

## City of Boulder

### Police Oversight Task Force Meeting Notes

7/11/2019

(Absent: Shirly; Nami; Madelyn; Chris; James)

Check-in: Attendees shared their favorite scientist of color.

Reflections: I keep thinking about...

- Reintroducing public comment
- Emails from the public to the task force
- The level of BPD engagement with social media
- How the Task Force plans to communicate with the community

#### PSRP Discussion

- 4 community panelists from the PSRP attended the meeting to answer questions.
- Panelists shared why they have joined the PSRP.
- What would you like to improve about how the panel functions?
  - All officer involved shootings, regardless of reason, should be brought before the panel.
  - Improve the diversity of the panelists.
  - Add review of the discipline given to individuals in addition to the disposition of the incident
- What additional powers would the panel recommend an oversight board have?
  - Do not recommend investigative powers.
  - After serving on PSRP, have been impressed by how thorough the investigations are.
- What is the decision-making process, and what is done when there isn't agreement on the panel?
  - Free discussion, unique perspectives.
  - Collaborative and collegiate, without a "we vs. they" tone
  - A panelist makes a motion for a final determination, and a vote is taken.
  - Only one vote has not been unanimous, due to absences of 2 members.
  - Police representatives on the panel have proven to scrutinize cases at least as closely as community members.
  - More cases are brought forth by BPD than by the community.
  - There are avenues for recording dissenting opinions.
- What is the process the panelists experience?
  - Given several weeks' advance notice that a complaint has been made.
  - Opportunity to review all investigation materials individually.
  - Evening meeting as a full panel to discuss and make a determination.
- Would panelists prefer to see class II allegations?
  - No, they are comfortable with their scope.

- Is the ratio of panelists from the community and PD appropriate?
  - Votes have never been split between community members and PD members, so panel does not have a strong feeling about the ratio.
- Have the panelists perceived racial bias?
  - Based on the requirements and boundaries of the charge of the panel, racial bias is not necessarily discussed for every case.
- Are any of the community member panelists people of color currently?
  - No, there have been in the past.
  - More could be done to market and recruit openings in the panel, as well as examine the selection process overall.
- Does receiving the determination from the IA sergeant frame the findings of the panel, does the panel wish to receive information without a recommendation?
  - One panelist appreciates hearing from a professional with experience in the field, but believes the panel still well executes independent judgment.
  - One panelist chooses to not read the recommendation first.
  - Clarification from panelist: The individual investigating the case does not make the recommendation, their supervisor does.
- What is the training for the PSRP?
  - 8-hour, day long training of police policies and procedures.
  - Some panelists have attended Citizens' Police Academy.
  - No current bias or implicit bias training.
- If radical changes were made to the PSRP, would you stay involved?
  - It depends—open to suggestions and to stay on or roll off.
  - One panelist thinks not including PD members could be a mistake.
  - One panelist recommended identifying specific failures to the system that need to be fixed and focus on those, rather than “fix what isn't broken.”
- Do you have enough time to review all of the information?
  - Some panelists say they have gotten what they need, one mentioned feeling time constraints sometimes.
  - Panelists are allowed as much time as they can make for review.
- How have panelists views changed from serving?
  - Learning the process for investigations illuminated that the department takes things seriously.
  - Learning that there are always gaps or ambiguities in cases.
  - Police officers themselves don't want bad actors in the department.
  - Training could be improved to include a wider variety of scenarios and bias training.
- A couple of cases this year that had racial profiling at the outset, when it comes to the PSRP outside of the officer's statement, what do you use to determine bias?
  - History is given for that officer's behavior of who they stop, however what wasn't covered is, once you've stopped a person of color, do you treat them differently than you would a white person after they've been stopped.

- On the phone: Liana Perez, Director of Operations for NACOLE. Formerly the Police Auditor for the City of Tucson for 20 years until recent retirement. NACOLE has worked with some other communities very recently who are in the processes of considering various forms of oversight models to recommend to their elected officials.
- 25 years of NACOLE—organization started by a group wanting to professionalize the role of law enforcement oversight. Membership organization providing training and networking resources for communities and academics looking to create or are already engaged with oversight.
- Most common question: what is the best model to have? No one best model, it is about what works best for the community. Lots of variables. Important to consider a systemic perspective and not be reactionary to isolated incidents.
- Overview of models
  - 3 common models: Auditor/monitor- reviews investigations after the fact (grown in past few years to look for systemic patterns and trends, and make recommendations for improvements), Review- commissions/boards, community members (some challenges with volunteers doing the work), Investigative model- oversight has authority to conduct investigations (most resource intensive NYC and San Francisco)
  - Hybrid models are also common (e.g. Auditor + review board)
  - Other model: Ombudsman (smaller communities, liaison between department and community)
  - “Independence is everything”
- Preventing the “us vs. them” mentality with an investigative model
  - Creating this model requires significant legislative changes. Strong models receive rapid challenges by the PD unions (Newark, NJ example). Receiving buy-in from PD at the outset can be important for a model like this.
- Auditor model can receive community push-back due to professional serving in that role?
  - Key to this model is continuous community engagement.
  - Auditor must be an advocate for the **process**.
  - Allow audit access for both internally and externally generated complaints.
  - Tucson—community can verbally provide a complaint at the public oversight board meetings.
- How can the investigative model be successful? (logistics of investigation and funding)
  - Very expensive models—NYC has 40k officers and 100 internal investigators. Some funding models mandate a percentage of total PD spending allocated to oversight. (may be desire for further research here)
  - Not many agencies have and use subpoena power
- Addressing needs of marginalized communities
  - Proactive outreach to educate about reporting
  - If complaints are low, does that mean we are doing a good job or people aren’t reporting? –There aren’t great benchmarks. Each community handles intake and types of complaints differently.
- Recommendations for successful hybrid models:
  - Denver, San Jose, Miami
  - Some have ties to Human Relations Commissions
  - Oakland- voter approved subpoena powers for oversight (outcome unclear)
- Any board with policy creation authority?
  - Denver and San Jose—recommendations

- Austin, TX can make recommendations (criticism that city attorney has to review before recommendation is made to chief, who can determine whether policy will be implemented)
  - None have outright creation authority.
- NACOLE Detroit Conference
  - 4-day conference, \$610 registration, attendees are mostly organizational members
  - 32 sessions with 3 tracks for beginners, intermediate, advanced orgs
- Contact information for Liana: [Perez@nacole.org](mailto:Perez@nacole.org) and 520-240-6654

#### Stakeholder Identification

- Discussion of how task force would like to conduct community outreach.
- Group to develop interview guide and opening statement for consistency.
- Initial group brainstorm of possible community stakeholders
- Individual interviews will be conducted, no focus groups.
- The majority of the task force voted to reinstate public comment at Task Force meetings moving forward 8:45-9 pm. 2-minute time limit for each individual.

#### Homework for July 18:

Within the “Community Outreach” folder on the SharePoint site:

1. Contribute to the stakeholder list, identifying specific individuals
2. Recommend possible interview questions that would be used for all stakeholders