



CIVILIAN REVIEW BOARD WORK GROUP SUMMARY REPORT

Louisville Metro Government

Prepared by the Louisville Metro Criminal Justice Commission

June 2020

June 29, 2020

Honorable Greg Fischer, Mayor
4th Floor, Louisville Metro Hall
527 West Jefferson Street
Louisville, Kentucky 40202

President David James
Louisville Metro Council
601 W. Jefferson Street
Louisville, Kentucky 40202

Dear Mayor Fischer and President James:

On behalf of the membership of the Civilian Review Board Work Group, we are pleased to submit this summary report, which details the work of the Work Group over the past month. In response to the charge you gave to the group on May 29, 2020, to recommend the best structure for a Civilian Review Board that would add a new layer of independent review of standards and police policies and recommendation on police disciplinary matters, Work Group members were better informed about the various civilian review models and approaches in other jurisdictions, actions required to enhance the local civilian review process, and to discuss possible options to enhance civilian review in Louisville Metro.

The information contained within this summary report reflects the process the Work Group followed to research civilian oversight models, including investigation-focused, review-focused, and auditor/monitor-focused models. Work Group members were divided into three subgroups to gather information from other jurisdictions, identify positive and negative attributes of each model, and discuss risks associated. Through a rapid debrief session to report out on each model in detail, Work Group members reached consensus and expressed the importance of adopting a multifaceted hybrid model that incorporates a combination of each of the three models. Members also identified a number of items that still need to be discussed prior to the drafting of legislation, which are outlined in this summary report.

We would like to express our sincere appreciation to the members of the Work Group and staff for the time and energy they committed to this important work. We would also like to thank the individuals who made presentations before the group or provided valuable research and legal information for our consideration. Lastly, we believe that the participation of both government and community representatives allowed the Work Group to take a fresh look at longstanding issues; it facilitated creative thinking and challenged us

to move beyond the status quo. We urge you to consider this summary report as you move forward with the next phase.

Councilwoman Paula McCraney
Co-Chair

Deputy Mayor Ellen M. Hesen
Co-Chair

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MEMBERS OF THE CIVILIAN REVIEW BOARD WORK GROUP

The following individuals are to be thanked and commended for their participation and commitment to the work of the Civilian Review Board Work Group.

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CIVILIAN REVIEW BOARD WORK GROUP STAFF

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HISTORY OF CIVILIAN OVERSIGHT SYSTEMS

Civilian oversight of law enforcement in the United States is an evolving governmental function established to provide monitoring of police practices and the misconduct complaint process, along with review of police agency policy and training systems. Civilian oversight can provide a means to examine a wide range of issues within law enforcement agencies to ensure that policing is responsive to the standards, values, and needs of the community served.¹ Police oversight systems are often formed in the wake of politically contentious police shootings and are seen as a forum for voicing community concerns over policing issues and as an attempt to ensure future adherence to positive police practices.² Although the need for and usefulness of these systems are frequently not recognized until problems occur, they can indeed help strengthen, and prevent future breakdowns of trust with the police.

There are three primary approaches to civilian oversight of police identified in this report. These models include a Civilian Review Investigative model, a Review model, and an Independent Auditor model (also known as Office of the Inspector General). What follows is an overview of the charge of the Civilian Review Work Group in Louisville Metro, efforts by the Mayor to address weaknesses in LMPD policy, procedures and structure of the police department, an overview and research on the three models of civilian oversight, and an overview of the subgroups created to review the positive and negative attributes, and risks associated with each model.

MAYOR/METRO COUNCIL CHARGE TO THE WORK GROUP

On May 27, 2020 Mayor Greg Fischer and Metro Council President David James, announced the creation of the Civilian Review Board Work Group and identified the members that would move this vital work forward. The charge of the work group is to research, debate and recommend the best structure for a Civilian Review Board that would add a new layer of independent review to Louisville Metro Police Department policies and disciplinary matters. At the first meeting on May 29, 2020, Mayor Fischer presented the charge to the work group along with a brief review of events since the night of March 13, 2020 when Breonna Taylor was killed by the Louisville Metro Police Department while executing a no-knock search warrant at her residence.

Mayor Fischer announced that a new Chief of Police will be named, and that police will report to the new Chief of Public Services, Amy Hess, the former head of the FBI's Louisville

¹ Walker, S. (2005). *The new world of police accountability* Thousand Oaks, CA: SAGE Publications, Inc. doi: 10.4135/9781452204352

² Citizen Oversight of Law Enforcement. 2006. Ed, Justina Cintron Perino. American Bar Association.

field office. Additionally, Mayor Fischer noted that Metro Government is contracting with the Police Executive Research Forum (PERF), a non-profit Washington, D.C.-based police research organization with critical experience with the role, responsibilities and experience required of successful law enforcement chief executives, to conduct the search for the new police chief. The city is also issuing a Request for Proposal for a comprehensive, top-to-bottom review of the Louisville Metro Police Department. Louisville Metro Government as a whole is focused on continuous improvement and as the city begins a search for a new police chief, the review will focus on policies, procedures and structure of the police department to ensure that it aligns with the goals and values of the entire community. The Mayor has requested Metro Council's involvement in the process.

The search for a new police chief and LMPD review are just the latest steps the Mayor has taken to improve police and community relations. On May 29, 2020 the Mayor announced a "Sentinel Event Review" into the LMPD's handling of the Breonna Taylor case, with the goal of identifying and addressing any systemic flaws, preventing recurrence, and earning public trust. This joint project of the National Institute of Justice and the Pacific Institute for Research and Evaluation will identify underlying factors in critical incidents in an effort to improve the criminal justice system and police community trust and legitimacy.

Breonna Taylor's tragic death has led to a number of changes including Breonna's Law to prohibit "no knock" warrants and require all officers to wear and use body cameras. The next major step, as identified in this report, is the recommendation of a civilian review model which involves stakeholders from the Civilian Review Board Work Group, who all have differing perspectives, coming together to provide input on a model that will benefit the entire community.

Additionally, in the Spring of 2019, Councilwoman Paula McCraney studied various Civilian Review Boards throughout the U.S. to draft language to amend Chapter 36 of the Louisville Metro Code of Ordinances concerning the Citizens Commission on Police Accountability. The amendment would enhance and expand the authority of the Commission by 1. Requiring the Police Department to provide Commission with complete access to police department records, information, documents, files, reports, evidence, databases, video and audio recordings; 2. Include the Metro Council when the Commission advises the Mayor and Police Chief on matters relating to the quality and adequacy of investigations; 3. Include a Metro Council member as a member of the Commission; 4. Include an ex-officio, nonvoting rank-and-file consulting member appointed by the Fraternal Order of the Police, serving a one-year term; and 5. Establish required training for each Commission member.

In 2018, Councilman Bill Hollander began working on an ordinance to create the Office of Inspector General – an independent office, headed by an individual with investigatory experience, but not affiliated in the past or present with LMPD, which could investigate

certain individual cases, as well as patterns and practices. Reports would be publicly available. The Office would have reported to the existing Citizens Commission on Police Accountability, the Metro Council and the Mayor. It was modeled after "Police Auditor" or "Inspector General" in many cities, some created by ordinance and some established under federal consent decrees.

OVERVIEW OF WORK GROUP

The work group held its kick-off meeting on Friday, May 29, 2020, virtually, as in-person gatherings remain limited due to COVID-19. The public was able to follow along via Facebook Live. The kick-off meeting was focused on informing work group members on the history and models of Civilian Review Boards across the country and background information related to current Kentucky state law, complaint processes, and collective bargaining agreements. In addition to the background information related to the complaint processes, members also received information regarding the Police Merit Board, Citizens Commission on Police Accountability, and research related to subpoena power. The agenda provided an opportunity for work group members questions and answers via a roll call format.

RESEARCH ON CIVILIAN OVERSIGHT

Traditionally, three primary approaches to oversight have been used across the country— Auditor/monitor-focused, Review-focused, and Investigation-focused. Today however, individualized models of oversight utilizing a variety of the components are found across jurisdictions to best fit the needs of their community. It is important to note that there is no empirical evidence demonstrating the effectiveness of the models or if they improve accountability and enhance community confidence.

Auditor/monitor-focused

Auditor/monitor-focused agencies often focus on examining broad patterns in complaint investigations, including patterns in the quality of investigations, findings and discipline. Some auditors/monitors may actively participate in or monitor open internal investigations, and often seek to promote broad organizational change by conducting systematic reviews of police policies, practices or training and making recommendations for improvement. Auditor/monitor-focused models can be seen in Portland, OR, Tucson, AZ, and several other jurisdictions.

A significant strength of the auditor/monitor-focused approach is the ability to review all complaints and other sources of information about police activity to analyze trends and patterns of conduct. The auditor/monitor may also evaluate other police systems, such as

use of force review procedures and police training. The information that is gathered is used to generate reports, make policy and training recommendations, and effect broader change in the police agency, as well as identify officers or specialized units with a problematic complaint history. A list of jurisdictions utilizing auditor/monitor-focused models can be found in Appendix B.

Review-focused

Review-focused agencies often focus on reviewing the quality of completed police internal affairs investigations, may make recommendations to police executives regarding findings or request that further investigation be conducted. They are commonly headed by a review board composed of citizen volunteers and may hold public hearings to collect community input and facilitate police-community communication. Jurisdictions with review-focused models include Rochester, NY and St. Paul, MN.

Boards and commissions in a review-focused model can greatly improve community confidence in the police department. When members of the community are empowered to weigh in on complaints and policy recommendations, as well as provide an avenue of access to those who may otherwise feel excluded, public trust is increased. However, if the power of the board or commission is limited, there can be a sense of frustration for all involved. A list of jurisdictions utilizing review-focused models can be found in Appendix B.

Investigation-focused

Investigation-focused agencies routinely conduct independent investigations of complaints against police officers, may replace or duplicate the police internal affairs process, and are staffed by non-police, “civilian” investigators. Many jurisdictions across the country including San Francisco, CA, Berkley, CA, Flint, MI, and Minneapolis, MN conduct investigations of complaints of police misconduct using this model. They have the authority to accept and review complaints, collect evidence, interview witnesses—including police personnel—and make findings or recommendations on the misconduct allegations involved. In jurisdictions that have a community board or commission as the adjudicatory body, a civilian investigator typically conducts fact-finding investigations and a hearing is held before the commission or review board to determine findings. In other jurisdictions, recommended findings are presented to the chief of police who has the ultimate decision-making authority on matters of conduct and discipline.

Investigative-focused models strengthen an oversight agency’s influence. Civilian witnesses may be more willing to be involved in an investigation if it is conducted by an independent agent separate from the police internal affairs process. Investigative methods, skill level, and advanced training of the investigator increase the thoroughness and the outcome of the

case. A list of jurisdictions utilizing investigation-focused models can be found in Appendix B.

Many Civilian Review Boards across the country are multifaceted “hybrids” that incorporate a combination of functions that can include a community board or commission, investigation of police misconduct complaints, monitoring/auditing of a police department’s internal investigations, or review of broader policy and training systems.³

Regardless of the oversight structure adopted, there are a number of factors that contribute to whether an approach will be successful. As members of the Civilian Review Work Group learn more about the strengths and weaknesses of each model, the factors outlined below should be considered in adopting oversight at the outset.

Independence

In order to succeed, the oversight body must be independent from special interest groups, police, and elected and other government officials. The community, as well as the police officers under examination, must trust that the oversight agency and its leadership are fair and unbiased.

Access to the Law Enforcement Agency and Government Officials

Civilian Review Boards across the country vary in regard to their authority to work directly with those in the government structure. It is important for the integration of the oversight agency into the government structure that oversight practitioners have direct access to elected and other government officials, along with the law enforcement agency involved.

Ample Authority

It is imperative that Civilian Review Boards have ample authority to provide a credible service to the communities they serve. Jurisdictions that have investigative authority must have the ability to interview all witnesses, including officers, and have access (via subpoena power or otherwise) to all documents and other evidence needed to complete the investigation.

Reviewing Police Policies, Training and Other Systemic Issues

Policy review is widely seen as one of the most important aspects of a Civilian Review Board in that it can effect broad organizational change in the law enforcement agency. Reviewing the police departments policies and training and making recommendations for improvements are functions that can be associated with any oversight approach.

³ Barbara Attard & Kathryn Olson, Overview of Civilian Oversight of Law Enforcement in the United States <http://accountabilityassociates.org/wp-content/uploads/Oversight-in-the-US-%E2%80%A6FINAL.pdf>

Adequate Funding

Civilian Review Boards must have adequate funding and spending authority to complete the work outlined in the enabling legislation and to be effective in their efforts. Oversight agencies must have funding and authority to hire staff at a level that allows for timely and thorough investigations, reviews, or audits.

Core Qualifications for Effective Oversight

In order to be effective and seen as legitimate in conducting police oversight, it is vital that investigators have adequate training and experience to perform the work.

Ethical Standards

The development of ethical standards for practitioners of civilian oversight of law enforcement is an important step for the field. The National Association for Civilian Oversight of Law Enforcement has adopted a Code of Ethics to guide the practice of civilian oversight in promoting public trust, integrity, and transparency.

SUBGROUPS

In preparation for the June 12, 2020 meeting, the Civilian Review Work Group was divided into three subgroups. Prior to the meeting each member was asked to study the model that they were assigned. When each subgroup met in-person on Friday, June 12, 2020, each member met with their assigned subgroup to discuss the positive and negative attributes, and risks associated with implementing the assigned model. Co-facilitators were provided for each subgroup from the Metro Office of Performance Improvement and a staff member from the Office of the Criminal Justice Commission. Civilian Review Board Co-Chairs Ellen Hesen and Councilwoman Paula McCraney rotated through each subgroup to observe, answer questions and give feedback.

SUBGROUPS		
Auditor/monitor-focused	Review-focused	Investigation-focused
Eric T. French, Sr.	Raoul Cunningham	Kendall Boyd
Ingrid Geiser	Jessica Green	Jim Burch
Reginald Glass	Chris Hartman	Keisha Dorsey
Jessie Halladay	Keturah Herron	Drew Fox
Bill Hollander	Paul Humphrey	Chandra Irvin
John Marshall	Ricky Jones	Josh Judah
Senator Gerald Neal	Nima Kulkarni	Edgardo Mansilla
Ryan Nichols	R. Lightsy, Jr.	Kim Moore
Judy Schroeder	Imani Smith	Sadiqa Reynolds
Anthony Smith	Brenda Harral	Erwin Roberts

The facilitator assigned to each subgroup opened each of the three meetings with a review of their assigned model and instructions for members to identify the positive and negative attributes of the model as well as to identify risks associated with implementation.

Subgroup A: Auditor/monitor-focused

As a group, members identified the following positive attributes: the auditor/monitor-focused model is an ongoing and sustainable system with a professional auditor who has experience in police tactics and investigations and could provide training to civilian review board members; includes a multi layered reporting structure as the auditor would report to the Mayor, Council and the Civilian Review Board which would create a high level of transparency and perception of independence to the public; and allows for the ability to examine policies and procedures and compile statements from officers.

The negative attributes identified include: the board members are typically volunteers, and this type of review requires a devotion of time which the volunteers may be unable to give; the public may perceive that the auditor reporting structure lacks independence to provide unbiased findings and recommendations; and the auditor may or may not possess subpoena powers.

Risks that members identified include internal governance could further increase the level of distrust within the community as it relates to transparency and independence; subpoena power may not be transferable without going through the General Assembly which would cause a delay in the review and recommendation processes with the board; without subpoena power, officers cannot be compelled to speak with nongovernmental entities, therefore restricting the boards access to statements; the board members inability to devote the needed time to provide effective and timely reviews and recommendations; and the necessary adequate funding allocated to ensure maximum success of the board.

Subgroup B: Review-focused

As a group, members identified the following positives attributes: the model reviews the thoroughness of the investigation completed by the police department; the board is independent from the police structure; the board can recognize structural repeated issues; and members can request follow-ups and additional inquiry while reviewing the investigation.

The negative attributes identified include: the civilian review board acts in an advisory capacity only and have no disciplinary ability; the board reviews after the completion of the investigation; there can be a lack of education of the Board members; boards are reactive versus proactive; and it may be difficult to affect long term systemic change because members

are addressing immediate situations therefore may need a separate body for policy-level systemic change.

Risks that members identified include timeliness; volunteer board members can lead to inconsistent reviews; there can be turnover of the volunteer board members; and the time commitment of the volunteer board members.

Subgroup C: Investigation-focused

As a group, members discussed the following positive attributes: the investigation-focused model is independent from the police department and employs experienced investigators which results in increased public confidence and transparency; the model shifts the power from the police department and removes the police department from the integrity of the review process; the model aligns with the 21st Century Policing Report and ensures oversight from community representation; the model includes subpoena power; and effective practices and performance-based benchmarks exist from other cities who have adopted investigation-focused civilian review.

The negative attributes identified include: subpoena power and legislative change can be a lengthy process and difficult to get passed; the model requires extensive professional investigative experience and is costly to replicate; the model will have the highest degree of conflict with the police and could face legal challenges due to an external agency looking at police discipline; this model can increase the timeliness of the review due to the duplication of investigations by prosecutors who investigate the criminal aspect of the investigation and the independent review by civilian investigators; the model is complaint driven and does not necessarily change the processes or systemic operations within the police department; and although the community is involved, buy in will be hard due to a lack of representation amongst all of the different community groups.

Risks include increasing officer attrition due to police perception that the model is further pushing community-police engagement further apart; capacity to implement true community policing; internal and external bias; false accusations/ misleading complaints; and damaging community trust if the intended outcomes are not implemented or met in a timely fashion.

SUMMARY OF OPTIONS

At the end of each subgroup meeting, all members of the Civilian Review Board Work Group convened for a rapid debrief session to report-out on each model in detail. Members noted that although it is beneficial to review the three models and research how they operate in other jurisdictions, a model needs to be created specifically for Louisville that will be

effective locally. A point was made that one of the challenges in evaluating these models is not only the lack of information available on the effectiveness but also that the bulk of the research focuses on the system and the experience of agencies related to civilian review. It was added that there is likely not a city in the country where the residents would say they have an effective system of oversight.

Members reached consensus and expressed the importance of adopting a multifaceted hybrid model that incorporates a combination of each of the three models. Throughout each of the subgroup discussions goals that stood out included improving public trust, ensuring an accessible complaint process, promoting thorough, fair investigations; increasing transparency; and deterring police misconduct. Members agreed that the important pieces need to include a community board or commission that has subpoena power to investigate police misconduct and complaints, the police department's internal investigations, and the review of broader policy and training systems.

The Work Group will reconvene on July 10, 2020 to review the draft legislation prepared by the Jefferson County Attorney's Office. There were several areas identified for additional discussion including:

- Addressing if the oversight body will eliminate the police internal affairs investigation process and be an independent body of civilian investigators;
- Addressing subpoena power, which will ultimately require statutory change at the state level;
- Addressing the need for an Inspector General;
- Addressing the design and make-up of Board members;
- Addressing requirements and the process for appointments of Board members;
- Addressing training needs for those appointed to serve on the Board;
- Addressing whether or not the current Citizens Commission on Police Accountability will be renamed, maintain the same name, and/or be replaced altogether with this legislation; and
- If the Citizens Commission on Police Accountability is maintained, reexamine the timing of their involvement on the review of cases (under current ordinance, the CCPA reviews closed investigations).

Tentative next steps that will occur following the Work Group meeting on July 10th includes:

1. The Ordinance will be placed on the website for public review. (By July 17th);
2. The Ordinance will be reviewed again, and if needed, updated to reflect any additional, viable comments from the public. (By July 24th);
3. The Ordinance will be sent to all work group participants for a final review and consensus sign-off. (Sign-off by July 31st);
4. The Ordinance will be assigned to a Metro Council Committee by President David James. (By August 7th);

5. The Ordinance will go before Full Metro Council for a vote. (August 20th or September 3rd);
6. The Ordinance will be sent to Mayor Fischer for Signature. (The day after the Full Metro Council votes, so either August 21st or September 4th);
7. The Ordinance becomes law upon Mayor's signing. (Immediately);
8. A possible ceremonial signing with the Mayor will be scheduled for work group participants and interested community residents to attend. (Signing can also be televised through MetroTV)

RESOURCES

Finn, Peter. "Citizen Review of Police: Approaches and Implementation." National Institute of Justice, March 2001.

Stephens, Scrivner, & Cambareri. "Civilian Oversight of the Police in Major Cities." Community Oriented Policing Services, 2018.

Louisville Metro Police Department, Standard Operating Procedure 2.10 (Complaints)

Louisville Metro Police Department, Standard Operating Procedure 1.9 (Special Investigations Division)

Kentucky Revised Statute 67C. 321 – Actions taken by chief against officers

Kentucky Revised Statute 67C.323 - Review of disciplinary actions -- Hearings – Appeal

Kentucky Revised Statute 67C.325 Rights of officer brought before board – Subpoenas

Kentucky Revised Statute 67C.326 Review of citizen complaints against police officers

Human Relations Commission Citizen Advocate Complaint Brochure

Louisville Metro Ordinance No. 10-2003 - Citizens Commission on Police Accountability

Relevant excerpt from Metro/LMPD Officer & Sergeant FOP collective bargaining agreement

Louisville Metro Ordinance No. 79-2003 – Police Merit Board and Merit System

Louisville Metro Police Merit Board Rules and Regulations - Number 9.1 – 9.4 and 10.1

Memo from Annale Taylor regarding Discipline and Review Process in Place

Memo from Hollie Hopkins regarding Subpoena Power

Violence Prevention Work Group 2012 Report

Louisville's Blueprint for Safe and Healthy Neighborhoods Phase II plans from 2015

Overview of Significant Actions and Information Relating to Civilian Review

Summary of Civilian Review Boards, May 2020

National Association for Civilian Oversight of Law Enforcement www.nacole.org

Police Assessment Resource Center www.parc.info

Center for Policing Equity www.policingequity.org

Campaign Zero www.joincampaignzero.org/oversight

CIVILIAN REVIEW BOARD WORK GROUP
Summary of Work Group Process

Meeting Dates (3):

May 29, 2020

June 12, 2020

July 10, 2020

Presentations:

May 29, 2020: History and models of Civilian Review Boards across the country
Faith Augustine, Director, Criminal Justice Commission

Citizen Complaints
Kendall Boyd, Chief of Equity

Police Merit Board
Citizens Commission on Police Accountability
Annale Taylor, Deputy General Counsel

Subpoena Power
Hollie Hopkins, Legislative Services Director, Jefferson County
Attorney's Office

June 12, 2020 Subgroup meetings/Rapid Debrief Session

July 10, 2020 Discussion on Legislation Drafted by Jefferson County
Attorney's Office
Councilwoman Paula McCraney and other Councilmembers

CIVILIAN OVERSIGHT MODELS By Jurisdiction		
<i>Auditor/monitor-focused</i>	<i>Review-focused</i>	<i>Investigation-focused</i>
Portland, OR Tucson, AZ Austin, TX Denver, CO New Orleans, LA Eugene, OR Los Angeles, CA	Rochester, NY St. Paul, MN Indianapolis, IN Charlotte, NC Boston, MA Baltimore, MD Oklahoma City, OK Las Vegas, NV Houston, TX Tampa, FL St. Petersburg, FL Omaha, NB Albany, NY Kansas City, Missouri	San Francisco, CA Berkeley, CA Flint, MI Minneapolis, MN Salt Lake City, UT Cleveland, OH New York City, NY Memphis, TN Nashville, TN Milwaukee, WI Cincinnati, OH Philadelphia, PA Atlanta, GA Chicago, IL San Diego, CA Pittsburgh, PA

The list of jurisdictions above is not inclusive of all civilian oversight agencies in the United States. Research shows that there may be as many 200 jurisdictions using some form of civilian oversight.

RAPID DEBRIEF SUBGROUP SUMMARIES

Group A

Facilitator:	Michael Meeks/Tiffany Smith
Group Model:	Auditor/Monitor Focused

Positive Attributes of the Model

This is an ongoing and sustainable system with a professional auditor with experience in police tactics and investigations and could provide training to civilian review board members. There could be a multi layered reporting structure as the auditor would report to the Mayor, Council and the Civilian Review Board which would create a high level of transparency and perception of independence to the public. As an internal employee, the auditor would have the ability to examine policies and procedures in addition to individual incidents and compile statements from officers. The auditor would train members of the civilian review board.

Negative Attributes of the Model

The board members are typically volunteers. This type of review requires a devotion of time which the volunteers may be unable to give.
The public may perceive that the auditor reporting structure lacks independence to provide unbiased findings and recommendations.
The auditor may or may not possess subpoena powers.

Potential Risks from Implementing this Model

Internal governance could further increase the level of distrust within the community as relates to transparency and independence.
Subpoena power may not be transferable with going through the general assembly which would cause a delay in the review and recommendation processes with the board.
Without subpoena power, officers cannot be compelled to speak with nongovernmental entities, therefore restricting the boards access to statements.
The board members inability to devote the needed time to provide effective and timely reviews and recommendations.
There will need to be adequate funding allocated to ensure maximum success of the board.

Other Considerations for this Model

How would you establish criteria to determine what is considered acceptable/nonacceptable forms of force?
The board would need to take a proactive stance to provide a better view to the community of the board objectives, processes which will be utilized to increase transparency.
Conduct benchmarking to determine successes and failures within other municipalities, study patterns and practices.
Determine a systematic approach/processes to ensure public reports are issued regularly.
Consideration of outsourcing the auditor position to establish an additional layer of independence within the community.
What method(s) would be utilized to ensure community is involved and feedback is solicited throughout the process?

Group B

Facilitator:	Kellie Watson/Richard Price
Group Model:	Review-focused

Positive Attributes of the Model

The model reviews the thoroughness of the investigation completed by the police department.
The board is independent from the police structure.
The board will be able to recognize structural repeated issues.
The board can request follow-ups and additional inquiry while reviewing the investigations.
Las Vegas Review Board attends crime scenes and is present during the whole investigation.

Negative Attributes of the Model

The review-focused model does not have disciplinary ability. It only operates on an advisory capacity.
Only after the investigation has been completed is the board able to review the investigation.
There may be a lack of education of those appointed to the Board.
In Omaha the findings are confidential.
It would be difficult to affect long term systemic change because addressing immediate situations.
The board would be reactive vs. proactive.
The board may need separate body for policy-level systemic change.
According to NIJ study, both Orange County and St. Paul CRB had subpoena power but did not use it.

Potential Risks from Implementing this Model

The model may not be timely due to only being able to review once the investigation has been completed.
Volunteers can lead to inconsistent reviews.
There could be a high turnover of board members due to them being volunteers.
Participating on the board is a very large time commitment for volunteers.

Other Considerations for this Model

How would Release of Information work?
Will the alignment of open records (Transparency, legality) meet the board's needs?
How will the review and release of records during investigation work?
What do they review (complaints, discipline)?
Will there be administrative staff with investigative responsibilities?
Independent oversight is needed.
Culture change.
An investigative process that mirrors the police investigation with audit after the Board reviews the investigation could be the best model.
Who does the Board report to? Mayor, Chief of Police, Ombudsman
Should we pay the volunteers?
What does quorum look like for the board?
What type of training will be required for board members?
What does the structure and responsibility entail?
What exactly will the board review? Policies, procedures, and incidents.
Will there be an Inspector General and will the Inspector General report to Metro Council?

Group C

Facilitator:	Rachel T. Smith/Joshua Watkins
Group Model:	Investigation

Positive Attributes of the Model

This model provides for an Independent Investigation which will increase the public confidence in the integrity of the process, as partnerships are created to work together to find solutions. Community Representation is encouraged. Investigation reviews will include community perspectives, 21st Century Policing best practices and a level of community oversight. Transparency created through the reporting structure, which include reporting to both legislative and executive branches.

Negative Attributes of the Model

Subpoena power requires a major legislative change which would require a significant amount of time, as well as appropriate representation to enact changes. This model requires a great deal of professional experience. There may be additional costs (salary and comp vs volunteers) required to retain members due to the devotion of time needed for the process. Model is complaint driven which could hinder the ability to change existing processes due to reactive nature.

Potential Risks from Implementing this Model

Lack of capacity could create ineffective processes and delays in reviews and recommendations. Increasing officer attrition can create both internal and external bias. Public mistrust could be created if intended outcomes are not achieved due to inaccurate or misleading complaints, which can also cause polarity between the police and the community. Who will have the authority to decide the discipline and punishment due to findings and recommendations? Disengagement and disagreements with policer officers and process, as well as legal and union issues could be challenges to the process.

Other Considerations for this Model

Visit and communicate with other jurisdictions to see how this process and experience works by performing benchmarking. Hybrid model of all three recommended models needed to ensure success. Perform a gap analysis between community and police experiences as well as Lobbying Frankfort for applicable state law changes. Logistically, what does this investigative process look like? Ensure process for consistent dialogue between the police and the community to establish a shared purpose and provide clarity as to the intention and direction of reviews. Ensuring all parties have an opportunity to provide input on the creation and implementation of the board and process. Establish what due process will consist of; what does that look like logistically?