

Recommendations & Summary Report Subcommittee on Creating a Civilian Policing Oversight Committee

Proposal: We propose the Criminal Justice Management Council create a formal committee to move forward with finalizing the plan to create a county-wide civilian oversight board.

Framing the conversation:

The American Medical Association (AMA) recently released its organizational strategic plan to address racial justice and advance health equity, which included naming chronic over-policing and police brutality as one of many symptoms of structural racism. See: AMA Equity Strategic Plan (<https://www.ama-assn.org/system/files/2021-05/ama-equity-strategic-plan.pdf>)

A **civilian oversight board** can be defined as an agency staffed with civilians charged with investigating civilian complaints of misconduct by police officers. It gives civilians a meaningful voice in discipline of officers - changes the relationship between police and civilians, provides an external check on police.

General Recommendations:

This committee should be made up of CJMC members, representatives of the municipalities in the county – mayors, village board members/presidents, county board members, city council members, victim advocates, representatives of disproportionately impacted communities, subject matter experts, criminal legal system researchers, representatives with legal, civil rights and law enforcement expertise. It's important that this be an oversight board, not just an advisory committee.

This oversight board should be charged with providing assistance, support, and guidance to community members who wish to file complaints against police officers in order to help them navigate the process. The members of the committee creating the oversight board, as well as the eventual Civilian Oversight Board members, must be guaranteed protection from harassment by law enforcement officers and law enforcement unions.

All information/communication originating from the Oversight Committee must include translations into languages prevalent in La Crosse County communities – Spanish, Hmong, etc.

The Civilian Policing Oversight Committee should function independently and separately from the existing Police and Fire Commissions. Civilian members should be provided a variety of reporting options, as well as confidentiality of reports.

Guidance from Keith Findley of Madison's Police Civilian Oversight Board

It's important to keep in mind that this committee should include people impacted by adverse encounters with police, as articulated by Keith Findley of the Madison Police Oversight Committee.

During the period in which the creation of the board was being discussed in Madison, there was pushback to the idea from people who assumed it would be filled with 'police haters,' Findley said. But he reiterated that it was valuable that the board include members who might be considered hostile to police.

"My own view was that if one of our goals is to find a way to bridge the divides between those who are hostile with police, those who feel that police do not hear them, the worst thing we

could do is shut them out of this process,” he said. “In order to build those bridges we had to make sure that they were there and I kind of saw this not as a challenge to police so much as a gift to police, because we are giving them a mechanism for engaging actively with members of the community, including members who feel otherwise distrustful and hostile to them.”

From: [Madison Police Oversight Board Offers Template for La Crosse – The La Crosse Independent](#)

Our Subcommittee Process

The task of the CJMC Policing Subcommittee on Creation of a Civilian Oversight Board was to explore existing model civilian oversight boards and make recommendations regarding the establishment of such a committee in La Crosse County. We focused on civilian boards with powers to investigate police misconduct, suggest and supervise discipline when misconduct is determined and implement mechanisms to monitor existing systemic problems. A recurring theme was the importance of board independence from police departments and politics, with board membership selected by civic and community organizations, with a fiscal source independent from the police budget.

The suggestions for creating a civilian oversight board cited here are derived from a summary of articles, but draw mainly on [Getting It Right: Building Effective Civilian Review Boards to Oversee Police by Udi Hofer, American Civil Liberties Union of New Jersey](#)

We gathered community input in a variety of ways including requesting feedback, perspectives, lived experiences etc. through email submissions, as well as holding a virtual listening session for community members to share their thoughts.

Why independent oversight of local policing is necessary

- Unjustified deadly force against civilians is a documented pattern in U.S. policing, as well as persistent national, statewide, and local racial disparities in impact
- Mundane transgressions and abuses of power that create resentment, lead to lack of trust and cause cumulative damage
- Need for an agency or unit within police departments charged with reviewing data to discern patterns in policing practices that reveal broader problems
- Traditionally, civilian oversight boards – like La Crosse’s Police and Fire Commission - have reported to the police commissioner who makes formal disciplinary determination – this sets them up for failure
- Current methods of oversight are internal with no formal, independent accountability process

Greatest barrier to structural improvement = most oversight boards do not have disciplinary authority.

Key components of effective Civilian Oversight Boards

- Board majority nominated by civic organizations (remainder by mayor and lawmakers). Nominees' backgrounds might include legal, civil rights, social justice, racial equity, criminology, social work, and/or justice-centered professional and personal experiences.
- Transparency and accountability are essential.
- Broad scope to review complaints - excessive use of force, abuse of authority, unlawful arrest, unlawful stop, unlawful searches, stop and frisk, sexual assault, discourtesy/disrespectful behavior, offensive language, theft, discriminatory behavior.
- Civilian oversight boards must have independent investigatory authority - subpoena power, which is important to counteract the 'code of silence' (officers refusing to testify

against other officers, refusal to cooperate with investigators, etc). The Blue Wall of Silence treats any reporting on a fellow officer as an act of betrayal.

- Ensure discipline sticks - make board findings binding for the head of the police department, use meaningful pre-negotiated discipline matrix to determine punishment.
- Audit policies and practices - make formal recommendations of policy reforms, review underlying policies that may allow abuses, such as quotas. Discern developing trends in the district - [high rates of juvenile arrests](#), for example. Grant ability to make policy recommendations.
- Provide secure funding - ensure funding is not dependent on politics. Budget should be sufficient to finance essential personnel – which may include an executive director, investigators, attorneys, analyst/auditors, overhead.
- Due process protections for all parties involved in review and complaint process - including safety insurances for civilians against harassment by police agencies, individual officers, and professional police associations
- Public access/reporting - it should be easy for the public to file complaints via a website, in-person, email, phone, fax. Office hours should allow for maximum availability; monthly public meetings, public hearings, quarterly/annual reports with data on policing practices, complaints, etc.
- Smaller communities/municipality Police & Fire Commission laws

A weak civilian oversight board is worse than none at all, because it gives an illusion without substance and pays lip service to transparency.

References

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