



CONTRA COSTA COUNTY OFFICE OF REENTRY AND JUSTICE

RACIAL JUSTICE TASK FORCE

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October 9, 2018

TODAY'S PRESENTATION



1. **TERMS TO KNOW**
2. **TYPES OF OVERSIGHT BODIES**
3. **OVERSIGHT MODELS**
4. **REASONS FOR OVERSIGHT**

TERMS TO KNOW



1. **Independent**
Operates outside of law enforcement hierarchy, and funding is not dependent on decisions of law enforcement
2. **Oversight**
Investigation and reporting on alleged wrongdoing or monitoring of detention conditions
3. **Audit**
A performance management review process that rarely touches treatment of the incarcerated
4. **Access**
Ability to gain information from places, people, and records
5. **Authority**
Power to make decisions and enforce rules (generally not part of independent monitoring)

Michele Deitch, *Independent Correctional Oversight Mechanisms Across the United States: A 50-State Inventory*, 30 Pace L. Rev. 1754 (2010)

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TYPES OF OVERSIGHT BODIES



1. **Governmental Agency or Commission**
2. **Ombudsperson**
3. **Inspector General**
4. **Legislative Committee with Inspection Responsibilities**
5. **Advocacy Group with Formal Right of Access**
6. **Citizens' Board or Advisory Committee**
7. **General Government Auditing Body**
8. **Protection and Advocacy Organization**
(mental illness and physical disabilities)

Michele Deitch, *Independent Correctional Oversight Mechanisms Across the United States: A 50-State Inventory*, 30 Pace L. Rev. 1754 (2010)

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OVERSIGHT MODELS



Investigation Focused

- ▶ **Characteristics**
 1. Independent investigations of complaints
 2. May duplicate an internal affairs agency
 3. Staffed by “non-sworn” civilians
- ▶ **Strengths**
 1. May reduce bias of investigating complaints
 2. Professional civilian investigators
 3. Opportunity to increase community trust in investigations
- ▶ **Concerns**
 1. Most expensive and complex model
 2. May face resistance from law enforcement personnel
 3. Challenge managing public expectations for change

Joseph De Angeles, et al., *Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models*, National Association for Civilian Oversight of Law Enforcement (2016)

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OVERSIGHT MODELS



Review Focused

- ▶ **Characteristics**
 1. Often review quality of completed investigations
 2. Make recommendations to law enforcement executives
 3. Often a review board with citizen volunteers
 4. Public meetings to collect community input
- ▶ **Strengths**
 1. Allows community input into the process
 2. May increase public trust
 3. Usually least expensive model
- ▶ **Concerns**
 1. Limited authority and under resourced
 2. Volunteers have significantly less expertise
 3. May be less independent than other models

Joseph De Angeles, et al., *Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models*, National Association for Civilian Oversight of Law Enforcement (2016)

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OVERSIGHT MODELS



Auditor/Monitor Focused

- ▶ **Characteristics**
 1. Generally examines broad pattern in investigation processes
 2. May do their own internal investigations
 3. Often focused on change in policies, practices, and training
- ▶ **Strengths**
 1. Usually have more robust reporting practices
 2. Median cost level
 3. May be more effective at promoting systemic change
- ▶ **Concerns**
 1. Not usually focused on individual incidents
 2. Significant expertise is required to be effective
 3. Usually limited to making a series of recommendations

Joseph De Angeles, et al., *Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models*, National Association for Civilian Oversight of Law Enforcement (2016)

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NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT



- ▶ **Reasons for Independent Oversight:**
 1. Place to voice concerns outside of law enforcement
 2. Help improve community relations by fostering better communication between law enforcement & community
 3. Reduce public concern about high profile incidents.
 4. Help increase public understanding of law enforcement policies and procedures.
 5. When the oversight agency confirms a complainant's allegation(s), complainants may feel validated.
 6. And similarly, when the oversight agency exonerates the officer, the officer may feel vindicated.

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NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT



- ▶ **Reasons for Independent Oversight (continued):**
7. Improved accountability and transparency in the discipline process.
 8. Oversight agencies can improve department policies and procedures, and help identify areas of concern.
 9. Assist in liability management to reduce chance of costly litigation by identifying issues and corrective measures early lawsuit is filed.
 10. Public officials given opportunity to demonstrate their desire for increased accountability and elimination of misconduct.
 11. Can help improve the quality of the department's internal investigations of alleged misconduct.
 12. Oversight can help hold the law enforcement departments accountable for officer's actions.

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DISCUSSION AND QUESTIONS.