

CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

Basics of Civilian Oversight and Its Models

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NACOLE

NACOLE work to create a community of support for independent, civilian oversight entities that seek to make their local law enforcement agencies, jails, and prisons more transparent, accountable, and responsive to the communities they serve.

- Assist, support, and educate jurisdictions considering or developing civilian oversight of law enforcement;
- Train, educate, and set high professional and ethical standards for organizations and practitioners and board members charged with civilian oversight of law enforcement
- Provide educational and informational resources relating to the field of civilian oversight of law enforcement
- Support efforts and strategies that afford civilian oversight organizations independence, adequate authority, and sufficient funding and staffing

CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

Civilian oversight alone is not sufficient to gain legitimacy.

Without it, however, it is difficult, if not impossible, for the police to maintain the public's trust.



CIVILIAN OVERSIGHT DEFINED

- Investigates, audits, or reviews internal law enforcement investigations or processes, including community complaints and use of force incidents.
- Conducts ongoing monitoring of law enforcement agencies' policies, procedures, training, management, and supervision practices.
- Includes any agency or procedure that involves active participation in the above by persons who are not sworn law enforcement.

COMMON GOALS OF OVERSIGHT



- Process is **ACCESSIBLE**
- Investigations are **FAIR**
- Improves public **CONFIDENCE**
- Enhances **TRANSPARENCY & ACCOUNTABILITY**
- **IMPROVES** policies and practices
- Creates more **CONSISTENCY**
- **REDUCES** liability
- Improves **UNDERSTANDING**

EVOLUTION OF OVERSIGHT

REACTIVE

PROACTIVE



WHAT SHAPES LEGITIMACY?

TRUST
decision makers convey trustworthy motives about those impacted by their decisions

NEUTRALITY
decisions are unbiased and guided by transparent reasoning

PROCEDURAL JUSTICE

RESPECT
all are treated with respect and dignity

VOICE
all are given a chance to tell their side of the story

The primary issue shaping people's views about legitimacy when discussing policing is whether the police are exercising their authority in fair ways.

TYPES OF AUTHORITY

STATUTORY AUTHORITY

Local ordinances, state and federal law

FOUNDATION:

- Reactive
- Authority-driven
- Problem-driven
- Focus on accountability and punishment
- Command and Control: lawful use of authority
- Measuring Numbers and Results

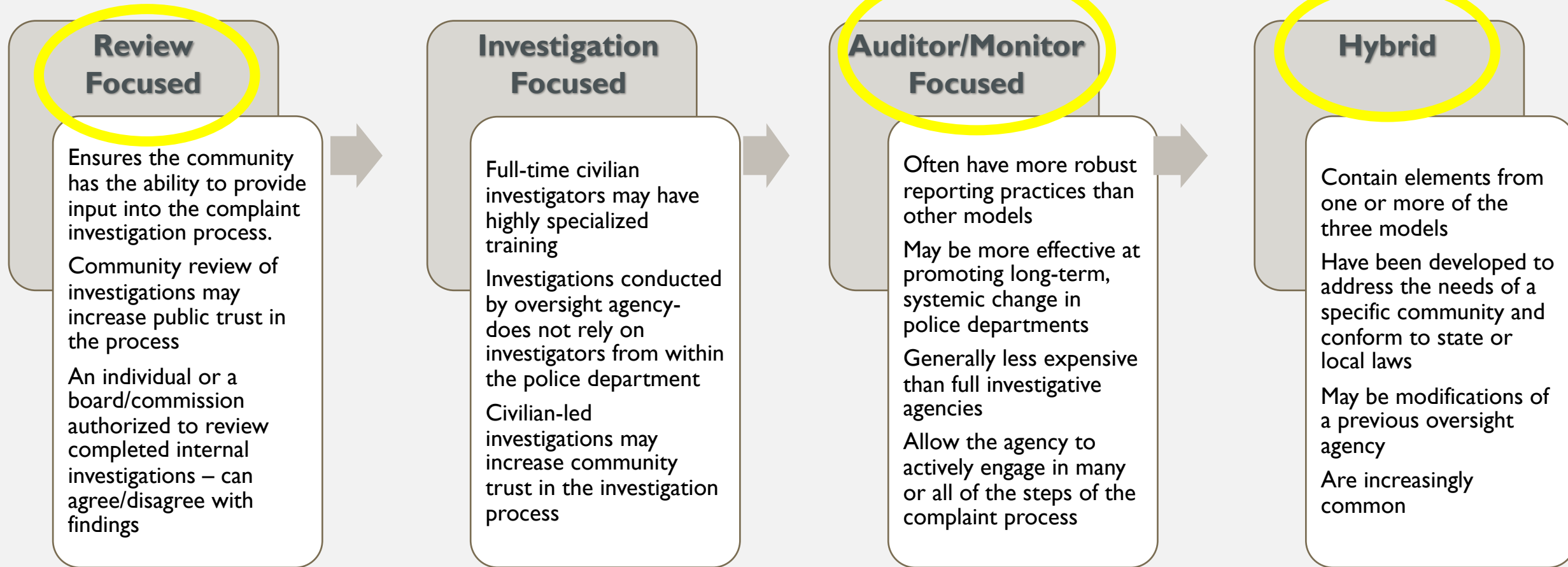
LEGITIMACY-BASED AUTHORITY

Community expectations and values

FOUNDATION:

- Proactive approach
- Willing compliance
- Community outreach and engagement
- Quality of the process is as important as the outcome
- Changing the conditions that lead to police misconduct
- Measuring success

COMMON MODELS OF OVERSIGHT



REVIEW-FOCUSED MODEL

RANGE OF AUTHORITY

- Receive civilian complaints and forward them to the law enforcement agency for investigation.
- Professional staff and/or review boards review completed investigations and provide feedback to law enforcement agency.
- Remand cases back to the department's internal affairs unit for further investigation
- Recommend case disposition, discipline, or revised departmental policies and procedures.
- Hear appeals from complainants or subject officers.
- Hold public forums.
- Community outreach conducted by staff and review board members.
- Hold their meetings in public in accordance with state laws and union contracts.

INVESTIGATION-FOCUSED MODEL

RANGE OF AUTHORITY

- Employ professionally trained investigative staff to conduct investigations of allegations of misconduct independently of the overseen department's internal affairs unit
- Can replace critical functions of a standard internal affairs unit altogether
- Often has investigative jurisdiction over certain types of allegations
- Conduct interviews of witnesses including civilian and police
- Gather evidence
- Prepare investigative reports
- Make recommendations or findings as to whether the evidence supports the allegations in the complaint
- In some cases, can recommend and/or impose discipline

AUDITOR/MONITOR-FOCUSED MODEL

RANGE OF AUTHORITY

- Authorized to audit, monitor, investigate, and review a wider range of law enforcement policies, practices, and procedures
- Ensure individual complaint investigations comply with established policies and procedures
- Involve themselves in ongoing investigations by observing interviews, asking questions, and overseeing the overall direction of the department's investigation
- Monitor the disciplinary process in order to ensure fairness, consistency, and that it is conducted according to the department's disciplinary protocols
- Complaint intake
- Complaint classification
- Make recommendations regarding aspects of the law enforcement agency
- Community engagement

HYBRID MODELS

COMMON OVERSIGHT FUNCTIONS

- Reviewing completed internal affairs investigations is the most common oversight function across all model types
- Some cities have developed multiple agencies, performing distinct oversight functions, who are independent of each other and independent of the overseen law enforcement agency.
- Professional staff who receive input and feedback from boards or commissions representing the community and who also evaluate the oversight entity or entities in place

PRINCIPLES FOR EFFECTIVE CIVILIAN OVERSIGHT

Independence

Clearly defined and adequate jurisdiction and authority

Unfettered access to records and facilities

Access to LE executives and IA staff

Full cooperation

Sustained stakeholder support

Adequate funding and resources

Public reporting and transparency

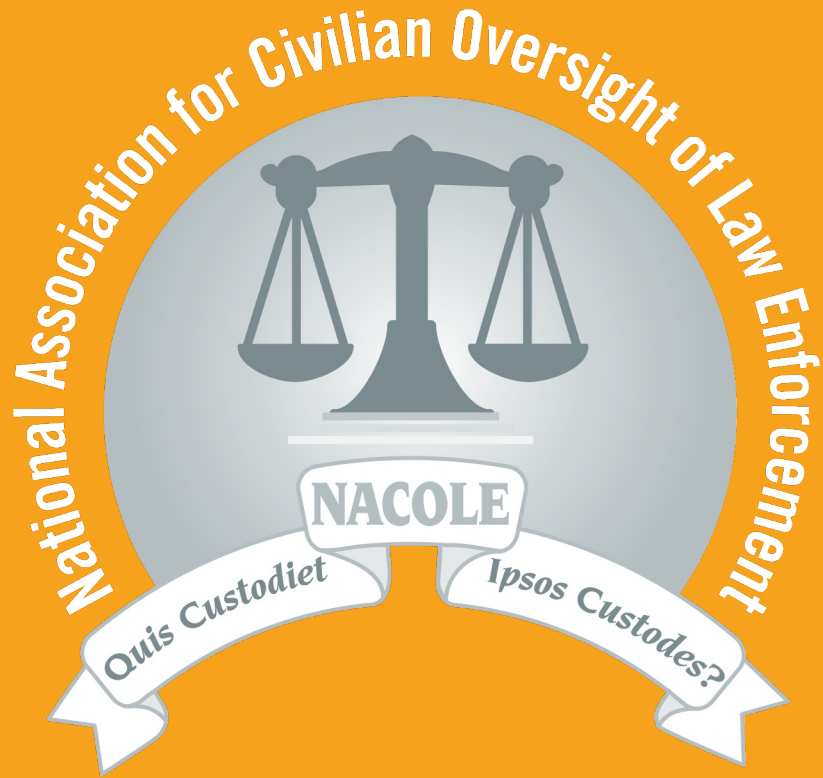
Policy and pattern analysis

Community outreach

Community involvement

Confidentiality, anonymity, and protection from retaliation

Procedural justice and legitimacy



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