



January 30, 2015

Charles H. Ramsey
Co-Chair
President's Task Force on 21st Century Policing

Laurie O. Robinson
Co-Chair
President's Task Force on 21st Century Policing

Ronald L. Davis
Executive Director
President's Task Force on 21st Century Policing

Re: NACOLE President Brian Buchner's Oral Testimony for the President's Task Force on 21st Century Policing, Policy and Oversight Listening Session, in Cincinnati, Ohio

Dear Co-Chairs Ramsey and Robinson, Executive Director Davis, and Distinguished Members of the Task Force:

On behalf of the National Association for Civilian Oversight of Law Enforcement (NACOLE), its Board of Directors, and our membership thank you for the opportunity to address this task force today.

It's time to stop thinking and talking about civilian oversight in simple terms; oversight is a process, and like policing it is complex. There are more than 200 oversight entities across the United States. No two are exactly alike. There are civilian review boards, monitors, auditors, and inspectors general, among other models. Citizen review is not an advocate for the community or for the police. This impartiality allows oversight to bring stakeholders together to work collaboratively and proactively to help make policing more effective and responsive to the community. 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.

This afternoon I would like to put forth five recommendations to increase the impact and effectiveness of civilian oversight in building public trust and improving public safety.

They are as follows:

- **First: Fund oversight initiatives. The Department of Justice's Office of Community Oriented Policing Services (COPS Office) should promote civilian oversight and show its support by funding it, just as they do local law enforcement, with resources**

for training for oversight practitioners, as well as for the development of best practices and community engagement and outreach. At NACOLE's 20th Annual Conference, COPS Office Director Ron Davis spoke about the important role of citizen oversight in community policing initiatives and building public trust. Effective oversight leads to more effective policing. An investment in oversight is an investment in the police. The COPS Office should actively promote and support civilian oversight, and not just in the aftermath of a critical incident, but as a part of its regular efforts to advance community policing.

- **Second: Consent Decrees.** The Department of Justice (DOJ) should include in every consent decree and negotiated settlement agreement (NSA) a provision to create civilian oversight where it does not exist or strengthen it where it does. Further, the DOJ should require a process for sustained community engagement in consent decrees. Civilian oversight has already been featured in a number of consent decrees, but not all. Placing civilian oversight in the consent decree or NSA allows for the work and progress of oversight to be shaped and monitored by the Federal courts, with input from the involved law enforcement agency, and the public. It also helps to ensure that these oversight agencies receive the proper resources and support, in the short term to achieve compliance with the NSA and in the long-term to achieve sustainable reform. And when the consent decree concludes and court supervision ends, oversight provides a mechanism for ongoing public accountability.
- **Third: Expertise.** The DOJ should include civilian oversight experts in all of its "pattern or practice" investigations, even in those jurisdictions where oversight does not currently exist. Similarly, the COPS Office should involve oversight in all of its collaborative reform initiatives. Civilian oversight practitioners are from diverse backgrounds, and include lawyers, investigators, researchers, former law enforcement officers, and community volunteers. As the practice of citizen oversight has evolved, those providing oversight services have developed a sophisticated understanding of policing, the law, and of the community's values and needs. They are uniquely positioned for objectiveness and strive to achieve the right balance between over-identification with the police and over-identification with the community.
- **Fourth: Research.** The DOJ, through its research arm, the National Institute of Justice (NIJ), should expand its justice research agenda to be more comprehensive and include civilian oversight. The NIJ recently announced its research priorities in policing for FY2015, which include such topics as police use of force, body-worn cameras, and procedural justice, among others. While proposals related to research on police oversight might fit into several of these topical areas, it is not highlighted by the NIJ in any of them. The NIJ should specifically invite research into civilian oversight and its impact on, and relationship to, policing in one or more of these areas.
- **Fifth, and finally: Effectiveness.** The NIJ must fund a national study of civilian oversight to measure the effectiveness of various approaches to oversight. The lack of research into the effectiveness of different civilian oversight models and practices limits our understanding about what works and what doesn't in oversight, as well as how to improve its effectiveness. Effective oversight leads to more effective policing, and its

1/30/15

time that research catches up to practice. Citizen review is now found in cities and counties both large and small, and in every geographic region of the nation. It's time that the NIJ support a study that enhances our understanding of oversight and the critical role it plays in supporting effective policing.

Thank you for allowing NACOLE the opportunity to provide input into this important process. We are committed to supporting the work of this Task Force, and NACOLE, with its vast network of oversight practitioners and community stakeholders, is ready to work together to strengthen the critical relationship between the police and the communities they serve.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Buchner', with a long horizontal stroke extending to the right.

Brian Buchner
President
NACOLE