

COMMUNITY FORMATION COMMISSION

REGULAR COMMISSION MEETING

AUGUST 25, 2021



Civilian
Oversight
Model
Specifics



Model Review

Review-Focused

- Most prevalent component of hybrid systems
- Most often volunteer boards or commissions
- Allows the involvement of community members
- External and Internal Complaint of Sworn and Non-Sworn

Auditor/Monitor-Focused

- Promotes systemic change in a way other models do not
- Tend to vary more in authority than organizational structure
- Broad access to department information and records
- Robust reporting requirements

Investigation-Focused

- Employee or contract professionally-trained investigator
- Often have jurisdiction over certain types of complaints
- Greater access to law enforcement records
- Often accompanied by a board or commission
- Application is often different in a hybrid agency

South Bend



Community Police Review Board

PURPOSE

- To provide additional perspectives to alleged police misconduct
- To encourage civilian to take part in the process
- To create a means for just, efficient, safe, fair, impartial, and timely conducting of investigations of alleged police misconduct
- To reach independent determinations that are supported by evidence and based on a preponderance of evidence
- To identify patterns of alleged police misconduct
- To make policy recommendations

Community Police Review Board

COMPOSITION

Nine-member Board appointed by Common Council

- Board members selected from nominees made by each member of Common Council
- May include individuals and representatives of community organizations
- Members may not be members of sworn law enforcement
- Must be a current resident of South Bend

Community Police Review Board

TRAINING

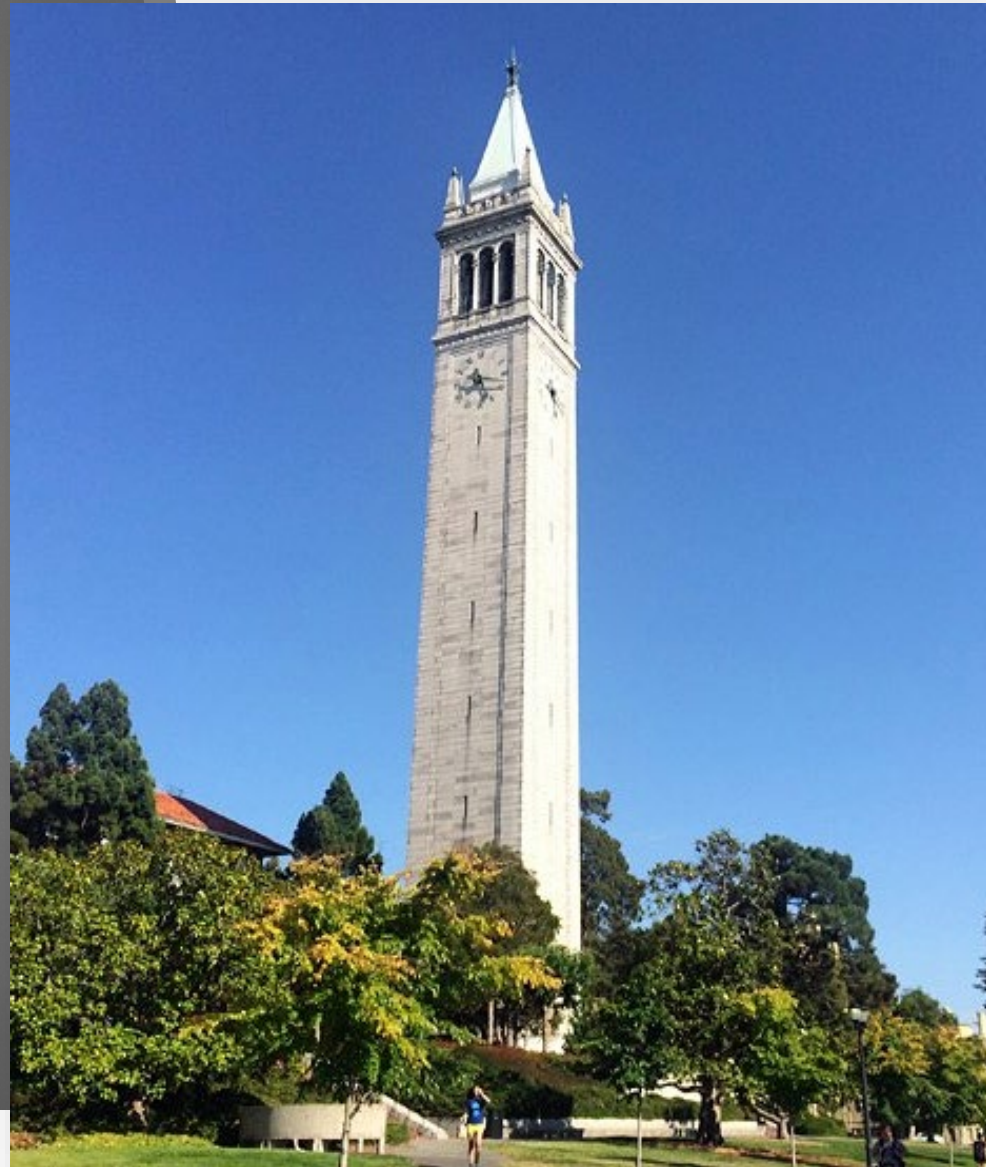
- Members must begin training before any investigation, review, or any other duties commence
- Mandatory training includes 12 hours of ride-alongs with SBPD
- Recommended training includes the following:
 - Training and assessment pursuant to the Intercultural Development Inventory or similar program approved by Common Council
 - South Bend Police Department Citizens' Police Academy
 - Mediation training
 - Best practices in investigations
 - Conflict Resolution
 - Restorative Justice

Community Police Review Board

POWERS AND DUTIES

- Meets no less than bi-monthly
- Sets rules for governance
- Establishes procedure for processing complaints
- Reviews allegations
- Collects, tracks, and reports civilian complaints
- Suggests revisions to existing or addition of new policies
- Facilitates community advisory groups
- Provides policy suggestions to Common Council, Mayor, and Board of Public Safety
- Recommends additional investigation of complaints

Berkeley



PURPOSE

Purpose of the Police Accountability Board (PAB)

- To Promoting public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department

Purpose of the Director of Police Accountability (DPA)

- To investigate complaints filed against sworn employees of the Berkeley Police Department, to reach an independent finding as to the facts and recommend corrective action where warranted. The Director of Police Accountability may also serve as the Secretary to the Police Accountability Board and assist the Board in carrying out the duties prescribed herein.

POLICE ACCOUNTABILITY BOARD

COMPOSITION

- Composed of nine (9) Board members selected by the Mayor and City Council.
- Each member of the Board must:
 - Be a resident of the City
 - Be at least 18 years old
 - Not be an employee, officer, or contractor with the City, a current sworn police officer from any agency, or a current employee, official, or representative of an employee association representing sworn police officer
 - Be fair minded and objective with a demonstrated commitment to community service
- Each individual nominee must be approved by a majority vote of the City Council
- City Council shall endeavor to establish a Board that is broadly inclusive and reflective of race, ethnicity, age, gender identity, sexual orientation, economic status, neighborhoods, and various communities of interest in the City. Toward that end, in soliciting applications for the position of Board member, the Director of Police Accountability shall reach out to civic, community, and civil rights organizations, among others

POLICE
ACCOUNTABILITY
BOARD

TRAINING

Each Board member shall receive forty (40) hours of training on the following:

- Quasi-judicial duties and obligations of the Board
- Constitutional rights and civil liberties
- Fundamentals of procedure, evidence and due process
- The Public Safety Officers Procedural Bill of Rights Act
- Police Department operations, policies, practices, and procedures
- Duties, responsibilities, procedures and requirements associated with all ranks and assignments.

POLICE ACCOUNTABILITY BOARD

POWERS & DUTIES

- Make recommendation regarding the operation of the Berkeley Police Department, including all written policies, practices, and procedures in relation to the Berkeley Police Department
- Receive and consider the findings and recommendations regarding complaints filed by members of the public against sworn employees of the Police Department and to recommend if discipline is warranted when misconduct is found
- Participate in the hiring of the Chief of Police
- Access records of City Departments, compel attendance of sworn employees of the Police Department, and exercise the power of subpoena as necessary to carry out its functions
- To adopt rules and regulations necessary for the conduct of its business
- Propose annual budget to City Council
- Policy review and approval

DIRECTOR OF POLICE ACCOUNTABILITY

GENERAL INFORMATION

- Appointed by the City Council
- Carry out the day-to-day work of the Board including the Board office and staff
- Receive training in the following:
 - Quasi-judicial duties and obligations of the Board
 - Constitutional rights and civil liberties
 - Fundamentals of procedure, evidence and due process
 - The Public Safety Officers Procedural Bill of Rights
 - Police Department operations, policies, practices, and procedures
 - Duties, responsibilities, procedures and requirements associated with all ranks and assignments.
- Meet periodically with stakeholders to solicit input regarding the work of the PAB and DPA

Madison



Police Civilian Oversight Board

PURPOSE

To ensure that MPD responds to the needs and concerns of all of the community to help build trust

Police Civilian Oversight Board

COMPOSITION

- 11 members, 2 alternates (to act in the absence of a member or when they have to conflict out),
- 25-40% with lived experience, w homelessness, substance abuse, mental health, and or arrest/conviction record
- Must include 1 of the following: African-American, Asian, Latinx, Native American, and LGBTQ
- At least on member who is affiliated with an org. in the field of mental health, youth advocacy, and AODA
- At least one with arrest/conviction record
- Members SHALL represent a diversity of age, socioeconomic status, gender, geographic residence, and work experience

Police Civilian Oversight Board

TRAINING

- Police oversight & community policing
- Governing ordinance
- Broad range of police practices & procedures
- Problem-oriented policing
- Cultural awareness, racial equity, and civil rights
- Complaint process, investigative procedures, confidentiality requirements
- Ethics, public records, and public meeting laws

Police Civilian Oversight Board

POWERS AND DUTIES:

- Appoint and supervise the Independent Monitor
- Evaluate effectiveness of the Office of the Independent Monitor
- Conduct annual review of the Chief of Police
- Conduct community outreach
- Make policy recommendations
- Publish annual public report
- Issue subpoenas to the extent permitted by law

Police Civilian Oversight Board

OTHER CONSIDERATIONS

- Relationship with Police and Fire Commission
- Relationship with Independent Monitor

Independent Monitor

POWERS AND DUTIES:

- Monitor policy compliance
- Monitor MPD programs, activities, investigations, and use-of-force incidents
- Develop and issue reports and policy recommendations
- Create and support a system for receiving and processing complaints
- Conduct community outreach
- Staff the Police Civilian Oversight Board
- Hire OIM staff and engage independent contractors
- Access MPD records and issue subpoenas
- Retain independent legal counsel

Independent Monitor

OTHER CONSIDERATIONS:

- Confidentiality
- Relationship with the Madison Police Department



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