

## **ACC Community Police Advisory Board Development Task Force (Task Force)**

### **Summary of Recommendations**

In February 2020, the Task Force was established and charged with evaluating options for the creation of a police advisory review board for ACC and making recommendations on the following:

- What are the community benefits that we seek through creation of an advisory board?
- How can an advisory board provide “front-end” guidance to ensure positive police/community relations through policy/process/budget review and input?
- How can an advisory board provide effective response to specific challenging or controversial episodes (e.g. police involved shootings, violent interactions, etc.)?
- What is an ideal composition of an advisory board (size of body, range of backgrounds, affiliations, community representation, rotation of members, etc.)?
- What training and knowledge are critical for advisory board members to have?
- What level of information access is necessary for the advisory board to provide ideal service?
- What level and staffing and budget is necessary for the advisory board to provide ideal service?

Through extensive research and deliberations conducted over several months, the consensus of the Task Force is to recommend an oversight mechanism that is more robust in authority than those created as “advisory” by composition. To properly serve the residents of Athens-Clarke County by increasing trust and accountability in the complaint process and the actions of law enforcement, and to enhance positive police /community relations, the Task Force recommends a Civilian Oversight Board (COB) be created as a hybrid model which consists of an Auditor-Focused and Review-Board structure.

Civilian oversight provides the opportunity for an independent body to review the work of a law enforcement agency thus offering an element of legitimacy that internal accountability and review mechanisms often cannot. Because civilian oversight agencies operate outside of the overseen law enforcement agency, and reports to local stakeholders outside of its chain of command, the findings and reports of an oversight agency are free from the real or perceived biases that are often the source of mistrust in a law enforcement agency’s internal systems. Similarly, a civilian oversight agency’s impartiality, neutrality, and adherence legalistic rules can alleviate officer skepticism in internal systems and bolster trust within the law enforcement agency as a whole. <sup>1</sup>

Certain elements of civilian oversight allow it to explore problems proactively, identify their underlying issues and causes, focus on organizational change, and create bridges between law enforcement and the greater community. At the same time, oversight has the distinct ability to respond to specific, controversial interactions because of its ability to respond to individual allegations of police misconduct and lend a fair and impartial lens to the investigation and review process.

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<sup>1</sup> Vitoroulis, Michael, Cameron McElhiney, and Liana Perez. 2020. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services.

Given civilian oversight of law enforcement's ability to assist with the development of public trust, legitimacy, and cooperation necessary to improve police-community relations and enhance public safety, the Taskforce makes the following recommendations.

### **Independent Functions and Framework**

Independence of the oversight structure is critical to gain legitimacy through community involvement and by the language in the enabling ordinance. We recommend that the Mayor and Commission consider and discuss the importance of having the oversight mechanism created within the Charter vs. by Ordinance. If the Mayor and Commission choose not to create a chartered Auditor-Monitor position, the Task Force recommends that the reporting structure for the COB and the Auditor-Monitor be given thorough consideration to ensure undue political influence as well as potential conflicts of interest.

To avoid potential conflict of interests between the Manager and the COB, it is suggested that a circular form of accountability be established whereby the COB may bring an issue(s) directly to the Mayor and Commission should a disagreement arise between the police department and the oversight agency that cannot be resolved by the Manager.

Similarly, to avoid potential conflict of interests between the Manager, the police department and recommendations from the Auditor-Monitor, the Auditor-Monitor may present unresolved issues or concerns to the COB who may bring them forward directly to the Mayor and Commission for resolution.

The oversight agency shall have the authority to accept external complaints of police misconduct, monitor the investigative process, and review completed investigations conducted by the Athens-Clarke County Police Department (ACCPD) Office of Professional Standards Division. It shall have the ability to submit policy and training recommendations following the outcome of investigations. The Auditor-Monitor will examine patterns, trends, and practices as well as recommend policy changes.

### **Civilian Oversight Board**

In their most basic form, review-focused agencies provide community members outside of and unaffiliated with the law enforcement agency an opportunity to review the quality of misconduct complaint investigations performed by the overseen department. In terms of organizational structure, review-focused models typically take the form of volunteer boards or commissions. Individuals are most commonly appointed to the review board or commission either entirely or partially by the Mayor and/or Commission.

*Composition.* The COB shall be composed of eleven (11) at-large members and two (2) alternates who closely mirror the diversity and demographics of the community served by way of, including but not limited to, age, race, culture, gender-identity, sexual orientation, religion, geographic diversity, socioeconomic status, and work experience; and who are representative of the stakeholders of the police oversight process, have lived experience with police violence or overpolicing, and who reside within Athens-Clarke County. Consideration should be given to involve relevant local civic organizations

and community groups in the appointment process, so as to leverage their expertise, outreach, and representation of cross-sections of the community.

*Qualifications and Disqualifications for Board Membership.*

All members shall be Athens-Clarke County residents of at least eighteen (18) years of age. To the extent practicable, appointments shall be broadly representative of Athens-Clarke County's diversity and shall include members with knowledge and/or experience in the fields of human resources practices, management, policy development, auditing, law, investigations, law enforcement, youth representation, civil rights and civil liberties, as well as representation from communities experiencing the most frequent contact with the Department.

The following shall not be eligible to serve as a review board member:

- a. current sworn police officer;
- b. current City employee;
- c. former Department sworn employee;
- d. current or former employee, official or representative of an employee association representing sworn police officers; or
- e. a person with current or pending criminal charges.

*Appointment of Members.* The Mayor and Commission shall establish a well-publicized, fair, transparent, and equitable application process for appointment to the COB. The Mayor and Commission shall ensure that members closely mirror the diversity of the community by considering age, race, culture, gender-identity, sexual orientation, religion, geographic diversity, socioeconomic status, and work experience. A measurable emphasis shall be made to seek nominations from community-based organizations that have an interest in civil rights, immigrant rights, disability/mental health rights, racial equity, social justice, and that also an interest in public safety and criminal justice reform.

*Membership Term.* COB members shall serve a maximum of two, two-year terms to ensure the addition of new perspectives while maintaining institutional knowledge. In addition, the terms should be staggered to prevent the complete turnover of the board, preserving institutional memory and allowing for more informed decision-making.

When the COB is initially created, six (6) Members shall be appointed for two-year terms and seven (7) Members shall be appointed for one-year terms.

Any vacancy occurring during the term of any Member shall be filled by the application and appointment process set forth above. If a Member is appointed to fill an unexpired term, that Member's term shall end at the same time as the term of the person being replaced.

*Removal of a Board Member.* The Commission may remove members of the board by a majority vote of the Commission for substantial neglect of duty, gross misconduct in office, inability to discharge their powers and duties as a member of the board, or absence from three consecutive regular Commission

meetings or five regular meetings in a calendar year except on account of illness or when absent by permission.

*Stipends.* Athens-Clarke County Unified Government shall provide stipends to offset expenses relating to a volunteer member's duties and work for the COB and promote board diversity and participation.

*Authority.* The COB shall have the following authorities and mandates:

- Review completed investigations of allegations of external misconduct to determine if investigations are thorough, complete, and fair;
- Review reports conducted and completed by the Auditor-Monitor; including reports on the number of complaints reviewed/audited and findings, patterns and trends, outreach activities, and recommendations made to ACCPD;
- Make policy recommendations to enhance current ACCPD protocols;
- Make budget recommendations pertaining to the ACCPD;
- Conduct community outreach including holding public meetings, presentations to community and advocacy groups, printed materials, and by maintaining an informative, transparent on-line presence on the ACC website;
- File public reports to the Mayor and Commission a minimum of twice a year on the activities of the board including recommendations made, investigations reviewed, and training completed by members of the board;
- Review controversial incidents such as officer involved shootings, use of force, and police response to high-profile events absent of a formal complaint;
- Evaluate the effectiveness of the Auditor-Monitor's office; and
- Provide input to the Manager for the annual review of the Police Chief.

*Training.* Following their appointment, COB Members and alternates shall receive training on the policies and procedures of the ACCPD, the basics of civilian oversight, and the authority and responsibilities associated with their role as a board or commission member.

Training shall be provided by civilian oversight experts, community and government organizations, and law enforcement and be developed to meet the needs of all skill levels. In addition to their initial training, courses and advanced training opportunities should be provided yearly to all COB Members and alternates.

COB Members shall be required to complete a minimum of 20 hours of training annually on a broad range of topics including, but not limited to, the following:

- Public record and public meeting laws;
- Confidentiality requirements;
- Steps in the criminal justice process (arrest, booking, arraignment, bail, hearings, trial);
- State and local laws relating to law enforcement personnel actions, rights, privacy;
- Community outreach practices;

- Use-of-Forces Practices;
- Investigation techniques;
- The history, policies, procedures, and training practices of the overseen law enforcement agency;
- Fair and Impartial Policing;
- Firearms simulator training; and
- Crisis Intervention (CIT) and Integrating Communications, Assessment, and Tactics (ICAT) training.

Annual training curriculum shall be mutually agreed upon by Members of the COB and coordinated, as appropriate, with the ACCPD and ACC Office of the Attorney, and other subject matter experts. In addition, COB Members shall be required to complete one (1) ride-a-long per quarter with members of ACCPD.

*Staffing and Budget.* The COB shall be staffed by personnel assigned to the Auditor-Monitor or Manager's office for operational needs, such as agenda preparation and posting and minutes. The COB should have a budget that allows for community outreach and education, which includes reasonable budget capacity to produce reports, printed materials such as brochures and complaint forms as deemed necessary.

### **Auditor-Monitor**

An auditor-focused agency typically has broad mandates authorizing them to audit, monitor, investigate, and review a wide range of law enforcement policies, practices, and procedures. In general, they are created to promote broad organizational change by addressing systemic issues, analyzing patterns and trends, and addressing deficiencies in policies and procedures.

*Hiring.* The COB shall participate in the hiring process of the Auditor-Monitor, which will be an employee of ACC. The recruiting process for selecting the Auditor-Monitor shall include community input and be appointed by the Manager following confirmation by the Mayor and Commission. A five-person screening committee (which includes at least one member of the COB) shall interview and evaluate candidates for the Auditor-Monitor. The screening committee shall forward the top three candidates to the Manager, who then appoints an individual from the list. See Attachment A for a detailed list of desired qualifications.

*Term.* It is recommended that the Auditor-Monitor be appointed for a minimum term of 3 years.

*Reappointment or Removal of Auditor-Monitor.* If this is created as an executive "at-will" position, consideration shall be given to language in the contract terms that this individual can be terminated only for sufficient cause such as ethical violations, abuse of power or authority, or unprofessional conduct, and with concurrence of the Mayor & Commission.

*Access to Outside Legal counsel.* To avoid conflict of interest, the Auditor-Monitor and the COB shall have access to outside counsel as needed on a retainer basis but not for day-to-day legal advice on the agency's operations. When viable, the agency should utilize the ACC Attorney's office.

*Staffing and Budget.* A sufficient budget shall be provided to the Auditor-Monitor's office to include executive-level salary for the Auditor-Monitor position, technology, training, marketing, office space/supplies, and additional staffing (data analyst, outreach personnel) as necessary either in full or part-time capacity to fulfill the responsibilities of the office.

*Authority.* In an auditor-focused model the law enforcement agency is responsible for conducting the investigations. The Auditor-Monitor shall have the authority to monitor any ongoing investigations specific to allegations of external misconduct, including observing interviews of officers of witnesses to ensure that the Auditor-Monitor's questions are also addressed. They shall also have the authority to review completed investigations and refer them back for further investigations if needed. In addition, the Auditor-Monitor will have the following authorities:

- To the extent permitted by law, the Auditor-Monitor shall have unfettered access to all ACCPD records, policies, standard operating procedures, data, computer databases, and other information necessary to fulfill its mandate;
- Make policy recommendations to enhance current ACCPD protocols;
- Prepare and file public reports for the COB, Manager, Mayor, and Commission on the number of audits completed, identified patterns or trends, recommendations made to enhance current ACCPD protocols;
- Conduct community outreach including holding public meetings, presentations to community, advocacy groups, and ACCPD, printed materials, and by maintaining an informative, transparent on-line presence on the ACC website; and
- Review controversial incidents such as officer involved shootings, use of force, and police response to high-profile events absent a formal complaint.

### **Mediation**

The Auditor-Monitor shall establish a mediation program to help remedy appropriate complaints of misconduct. Such a program would allow complainants the option to have their complaint mediated or investigated by the ACCPD Office of Professional Standards. Complaints with allegations such as excessive force, criminal misconduct, unauthorized use of force, unlawful search and seizure, and/or racial discrimination shall not be appropriate for the mediation program.

### **Measurement of Success/Effectiveness**

Transparency through public reporting and visibility through community outreach are of the utmost importance in civilian oversight of law enforcement. However, building effective oversight requires balancing and prioritizing many things that stakeholders determine to be most important for the community the agency will serve. The National Association for Civilian Oversight of Law Enforcement (NACOLE) has developed 13 principles which form the preconditions for effective civilian oversight of

law enforcement. The success and effectiveness of civilian oversight is dependent on how the practices and approaches of the agency seek to strengthen it in relation to these thirteen principles:

1. Independence;
2. Clearly defined and adequate jurisdiction and authority;
3. Unfettered access to records and facilities;
4. Access to law enforcement executives and internal affairs staff;
5. Full cooperation;
6. Sustained stakeholder support;
7. Adequate funding and operational resources;
8. Public reporting and transparency;
9. Policy and patterns in practice analysis;
10. Community outreach;
11. Community involvement;
12. Confidentiality, anonymity, and protection from retaliation; and
13. Procedural justice and legitimacy.

Measuring effectiveness and impact can take form in addition to the adherence to the thirteen principles. Complainants and subject officers shall be encouraged to complete surveys to assess satisfaction with both the complaint, investigation, and review process and, if applicable, the mediation process. It is also important to sample community groups to get a sense of how many people know that your agency exists and that goals are set to increase the percentage of citizens that not only are aware of the agency but have had opportunities to meaningfully engage with the process and help improve public safety in the community.

## Attachment A

### Independent Auditor-Monitor – Desired Qualifications

The Auditor-Monitor shall establish the operational philosophy of the Office of the Auditor-Monitor, and develop and maintain standard operating procedures to ensure all matters are handled in a thorough, objective, fair, and impartial manner.

The preferred candidate has an understanding of racial inequalities specifically in the criminal justice system and brings prior experience successfully working with multicultural communities, with demonstrated knowledge of social injustices and understanding of the community's historical and current relationship with law enforcement.

The Auditor-Monitor brings proven experience managing people, programs, and community relations. The ideal candidate has prior knowledge and experience in the operation, service, and activities of an oversight program, with significant experience in data analysis and trending. The Auditor-Monitor shall have the ability and experience to identify trends and problems hindering progress and develop and implement best practices to drive necessary and systemic change.

### Desired Qualifications

- Knowledge of the organization, responsibilities, functions, policies, and procedures of local law enforcement.
- Knowledge of the fundamentals of criminal and administrative investigations including interviewing and interrogating principles and techniques, as well as proper evidence gathering and handling techniques.
- Ability to interpret and explain complex laws, ordinances, enforcement principles and practices, regulations, policies, and procedures.
- Skill with public speaking and making presentations to large groups.
- Skill with intergroup dynamics and conflict resolution.
- Experience in data analysis and trends.

### Minimum Qualifications

- Bachelor's Degree in Criminal Justice, Criminology, Public Administration, Business Administration or a related field is required.
- Three (3) years of management level work experience, including supervisory experience, investigating allegations of misconduct by law enforcement officers, major criminal cases or crime scenes, or comparable experience and preferably experience with personnel related matters.

## Attachment B



### **Thirteen Principles for Effective Oversight**

Based largely on the NACOLE's "Core Elements of Successful Oversight,"<sup>2</sup> the following set of 13 principles reflect information gleaned from pre-existing works by several scholars and oversight professionals, who have worked to identify the most important aspects of effective civilian oversight.<sup>3</sup> Together, these 13 principles form the preconditions for effective civilian oversight of law enforcement. However, building effective oversight requires balancing and prioritizing these principles, based on what stakeholders determine to be most important for the community the agency serves. The recommended practices, approaches, and organizational features that follow seek to strengthen an agency in relation to these thirteen principles, to allow for more successful and effective civilian oversight.

### **Independence**

One of the most important and defining concepts of civilian oversight of law enforcement is independence. In its broadest sense, it refers to an absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the civilian oversight agency. In order to maintain legitimacy, an agency must be able to demonstrate the extent and impact of its independence from the overseen law enforcement agency — especially in the face of high-profile issues or incidents.

### **Clearly Defined and Adequate Jurisdiction and Authority**

An oversight agency's jurisdiction and scope of authority are crucial to its success and effectiveness. While expectations regarding civilian oversight can vary significantly, having adequate jurisdiction and authority are fundamental in achieving organizational goals and ensuring the oversight agency can be

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<sup>2</sup> De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 36–44.

<sup>3</sup> Perez, *Common Sense About Police Review*; Walker, *Police Accountability: The Role of Citizen Oversight*; Walker, "Core Principles for an Effective Police Auditor's Office"; Bobb, "Civilian Oversight of Police in the United States"; Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States"; King, "Effectively Implementing Civilian Oversight Boards to Ensure Police Accountability and Strengthen Police-Community Relations"; De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence."



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responsive to communities.<sup>4</sup> An agency that is not given sufficient authority and jurisdiction to perform its mission simply cannot be effective. While there is no “best” oversight model for all contexts, stakeholders must ensure that the level of authority an oversight agency has in relation to its core oversight functions permits the agency to successfully perform its duties to the greatest degree possible and without limitation.

### **Unfettered Access to Records and Facilities**

Unfettered access to the subject law enforcement agency’s records is vitally important for effective civilian oversight.<sup>5</sup> The ability to review all records relevant to an investigation or other matters within the scope of a civilian oversight agency’s authority in a timely manner is essential to providing effective, informed, and fact-driven oversight. Similarly, agencies performing correctional oversight must have unfettered access to facilities and staff. Without timely and reliable access to department records, information, and facilities, oversight practitioners and volunteers cannot make decisions that meaningfully address areas of concern.

### **Access to Law Enforcement Executives and Internal Affairs Staff**

The effectiveness of civilian oversight can hinge on an agency’s ability to effectively communicate with law enforcement officials regarding matters of concern identified throughout the course of the oversight agency’s work. Sustained dialogue and communication between law enforcement and oversight stakeholders promotes cooperation and ensures that those involved can develop mutual understanding and support for each other’s role in promoting greater accountability. Legislation establishing civilian oversight should require that law enforcement agencies provide timely, written, and public responses detailing why a particular recommendation was either accepted or rejected.<sup>6</sup> These responses are crucial to informing the public of how, if, and why or why not issues identified by the civilian oversight agency will be addressed.

### **Full Cooperation**

In addition to having access to relevant records and department executives, effective civilian oversight requires the full cooperation of all officers and department staff throughout the course of its work.<sup>7</sup> Full cooperation is necessary for conducting thorough investigations and obtaining sufficient

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<sup>4</sup> De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence,” 37; Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States,” 7.

<sup>5</sup> Walker, “Core Principles for an Effective Police Auditor’s Office”; Police Assessment Resource Center, “Review of National Police Oversight Models for The Eugene Police Commission”; Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States”; King, “Effectively Implementing Civilian Oversight Boards to Ensure Police Accountability and Strengthen Police-Community Relations.”

<sup>6</sup> Ibid.

<sup>7</sup> Walker, “Core Principles for an Effective Police Auditor’s Office.”



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information for any work performed by the civilian oversight agency. The conditions of such cooperation must respect due process rights and an individual's constitutional right against self-incrimination. Cooperation with civilian oversight should be a condition of employment for all officers and staff within the agency's jurisdiction.<sup>8</sup>

### **Sustained Stakeholder Support**

Ongoing engagement with and support from stakeholders regarding local public safety and law enforcement-related issues is an important component of effectiveness. An otherwise well-designed civilian oversight mechanism can be undermined over time by a lack of meaningful support from those who can contribute to an agency's success.<sup>9</sup> While establishing and supporting civilian oversight may be politically expedient in times of crisis, successful oversight requires the sustained support and interest of stakeholders who value independence, accountability, and transparency.<sup>10</sup> An agency's ability to maintain this support may be a function of its outreach to those stakeholders. Maintaining productive relationships, even in times where disagreement and conflict may be unavoidable, will be crucial to future problem-solving, cooperation, and collaboration on key issues.

### **Adequate Funding and Operational Resources**

Allocating sufficient resources to civilian oversight is a crucial determinant to effectiveness.<sup>11</sup> To ensure that work is being performed thoroughly, timely, and at a high level of competency, adequate resources are necessary. Political stakeholders must ensure that their support for civilian oversight includes a sustained commitment to provide adequate and necessary resources. Providing adequate funding can signal a commitment to reform that may lead to greater cooperation by law enforcement executives and unions.<sup>12</sup> Similarly, civilian oversight agencies must have the resources to retain experienced professional staff, provide staff and volunteer board or commission members with adequate training on a regular basis, perform community outreach, and disseminate public reports and other outreach materials in order to be effective.

### **Public Reporting and Transparency**

An independent entity bringing transparency to a historically opaque process is a fundamental goal and component of civilian oversight. Civilian oversight provides a unique opportunity for the public to learn

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<sup>8</sup> Ibid.

<sup>9</sup> Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States," 7.

<sup>10</sup> Ibid., 6.

<sup>11</sup> Finn, "Citizen Review of Police: Approaches and Implementation"; Walker, "Core Principles for an Effective Police Auditor's Office"; Attard and Olson, "Overview of Civilian Oversight of Law Enforcement in the United States"; De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence."

<sup>12</sup> Jones, "Chapter 5. Funding and Staffing," 62.



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about misconduct complaints and other areas of the law enforcement agency that serves the community. As such, issuing regular public reports is critical to an agency's credibility.<sup>13</sup> A civilian oversight agency should, at a minimum, issue one written report to the public each year.<sup>14</sup> Reports should be written in an accessible manner that allows the public to clearly understand the agency's authority, purpose, procedures, and accomplishments. In addition, they should include as much information related to the agency's mandate and operations as can be disclosed by law, including patterns and trends in complaints or discipline, the agency's recommendations and activities for the year, and issues that may be of concern to the public. Sufficiently resourced oversight agencies should seek to produce more frequent reports and, where appropriate, issue special reports on specific matters such as the findings of a particular policy review, audit, or investigation.<sup>15</sup>

### **Policy and Patterns in Practice Analysis**

Performing analyses of law enforcement policies and patterns in practice may be among the most critical functions a civilian oversight agency can perform.<sup>16</sup> Such analyses have great potential to advance the goals of effective civilian oversight by addressing systemic problems of law enforcement agencies and by formulating recommendations that will improve relations with communities. By performing data-driven and evidence-based analyses of specific issues, oversight agencies can pinpoint areas of concern and formulate recommendations for improvement. To hold the overseen law enforcement agency's executives accountable, timely, written responses to the oversight agency's recommendations should be required and made public.

### **Community Outreach**

In many cases, civilian oversight is established amid community calls for greater accountability following a high-profile incident involving local law enforcement.<sup>17</sup> As an institution representing the interests of the local community, conducting outreach to the community and local stakeholders is essential to effective civilian oversight.<sup>18</sup> Outreach enables an oversight agency to build awareness of its existence, share reports and findings with the public, build relationships with stakeholders, recruit volunteers, solicit community input and involvement, facilitate learning and greater understanding, broker

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<sup>13</sup> Jerome, "Chapter 3. Credibility, Impartiality, and Independence in Citizen Oversight," 38.

<sup>14</sup> Ibid.

<sup>15</sup> Stewart, "Chapter 11. Community Outreach and Public Education in Citizen Oversight," 197.

<sup>16</sup> Walker and Archbold, *The New World of Police Accountability*.

<sup>17</sup> De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 34.

<sup>18</sup> Walker, *Police Accountability: The Role of Citizen Oversight*; De Angelis, Rosenthal, and Buchner, "Civilian Oversight of Law Enforcement: Assessing the Evidence," 42–43.



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improved relationships, build coalitions, and develop a greater capacity for problem-solving.<sup>19</sup> These functions are crucial to an agency’s transparency, credibility, responsiveness, accountability, and accessibility, and overall ability to successfully maintain public support and legitimacy.<sup>20</sup>

### **Community Involvement**

Effective civilian oversight requires community involvement.<sup>21</sup> Community and stakeholder input regarding how civilian oversight should function and which accountability issues it should address will result in the creation of a “best fit” oversight system that can meet community needs and expectations. Without sufficient involvement of those most interested in and impacted by local issues regarding law enforcement, it is unlikely that civilian oversight will be able to successfully accomplish its goals.<sup>22</sup>

### **Confidentiality, Anonymity, and Protection from Retaliation**

Effective civilian oversight must function with the same integrity, professionalism, and ethical standards it expects from and promotes for law enforcement. Stakeholders and the community must remain confident that civilian oversight will protect sensitive information as well as those who disclose it. An oversight agency cannot maintain credibility, legitimacy, and public trust if it does not or cannot respect confidentiality agreements, maintain the anonymity of those who wish to share information anonymously, and work towards creating an environment where those involved with or contacting the oversight agency can do so without fear of retaliation or retribution.

### **Procedural Justice and Legitimacy**

Procedural justice and legitimacy should serve as core principles guiding the work and processes of effective civilian oversight. Rooted in behavioral psychology, procedural justice typically centers on how authority is exercised. For entities whose authority is established by law, the recognition of their right to that authority and perceptions of how fairly that authority is exercised are crucial components of legitimacy.<sup>23</sup> Research has shown that procedurally-just interactions between law enforcement and

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<sup>19</sup> Stewart, “Chapter 11. Community Outreach and Public Education in Citizen Oversight,” 149–51.

<sup>20</sup> Stewart, “Chapter 11. Community Outreach and Public Education in Citizen Oversight”; Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States.”

<sup>21</sup> Walker, “Core Principles for an Effective Police Auditor’s Office”; Attard and Olson, “Overview of Civilian Oversight of Law Enforcement in the United States”; King, “Effectively Implementing Civilian Oversight Boards to Ensure Police Accountability and Strengthen Police-Community Relations”; De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence.”

<sup>22</sup> McDevitt, Farrell, and Andresen, “Enhancing Citizen Participation in the Review of Complaints and Use of Force in the Boston Police Department,” 7–8; De Angelis, Rosenthal, and Buchner, “Civilian Oversight of Law Enforcement: Assessing the Evidence,” 43–44.

<sup>23</sup> Sunshine and Tyler, “The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing”; Jackson et al., “Why Do People Comply with the Law?”; Mazerolle et al., *Procedural Justice and Legitimacy in Policing*.



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the community positively impact the public’s compliance with laws<sup>24</sup> and willingness to assist in crime control efforts.<sup>25</sup> The literature has also shown that officer perceptions of a procedurally-just work environment is associated with reduced misconduct and corruption,<sup>26</sup> as well as greater endorsement of policing reforms, reduced mistrust and cynicism with the community, willingness to obey supervisors, and increased officer well-being.<sup>27</sup> Though the literature on procedural justice and civilian oversight is relatively sparse, there is research supporting the notion that procedurally just complaint processes — where complainants report being satisfied with the quality of communication and the process<sup>28</sup> — increase complainant satisfaction.<sup>29</sup>

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<sup>24</sup> Sunshine and Tyler, “The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing.”

<sup>25</sup> Murphy, Hinds, and Fleming, “Encouraging Public Cooperation and Support for Police.”

<sup>26</sup> Wolfe and Piquero, “Organizational Justice and Police Misconduct.”

<sup>27</sup> Trinkner, Tyler, and Goff, “Justice from Within.”

<sup>28</sup> De Angelis, “Assessing the Impact of Oversight and Procedural Justice on the Attitudes of Individuals Who File Police Complaints.”

<sup>29</sup> Worden, Bonner, and McLean, “Procedural Justice and Citizen Review of Complaints Against the Police.”



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