of the community has been injured or killed during an encounter with the police. The shooting death of Michael Brown in Ferguson, Missouri, in August 2014 followed by other high-profile shootings and deaths pushed civilian oversight and police accountability into the national spotlight.

Although not generally acknowledged by the public, police agencies have always had civilian oversight through elected mayors, city councils, prosecutors' offices, court decisions, and state and federal legislation. Since the early 1960s, other forms of oversight have been developed in the hope of ensuring greater police accountability and community trust. In the earliest cases, a number of cities established civilian police commissions or boards (Los Angeles; Chicago; Kansas City, Missouri; and Detroit are examples) that played a role in the selection of the chief, policy development, and discipline. Since the late 1960s, other forms of civilian oversight have emerged.

A number of civilian oversight classification systems developed over the years because of the wide variation in approaches adopted by communities. The National Association of Civilian Oversight of Law Enforcement (NACOLE) adopted a system developed by Samuel Walker in 2001 with some modifications of their own.<sup>1</sup> NACOLE places civilian oversight bodies in one of three classifications:

1. The **investigation-focused model** involves routine, independent investigations of complaints against police officers, which may replace or duplicate police internal affairs processes, though non-police civilian investigators staff them.
2. The **review-focused model** concentrates on commenting on completed investigations after reviewing the quality of police internal affairs investigations. Recommendations may be made to police executives regarding findings, or there may be a request that further investigations be conducted. A review board composed of citizen volunteers commonly heads this model, and they may hold public meetings to collect community input and facilitate police-community communication.
3. The **auditor/monitor model** focuses on examining broad patterns in complaint investigations including patterns in the quality of investigations, findings, and discipline rendered. Further, in some cities that use this model, auditor/monitors may actively participate in or monitor open internal investigations. This model often seeks to promote broad organizational change by conducting systematic reviews of police policies, practices or training, and making recommendations for improvement.

---

1. De Angelis, Rosenthal, and Buchner, *Civilian Oversight*.



Civilian oversight programs vary significantly from one city to the next and even within the general categories described here, and in some communities there are aspects of all of the models. Many programs were established in response to concerns expressed in the community about police accountability. Many advocates believe the police can more effectively be held accountable by an agency outside the law enforcement organization. The exact number of oversight bodies in the United States is not known; NACOLE lists 125 jurisdictions that are part of their membership.<sup>2</sup> Forty-six of those jurisdictions are Major Cities Chiefs Association (MCCA) members.

One of the major challenges with oversight programs is the limited empirical evidence demonstrating their effectiveness. The three basic models described on page 1 have not been examined to determine whether they actually improve accountability or if community confidence is enhanced by their presence. In some cities where programs have been established, the MCCA has seen calls for changing the way they operate. In Chicago, for example, the mayor dismantled the Independent Police Review Authority and established a new Civilian Office of Police Accountability that began operations in September 2017.

The Office of Community Oriented Policing Services (COPS Office) collaborated with the MCCA to develop a better understanding of civilian oversight programs in MCCA agencies. Through the project, the MCCA sought to improve understanding of civilian oversight agencies and the implementation challenges. To that end, the MCCA surveyed its member agencies and a held round table discussion in Washington, D.C., on June 15, 2017.

This paper discusses the results of that survey and the outcome of the round table conversation and provides an overview of civilian oversight in major city police agencies. While the surveys and subsequent round table were informative, two findings became clear: (1) Because of significant variation of oversight from one jurisdiction to another, it is difficult to make broad generalities, and (2) there is a need for developing clear objectives, measurement, and empirical research to measure effectiveness of the specific models going forward.

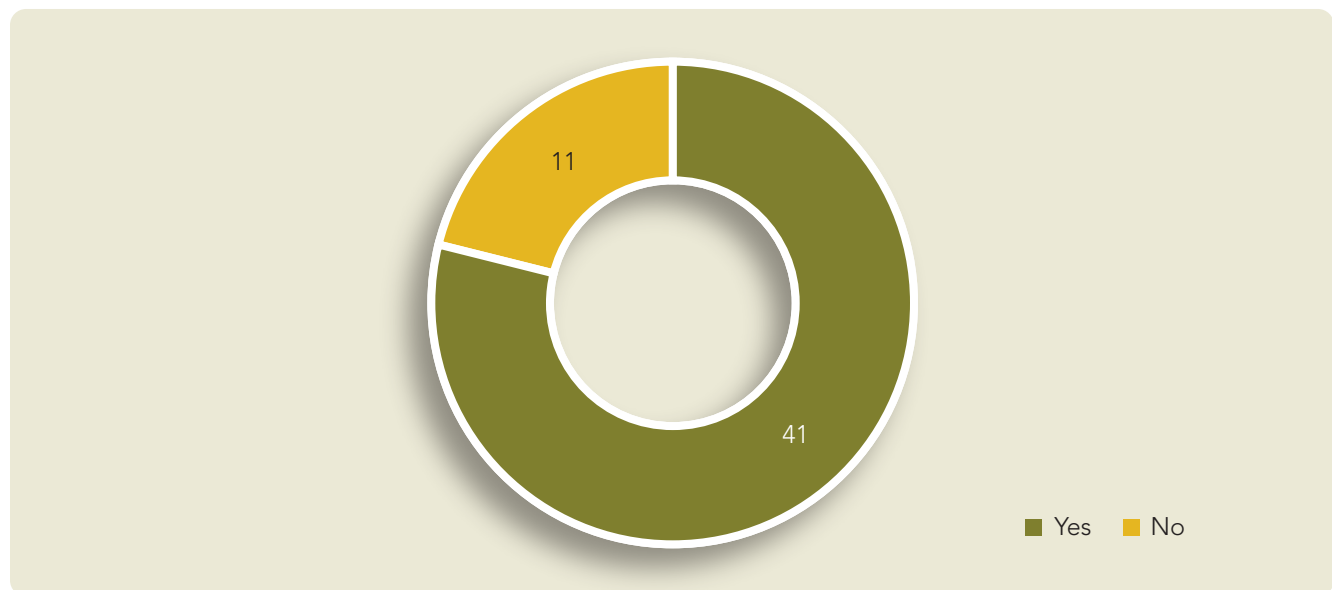
2. NACOLE, "Police Oversight by Jurisdiction (USA)."

# Civilian Oversight Survey

This section reports on the findings from the MCCA electronic survey of its 78 member agencies (68 in the United States and 10 in Canada). The survey collected information on the role and authority of civilian oversight bodies among MCCA member agencies (the survey can be found in appendix A beginning on page 31). Responses were collected between November and December of 2016. Fifty-two agencies participated in the survey, a response rate of about 67 percent. However, agencies that did not currently have a civilian oversight body were not expected to respond to the majority of survey questions. Therefore, the sample size in most of the analyses is approximately 41 member agencies.

## Prevalence of civilian oversight

Figure 1. Do you have some type of civilian oversight or review in your agency? (n = 52)

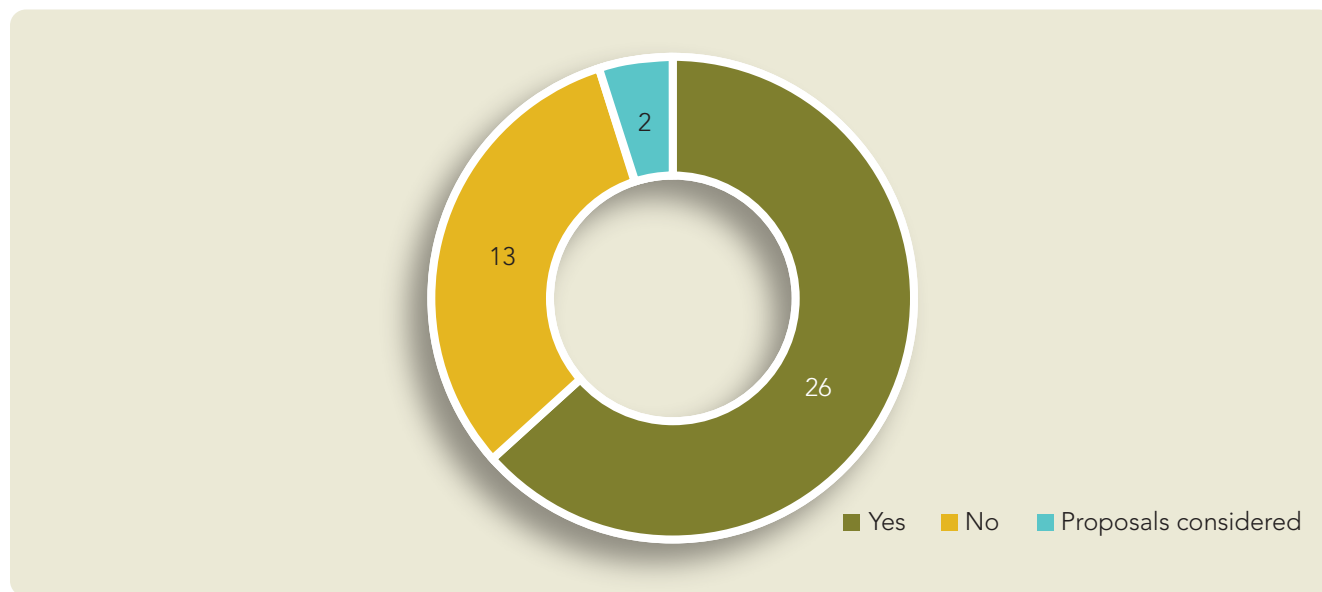


As shown in figure 1, among the 52 responding agencies, 41 departments (79 percent) reported having some kind of civilian oversight or review body, while 11 departments (21 percent) had no existing civilian oversight or review body.

The agencies with a civilian oversight body had established their boards as long ago as 1930 and as recently as 2016. Most (26 agencies) originally formed their oversight bodies between 1990 and 2010.

Figure 2 shows that approximately 63 percent of agencies (n = 26) reported making changes to their oversight system from 2013 to 2016, while about 32 percent (n = 13) reported no recent changes. At the time the survey was conducted, two agencies (Chicago Police Department and Service de Police Ville de Québec) reported that changes were being considered but had not yet been adopted. Chicago subsequently made significant changes, as noted on page 26.

Figure 2. Have there been changes to your model in the past three years? (n = 41)



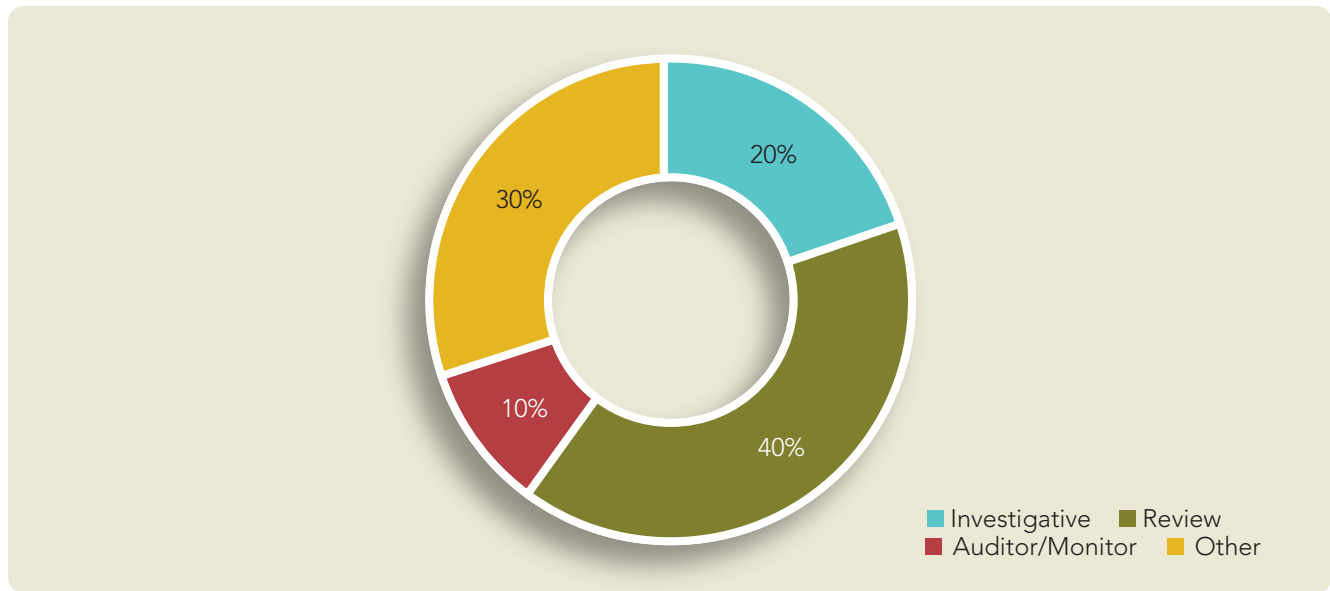
## Civilian oversight model types and board characteristics

### Model type

MCCA agencies were asked to report which NACOLE definition best fit their agency's model of civilian oversight. NACOLE is a professional association of both individuals and organizations dedicated to improving accountability and transparency through the implementation of civilian oversight bodies.<sup>3</sup>

3. NACOLE, "About Us."

Figure 3. What most closely fits your model of civilian oversight? —NACOLE model definitions (n = 40)



As shown in figure 3, 28 agencies (70 percent) reported one of the three NACOLE models: investigation-focused (independent investigations of misconduct allegations), review-focused (review the quality of completed internal affairs), or auditor/monitor-focused (inspector general, audit processes, review complaint investigations). Twelve agencies (30 percent) classified their oversight body as being either a combination of these models or another type of model completely.

- The most common type of civilian oversight boards were review-focused (n = 16).
- Auditor/monitor-focused boards were used least frequently (n = 4).
- Twelve MCCA agencies reported “other,” which usually meant they used some hybrid of these models or had two separate bodies with oversight authority.

### General authorities

MCCA agencies reported the authorities their agency’s model of civilian oversight possessed. While two agencies (Milwaukee, Wisconsin, and Honolulu, Hawaii) reported their board as having all the authorities listed, most agencies’ oversight bodies had varying levels of authority.

Figure 4. Does your civilian oversight body have the authority to . . . (n = 41)

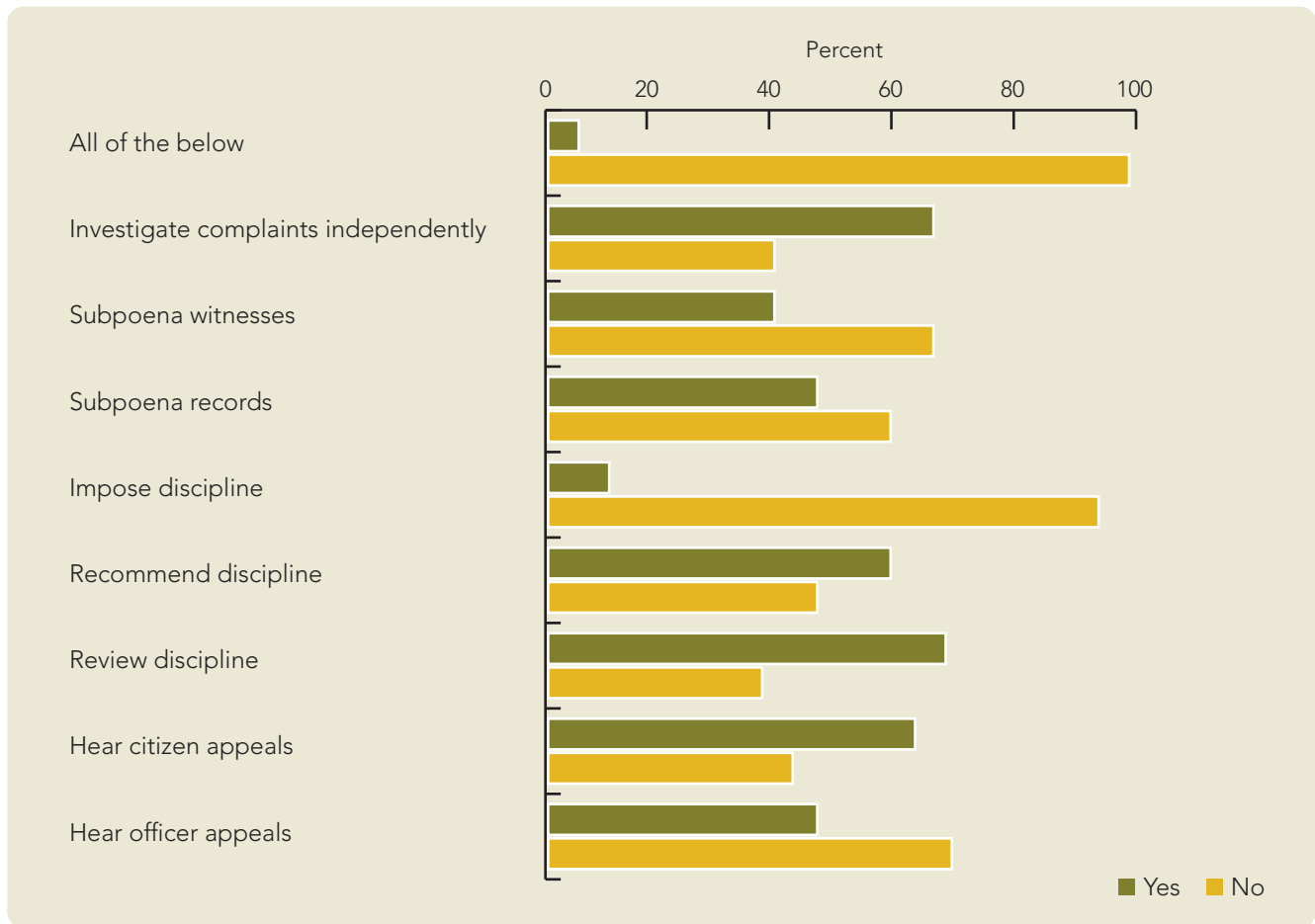


Figure 4 displays which authorities civilian oversight bodies are more or less likely to have among the responding MCCA agencies.

- Two agencies (5 percent) reported that their civilian oversight board had all authorities while 39 agencies (95 percent) reported their board as having limited authority.
- Reviewing discipline (26 agencies), independently investigating complaints (26 agencies), and hearing citizen appeals (25 agencies) were the types of authority most frequently held by civilian oversight bodies.
- Only 4 civilian oversight bodies (10 percent) had the authority to impose discipline.
- Among the 41 agencies responding to this question, civilian oversight bodies have an average of approximately four of these listed authorities.

## External complaint authorities

Respondents reported which external complaints (complaints from outside the department) their oversight body has authority to review. As expected, civilian oversight bodies have a greater role and authority in the review of external complaints than they do in the review of internal complaints (complaints from inside the department such as from supervisors or other officers). None of the 41 agencies reported that their civilian oversight board had none of the external authorities listed. Only eight (20 percent) of the civilian oversight boards had limited powers regarding external complaints. Approximately 80 percent of oversight boards (33 agencies) had the authority to hear and review all external complaints.

Figure 5. What type of external complaints does your oversight body have the authority to review? (n = 41)

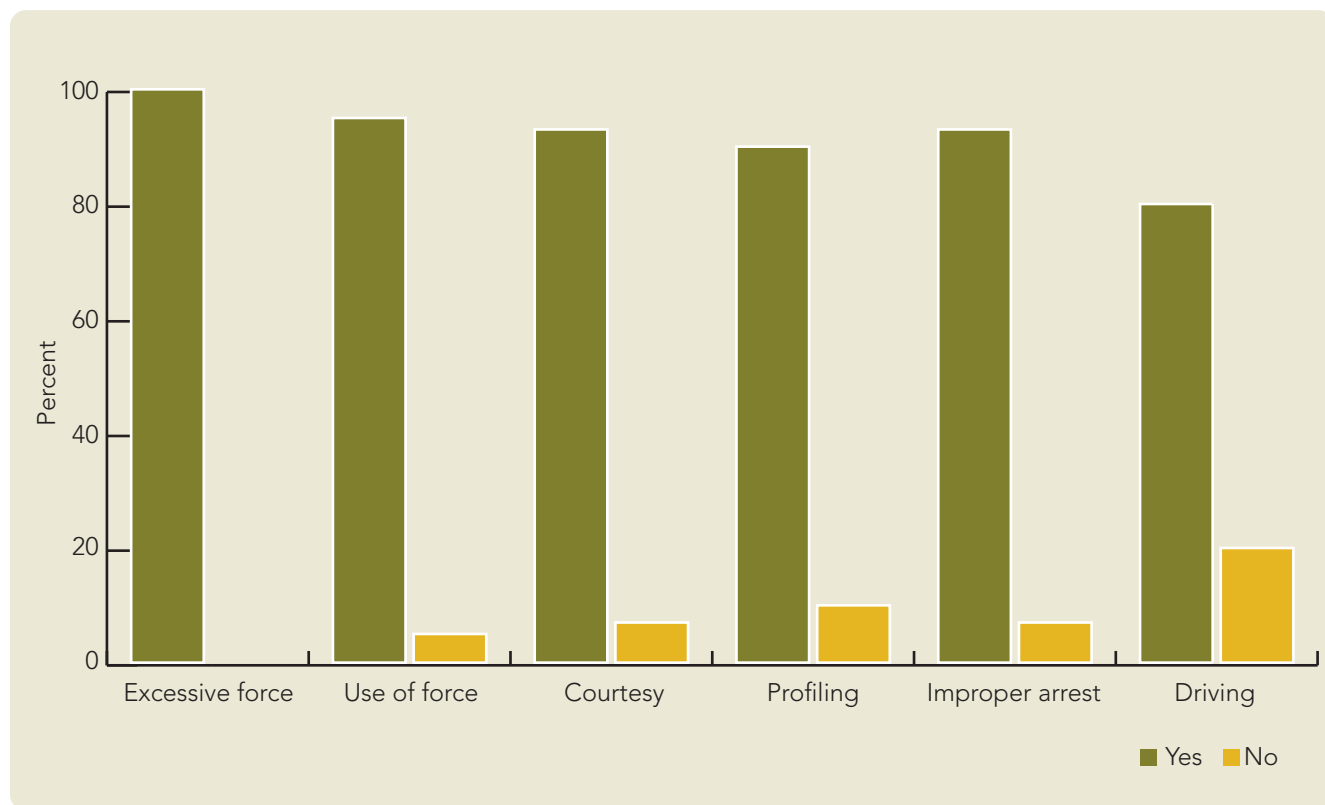




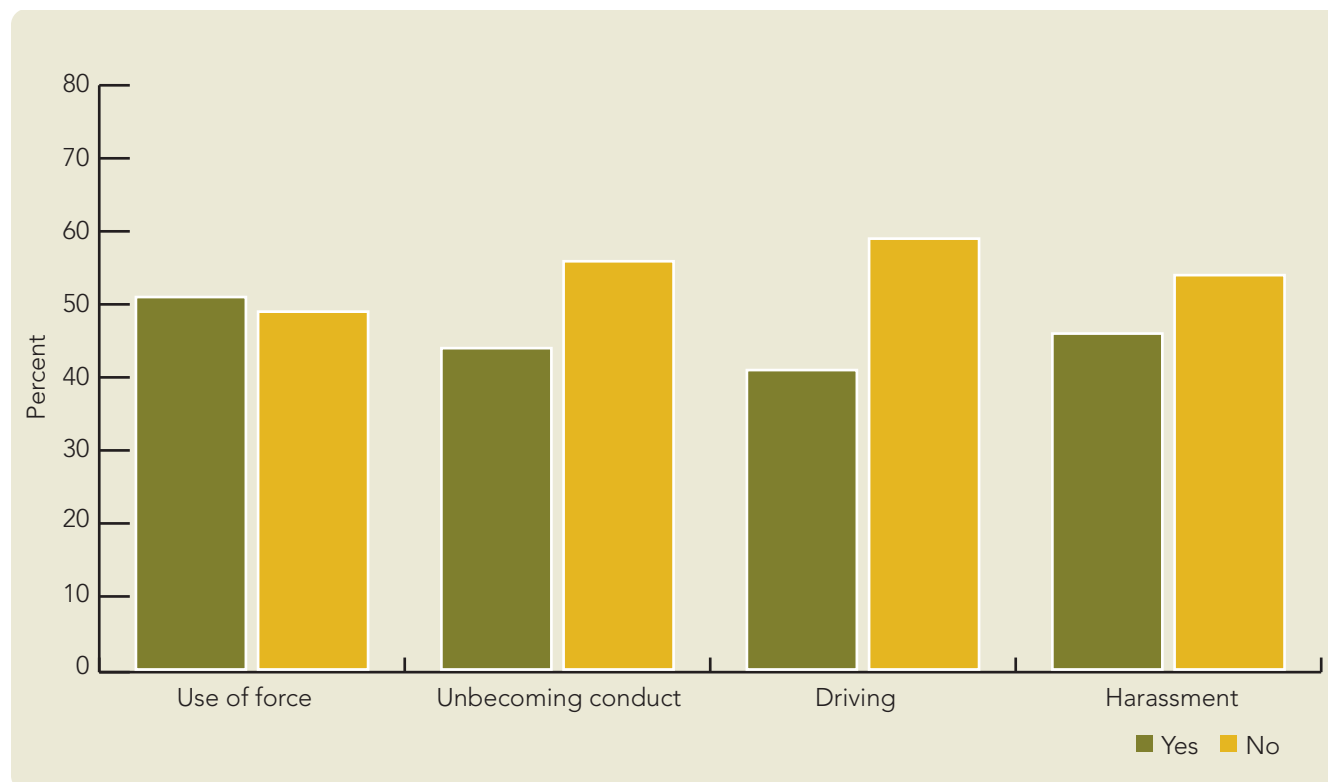
Figure 5 on page 7 displays which external authorities held by civilian oversight boards among the responding MCCA agencies. What is immediately evident from the figure is that an overwhelming majority of bodies have the authority to hear these external complaints.

- All 41 boards had the authority to review the investigations of external complaints of excessive force, while 39 boards (95 percent) could hear all use of force complaints (that is, even when the complaint is not that the force was excessive).
- Compared to other types of complaints, civilian oversight bodies were least likely to have the authority to review external complaints about law enforcement officers' driving; only about 80 percent of boards could review this external complaint.
- Eleven agencies (27 percent) reported that their civilian oversight board has authority to review other types of external complaints. When specifying "other" types of complaints, department contacts named misconduct/abuse of authority, false imprisonment, improper searches/seizures, harassment, abusive/offensive language, and death/serious injury.

### Internal complaint authorities

MCCA agencies then reported which internal complaints their oversight body has authority to review. In contrast with external complaints, twenty-four (59 percent) of civilian oversight bodies do not have authority to review all internal complaints. In fact, 17 agencies (nearly 41 percent) reported that their civilian oversight bodies have no authority to review internal complaints.

Figure 6. What type of internal complaints/misconduct does your oversight board have the authority to investigate? (n = 41)



The proportions of agencies that can and cannot review the investigations of internal complaints are displayed in figure 6.

- Seventeen agencies (41 percent) reported that their civilian oversight body had authority to hear all internal complaints; while 7 agencies (17 percent) said their board had a limited authority to hear internal complaints.
- Hearing internal use of force complaints was the most frequently reported authority (21 oversight bodies, 51 percent of agencies).
- Hearing internal complaints related to driving was least likely among oversight bodies; only 17 boards (41 percent) of boards had the authority to review this complaint type.
- Seven agencies (17 percent) reported their oversight body as having the authority to review other types of internal complaints. When specifying "other" types of complaints, department contacts named all officer-involved shootings, death/serious injury by officers, complaints made by a chief, complaints that generate internal affairs investigations, and disciplinary decisions.

- 
- Eighteen agencies reported authority to hear unbecoming conduct complaints (44 percent) while 23 agencies (56 percent) reported their boards did not have this authority.
  - Regarding harassment complaints, 19 agencies (46 percent) had authority to review while 22 agencies (54 percent) did not.

## Characteristics of oversight bodies

### Size

Of the departments reporting the number of members currently serving on their civilian oversight body (36 respondents), the average number of members reported was approximately 13. Sizes of oversight boards ranged from 2 to 50 members.

### Term length

Five agencies reported having unlimited terms for members, while 29 agencies did not allow board members to serve unlimited terms. The term length served on civilian oversight boards ranges from 6 months to 8 years (n = 29).

### Qualification of members

Agencies indicated the qualifications needed to serve as a volunteer member on their civilian oversight board. Answers were open-ended and varied greatly in detail. Responses were coded into dichotomous variables for this survey question. When a qualification was explicitly mentioned, it was coded as “yes;” qualifications that were not mentioned in open-ended responses were coded as “no.”

Figure 7. What are the qualifications to serve as a member of the oversight body? (n = 37)

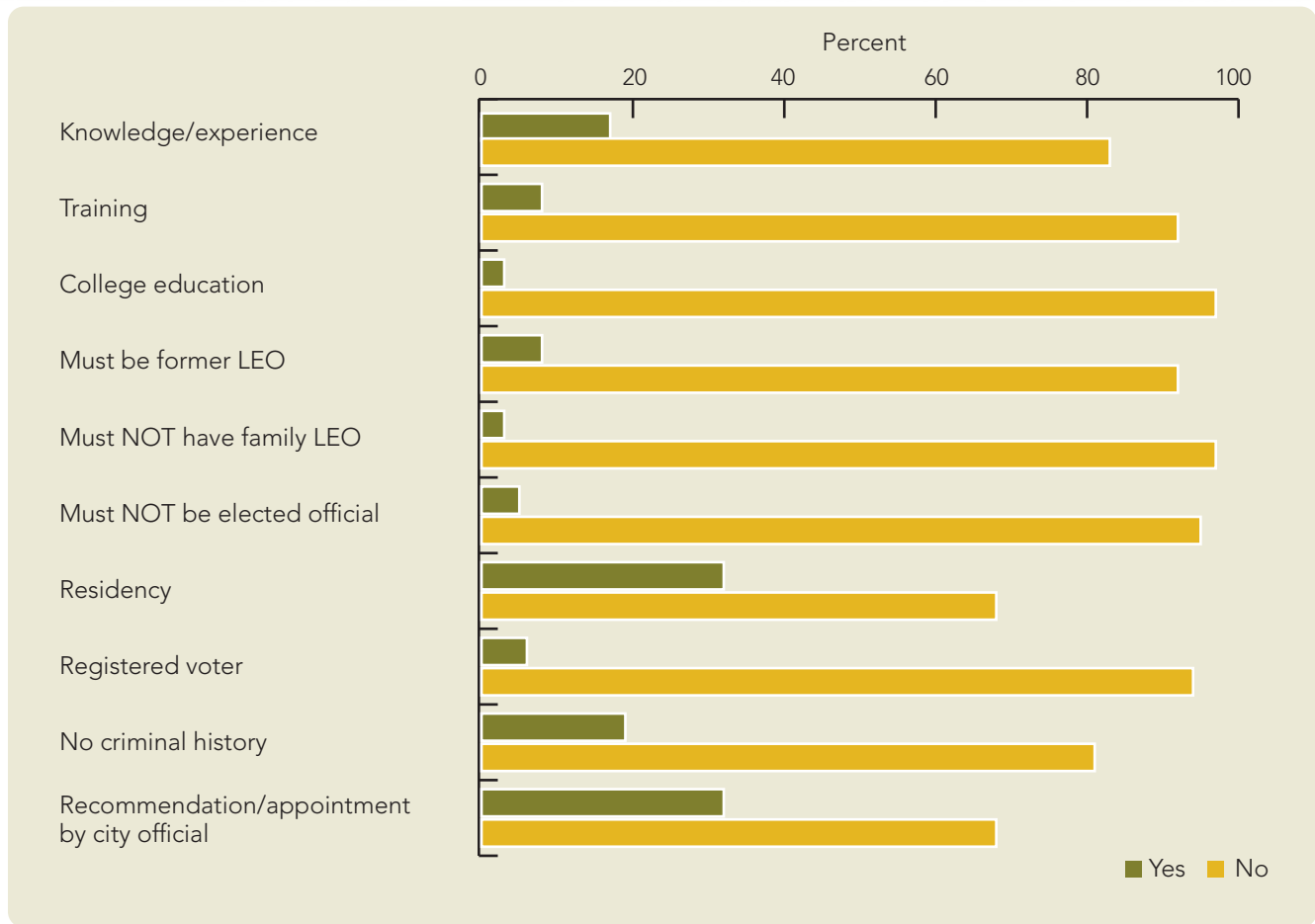


Figure 7 displays frequencies of named qualifications in responses. Thirty-five agencies mentioned at least one qualification for oversight board members, while two agencies reported that the qualifications for members were “none.”

- Qualifications most frequently cited were recommendation/appointment by a city official (11 Boards, 30 percent of agencies) and residency (12 boards, 32 percent of agencies).
- Eight percent of agencies (3 boards) indicated that members must be former law enforcement officers (LEO), while 11 percent of agencies (4 boards) indicate that members may not be a LEO and one board (3 percent) exclude membership for those with a family member in law enforcement.
- Only 8 percent (3 boards) of agencies mentioned that members had to complete some training requirement to serve.



## Member qualifications across model type

- Generally, agencies that were investigative-focused or review-focused named more qualifications for members of their civilian oversight bodies.
- Among investigative-focused bodies (n = 8), the most frequently cited qualifications were residency and recommendation/appointment.
- Among review-focused boards (n = 16), the most frequently cited qualifications were recommendation/appointment, no criminal history, and residency.
- Among auditor/monitor-focused agencies (n = 4), the most frequently cited qualification was knowledge/experience.
- For agencies that indicated “other” for model type (n = 12), the most frequently cited qualification (cited by nine agencies) was recommendation/appointment.

Four out of five agencies responding to the MCCA survey had some type of civilian oversight body. The survey found that there are wide variations from one community to the next in the way civilian oversight programs are implemented. All of the oversight bodies played a role in reviewing or investigating allegations of excessive force.



## Round Table Discussion

A round table discussion was held to enhance our understanding of how civilian oversight works in major cities. The discussion focused on reviewing the survey results and how the various models worked in actual practice. The National Law Enforcement Officers Memorial Fund hosted the round table discussion on June 15, 2017, at the PEW Conference Center in Washington, D.C. Representatives from 21 MCCA agencies in the United States and Canada participated in the discussion. In addition, the president and vice president of NACOLE attended and participated in the conversation. Also participating was the chairperson of the newly created Fairfax County (Virginia) Civilian Review Panel (the full list of attendees can be found in appendix B on page 35).

The first half of the conversation was devoted to participants describing their oversight bodies. The second half focused on a series of questions about civilian oversight aimed at helping understand how it worked in their communities: objectives, advantages and disadvantages, effectiveness measures, research gaps, and key points participants thought should be emphasized in the paper (the full agenda can be found in appendix C on page 37).

The oversight model discussion was framed around the NACOLE investigative, review, and auditor/monitor models. As can be seen in table 1 on page 14, most of the agencies reported their civilian oversight body followed the review-focused model. Nine agencies did not fall within the three models; they were combinations of the models or something entirely different. The City of Los Angeles, for example, has a police commission appointed by the mayor that serves as a corporate board with the chief of police in the role of chief executive officer. The commission has a role in appointing the chief, policy and budget approval, and oversight in the disciplinary process. It also appoints an inspector general, whose function would fall under the auditor/monitor model. An additional 11 agencies did not have a type of civilian oversight that fits within any of the NACOLE models and reported “none.” Nevertheless there is civilian oversight of these agencies through mayors, city councils, prosecutors, and the variety of boards and commissions in cities that have some influence over police operations.

**Table 1. MCCA survey: agency model responses**

| Investigation      | Review                       | Auditor/Monitor         | Other            | None                  |
|--------------------|------------------------------|-------------------------|------------------|-----------------------|
| Atlanta, GA*       | Baltimore, MD                | Calgary, AB             | Los Angeles, CA  | Arlington, TX         |
| Chicago, IL*       | Boston, MA                   | Fresno, CA              | Louisville, KY   | Baltimore County, MD  |
| Honolulu, HI       | Charlotte – Mecklenburg, NC* | Los Angeles County, CA* | Memphis, TN      | Columbus, OH          |
| Long Beach, CA     | Detroit, MI                  | Wichita, KS*            | Minneapolis, MN* | Fairfax County, VA    |
| Montreal, QC       | Houston, TX                  |                         | Ottawa, ON       | Miami-Dade County, FL |
| New York, NY       | Las Vegas, NV                |                         | Peel Region, ON  | Montgomery County, MD |
| Philadelphia, PA*  | Milwaukee, WI                |                         | St. Louis, MO*   | Nashville, TN         |
| Salt Lake City, UT | Oklahoma City                |                         | Toronto, ON      | Pittsburgh, PA        |
| Seattle, WA*       | Omaha, NE*                   |                         | Vancouver, BC    | Raleigh, NC           |
|                    | Orlando, FL                  |                         |                  | Tulsa, OK             |
|                    | Phoenix, AZ                  |                         |                  | Virginia Beach, VA    |
|                    | Prince George's County, MD   |                         |                  |                       |
|                    | San Antonio, TX              |                         |                  |                       |
|                    | San Diego, CA*               |                         |                  |                       |
|                    | Tampa, FL*                   |                         |                  |                       |
|                    | Tucson, AZ                   |                         |                  |                       |

\* New oversight body or change in process since 2012

## Agency presentations

Agencies from each of the three oversight models and from the “other” model were asked to describe how their approach worked in their community.

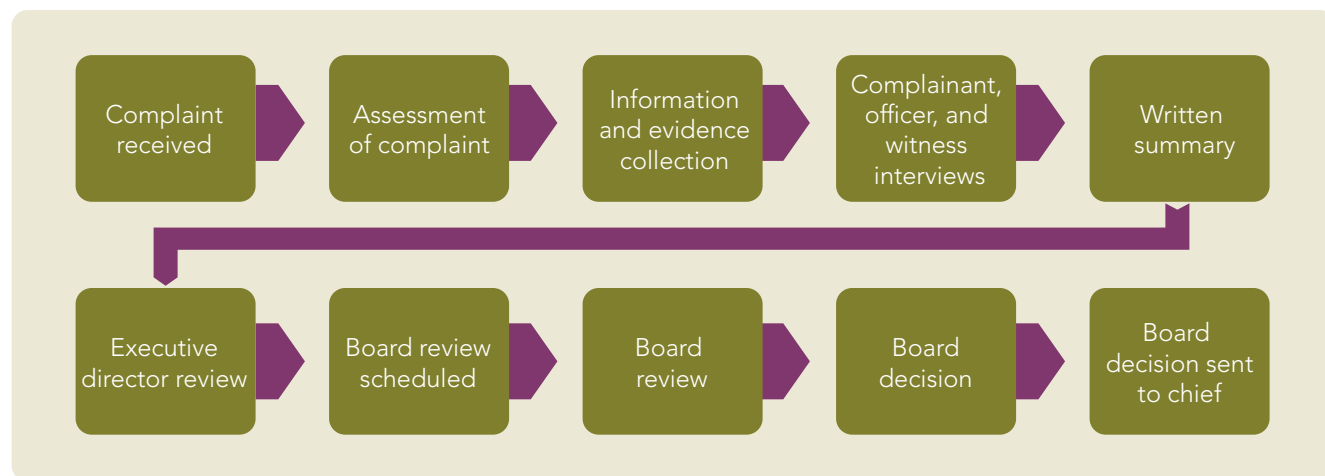
### Investigative model

#### *Atlanta*

Atlanta, Georgia, established the Atlanta Citizen Review Board (ACRB) in 2007, and it has been in place since then—though not without some modifications. The formation of the board was precipitated by the death of an elderly woman during the service of a search warrant. Because there were questions as to the legitimacy of the warrant served and how the call was handled, an investigation ensued. The investigation, prosecution, and litigation became a lengthy process. Early in that process, Chief Richard Pennington

recommended that a civilian review board be established as a way to help improve public confidence and understanding of the various processes involved in officer misconduct allegations. The ACRB process is reflected in figure 8.

Figure 8. Atlanta Civilian Review Board investigative process



Source: "The Process," Atlanta Citizens Review Board, accessed August 28, 2017, <http://acrbgov.org/>.

Another incident occurred in 2010 that was just as long and complex as the one in 2006. The transparency provided by the ACRB helped keep the public informed and demonstrated the value of a civilian review board in responding to community questions.

While civilian review boards may be responsive to the needs of the community and help build public trust, internal relationships between a police department and civilian oversight have the potential to be problematic. In Atlanta, the department has worked to establish better working relationships with the ACRB. In particular, Internal Affairs (IA) and the Office of Professional Standards (OPS) work closely with the ACRB. Board members have observed police training and now attend the Citizens Police Academy. As a strong working relationship has developed, it has been reflected in the departmental review of the outcome of investigations where findings indicate that the ACRB and IA are reaching similar conclusions regarding the investigative outcome.

Other issues generated by the discussion of the Atlanta investigative model included the selection and background of board members. Selecting members who will have the time required to do the type of work involved is particularly critical. Atlanta has found that selecting board members from senior groups or retired citizens works better than selecting younger members or community youth to serve on the board because they are able to devote more time to their responsibilities.



## Seattle

The Office of Police Accountability (OPA) is an independent office within the Seattle Police Department (SPD) that investigates complaints of police misconduct made by members of the community and complaints made internally by members of the SPD.<sup>4</sup>

The mission of the OPA is to provide for civilian oversight of the complaint process; to promote public awareness of and full access to that process; and to advance accountability within the SPD. The structure of the OPA was designed to ensure objective, thorough, and transparent investigations. An independent auditor reviews all OPA investigations. The OPA Review Board (OPARB) furthers the mission of the OPA and assures public trust in the process.

The auditor is appointed by the mayor and confirmed by the city council. The role of the auditor is to ensure the thoroughness, fairness, and timeliness of the OPA investigations. The auditor reviews all the OPA complaints and investigations, reviews and assesses SPD policies and practices, and makes recommendations accordingly.

The OPARB consists of seven members appointed by the city council. The OPARB's mission is to provide community oversight and awareness of SPD practices and its employee accountability system. The OPARB works with the OPA to implement its mission and strengthens the system of police accountability by doing the following:

- Soliciting community input about police accountability and police practices
- Conducting an independent review of the quality of the OPA complaint and investigation process for fairness
- Reviewing police policies and procedures
- Researching national trends and best practices on police accountability and police practices
- Reporting to the community, City government, and the SPD on the citizen input it receives and the results of its independent review and research
- Recommending topics to the OPA auditor for the auditor's review of the OPA<sup>5</sup>

Since 2013, Seattle has also had a Community Police Commission (CPC). The CPC was created to help reform efforts under the U.S. Department of Justice (DOJ) consent decree; in 2017, new legislation made it a permanent entity with more commissioners and staff and broader responsibilities and authority.<sup>6</sup>

4. Office of Police Accountability, "Office of Police Accountability."

5. Office of Police Accountability, "Office of Police Accountability."

6. Seattle Community Police Commission, "Community Police Commission."



## Review model

### *Philadelphia*

The first Police Review Board in Philadelphia was created by Mayor Richard Dilworth in 1958. It has come in and out of existence over the years.

Mayor James Kenney signed an executive order to reestablish the Police Advisory Commission (PAC) in January 2017. The commission will focus on policy review, investigations, and community outreach. The commission is now tasked with verifying the Philadelphia Police Department's (PPD) efforts to implement the recommendations of the DOJ's Collaborative Reform efforts and the recommendations made by the task force on 21st Century Policing established by then President Barack Obama in 2014.

The PAC will have 13 voting members appointed by the mayor, the city council, and civic and advocacy groups. Their mission is to provide independent civilian oversight to strengthen the relationship between police and community members.

Since 2017, one PAC member sits on the PPD's Use of Force Review Board and is a voting member who helps to determine if an officer-involved shooting (OIS) was justified. The PAC is also authorized to respond to the scene of any police firearm discharge resulting in injury or death.

### *Las Vegas*

The Las Vegas Metropolitan Police Department (LVMPD) was the first agency to engage in the Collaborative Reform process through the Office of Community Oriented Policing Services (COPS Office) that lasted two years and laid the groundwork for the development of its civilian oversight model.

As a result of its work in Collaborative Reform, the LVMPD began to engage community stakeholders in OIS incidents and is gradually institutionalizing this process. Following the passage of a local ordinance, a Citizen Review Board was created to act as an advisory board to the department and to review internal complaints and use of force. The board is funded by local government and has an appointed director, and all 25 members serve two- or three-year rotating, staggered terms. At minimum, they receive training on policies and procedures and also go to the Citizen Police Academy. Five of the 25 board members are chosen randomly to staff the hearing panels that review incidents and make recommendations for referral or additional review. Their findings are referred to the sheriff or to mediation.

In 2016, 141 of 173 review board complaints were reviewed by screening panels. Only eight were referred back to Internal Affairs to seek additional information. Now the LVMPD is considering assigning Citizen Review Board members to attend crime scenes where officers use force and participate in the whole investigation, starting with the crime scene and ending with the Use of Force Review Board. The department's work clearly shows how modifications can continue to occur that grow and strengthen a civilian oversight program.



## Tampa

Responding to concerns expressed by the community, civil rights groups, and the city council, Tampa Mayor Bob Buckhorn established the Citizens Review Board by executive order in February 2016.<sup>7</sup> The volunteer review board has nine voting members and two alternates who serve staggered 4-year terms. The board reviews disciplinary cases and other important issues identified by the police department and community. They report their findings to the Chief of Police and may also make recommendations for policy changes.<sup>8</sup>

To qualify, Review Board members have to complete the police department's Citizen Academy, be at least 18 years of age, and submit to a background check. They cannot work for the City of Tampa, be in law enforcement, directly related to anyone in the police department, and cannot have any felony or moral turpitude convictions.<sup>9</sup>

At board meetings held monthly, the lead Internal Affairs detective presents cases for the consideration of the Review Board.

## Auditor model

### Fresno

The City of Fresno has two oversight bodies designed to improve accountability and community trust.

The first is the Office of Independent Review (OIR). It was established in 2009 as a part-time position that operates separately from the police department. The OIR operates as an auditor and reviews the police department's policies, procedures, strategies, and internal investigations.<sup>10</sup> The Independent Reviewer assesses the FPD's Internal Affairs investigations to ensure they are thorough and treat all parties fairly. In addition the office conducts audits of police department units to ensure they are operating within the framework of agency policy and procedures.<sup>11</sup>

The second oversight body is the Citizen's Public Safety Advisory Board. The city council approved the mayor's proposal to establish a nine-member board on March 16, 2017. The board conducts reviews of major incidents like officer-involved shootings (OIS). It also has the authority to review policies and prepare reports to the council and public. In addition the city council approved making the OIR a full-time rather than part-time position (Sheehan 2017).<sup>12</sup>

7. Sullivan, "Tampa's new Civilian Review Board convenes without acrimony."

8. Civilian Review Board, "Civilian Review Board."

9. Civilian Review Board, "Civilian Review Board."

10. City Manager's Office, "Office of Independent Review."

11. City Manager's Office, "Office of Independent Review."

12. Sheehan, "New Police Oversight Board."



## Los Angeles County Sheriff

The Los Angeles County Sheriff's Department has two forms of civilian oversight that were created by the Board of County Supervisors. The Office of Inspector General (OIG) was established in 2014 followed by the Sheriff Civilian Oversight Commission in 2016.

The Office of Inspector General was created as an independent oversight and monitoring body for the Los Angeles County Sheriff's Department and its jail. The Inspector General reports directly to the Board of Supervisors and is responsible for keeping the board informed about the operations of the sheriff's department. The OIG reports are considered public records unless they deal with confidential personnel or otherwise privileged information.<sup>13</sup>

The Los Angeles County Board of Supervisors established the Sheriff Civilian Oversight Commission in January 2016. The commission's mission is to improve transparency and accountability in the sheriff's department.<sup>14</sup> The Board of County Supervisors appointed the nine-member commission and the executive director in November 2016. The commission was encouraged to "demand information, demand the truth and err on the side of disclosure...."<sup>15</sup>

## Other models

### Louisville

The Louisville Police Department (LPD) had an investigative body for civilian oversight, but it was dissolved in 2003 with the consolidation of city and county governments. It included a City Commission on Public Accountability, composed of 10 members selected by the mayor; a public integrity process; and a professional standards office.

When the city and county governments merged, a state law established the Police Merit Board. It is composed of five members approved by the mayor and two members approved by the Fraternal Order of Police. The board has the statutory ability to hear cases and make recommendations.

13. Los Angeles County Office of Inspector General, "Office of Inspector General."

14. Los Angeles County Sheriff's Civilian Oversight Commission, "Sheriff Civilian Oversight Commission."

15. City News Service, "Los Angeles County appoints Civilian Oversight Commissioners."



## *Fairfax County, Virginia*

Participants from the Fairfax County (Virginia) Police Department (FCPD) were eager to learn from the round table discussions because they represent an agency in the early stages of setting up civilian review based on recommendations from the Fairfax County Oversight Commission and approved by the Fairfax County Board of Supervisors. Although the FCPD is just getting started, it will be blending the review and auditor models. The auditor will review all investigations related to death and serious injury cases, use of force, and internal affairs investigations and will advise the chief of police and Board of Supervisors of any disagreement with findings in these investigations.

Members of the newly appointed Civilian Review Panel will serve three-year terms with a two-term limit. They will review abuse of authority complaints and serious misconduct. Both the auditor and the Civilian Review Panel will issue annual reports to the public concerning their activities and will provide public recommendations to the Board of Supervisors and chief of police on proposed revisions to Fairfax County policies, training, and practice. Further, they will create an online matrix that will list all the items being accomplished based on the oversight commission's 202 recommendations and will show the progress made toward implementation. The matrix will be used as a report card after the first year of operation is completed.

## **Civilian oversight issues**

The second half of the round table focused on a series of questions about civilian oversight aimed at helping to understand how it worked in communities: objectives, advantages and disadvantages, measures of effectiveness, research gaps, and key points participants thought should be emphasized in the paper.

### **Civilian oversight objectives**

Round table participants identified what they believed to be important objectives for civilian oversight.

- Transparency
- Independent investigations
- Improving accountability
- Improving public trust and legitimacy
- Engaging the community
- Demystifying police internal affairs investigations



These objectives are obviously all important for civilian oversight processes. Objectives will vary from one community to another and among the various models. For example, the level of transparency that an oversight process can provide may be influenced by state public records laws. If, for example, personnel records are confidential under state law, the amount of information that can be shared about an officer under investigation or the outcome of the investigation may be limited.

Independent investigations will not be an objective for the review model of oversight. In the review model, the oversight body relies on the investigations conducted by the internal affairs or professional responsibility units of the police department. The review model can include all of the other objectives, however.

The objective of improving public trust and legitimacy requires that the oversight body have a plan for informing the public of their work. A website, periodic public reports, press releases, and social media are all ways of ensuring the public has some awareness of the work of the oversight body. Some communities televise the deliberations of the oversight body.

NACOLE identified two additional goals and objectives of civilian oversight: (1) ensuring an accessible process and (2) deterring police misconduct.<sup>16</sup>

## Model advantages and disadvantages

Round table participants discussed the advantages and disadvantages of each of the oversight models. The advantages and disadvantages participants identified can certainly be the subjects of debate. They are identified as advantages or disadvantages from the perspective of the round table participants. One could argue that timeliness (the amount of time it takes from the initiation of a complaint to its resolution) is a disadvantage of all three models. There is also considerable overlap between the models. For example, independence (from police) was identified as an advantage of both the investigative model and the auditor model. There is also some independence in the review model because the oversight body often reports to the city council or city manager. But these city leaders must rely on the police to conduct the investigation that may limit independence in the mind of some observers. The oversight body in an auditor model does not conduct the complaint investigation in most cases, but it does examine the quality of the investigation and will audit policy and other areas of the police department to enhance accountability. Table 2 on page 22 outlines the advantages and disadvantages of each model.

16. De Angelis, Rosenthal, and Buchner, *Civilian Oversight*.

**Table 2. Civilian oversight model advantages and disadvantages**

|                          | Investigative | Review | Auditor |
|--------------------------|---------------|--------|---------|
| <b>Advantages</b>        |               |        |         |
| Independence             | ✓             |        | ✓       |
| Transparency             | ✓             | ✓      | ✓       |
| Public confidence        | ✓             | ✓      |         |
| Community perspective    | ✓             | ✓      |         |
| Officer acceptance       |               | ✓      | ✓       |
| Broad range of oversight |               |        | ✓       |
| Policy focus             |               |        | ✓       |
| <b>Disadvantages</b>     |               |        |         |
| Investigative experience | ✓             |        |         |
| Expense                  | ✓             |        |         |
| Complaint reception      |               | ✓      | ✓       |
| Timeliness               | ✓             |        | ✓       |
| Report challenges        |               |        | ✓       |
| Diversity representation |               |        | ✓       |

There are other forms of oversight that do not fall neatly into any of the three models in table 2, and there are advantages and disadvantages with these approaches as well. Both the Toronto Police Service and the Peel Regional Police (Ontario, Canada) work at the direction of the Police Services Board, which appoints the chief of police, who is responsible to the board as the chief executive of a corporation is responsible to its board of directors. (This is similar to the City of Los Angeles, where the mayor's appointment of chief of police must be approved by a majority of the civilian police commissioners and the city council.) In addition, Toronto and the Peel Region have three additional oversight bodies that include all three of the models already described. While these bodies conduct independent investigations of OIS and misconduct (two separate agencies), this process does not involve the community—the bodies are still government agencies. They have the advantage of independence and well-trained investigators but lack the perspective of the community.

Fairfax County, Virginia, combines the review and auditor models in its approach to civilian oversight. It settled on this approach after a lengthy public conversation about the approach that best suited its needs. It will have the advantages and disadvantages of both models.



## Civilian oversight effectiveness measures

Are civilian oversight programs effective? Do they achieve their objectives? Round table participants identified and discussed measures they believe would help answer those questions. A program's contribution to a specific outcome may not be able to be isolated from other programs or activities that could have had an impact in the same area.

**Citizen and officer satisfaction.** An important measure is whether or not those who interact with the oversight program are satisfied with the process. Even if they are not happy with the outcome, satisfaction with how they were treated is one indication of how they view the program. Do they believe they were treated fairly in the process? The questions will vary to some extent based on the model of oversight—citizen interaction with the auditor model may be limited. In the review model, both citizens and officers may have direct contact with the oversight body if a hearing is held. In the investigative model, both the citizen and officer have contact with the oversight body through the investigative process.

**Timeliness of the process.** A frequent criticism by citizens who make complaints and officers who are the subject of the complaint is the length of time it takes to investigate and come to a resolution. Depending on the type of complaint, it is not unusual for it to take six months to a year from complaint reception to resolution, if the complaint is sustained and involves disciplinary action against the officer. This is not just in places with civilian oversight bodies—it occurs in police agencies without civilian oversight.

Every step of the process should be tracked. Agencies should know how long each step takes and establish benchmarks for completion. Some investigations are more complex than others and will require more time, but a supervisor should approve extensions beyond the benchmark times. If it is difficult at times to contact a complainant, or if an officer is unavailable, that can contribute to delays in the investigation. These circumstances are unavoidable, but they should be documented.

When a complaint is sustained and disciplinary action is being considered, the time to resolve the complaint is extended even further. If there are appeals it takes even longer. Departments can decrease these timelines, but these adjustments require close monitoring of the process and reminders to those involved to move the case along. Oversight agencies can also work to ensure that complainants understand the steps in the process and the time it takes to complete them.



**Program costs.** Although costs are not a measure of effectiveness, they should be clearly understood for the different models of civilian oversight. Knowing the cost of the investment helps in determining what approach may be best for a particular community. The costs include the police department investigation. If a community has a review model, for example, the police investigative and support costs should be included. The costs of investigations conducted by the oversight agency might be compared with the police investigative costs.

**Resolution of complaints.** Although there are variations from one community to another, most use four investigative outcomes.

1. **Unfounded.** Investigation shows the events complained of did not occur or the subject of the complaint was not involved.
2. **Exonerated.** The actions of the subject of the complaint were justified, lawful, and proper.
3. **Not sustained.** The investigation failed to find evidence to clearly prove or disprove the allegation.
4. **Sustained.** The investigation discovered sufficient evidence to clearly prove the allegation.

Investigative outcomes should be tracked and regularly shared with the community in statistical reports. Police and oversight bodies have been criticized for the low rate of complaints that are sustained. A 2006 Bureau of Justice Statistics (BJS) report indicated that use of force complaints in departments with more than 100 officers were sustained 8 percent of the time.<sup>17</sup> Thirty-four percent of the complaints were not sustained, 25 percent were declared unfounded, and 23 percent were exonerated.<sup>18</sup> Jurisdictions with a civilian complaint review board sustained complaints 6 percent of the time; those without a board sustained 11 percent of the complaints.<sup>19</sup> These statistics are important to the community, and they require an explanation.

**Public trust and confidence.** Round table participants thought an effort should be made to periodically measure the level of confidence in the oversight body and the police. National polls routinely ask the public about their trust and confidence in the police—community residents could be surveyed to gain insight into the impact of civilian oversight on trust and confidence.

17. Hickman, *Citizen Complaints*.

18. Hickman, *Citizen Complaints*.

19. Hickman, *Citizen Complaints*.



**Community awareness.** Are community residents aware of the civilian oversight body? Community surveys can provide a sense of the overall awareness of the oversight body. Although awareness is not a measure of effectiveness of the oversight body, it can provide insight into the effectiveness of outreach efforts to let the public know about civilian review of the police agency.

**Number of citizen complaints.** Numbers and type of complaints and trends should be documented and reported. Is the number of complaints against police officers affected by the presence of a civilian oversight body? The BJS study on use of force complaints in cities with more than 100 officers indicates that communities with civilian oversight receive 11.9 complaints per 100 officers and those without civilian oversight receive 6.6 per 100 officers.<sup>20</sup> It can be argued that the presence of an oversight body helps overcome the fear of filing a complaint against a police officer.

**Research gaps.** Civilian oversight bodies have been in existence for many years, and the number has grown to well more than 100. Many of the bodies were established following high-profile incidents with considerable debate in their communities and frequently opposed by the police. There is a significant body of literature on the advantages and disadvantages of civilian oversight, descriptions of the various models, and advice on implementation. There is little, if any, empirical research on the effectiveness of civilian oversight of the police—nor are the programs subjected to any systematic evaluation.

The Chicago Police Accountability Task Force closely examined the system of accountability and concluded:

The public has lost faith in the oversight system. Every stage of investigations and discipline is plagued by serious structural and procedural flaws that make real accountability nearly impossible. The collective bargaining agreements provide an unfair advantage to officers, and the investigating agencies— [Independent Police Review Authority ] IPRA and CPD's Bureau of Internal Affairs—are under-resourced, lack true independence and are not held accountable for their work. Even where misconduct is found to have occurred, officers are frequently able to avoid meaningful consequences due to an opaque, drawn out and unscrutinized disciplinary process.<sup>21</sup>

20. Hickman, *Citizen Complaints*.

21. Police Accountability Task Force, *Recommendations for Reform*.

An aerial night view of a city, likely Chicago, with a network diagram overlay. The diagram consists of a central white circle with several lines radiating outwards to the edges of the frame, creating a star-like pattern. The city lights are visible in the background, and the overall tone is dark with some light blue and white highlights from the diagram.

The Chicago task force found that the Independent Police Review Authority (IPRA) or the Bureau of Internal Affairs failed to investigate 40 percent of the complaints from 2011 to 2015. The task force recommended that IPRA be replaced with a new civilian police investigative agency. The recommendation was implemented in September 2017 with a change in the name: Civilian Office of Police Accountability (COPA).

There is a clear need for local agencies to conduct empirical research on civilian oversight approaches to determine if they are achieving their objectives and, if not, to identify the corrective steps necessary.



## Conclusion

Seventy-nine percent of the MCCA agencies that responded to our survey indicated they have some type of civilian oversight body in their community. At one time or another, it is safe to say that all of the other agencies have had a conversation about creating a civilian oversight body in their city. It is important to have an ongoing conversation about how to ensure that police are held accountable for their actions. It is also a difficult conversation about extremely complicated work. And the conversation most often takes place in less than ideal circumstances. NACOLE found that 49 percent of agencies' oversight bodies were established following high-profile incidents and 30 percent from concerns about racial violence.<sup>22</sup>

There is little doubt that conversations about police accountability need to continue and should be a high priority. A July 2017 Gallup Poll indicated that 57 percent of Americans had a great deal or quite a lot of confidence in the police. However there are continuing gaps between minority groups and White people who have a great deal or a lot of confidence in the police. Black respondents' confidence in law enforcement was only 30 percent, Hispanic respondents' was 45 percent, and White respondents' was 61 percent.<sup>23</sup>

A 2016 CATO Institute poll found that 46 percent of Americans (including 64 percent of African Americans) say the police are "generally not" held accountable for misconduct, and 79 percent of Americans support outside law enforcement agencies conducting these investigations.<sup>24</sup> The question for police is how to engage the community in a way that helps close the gaps that exist between White community members and racial minorities in confidence and accountability.

This is not a challenge for the police alone but also for local government generally and for civilian oversight bodies. The steps that have been taken so far have not had much effect on confidence and perceptions of accountability. Have the solutions fallen short because they are the wrong ideas? Have they been implemented in a half-hearted way? Have they been appropriately resourced?

These are important questions that require police leaders and the community to work together to resolve.

22. De Angelis, Rosenthal, and Buchner, *Civilian Oversight*.

23. At 57 percent the police are in third place behind the military (72 percent) and small business (70 percent) in a list of 14 institutions with religious institutions (41 percent) in fourth place and the US Supreme Court (40 percent) in fifth place. Newport, "Americans' Confidence."

24. Elkins, *Policing in America*.



# References

Atlanta Citizens Review Board. "The Process." Atlanta Citizens Review Board. Accessed August 28, 2017. <http://www.acrbgov.org>.

Citizens Review Board. "Citizens Review Board." City of Tampa, Florida. Accessed August 28, 2017. <https://www.tampagov.net/city-clerk/citizens-review-board>.

City News Service. "Los Angeles County appoints Civilian Oversight Commissioners." *City News Service*. November 1, 2016. <http://theavtimes.com/2016/11/01/los-angeles-county-appoints-civilian-oversight-commissioners/>.

City Manager's Office. "Office of Independent Review." City of Fresno. Accessed August 28, 2017. <https://www.fresno.gov/citymanager/office-of-independent-review/>.

De Angelis, Joseph, Richard Rosenthal, and Brian Buchner. *Civilian Oversight of Law Enforcement: Assessing the Evidence*. Washington, DC: National Association for Civilian Oversight of Law Enforcement, 2016. [https://d3n8a8pro7vnm.cloudfront.net/nacole/pages/161/attachments/original/1481727974/NACOLE\\_AccessingtheEvidence\\_Final.pdf?1481727974](https://d3n8a8pro7vnm.cloudfront.net/nacole/pages/161/attachments/original/1481727974/NACOLE_AccessingtheEvidence_Final.pdf?1481727974).

Elkins, Emily. *Policing in America: Understanding Public Attitudes Toward the Police. Results from a National Survey*. Washington, DC: CATO Institute, 2016. <https://www.cato.org/survey-reports/policing-america>.

Hickman, Matthew J. *Citizen Complaints about Police Use of Force*. Special Report. Washington, DC: Bureau of Justice Statistics, 2006. <https://www.bjs.gov/content/pub/pdf/ccpuf.pdf>.

NACOLE (National Association for Civilian Oversight of Law Enforcement). "Police Oversight by Jurisdiction (USA)." National Association for Civilian Oversight of Law Enforcement. Accessed September 16, 2016. [http://www.nacole.org/police\\_oversight\\_by\\_jurisdiction\\_usa](http://www.nacole.org/police_oversight_by_jurisdiction_usa).

NACOLE. "About Us." National Association for Civilian Oversight of Law Enforcement. Accessed January 16, 2018. [http://www.nacole.org/about\\_us](http://www.nacole.org/about_us).

Newport, Frank. "Americans' Confidence in Institutions Edges Up." Gallup News. Last modified June 26, 2017. <http://news.gallup.com/poll/212840/americans-confidence-institutions-edges.aspx>.

Norman, Jim. "Confidence in Police Back at Historical Average." Gallup News. Last modified July 10, 2017. <http://news.gallup.com/poll/213869/confidence-police-back-historical-average.aspx>.

Office of Inspector General. "Welcome to the Office of Inspector General." County of Los Angeles. Accessed August 28, 2017. <https://oig.lacounty.gov/>.

Seattle Community Police Commission. "Community Police Commission." City of Seattle. Accessed March 29, 2018. <https://www.seattle.gov/community-police-commission>.

Seattle Office of Police Accountability. "Office of Police Accountability." City of Seattle. Accessed August 31, 2017. <http://www.seattle.gov/opa#officeofprofessionalaccountabilityreviewboard>.

Police Accountability Task Force Report. *Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities They Serve*. Chicago: Police Accountability Task Force, 2016. [https://chicagopatf.org/wp-content/uploads/2016/04/PATF\\_Final\\_Report\\_4\\_13\\_16-1.pdf](https://chicagopatf.org/wp-content/uploads/2016/04/PATF_Final_Report_4_13_16-1.pdf).

Peel Regional Police Services Board. "Board Mandate." Regional Municipality of Peel. Accessed August 31, 2017. <https://www.peelpoliceboard.ca/en/who-we-are/board-mandate.aspx>.

President's Task Force on 21st Century Policing. 2015 *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services, 2015. <https://ric-zai-inc.com/Publications/cops-p311-pub.pdf>.

Seattle City Council. "Office of Professional Accountability Review Board." City of Seattle. Accessed August 31, 2017. <https://www.seattle.gov/council/issues/oparb>.

Sheehan, Tim. "New Police Oversight Board Gets Mixed Support, But Will go Forward in Fresno." *The Fresno Bee*. March 16, 2017. <http://www.fresnobee.com/news/local/article139040598.html>.

Sullivan, Dan. "Tampa's new police Civilian Review Board convenes without acrimony." *Tampa Bay Times*. February 6, 2016. <http://www.tampabay.com/news/publicsafety/tampas-new-police-citizens-review-board-set-to-hold-first-public-meeting/2266488>.

Los Angeles County Sheriff's Civilian Oversight Commission. "Sheriff Civilian Oversight Commission." Los Angeles County. Accessed August 28, 2017. <https://coc.lacounty.gov>.

Stubbings, Richard. *MCCA Round Table Discussion*. Presentation made to Major Cities Chiefs Association Round Table, Washington, DC, June 15, 2017.

Tulloch, Michael H. *Report of the Independent Police Oversight Review*. Toronto: Queens Printer for Ontario, 2017. [https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/police\\_oversight\\_review/](https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/police_oversight_review/).

# Appendix A. Civilian Oversight Survey

## Civilian Oversight of Police

1. Do you have some type of civilian oversight or review in your agency?

☐ Yes

☐ No - If no go to questions 5-6 then 14.

2. What year was your civilian oversight body established?

---

3. Has there been changes in your model in the past three years?

☐ Yes

☐ No

☐ Proposals considered - not adopted.

Comment

---

4. What most closely fits your model of civilian oversight? (NACOLE Model Definitions)

☐ Investigation-Focused Model – independent investigations of misconduct allegations

☐ Review-Focused Model – review the quality of completed internal affairs investigations

☐ Auditor/Monitor-Focused model – inspector general, audit processes, review complaint investigations

☐ Other (please specify)

---

5. Do you have a police commission or governing board that plays a role in appointing the chief?

☐ Yes

☐ No

Comment

---

6. Does the police commission or board have policy oversight?

☐ Yes

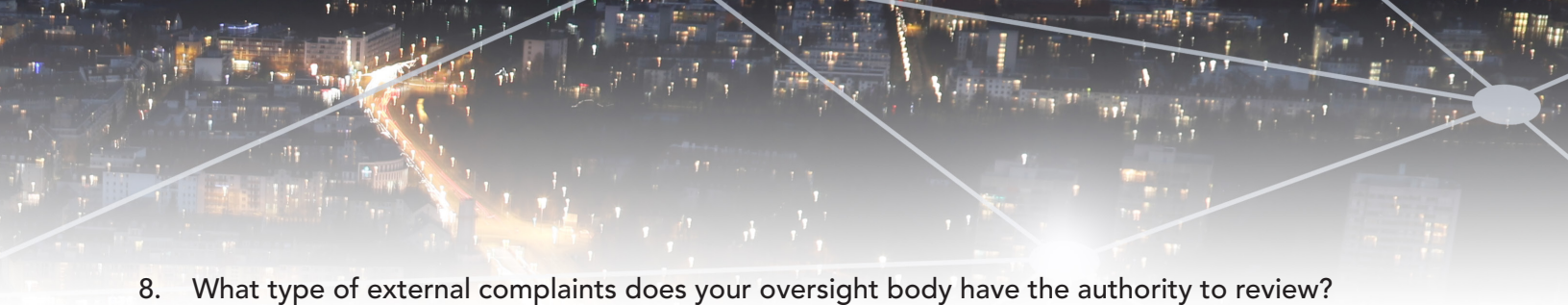
☐ No

Comment

---

7. Does your civilian oversight body have the authority to:

|                                                  | Yes                      | No                       |
|--------------------------------------------------|--------------------------|--------------------------|
| Conduct Independent Investigations of Complaints | <input type="checkbox"/> | <input type="checkbox"/> |
| Subpoena Witnesses                               | <input type="checkbox"/> | <input type="checkbox"/> |
| Subpoena Records                                 | <input type="checkbox"/> | <input type="checkbox"/> |
| Impose Discipline                                | <input type="checkbox"/> | <input type="checkbox"/> |
| Recommend Discipline                             | <input type="checkbox"/> | <input type="checkbox"/> |
| Review Discipline                                | <input type="checkbox"/> | <input type="checkbox"/> |
| Hear Citizen Appeals                             | <input type="checkbox"/> | <input type="checkbox"/> |
| Hear Officer Appeals                             | <input type="checkbox"/> | <input type="checkbox"/> |



8. What type of external complaints does your oversight body have the authority to review?

- ☐ All
  - ☐ Excessive Force
  - ☐ Use of Force
  - ☐ Courtesy
  - ☐ Profiling
  - ☐ Improper Arrest
  - ☐ Driving
  - ☐ Other (please specify)
- 

9. What type of internal complaints/misconduct does your oversight board have the authority to investigate? (Check all that apply)

- ☐ All
  - ☐ None
  - ☐ Use of Force
  - ☐ Unbecoming conduct
  - ☐ Driving
  - ☐ Harassment
  - ☐ Other (please specify)
-

10. How many members are on your civilian oversight body?

---

11. What is the length of term for members of the oversight body?

---

12. What are the qualifications to serve as a member of the oversight body?

---

13. Our department is interested in participating in a round table discussion on civilian oversight.

☐ Yes

☐ No

Comment

---

14. Contact Information

Name 

---

Department 

---

Email Address 

---

Phone Number 

---



## Appendix B. Round Table Participants

**Jason Case**

Commander, Minneapolis (Minnesota) Police Department

**Mindy Casto**

Lieutenant, Fresno (California) Police Department

**Kimberly Chisley-Missouri**

Assistant Chief, Washington (D.C.) Metropolitan Police Department

**Michael J. Cochrane**

Chief Inspector, Philadelphia Police Department

**Brian Corr**

President, National Association for Civilian Oversight of Law Enforcement

**Margo Frasier**

Sheriff (ret.), Travis County (Texas) Sheriff's Office,  
and Vice President, National Association for Civilian Oversight of Law Enforcement

**Patrick Gallagher**

Deputy Chief, Virginia Beach Police Department

**Stacie Gibbs**

Deputy Chief, Atlanta (Georgia) Police Department

**Terrence Gordon**

Inspector, Milwaukee (Wisconsin) Police Department

**Jason Johnson**

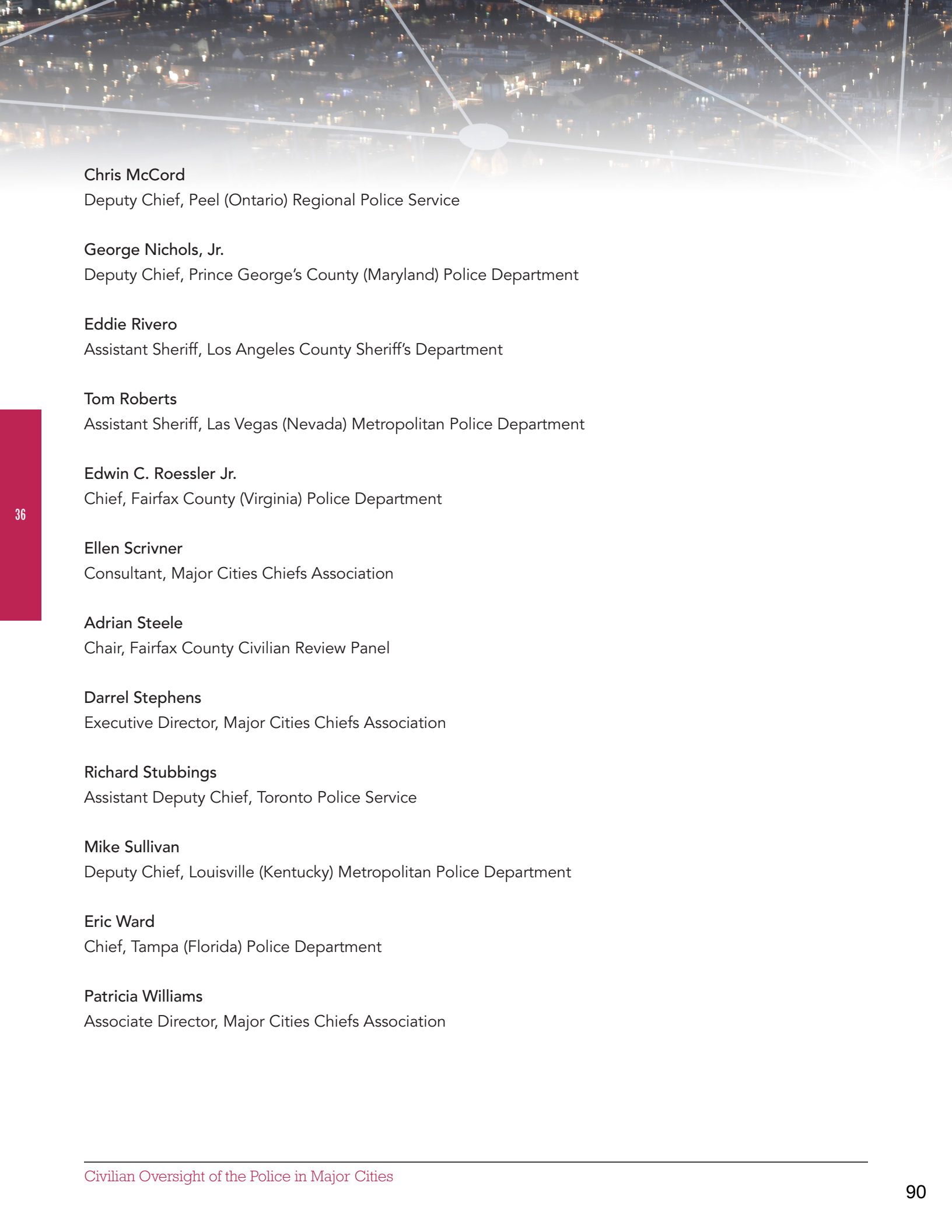
Deputy Commissioner, Baltimore (Maryland) Police Department

**Jim Jones**

Assistant Chief, Houston (Texas) Police Department

**Lamont Martin**

Captain, Baltimore (Maryland) County Police Department



**Chris McCord**

Deputy Chief, Peel (Ontario) Regional Police Service

**George Nichols, Jr.**

Deputy Chief, Prince George's County (Maryland) Police Department

**Eddie Rivero**

Assistant Sheriff, Los Angeles County Sheriff's Department

**Tom Roberts**

Assistant Sheriff, Las Vegas (Nevada) Metropolitan Police Department

**Edwin C. Roessler Jr.**

Chief, Fairfax County (Virginia) Police Department

**Ellen Scrivner**

Consultant, Major Cities Chiefs Association

**Adrian Steele**

Chair, Fairfax County Civilian Review Panel

**Darrel Stephens**

Executive Director, Major Cities Chiefs Association

**Richard Stubbings**

Assistant Deputy Chief, Toronto Police Service

**Mike Sullivan**

Deputy Chief, Louisville (Kentucky) Metropolitan Police Department

**Eric Ward**

Chief, Tampa (Florida) Police Department

**Patricia Williams**

Associate Director, Major Cities Chiefs Association



## Appendix C. Round Table Agenda

- 08:30 Welcome and Introductions  
Darrel Stephens – MCCA Executive Director
- 09:00 MCCA Civilian Oversight Survey of Major Cities  
Darrel Stephens
- 09:30 Investigation Focused Model – Atlanta, Seattle
- 10:00 Break
- 10:15 Review Focused Model – Las Vegas, Tampa
- 10:45 Auditor Monitor Focused Model – Los Angeles County, Wichita
- 11:15 Other Models - Louisville, Peel Region
- 11:45 Lunch
- 12:30 Discussion  
What are the primary objectives of civilian oversight?
- 1:15 What are the advantages and disadvantages for each model of civilian oversight?
- 2:30 Break
- 2:45 What are the key effectiveness measures of civilian oversight?
- 3:15 What are the research gaps in civilian oversight?
- 3:45 What do you think should be emphasized in the white paper?



An aerial night view of a city, likely New York City, with a network of white lines overlaid on the image, suggesting a global or interconnected theme.

## About the Major Cities Chiefs Association

The Major Cities Chiefs Association (MCCA) is a professional association of chief police executives representing the largest cities in the United States, Canada, and the United Kingdom. MCCA membership comprises chiefs and sheriffs of the 67 largest law enforcement agencies in the United States, 10 largest in Canada, and two in the United Kingdom. They serve 91.4 million people (70 million in the United States, 11.5 million in Canada, and 9.9 million in the United Kingdom) with a sworn workforce of 241,257 (162,425 in the United States, 21,939 in Canada, and 56,893 in the United Kingdom) officers and nonsworn personnel. The MCCA's strategic goals are

- to guide national and international policy that affects public safety and major cities;
- to develop current and future police executive leaders;
- to promote innovation and evidenced-based practices in policing.

To learn more, visit the MCCA online at <https://www.majorcitieschiefs.com>.



## About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the US Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing. Other achievements include the following:

- To date, the COPS Office has funded the hiring of approximately 130,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs and flash drives.
- The COPS Office also sponsors conferences, round tables, and other forums focused on issues critical to law enforcement.

COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, [www.cops.usdoj.gov](http://www.cops.usdoj.gov). This website is also the grant application portal, providing access to online application forms.



Since the 1950s, when civilian oversight was first implemented in some American police departments, its use has grown and a variety of new forms have developed. Established to improve community relations, enhance transparency and increase accountability, all of these programs have the ultimate goal of improving the quality of local policing and thereby increasing public safety. To develop a better understanding of oversight programs in their various forms, how they have evolved over time, and the challenges to implementing them, the Office of Community Oriented Policing Services (COPS Office) collaborated with the Major Cities Chiefs Association (MCCA) to conduct a survey of MCCA member agencies. This publication discusses the results of that survey and the outcome of the round table held to discuss it. In doing so, it provides an overview of civilian oversight in major city police agencies.



**COPS**  
Community Oriented Policing Services  
U.S. Department of Justice

US Department of Justice  
Office of Community Oriented Policing Services  
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To obtain details on COPS Office programs, call  
the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov).