



Civilian Oversight Board

An overview of plans to structure the GCRTA Civilian Oversight Board (COB) to increase transparency and accountability

Committee of the Whole

October 12, 2021

Civilian Oversight Board (COB)

- Report directly to CEO
- All boards have mission specific bylaws or a code of ethics and limitations on jurisdiction (i.e. complaints, use of force, etc.)
- Staggered term limits
- Barred from holding elected office
- Trained by police department
 - Citizen Police Academy
 - Policy familiarization
 - Internal Affairs investigations
 - Ride-along programs

Benefits of Police Oversight

- Holds the police agency accountable for officer's actions
- Complaints are given a place to voice concerns outside of police agency
 - If substantiated, complainants feel validated
 - If unsubstantiated, officers feel vindicated
- May assist in liability management and reduce the likelihood of costly litigation by identifying problems and proposing corrective measures before a lawsuit is filed
- Policy recommendations can prevent issues by identifying areas of concern and subsequently offering options to improve policing



Benefits of Police Oversight



- Helps improve quality of Internal Affairs investigations
- Increase public understanding of police policies and procedures
- Improves relationships by fostering communication between community and police
- Opportunity for police to demonstrate desire for increased accountability and the need to eliminate misconduct
- Helps police better understand how their words, behaviors and attitudes can unknowingly affect public perceptions

Type 1 Model

Investigator-Focused

- Non-police civilian investigators look into allegations of misconduct and recommend findings to chief
- Investigators tend to have specialized training
 - Citizen Police Academy
 - Policy familiarization
 - Internal Affairs investigations
 - Ride-along programs

Type 2 Model

Review-Focused

- Oversee Internal Affairs investigations and make recommendations about operations to police
- Staffed by volunteers and community members
 - Creates community trust/buy-in
 - Training highly recommended

Type 3 Model

Appeals

Complainants may appeal findings established by the police or sheriff's department to citizens, who review them and then recommend their own findings to the chief or sheriff.

Type 4 Model

Auditor

- Monitor/audit processes on how police department accepts/investigates complaints
- Reports thoroughness and fairness of the process to department and public
- Establish public understanding of police policies and procedures
- Make policy recommendations to enhance and improve policies and procedures of police department
 - Builds respect, cooperation and trust between police and community
 - Ensures fair, equitable and professional treatment for all

Local Departments

Cleveland Division of Police

- Created per 2016 Consent Decree

Cleveland State University Police Department

- Internal COB overseen by CSU Human Resources Department

Cleveland Clinic Police Department

- Internal COB overseen by CCF Human Resources Department

Cuyahoga Metropolitan Housing Authority Police Department

- In process of creating COB

Cleveland Metroparks Police Department

- No COB; no plans to create COB

Local Police Departments (cont'd)

Cleveland Division of Police – Type 1 Model

- Nine members; five appointed by the Mayor, four by City Council.
- Mayor appoints one member as Chairman
- Investigates complaints of misconduct after the conclusion of an investigation by the Office of Professional Standards.
- Creates per-incident and annual reports
- Members of the board are paid \$7,200 per year.
- Total budget is \$159,422

Local Police Departments (cont'd)

Cleveland Clinic Police Department – Type 2 Model

- Five-member panel chosen by HR Department and serve two-year terms
- Board handles citizen complaints of misconduct
- Board completes a report for every complaint
- No budgetary impact due to the use of salaried employees during work hours. The investigation is conducted by the Professional Standards Commander
- Training is set by the Professional Standards Commander and Board Chair, but must include familiarization in police policy, policy culture, and the Commission on Accreditation for Law Enforcement Agencies (CALEA) standards.

Transit Police Departments

Washington Metropolitan Area Transit Authority (WMATA) - Type 2 Model

- Seven-member board serving 2-year terms for civilian members/3-year terms for law enforcement members
- Three command-level positions from law enforcement in D.C., Maryland, Virginia
- Four citizens - D.C., Maryland, Virginia and one at-large member
- Selected via application process and appointed by WMATA Board
- Reviews misconduct investigations completed by the Office of Professional Responsibility and Inspections on a quarterly basis/makes recommendations regarding the integrity of the investigation.
- Must complete training recommended by the Chief of Police
- Voluntary and uncompensated, but members receive a \$25 fare card for travel.

Transit Police Departments (cont'd)

Bay Area Rapid Transit (BART) - Type 4 Model

- Eleven members appointed by BART Board for 2-year terms
- Overseen by the Office of the Independent Police Auditor who reports directly to the BART Board
- Receives complaints of misconduct directly/ issues recommendations to Chief of Police
- Chief of Police can appeal findings of the Board to the General Manager
- Issues monthly and yearly reports
- Receives training arranged by District Secretary
- Funded by the budget of the Office of the Independent Police Auditor

Sample Agency/Department with Community Oversight Boards (COB)

	Board Type (Focus)¹	Scope²	Members	Compensation	How COB was Created
Austin	Type 1	Misconduct, Training/Policy, Critical incidents	5+	Paid	Contract with Police Union
Baltimore	Type 1	Misconduct, Force	14	Paid	City statute, in response to consent decree
BART	Type 4	Misconduct	11	Paid	Board of Directors
Cleveland	Type 2	Misconduct	9	Paid	Charter amendment, in response to consent decree
Cleveland Clinic	Type 2	Misconduct	5	Internal Employee	MOU
Cleveland State University	Type 2	Misconduct	* ³	Internal Employee	MOU
Nashville	Type 1	Misconduct	11	Paid	Charter amendment
Providence	Type 1	Misconduct, Training/Policy	9	Internal Employee	Code of Ordinances
WMATA/MTPD	Type 2	Misconduct, Review investigations	7	Voluntary	Board of Directors

Board Type Focus¹

Type 1: Citizens investigate allegations of police misconduct and recommend findings to the Chief

Type 2: Police officers investigate allegations and develop findings; citizens review and recommend that the Chief approve/reject findings

Type 3: Complainants may appeal findings established by the police department to citizens, who review them and then recommend their own findings to the Chief

Type 4: An auditor investigates the process by which the police department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public

Scope²

Misconduct: Investigates allegations of misconduct to include abusive language, false arrest, false imprisonment, harassment

Training/Policy: Board makes training and policy recommendations

Force: Investigates uses of force

Members³

CSU does not have a policy in place, number of members is determined by HR as necessary



Civilian Oversight Board

- Hybrid of Type 2 model
 - Internal and voluntary
- Non-police department employees
- Responsible for reviewing, investigating, hearing and making findings regarding civilian complaints concerning policies, practices, conduct of the police department employees
 - All sworn police personnel
 - Dispatchers
 - Security personnel
- Transportation provision



Board Selection/Requirements

- Seven individuals with a variety of backgrounds
- Selected by application to the COB or by GCRTA recruitment
- Vacancies in an unexpired term shall be filled in the same manner
- Terms for Board Members shall be two years
- Two (2) then the other three (3) Board Members terms will expire every other year to maintain continuity and historical perspective
- Two additional members (non-voting) shall be selected as Subject Matter Experts (SMEs)

Civilian Oversight Board Chair

- The COB shall select one member annually to serve as the chair who will preside over meetings and will have the right to vote on all dispositions
- The chair shall select a designee during his/her absence

Jurisdiction and Authority

- COB shall have jurisdiction over all complaints filed by citizens against GCRTAPD employees.
- Typical complaints include:
 - Excessive force
 - Criminal behavior
 - Illegal search/seizure of person and vehicle,
 - Harassment complaints, to include those alleging bias and profiling
 - Second offense of unprofessional conduct/behavior complaints occurring in a rolling year.

Orientation and Training

The Administrative Commander (AC), in consultation with the chairperson, shall be responsible for coordinating a training program to familiarize new board members with GCRTAPD policies, procedures, police culture, and the Commission on Accreditation of Law Enforcement Agencies (CALEA) standards.

Recommended Training

National Association for Civilian Oversight of Law Enforcement



https://www.nacole.org/recommended_training_for_board_and_commission_members

Next Steps

COB Policy draft

- Q4 - 2021

COB Recruitment

- Q1 - 2022

COB seated

- Q2 - 2022

COB Startup

- Q3 - 2022

Questions

