

CIVILIAN OVERSIGHT

July 13, 2020



Civilian Oversight of Police

Outline

- Current Discipline/Investigation Process
- Use of Force Overview
- Types of Civilian Oversight
- Strengths and Weaknesses

Civilian Oversight of Police

Current Discipline/Investigation Process

- All complaints are recorded regardless of form
- Evaluated against department rules and regulations
- Investigated by one of three methods – Quality of Service Inquiry, Division Level, and Internal Affairs
- Reviewed/approved/disposition by Command Staff

(Clearwater PD Policy 203, 311)

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Current Discipline/Investigation Process (cont.)

- Internal Affairs cases are reviewed by a Discipline Review Board comprised of Command Staff, with representatives from Human Resources and Legal Department (Police Legal Advisor), to determine disposition.
- The Chief of Police is only authorized to recommend discipline and that recommendation is referred to Human Resources and Legal Department (Labor Attorney) for review.
- The discipline recommendations are then forwarded to the City Manager, who is the only city official authorized to suspend, demote, or terminate a city employee.

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Data Overview - 2019

- CPD responded to 78,427 calls
- CPD made 5860 arrests (7.7% of calls)
- CPD used force 175 times (2.9 % of arrests)
- Department conducted 9 internal affairs investigations related to use of force
- Two (2) internal affairs investigations related to use of force were sustained resulting in discipline.
- When an officer uses a take down or higher level of force, an investigation automatically is generated

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Forms of Civilian Oversight of Police

- Class I – Independent Investigative Bodies - Involve staff, generally paid, that conduct independent investigations into police misconduct.
- Class II – Review and Comment – Generally involves volunteers reviewing completed investigations and providing feedback to the Chief.

(Walker, 2001)(Angelis, Rosenthal, & Buchner, 2016)

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Forms of Civilian Oversight (cont.)

- Class III – Appellate Bodies – Forum for citizens to file appeals when they are unhappy with the outcome on complaints.
- Class IV – Auditor/Monitor – Hired employee(s) with police expertise review police compliance and identify patterns requiring attention.
- “Hybrids” have been created by blending a variety of forms and are common in smaller agencies.

(Walker, 2001)(Angelis, Rosenthal, & Buchner, 2016)

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Benefits of Civilian Oversight

- Method to try to address bias in police misconduct investigations.
- May increase community trust in the investigation process.
- May reduce any perceived fear of reporting misconduct.
- Provide community input on police misconduct investigations or understanding police practice.
- Increase transparency.
- Can be tailored to address a specific concern

(Walker, 2001)(Chasnoff, 2006)(Angelis, Rosenthal, & Buchner, 2016)

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Concerns of Civilian Oversight

- Lack of research on the activities and effectiveness of police oversight.
- State law and bargaining agreements may limit the kinds of oversight that can be implemented.
- Review bodies may have little to no expertise in police practices, rules, and applicable laws.
- Can slow the discipline process.
- Limited authority of civilian oversight can leave the community feeling further disenfranchised.

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Subpoena authority

- Authority could be provided to a review board to issue subpoenas.
- However, a person cannot be compelled to testify against themselves.
- Officers are administratively required to participate in discipline investigations.
- Subpoena authority would likely be necessary only with an independent investigative body which may conflict with state statute.

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Questions / Discussion

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