

Powerless Civilian Review Boards

Feb. 26, 2007

By Syndicated Columnist Cathy Harris

Despite the wave of police shootings and beatings of mostly young blacks and latinos during the last few years, the Justice Department has done nothing to nail abusive cops.

After the police killing of Sean Bell from New York, 92 year old Kathryn Johnston from Atlanta, and 12 police killings in Dekalb County, GA - forums, panel discussions and hearings were held in several jurisdictions throughout the U.S.

Two weeks after the new Police Chief Terrell Bolton took over in Dekalb County, GA, without meeting with community leaders, he announced that federal agents will come to the scene of police shootings. Federal law enforcement officers (DEA, ATF, Customs, Immigration, Secret Service, IRS, etc.) are even more corrupt than local or state. Local, state and federal law enforcement officers work together all the time. They all know each other and will only cover for each other. How is this going to stop police killings?

Remember that most racial profiling can be stopped by "first-line" supervision. So first-line supervisors and commanders must send a strong message to their teams that they will not tolerate racial profiling or police brutality.

People are demanding justice and many believe that the answer to the police killings will be the creation of INDEPENDENT Civilian Review Boards (CRBs).

Elected officials are responding by introducing legislation to create these boards. Many seem to think simply because this legislation is being introduced that those who oppose it will not reach out to dilute or water-down the proposed legislation or abolish it all together.

The FBI and Fulton County's District Attorney are investigating criminal charges against the police raid which lead to the killing of Kathryn Johnston.

The city of Atlanta has had a Civilian Review Board to look into complaints against its police officers for over two decades. But the panel hasn't met for at least five years and has not real power.

In Atlanta, city councilman H. Lamar Willis, said in a radio interview he is introducing the legislation which will be comprised of 7 board members.

Councilman Willis said the members of the board will not be paid. The reason he gave was that other boards meet on a regular basis and do not receive pay. But

with something as critical as “police abuse” – one would think it would be totally different. We have to ask ourselves, will people give up their time and be dedicated and committed enough to sit on these boards without any pay?

He also said the boards will be appointed by Mayor Shirley Franklin and the city council.

Councilman Willis also stated that two police officers will sit on this board. One police officer will be appointed by the International Fraternal Order of Police.

This is the only way politicians in paramilitary jurisdictions can operate. The cops are in the game and have the power to call the shots, because the fear factor is always present. The word “Civilian” means, non-military, and actually includes the police. The word “Citizen” means everybody who is a citizen, therefore they have it covered no matter what.

Civilian Review Board members should be totally independent and appointed by the people not an elected official even though elected officials must introduce the legislation. There must be non-governmental, grassroots representation sitting on these boards. It’s as simple as that!

Former and current police officers should never be part of “Civilian/Citizen Review Boards” either as a board member or investigator.

It’s imperative that anyone who sits on these boards cannot have any sympathy for police, can’t be afraid of the police or the court system. Police officers can and will intimidate board members, legislators and their families and force them to vote a certain way.

Anytime you have law enforcement on a board, it’s not a Civilian Review Board, it’s a police commission or panel. There is a difference in commissions/panels verses Civilian Review Boards. Commissions to oversee law enforcement actions have always been appointed by higher-up law enforcement officials or elected officials to conduct a study when there is a public outcry from the community.

Since Civilian Review Boards will be handing out recommendations to police departments about the behavior of their officers, many believe that “psychologists” (a person trained and educated to perform psychological research, testing, and therapy) and “sociologists” (the study of human social behavior) should be a part of these boards.

TOP 10 FUNCTIONS OF CIVILIAN REVIEW BOARDS:

1) To establish the principle of police accountability by investigating and hearing citizen complaints on police activity. To ensure that citizens with grievances have a place to turn and thereby to help discourage police misconduct.

2) To promote community awareness as to the citizen's opportunity to file a complaint concerning police misconduct, as well as to disseminate information as to how and where to file a complaint. Also, to educate the public as to its rights in dealing with the police and about the merits of civilian oversight.

3) To make concrete recommendations about police policies and procedures and to suggest improvements in training. Also, to alert police administrators to the steps they must take to curb abuse as well to provide recommendations as to how future abuse may be prevented.

4) To hold regular monthly meetings that are open to the public so that citizens and representatives of organizations can voice criticisms, make proposals, and introduce resolutions to review or reform specific police practices. To provide a mechanism through which the community can voice its concerns and suggest recommendations.

5) To create and utilize an "early warning" or "at-risk" system to identify officers who are the subject of repeated complaints. A strong reporting mechanism and an early warning system are essential components of an effective civilian review board.

6) To publish a semi-annual report listing the numbers of the following: complaints received; complaints investigated; hearings held; complaints withdrawn; and local, state, and federal cases filed against the police department. Of course, the disposition of the complaints should be provided, and the number of use of force complaints as well as the number of shootings also should be listed.

7) To author and make available to the public a summary report on each complaint and its disposition.

8) To forge a relationship with local prosecutors as well as the Offices of the State Attorney and the US Attorney. Complaints alleging serious allegations should be forwarded to the relevant prosecuting agencies for appropriate action. And when local prosecutors fail to act on cases concerning police misconduct, it is the responsibility of the federal government to prosecute if an individual's civil rights have been violated.

9) To contact the civilian regarding the filing of a complaint, if a case of police misconduct is known to have been alleged against that civilian and no complaint has been received.

10) To protect officers from petty and vengeful complaints as well as protect the due process rights of officers engaged in the complaint process.

Top 10 Most Common Problems with Forming Civilian Review Boards:

- 1) **New Legislation:** Voters must be educated well enough to force local officials to implement the Civilian Review Boards. If the legislation is approved, there must be legislative writers who will make sure that the final bill is not watered down to the point that the process becomes a waste of time and money, due to the lack of teeth for enforcement.
- 2) **Funding:** If there isn't a clear funding pattern that budgets for offices, investigators, support staff, and a primary attorney - it will weaken the board.
- 3) **Subpoena Powers:** The board will be considered weak if it doesn't have subpoena powers. The CRB requires subpoena power to ensure that witnesses testify and documents be produced within a timely manner.
- 4) **Police Unions:** Police unions such as the International Fraternal Order of Police, International Brotherhood, etc., will complain that their authority and creditability is being undermined when civilians have oversight in matters of police abuse, excessive force, etc.
- 5) **Access to Files:** Without the ability to compel police cooperation, the CRB would be unable to perform its mission. The CRB and its investigators should be provided with access to all police files, including prior as well as current and pending complaints. Police departments or an agency of the government should not withhold from public view their policies, procedures, memoranda, records, reports (including "internal" reports, documents, etc.), tape recordings, or civilian complaints filed with the police department itself. Police departments and jails must not refuse to comply with reporting acts of excessive force and their refusal to take pictures of victims. The CRB also requires the authority to compel the police department to inform the Board of the standard(s) of proof it uses in deciding whether to sustain a complaint. Does it use the criminal "beyond a reasonable doubt" rather than the "preponderance of the evidence" which is the generally accepted standard for internal inquiries?
- 6) **Regular Meetings:** Executive director is full time position and board members are part-time. They might choose to meet every two weeks, once a month, or when complaints are filed. Board members must be dedicated, ethical and professional at all times and show up for meetings. Otherwise they will sabotage the integrity of the entire board.
- 7) **Training:** Insufficient training will cause the board to be weak. Regular training must be provided for board members. This training must include training on the "Table of Offenses" for police officers since they will be handing out disciplinary recommendations for members of the entire police department.

8) **Complaint Backload**: Board members should not waste time on frivolous or discourtesy complaints (including offensive language, derogatory remarks, and slurs) which could cause a backload on more severe complaints.

9) **Withdrawal of Complaints**: A written procedure should be established for the withdrawal of complaints. The procedure should be clearly communicated to the board, the police department and the community.

10) **Accepting Findings/Implementing Sanctions**: It is imperative that the police are required to accept the findings of the CRB as well as implement the sanctions imposed by the CRB. The CRB requires the authority to sanction an officer for misconduct as well as to sanction any officer who attempts to threaten an individual from filing a complaint or withdrawing a complaint. The CRB should also have the authority to investigate the behavior of supervisors and to discipline a supervisor for a line officer's actions. It is also important that the police do not delay acting on the CRB's decisions before the statute of limitations on the officer's actions have expired. Or the statute of limitations must be extended to provide for the CRB's thorough investigation.

Cathy Harris is available for Lectures, Seminars and Workshops. She is the author of upcoming book ***“How To Interact Safely with Law Enforcement Officers”*** (www.policeinteractions.com) and ***“How To Take Control of Your Own Life: A Self-Help Guide to Moving Forward”*** (www.HowToTakeControl.com) You can buy her books off her website at Angels Press, P.O. Box 870849, Stone Mountain, GA 30087, Phone: (800) 797-8663, Fax: (678) 254-5018, Website: www.angelspress.com Email: info@angelspress.com You can also buy her books on Amazon.com and in other bookstores. Get empowered and read Cathy's columns at www.angelspress.com/columns.html

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