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The Seattle Community Police Commission: Lessons Learned and Considerations for Effective Community Involvement

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Commission

I. INTRODUCTION

The 2010 lethal shooting of John T. Williams, a First Nations woodcarver, by a Seattle police officer, and a series of other serious incidents involving police and people of color, reignited longstanding public concerns about bias and the use of excessive force in the Seattle Police Department (SPD).¹

The American Civil Liberties Union of Washington, along with 34 community organizations, asked the US Attorney's Office for the Western District of Washington and the Civil Rights Division of the US Department of Justice (DOJ) to open a pattern or practice investigation of excessive force by the SPD.² This request was an important factor in the DOJ's decision, through the US Attorney's Office for the Western District of Washington and the Civil Rights Division in Washington, D.C., to

¹ See Lynda V. Mapes, *Police Shooting Victim 'Struggled with a Lot of Things,'* THE SEATTLE TIMES (Sept. 1, 2010), <http://www.seattletimes.com/seattle-news/police-shooting-victim-struggled-with-a-lot-of-things/>.

² Letter from Kathleen Taylor, ACLU of Wash. Found. et al., to Thomas Perez, Ass't U.S. Att'y Gen., Civil Rights Div., U.S. Dep't of Justice & Jenny Durkan, U.S. Att'y, W. Dist. of Wash., U.S. Dep't of Justice, REQUEST TO INVESTIGATE PATTERN OR PRACTICE OF MISCONDUCT BY SEATTLE POLICE DEPARTMENT (2010), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/ACLU_Letter_to_DOJ.pdf.

investigate the SPD.³ Prior to issuing its findings, the DOJ met with numerous stakeholders, including many community leaders and groups who worked on police accountability issues for years and requested the DOJ investigation.⁴

After the DOJ issued its findings,⁵ the City of Seattle signed a settlement agreement⁶ in late 2012 with the DOJ to reform SPD practices, as well as a memorandum of understanding (MOU)⁷ that established the City's three year scope of work to ensure bias-free policing and stop the use of excessive force. The settlement and MOU were informed by the recommendations of the Minority Executive Directors Coalition Multiracial Task Force on Police Accountability (MEDC Task Force). A March 2012 letter to the DOJ details these recommendations, along with the groups involved with the MEDC Task Force.⁸

³ E-mail from J. Michael Diaz, Ass't U.S. Att'y, W. Dist. of Wash., U.S. Dep't of Justice, to Betsy Graef, Consultant, Seattle Cmty. Police Comm'n (Aug. 11, 2015 4:40 PM PDT) (on file with author).

⁴ U.S. DEP'T OF JUSTICE CIVIL RIGHTS DIV., U.S. ATT'Y'S OFFICE W. DIST. OF WASH., INVESTIGATION OF THE SEATTLE POLICE DEPARTMENT 1 (2011), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/DOJ_Findings.pdf [hereinafter INVESTIGATION OF THE SEATTLE POLICE DEPARTMENT].

⁵ *See generally id.*

⁶ *See generally* Settlement Agreement and Stipulated Order of Resolution, U.S. v. City of Seattle, No. 12-CV-1282 (W.D. Wash. July 27, 2012), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Seattle_Settlement_Agreement.pdf [hereinafter Settlement Agreement and Stipulated Order of Resolution].

⁷ *See generally* MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. AND THE CITY OF SEATTLE (July 27, 2012), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Seattle_Memo_of_Understanding.pdf [hereinafter MEMORANDUM OF UNDERSTANDING].

⁸ MINORITY EXEC. DIRS. COAL. MULTIRACIAL TASK FORCE ON POLICE ACCOUNTABILITY, COMMUNITY GOALS FOR THE CONSENT DECREE WITH THE SEATTLE POLICE DEPARTMENT (2012), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/MTFPA_Recommendations.pdf.

One MEDC Task Force recommendation was for community involvement in overseeing the settlement.⁹ The DOJ was already interested in formalizing civilian input to reform agreements, and viewed Seattle as promising for such an arrangement, in large part, due to the presence of well-organized community groups seeking a role. In addition, the DOJ believed that, while diverse, Seattle was also small enough that structuring a reasonably representative and manageably sized formal body was viable.¹⁰ This belief was bolstered by the fact that the US Attorney for Western Washington, Jenny Durkan, whose office was co-leading the investigation, had historical involvement in Seattle police issues that informed her views of the value of a community role in the settlement.¹¹ In the past, Jenny Durkan served on several “blue ribbon” panels¹² that recommended improvements to Seattle’s police accountability system.¹³ Critically, Mayor Michael McGinn and City Attorney Peter Holmes, Seattle’s representatives in the negotiations, were also strongly supportive of a formal community role.¹⁴ Peter Holmes’ background in police issues as a past member of

⁹ *Id.* at 4.

¹⁰ Interview with Puneet Cheema, Trial Att’y, Civil Rights Div., Special Litig. Sect., U.S. Dep’t of Justice, J. Michael Diaz, Ass’t U.S. Att’y, W. Dist. of Wash., U.S. Dep’t of Justice & Timothy D. Mygatt, Special Counsel, Civil Rights Div., Special Litig. Sect., U.S. Dep’t of Justice (Jan. 14, 2015) (Betsy Graef conducted a joint interview with Puneet Cheema and J. Michael Diaz in Seattle, Wash; Timothy D. Mygatt joined via telephone).

¹¹ *Id.*

¹² These panels were the Citizens’ Review Panel formed by Mayor Paul Schell in 1999 to address problems relating to the SPD’s Internal Affairs division and the Seattle Police Accountability Review Board formed by Mayor Greg Nickels in 2008 after public controversy arose relating to alleged police misconduct and the perceived failure of the police department oversight entities to adequately investigate and sanction that misconduct. *See Biography of Jenny A. Durkan* 4–5, available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Durkan_Biography.pdf.

¹³ *Id.*

¹⁴ Telephone interview with Michael McGinn, former Mayor, City of Seattle (July 7, 2015); telephone interview with Peter S. Holmes, City Att’y, City of Seattle (July 9, 2015).

Seattle's civilian police accountability oversight board¹⁵ factored into his strong support.¹⁶ Encouraged by the community, the City of Seattle established the Community Police Commission (CPC) “. . . with the goal of ensuring that police services are delivered to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States . . . and promotes public confidence in the [SPD] and its officers.”¹⁷

This paper outlines the purpose, role, and responsibilities of the CPC under the settlement agreement between the City of Seattle and the DOJ. Additionally, the paper details the policy and other recommendations the CPC has completed and continues to develop, and the contributions it is making to the SPD reform process. The paper reviews the CPC's deliberative approaches in developing recommendations, its efforts to represent community perspectives, its successes and challenges, and its upcoming work. After more than two years in business, the CPC has learned many lessons. Critical factors for the success of Seattle's model may also prove useful to other cities seeking community input to police reform, with an understanding these should be adapted to local conditions and needs. Finally, the paper discusses the similarities and differences between the CPC's structure and charge and those mandated for reforming police departments in communities elsewhere.

¹⁵ *About Pete Holmes*, CITY OF SEATTLE, <http://www.seattle.gov/cityattorney/about-us/about-pete-holmes> (last visited Aug. 31, 2015).

¹⁶ Telephone interview with Peter S. Holmes, City Att'y, City of Seattle (July 9, 2015).

¹⁷ SEATTLE, WASH., ORDINANCE NO. 124021, CREATING THE COMMUNITY POLICE COMMISSION 2 (2012), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/CPC_Ordinance_124021.pdf [hereinafter ORDINANCE NO. 124021, CREATING THE COMMUNITY POLICE COMMISSION].

II. COMMUNITY POLICE COMMISSION

A city ordinance established the CPC “to leverage the ideas, talent, experience, and expertise of the community” in the reform process.¹⁸ “The CPC creates an important opportunity for Seattle’s diverse communities to participate in the implementation of the MOU and the Settlement Agreement, and to promote greater transparency and public understanding of the [SPD].”¹⁹ The CPC convened and began work in March 2013.

A. Members and Resources

The CPC’s 2015 fiscal year budget is \$818,564.²⁰ The CPC has permanent professional staff and receives additional consultant support. There are 15 commissioners appointed by the mayor and confirmed by the city council.²¹ While all commissioners were appointed for the duration of the settlement and the MOU,²² mayoral appointments have filled vacancies over time.²³

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ FÉ LOPEZ, OFFICE OF THE CMTY. POLICE COMM’N, 2015 ADOPTED AND 2016 ENDORSED BUDGET (2014), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/CPC_Budget_2015.pdf.

²¹ ORDINANCE NO. 124021, CREATING THE COMMUNITY POLICE COMMISSION, *supra* note 17, at 4.

²² *Id.*

²³ To-date, five vacancies have been filled by mayoral appointments (Melinda Giovengo, Kay Godefroy, Enrique Gonzalez, David Keenan, and Ronald Rasmussen). See *Office of the Clerk*, Clerk File No. 313717, SEATTLE.GOV, <http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=giovengo&s3=&s2=&s4=&Sect4=AND&l=200&Sect2=THESON&Sect3=PLURON&Sect5=CFCF1&Sect6=HITOFF&d=CFCF&p=1&u=%2F~public%2Fcfcl1.htm&r=1&f=G> (last visited Dec. 16, 2015); *Office of the Clerk*, Clerk File No. 19, SEATTLE.GOV, <http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=godefroy&s3=&s2=&s4=&Sect4=AND&l=200&Sect2=THESON&Sect3=PLURON&Sect5=CFCF1&Sect6=HITOFF&d=CFCF&p=1&u=%2F~public%2Fcfcl1.htm&r=2&f=G> (last visited Dec. 16, 2015); *Office of the Clerk*, Clerk File No. 313718, SEATTLE.GOV, <http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=gonzalez&s3=&s2=&s4=&Sect4=AND&l=200&Sect2=THESON&Sect3=PLURON&Sect5=CFCF1&Sect6=HITOFF&d=CFCF&p=1&u=%2F~public%2Fcfcl1.htm&r=3&f=G>

The CPC is broadly representative of Seattle's diverse residents, drawn from different racial and ethnic groups, LGBT, youth, faith, and business communities. Some represent, or are knowledgeable of the issues concerning, people who are homeless, or have mental illness or substance abuse disorders. The Seattle Police Officers Guild and the Seattle Police Management Association each have one representative.

Collectively, the commissioners have a deep understanding of community interests and needs, particularly among communities that have had difficulties in their interactions with the SPD. All commissioners have general knowledge of police accountability matters, and some have extensive subject matter expertise, including in the areas of civil rights, civil liberties, and cultural competency.

B. Responsibilities

The city ordinance that established the CPC incorporated directly or by reference the areas for CPC involvement specified in both the settlement agreement and the MOU. The settlement agreement and the MOU give the CPC broad authority to issue its own reports and recommendations on initiatives to support the reform process, and the ordinance provides that the CPC may propose legislation in support of constitutional policing, public and officer safety, and public confidence in the SPD. The CPC is responsible for bi-annual progress reports to the mayor and the city council

LURON&Sect5=CFCF1&Sect6=HITOFF&d=CFCF&p=1&u=%2F~public%2Fcfcl1.htm&r=1&f=G (last visited Dec. 16, 2015); *Office of the Clerk*, Clerk File No. 313719, SEATTLE.GOV, <http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=keenan&s3=&s2=&s4=&Sect4=AND&l=200&Sect2=THESON&Sect3=PLURON&Sect5=CFCF1&Sect6=HITOFF&d=CFCF&p=1&u=%2F~public%2Fcfcl1.htm&r=1&f=G> (last visited Dec. 16, 2015); *Office of the Clerk*, Clerk File No. 313670, SEATTLE.GOV, <http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=rasmussen&s3=&s2=&s4=&Sect4=AND&l=200&Sect2=THESON&Sect3=PLURON&Sect5=CFCF1&Sect6=HITOFF&d=CFCF&p=1&u=%2F~public%2Fcfcl1.htm&r=3&f=G> (last visited Dec. 16, 2015).

and for holding regular public meetings to receive community feedback about the SPD's progress in complying with the settlement agreement.

The settlement outlined particular areas for CPC involvement, which included reviewing and recommending revisions to SPD policies and providing input on training and training curricula related to bias-free policing, and to stops and detentions.²⁴ Certain areas of responsibility were subsequently incorporated into the work plans of the Seattle Police Monitor (Monitor) with specific deadlines for completing the work.²⁵

The MOU identified other specific areas for CPC involvement including assessing SPD community engagement activities, reviewing the police accountability system, evaluating SPD investigatory stops data collection and reporting practices, assessing SPD officer mentoring programs, reviewing SPD public disclosure policies and practices, and working with SPD and the city to develop and implement a public education program on filing complaints of officer misconduct.²⁶

The settlement and MOU purposefully defined the CPC's responsibility in areas most in need of community deliberation. These areas concerned "hard stuff"—issues that do not have a single clear "right answer," but rather depend on thoughtful discussion and consideration of different

²⁴ Settlement Agreement and Stipulated Order of Resolution, *supra* note 6, at 3–4, 39, 41–43, 57.

²⁵ MERRICK J. BOBB, SEATTLE MONITORING TEAM, MONITORING PLAN FOR THE FIRST YEAR 9, 11, 13–15, 18 (2013), *available at*

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Monitoring_Plan_Year_1.pdf [hereinafter MONITORING PLAN FOR THE FIRST YEAR]; Stipulated Motion for Approval of a Revised Schedule of Priorities for the Settlement Agreement at 7, 9, U.S. v. City of Seattle, No. 12-CV-1282 JLR (W.D. Wash. Aug. 8, 2013), *available at*

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/SA_Appx_A_Sched_Rev08-08-13.pdf [hereinafter Stipulated Motion]; Monitoring Plan for the Second Year at 4, 8, 19–20, 27, 43, 46–47, 49, 52, U.S. v. City of Seattle, No. 12-CV-1282 JLR (W.D. Wash. Mar. 17, 2014), *available at*

http://www.seattle.gov/police/compliance/docs/Monitoring_Plan_for_Year_Two.pdf.

²⁶ MEMORANDUM OF UNDERSTANDING, *supra* note 7, at 2–7.

perspectives. The intent was that the CPC's ultimate conclusions in these areas would represent consensus positions reflecting and balancing community values.

C. Organization of Work

The CPC adopted bylaws to govern its activities. Standing or ad hoc committees conduct much of the work, while the full CPC votes to approve committee recommendations or accept committee work products. Each committee and the full CPC have co-chairs who prepare agendas and run meetings. The standing committees generally meet twice monthly in one-to-two-hour sessions during which they engage with staff and technical advisors in reviewing documents, discussing issues, and preparing materials and recommendations for consideration by the full CPC.

During its first year, the CPC had three standing committees (bias-free policing, stops and detentions, and community outreach), and it formed ad hoc committees to review SPD in-car video (ICV) and use of force policies. In 2014, the CPC replaced these committees with new committees, which it convened to review and make recommendations on the police accountability system, training, and SPD community engagement.

The CPC as a whole meets twice monthly in three-hour sessions to review committee status reports and to vote on committee recommendations. Other business not assigned to committees is also presented at full CPC meetings.

In general, commissioners attend about 10 hours of CPC meetings per month. Often they receive invitations to attend other meetings called by the DOJ, the Monitoring Team, various SPD workgroups and leaders, the mayor's office, and the city council. Stakeholder representatives, who provide information, advice, and counsel, often attend full CPC and committee meetings.

III. SEATTLE COMMUNITY POLICE COMMISSION ACTIVITIES

A. Community Outreach

Under the settlement and MOU, the CPC is charged with being the vehicle for community input into the SPD reform process, and to do so it has undertaken substantial community outreach. Prior to finalizing an initial set of policy recommendations in late 2013, the CPC conducted extensive community outreach. The CPC focused on obtaining feedback on its draft recommendations, but also sought community perspectives about the reform process in general, the role of the CPC, information about community members' experience with the police, and guidance for the CPC's future community outreach activities.

During this extensive outreach in October 2013, the CPC sought the perspectives of the general public, police officers and their union representatives, and other key stakeholders in the reform process. However, the CPC was particularly interested in learning the views of those in Seattle who had historically troubled relationships with the SPD or who had been traditionally underrepresented in the policy-making process. The CPC made a special effort to invite members of underrepresented communities to offer their perspectives in safe forums by contracting with 13 community-based organizations that directly serve hard-to-reach populations, and by reaching out to many more. In all, more than 100 organizations participated in the outreach effort. The CPC, its partners, and other supporting organizations brought together more than 3,400 community members at over 150 meetings.

The CPC received both quantitative and qualitative feedback—participants completed over 3,000 survey questionnaires and facilitators extensively documented key themes identified during the meeting dialogues. While most completed the surveys in English, 464 respondents completed surveys that had been translated into languages other than English. Some survey questions yielded feedback specific to the CPC's

draft policy recommendations, with a very large percentage of respondents (75 percent to 88 percent) expecting the recommendations to make a difference in improving police practices.

The CPC issued a Community Outreach Report²⁷ in January 2014 that detailed the results of this community outreach. The CPC made available to the community, through its partner organizations, an Executive Summary²⁸ of the report that was translated into nine languages (Amharic, Arabic, Chinese-Simplified, Chinese-Traditional, Korean, Somali, Spanish, Tagalog, and Vietnamese).

B. Policy Recommendations

The focus of the CPC's work in 2013 was on developing policy recommendations concerning bias-free policing, and stops and detentions. The Monitor's 2013 work plan included these specific policy areas for the CPC's review, with associated deadlines for the CPC to submit its recommendations.²⁹ Separately, the Monitor asked the CPC to comment on the SPD's ICV technology and make ICV policy recommendations.³⁰ The CPC also chose to comment on the SPD's draft use of force policies.³¹ The

²⁷ SEATTLE CMTY. POLICE COMM'N, COMMUNITY OUTREACH REPORT (2014), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/CPC_Outreach_Report.pdf.

²⁸ SEATTLE CMTY. POLICE COMM'N, EXECUTIVE SUMMARY (2014), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/CPC_Outreach_Report_Exec_Sum.pdf.

²⁹ MONITORING PLAN FOR THE FIRST YEAR, *supra* note 25, at 9, 11, 13–15, 18; Stipulated Motion, *supra* note 25, at 7, 9.

³⁰ Telephone interview with Merrick Bobb, Seattle Police Monitor (Jan. 14, 2015); e-mail from Matthew Barge, Deputy Dir., Police Assessment Resource Ctr. & member of the Seattle Monitoring Team, to Betsy Graef, Consultant, Seattle Cmty. Police Comm'n (July 9, 2015, 01:56 PM PDT) (on file with author).

³¹ SEATTLE CMTY. POLICE COMM'N, POLICY RECOMMENDATIONS 15–16 (2013), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/CPC_Policy_Recommendations.pdf [hereinafter POLICY RECOMMENDATIONS].

CPC's suggestions in all these policy areas are reported in its Policy Recommendations³² issued in November 2013.

The CPC policy workgroups benefited from the contributions and technical assistance of many stakeholder representatives who actively and consistently participated in their deliberations, particularly from the SPD (especially compliance team and audit, policy, and research section staff). Representatives from the DOJ, the Monitoring Team, and the city attorney's office also often engaged in policy workgroup discussions.

1. Bias-Free Policing Policy

The bias-free policing policy approved by the US District Court³³ on January 17, 2014 incorporated a number of CPC recommendations. Most notable was language that identified institutional bias as an issue deserving attention and measures to be taken by the SPD to reduce disparate impact.³⁴ A groundbreaking provision proposed by the CPC and adopted as part of the policy requires the SPD to collect and analyze data on the disparate impact of SPD arrests, stops and detentions, and citations.³⁵ The results of the analysis will provide the basis for exploring equally effective law enforcement alternatives to mitigate disproportionate impact. The CPC was responsible for crafting language included in the final policy that explicitly cites historical inequality and institutional bias as factors that may result in disproportionate enforcement, even in the absence of intentional bias.³⁶ The

³² See generally *id.*

³³ Exhibit B of Memorandum Submitting Consensus Seattle Police Dep't Policies and Order Approving Same at 20–30, U.S. v. City of Seattle, No. 12-CV-1282 JLR (W.D. Wash. Jan. 17, 2014), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Bias_Free_Policing_and_Terry_Stops_1-17-14.pdf [hereinafter Exhibit B of Memorandum Submitting Consensus Seattle Police Dep't Policies and Order Approving Same].

³⁴ *Id.* at 27–28.

³⁵ *Id.*

³⁶ *Id.* at 27.

language acknowledges the value of undertaking an analysis of disparate impact and seeking alternative approaches. It avoids a “blame-oriented” frame of reference concerning police contact data, which contributed to the broad support of this portion of the policy among all stakeholders.

2. Stops and Detentions Policy

The CPC was instrumental in framing language for the new policy that more clearly defines the rights and obligations of both the police and those stopped, and sets standards for searches by the police.³⁷ The prior SPD policy blurred the line between social contacts and *Terry* stops, and it did not provide sufficient guidance to officers.³⁸ The CPC’s work on this policy involved extensive discussions among its police union representatives and other members who had substantial case law knowledge and knowledge of the “real life” experience of individuals stopped by the police. One important contribution the CPC made was flagging the legal issues raised in one early draft of the policy that required calling supervisors to respond on site when stopped individuals claimed bias. As a result, the SPD dropped this requirement. By engaging in discussions of concrete issues, the CPC as a whole reached consensus—including its police union representatives—on an improved policy supported by the SPD and other stakeholders and approved by the US District Court.

3. Use of Force Policies

While excessive use of force was a primary finding of the DOJ,³⁹ the settlement agreement and MOU did not assign the CPC responsibility to

³⁷ Interview with Lisa Daugaard, co-chair, Seattle Cmty. Police Comm’n & Jennifer Shaw, member, Seattle Cmty. Police Comm’n, in Seattle, Wash. (Dec. 16, 2014).

³⁸ INVESTIGATION OF THE SEATTLE POLICE DEP’T, *supra* note 4, 26, 29–30.

³⁹ *Id.* at 3–5, 8–24.

review SPD use of force policies.⁴⁰ Nevertheless, after receiving a copy of a draft use of force policies tentatively approved by the Monitor in early August 2013 and due for filing with the US District Court in November 2013, the CPC decided to offer comments. Due to the time constraints of the original schedule, the CPC sought and received court approval for a time extension. Still, the CPC had limited time to thoroughly review the draft, which was over 70 pages. In the time it had, the CPC cited concerns with the unclear, inconsistent, and redundant organization of the policies and their overall length and complexity.⁴¹ The CPC believed these issues might make it challenging for both the public and officers to understand the policies; in the case of officers, these issues might also make training difficult. The CPC also endorsed the idea of developing standards on use of force that could be adopted statewide, providing consistency across law enforcement jurisdictions.

The SPD incorporated into its policies several specific CPC recommendations related to definitions and conventional terms, and the parties agreed that those changes improved the final draft. However, the SPD did not revamp the policies to address the CPC's recommendations for greater concision and clarity, and the policies ultimately approved by the US District Court remained very long.

The CPC has played an important subsequent role in the use of force area. Some SPD officers filed suit against the city, claiming the policy unreasonably restricted their ability to defend themselves and protect the public, and violated officers' constitutional rights.⁴² The Seattle police

⁴⁰ Settlement Agreement and Stipulated Order of Resolution, *supra* note 6, at 3–4, 39, 41–43, 57; MEMORANDUM OF UNDERSTANDING, *supra* note 7, at 2–7.

⁴¹ POLICY RECOMMENDATIONS, *supra* note 31, at 15–16.

⁴² First Amended Complaint under 42 U.S.C. § 1983 and 28 U.S.C. 1331 at 1–2, Mahoney, Borjeson, Myers and 98 other Officers of the Seattle Police Dep't v. Holder, Durkan, City of Seattle, Bobb, Murray, and Holmes, No. C14-0794 (W.D. Wash. Aug. 27, 2014), *available at*

unions did not participate in the suit (which was ultimately rejected by the US District Court judge), but believed the CPC could be a very effective conduit of officer concerns to the Monitor and to the settlement parties.⁴³ When the new policy became subject to review 180 days after adoption, the police union presidents asked the CPC to supplement the evaluation efforts of the SPD and the city attorney's office by seeking line officer feedback on how the policy works in practice.⁴⁴ The CPC held listening sessions with officers and forwarded their feedback directly to the Monitor, the DOJ, and the Seattle city attorney.

4. ICV Recording, Technology, and Policy

The CPC's involvement in reviewing the SPD's ICV technology and policy exemplified an effective early collaboration between the Monitor and the CPC in an area not identified for CPC engagement in the settlement or MOU. At the time the SPD was installing new ICV technology in its vehicles, the Monitor asked the CPC to review and make recommendations about the automatic triggers the SPD planned to use in the updated system and to make other ICV policy recommendations.⁴⁵

The Monitor and the SPD took different positions on the use of triggers that automatically turn on video recordings. The Monitor leaned toward supporting the installation of many automatic triggers, which would result in the SPD collecting recordings in a greater number of circumstances.⁴⁶

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/SPD_Officer_Lawsuit.pdf.

⁴³ Interview with Captain Mike Edwards, President, Seattle Police Mgmt. Ass'n, & Detective Ron Smith, President, Seattle Police Officers Guild, in Seattle, Wash. (Jan. 9, 2015).

⁴⁴ *Id.*

⁴⁵ Telephone interview with Merrick Bobb, Seattle Police Monitor (Jan. 14, 2015); e-mail from Matthew Barge, Deputy Dir., Police Assessment Resource Ctr. & member of the Seattle Monitoring Team, to Betsy Graef, Seattle Cmty. Police Comm'n, (July, 9 2015, 1:56 PM PST) (on file with author).

⁴⁶ *Id.*

Conversely, the SPD took the position that using some of these triggers would generate unneeded or redundant video at a significant expense, and that some others were technologically undeveloped and may have been unstable.⁴⁷ The SPD supported use of only those triggers it had originally planned to purchase—patrol car lights, audio activation, in crash situations, and at certain speed thresholds.⁴⁸

The CPC was open to the SPD’s judgment and benefited from its counsel as it deliberated. In the end, the CPC endorsed the SPD’s position, even though others—including Seattle’s Human Rights Commission—recommended a different course.⁴⁹ In the end, the Monitor did not require the SPD to install additional triggers.⁵⁰

5. CPC Contributions to SPD Policies

The CPC’s recommendations were substantive and added materially to the content of the bias-free policing, stops and detentions, and use of force policies ultimately approved by the court. One of the CPC’s important roles in the policy arena is to flag potential issues, facilitate robust discussion of these issues, and encourage their resolution prior to the SPD finalizing its policies. For example, recently, the CPC identified a range of critical issues involved with the use of body-worn camera technology, including the importance of reconciling the need for accountability with the need to

⁴⁷ Telephone interview with Brian Maxey, Legal Counsel, Seattle Police Dep’t (July 13, 2015).

⁴⁸ *Id.*

⁴⁹ SEATTLE HUMAN RIGHTS COMM’N, COMMISSION MEMORANDUM TO JIM PUGEL, INTERIM CHIEF, SEATTLE POLICE DEP’T, RECOMMENDATIONS FOR IN-CAR VIDEO POLICIES & PRACTICES (2013), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/SHRC_In-Car_Video_Recommendations.pdf.

⁵⁰ Telephone interview with Merrick Bobb, Seattle Police Monitor (Jan. 14, 2015); e-mail from Matthew Barge, Deputy Dir., Police Assessment Resource Ctr. & member of the Seattle Monitoring Team, to Betsy Graef, Seattle Cmty. Police Comm’n, (July, 9 2015, 1:56 PM PST) (on file with author).

protect privacy and ensure victim and witness safety.⁵¹ The CPC is well positioned to continue to fill this role in other policy areas.

C. Accountability System Recommendations

Most of the CPC's work in early 2014 involved reviewing and recommending changes to the police accountability system. The current police accountability system is a four-pronged system comprised of (1) the Office of Professional Accountability (OPA), led by a civilian director but with primarily sworn staff, which conducts administrative investigations and recommends findings and discipline;⁵² (2) an independent civilian auditor who reviews the work of the OPA;⁵³ (3) the Office of Professional Accountability Review Board (OPARB), which is responsible for community outreach and oversight;⁵⁴ and (4) the police department itself which manages employee performance.⁵⁵

In April 2014, the CPC issued its accountability system recommendations.⁵⁶ These included policy and practice recommendations, as well as recommendations for structural changes to the system. The 55 policy and practice recommendations included improving complaint handling, expanding the scope of the OPA's authority, providing consistent and supported SPD line supervisor involvement in lower-level misconduct cases, revising finding classifications, reforming appellate processes, and

⁵¹ Interview with Robert Mead, Body-Worn Camera Project Manager, Seattle Police Dep't, in Seattle, Wash. (July 13, 2015).

⁵² SEATTLE, WASH., MUN. CODE §§ 3.28.800-830 (2008).

⁵³ SEATTLE, WASH., MUN. CODE §§ 3.28.850-870 (2008).

⁵⁴ SEATTLE, WASH., MUN. CODE §3.28.900-920 (2008).

⁵⁵ SEATTLE POLICE DEP'T MANUAL 2.070: PERFORMANCE EVALUATION (May 13, 2011), <http://www.seattle.gov/police-manual/title-2---department-employment/2070---performance-evaluation>.

⁵⁶ SEATTLE CMTY. POLICE COMM'N, ACCOUNTABILITY RECOMMENDATIONS (2014), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/CPC_Accountability_Recommendations.pdf.

establishing mechanisms to ensure systemic improvements. The structural recommendations called for increased OPA responsibility to ensure access to and transparency of the system, and for transferring community oversight of the system to the CPC—with a substantially wider charge than under the current civilian review board. The structural recommendations also called for increased independence of the OPA director, the OPA auditor, and the CPC.

The technical contributions of the OPA director and, in particular those of the OPA auditor, were crucial in helping the CPC identify specific priority areas for reform.⁵⁷ In addition, the CPC collaborated closely with the mayor's staff and with his special assistant on police, Dr. Bernard Melekian, seeking consensus on needed reforms. With a few exceptions, the mayor endorsed the CPC's recommendations.⁵⁸ The OPA director has also largely endorsed the CPC's recommendations,⁵⁹ and the OPA auditor fully supports them.⁶⁰

While some of the recommendations have been or may be implemented readily, a number are subject to police union negotiations, and others require or would benefit from codification in law. Therefore, the CPC has also apprised city councilmembers of its recommendations and the rationale for them since some share responsibility for establishing the city's labor negotiations agenda, and all are key to approving needed legislation.

⁵⁷ In reviewing the accountability system, the CPC considered the past recommendations of the OPA Auditor for improving SPD's accountability system and many of the OPA Auditor's recommendations were the foundation of its final recommendations.

⁵⁸ OFFICE OF MAYOR EDWARD B. MURRAY, *Seattle Police Accountability & Civilian Oversight 2*, 9–16 (2014), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Murray_Accountability_Plan.pdf [hereinafter *Seattle Police Accountability & Civilian Oversight*].

⁵⁹ Interview with Pierce Murphy, Dir., OPA, City of Seattle & Stephanie Roth, Deputy Dir., OPA, City of Seattle, in Seattle, Wash. (Jan. 5, 2015).

⁶⁰ Interview with Judge Anne Levinson (ret.), Auditor, OPA, in Seattle, Wash. (Jan. 6, 2015).

D. Training Recommendations

The CPC issued its Training Recommendations⁶¹ in March 2014. The CPC recommended that a philosophy of constitutional policing be the foundation of all SPD training curricula, replacing any residual “command-and-control” orientation with a clear focus on community caretaking. Rather than commenting on the details of particular training curricula, the CPC highlighted other fundamental elements it believes are critical to ensuring SPD trainings and training programs are effective over time. These elements relate to (1) critical curricula, (2) the role of command staff and supervisors, and (3) systemic performance management. All curricula should provide officers training in communicating effectively and treating the public with respect, and all officers should be trained to effectively respond to a range of critical incidents. Both command staff and sergeants play a critical role. Sergeants should have supervisory skills and be current on police department policies, and command staff should clearly demonstrate to officers their support of the department’s policies. Finally, the SPD should routinely assess and measure the effectiveness of its training programs.

In the summer of 2014, the CPC worked with the SPD Education and Training Section (ETS) to contribute to ETS’ training curriculum for the updated bias-free policing and stops and detentions policies. In addition to providing input on the curriculum, ETS asked the CPC to directly participate in its bias-free policing training sessions. At least one commissioner participated in most of the sessions, making a 20-minute presentation about their backgrounds, why they are involved with the CPC, and why the issue of bias-free policing matters to them. They also provided

⁶¹ SEATTLE CMTY. POLICE COMM’N, CPC RECOMMENDATIONS RELATED TO SPD TRAINING POLICIES AND CURRICULA (2014), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/CPC_Training_Recommendations.pdf.

background on the CPC's role in the reform process and answered officer's questions. The SPD conducted this eight-hour training of its 1,300 sworn officers in 40 sessions held between October and late December 2014.

The training staff viewed the participation of commissioners as very positive because it served well the purpose of putting the training content into a personal context, making officers more receptive to it.⁶² Also, by putting faces to commissioners, introducing their personal stories, and allowing some space for dialogue, the commissioners' participation furthered the goal of helping officers gain a better and more accurate understanding of the CPC and its role in the reform process.⁶³

E. SPD Community Engagement Assessment

In 2014, the CPC began work to assess and report on the SPD's community activities, and to identify strategies the SPD might employ to increase its community engagement as well as the public's confidence in the police department. The CPC chose to focus first on the SPD's outreach to racial, ethnic, immigrant, and refugee communities. The CPC's first report related to these communities is due in early 2016. The CPC's work in this area has benefited from the full and collaborative support of SPD leaders.

In the first assessment, the CPC staff will conduct a detailed gap analysis, with some support from consultants. The assessment will include both analysis of "hard data" and of information gathered in listening sessions and focus groups held in the community. The gap analysis will focus on three areas: (1) the recruitment, hiring, basic training, promotion, and retention of

⁶² Joint interview with Sgt. John Brooks, Supervisor, Education & Training Sect., Seattle Police Dep't, Sgt. Adrian Diaz, Cmty. Outreach Sect., Seattle Police Dep't, Acting Sgt. Brendan Kolding, Audit, Policy & Research Sect., Seattle Police Dep't & Officer Martin Welte, Race & Social Justice Initiative Coordinator, Seattle Police Dep't, in Seattle, Wash., (Jan. 5, 2015).

⁶³ *Id.*

officers from targeted communities; (2) the relationships the SPD has with members of these communities; and (3) the quality of SPD communications with these communities. After completion of the gap analysis, the CPC will work with the SPD on an implementation plan, identifying actions to narrow gaps, establishing deadlines for doing so, and providing mechanisms for assessing progress.

While the MOU charges the CPC with an assessment, it does not define its scope or structure, calling only for the CPC to conduct a survey of both police and community members' experiences with and perceptions of the SPD's community engagement activities. The MOU subsequently directs the CPC to prepare an assessment report, outlining potential strategies the SPD might take to increase community engagement and public confidence in it. The CPC believed the assessment was a potentially major and vitally important project. However, without clear guidelines, the CPC sought advice and technical support by reaching out to a number of city partners, including the SPD, to help develop a robust plan for the project.

CPC staff conferred with Department of Neighborhood (DON) staff to identify concerns people in different parts of the city might have about the SPD's community activities. This consultation was useful because DON staff have deep and regular involvement in communities throughout the city. Then, CPC staff met with city auditor staff to brainstorm approaches to scoping and structuring the assessment. The city auditor staff suggestions were helpful in confirming and organizing areas of focus and in developing plans for a thorough gap analysis in each area. The CPC also convened a discussion with about 20 frontline police officers to hear their perspectives on SPD community engagement activities, which helped inform the eventual scope of the project.

The development of the assessment project demonstrates how effectively the CPC has learned to leverage its relationships. Originally of limited scope, the assessment is now an extensive, well-thought-out project that benefited from input by many city partners. Particularly notable was the

positive reception by officers in the SPD's community outreach section who were highly supportive of and collaborated closely on the project. This positive reception was due in part to the familiarity and long-term relationships between the officers of the community outreach section and several CPC members and staff. The DOJ and the Monitoring Team also came on board with the more extensive project because CPC staff met frequently with these stakeholders as the project was being formulated and kept the DOJ and the Monitoring Team apprised of the CPC's work with its partners to develop a more comprehensive approach. The DOJ, the Monitoring Team, and the chief of police support the CPC's current approach to the project.⁶⁴ The chief is especially appreciative of the CPC's detailed plans to assess barriers to recruitment, hiring, and retention, and eager to partner with the CPC in finding solutions.⁶⁵

F. Future Work

Much of the CPC's initial mandated work involving recommendations on policies, the accountability system, and training has been completed, but its responsibility for overseeing implementation of reforms in these areas will continue throughout the settlement. The CPC continues to have responsibility for seeking and sharing the views of the community about the

⁶⁴ Interview with Puneet Cheema, Trial Att'y, Civil Rights Div., Special Litig. Sect., U.S. Dep't of Justice, J. Michael Diaz, Ass't U.S. Att'y, W. Dist. of Wash., U.S. Dep't of Justice, & Timothy D. Mygatt, Special Counsel, Civil Rights Div., Special Litig. Sect., U.S. Dep't of Justice (Jan. 14, 2015) (Betsy Graef conducted a joint interview with Puneet Cheema and J. Michael Diaz in Seattle, Wash.; Timothy D. Mygatt joined via telephone); telephone interview with Merrick Bobb, Seattle Police Monitor (Jan. 14, 2015); e-mail from Matthew Barge, Deputy Dir., Police Assessment Resource Ctr. & member of the Seattle Monitoring Team, to Betsy Graef, Consultant, Seattle Cmty. Police Comm'n (Jul. 9, 2015, 1:56 PM PDT) (on file with author); interview with Kathleen O'Toole, Chief of Police, Seattle Police Dep't, in Seattle, Wash. (Jan. 15, 2015).

⁶⁵ Interview with Kathleen O'Toole, Chief of Police, Seattle Police Dep't, in Seattle, Wash. (Jan. 15, 2015).

SPD and its compliance with the settlement. The CPC will also likely assume substantial new responsibilities, unrelated to the settlement, to oversee the city's police accountability policies and practices. This new role may also provide the CPC an opportunity to gather information from the experiences of other police departments, to review research from academic and national experts, and to identify issues, trends, and potential "best practices" relevant for consideration in Seattle.

Areas of monitoring and follow-up under the CPC's current mandated responsibilities include: (1) support for the codification and adoption of other policies and practices recommended by the CPC that support a strong and transparent accountability system, including some provisions that require changes in police labor union contracts; (2) regular review and comment on the effectiveness of SPD policies and training in bias-free policing, stops and detentions, use of force, and other critical areas related to public trust of the police; and (3) aid to the OPA and the SPD in developing materials and channels that educate the public about the accountability system and facilitate access to it.

The CPC's initial assessment of the SPD's community engagement to racial and ethnic minorities, as well as to immigrants and refugees, will be followed by similar assessments that will focus on the SPD's outreach to other groups, particularly LGBTQ; street and other youth; and those who are homeless, mentally ill, or challenged by substance abuse issues.

In 2016, the CPC will administer its first survey of SPD officers to obtain their views about the reform process. Prepared in collaboration with the OPA director, the OPA auditor and the SPD, the survey's intent is to provide a baseline measure of police attitudes about how well mandated changes have been implemented, what difference they are making, the effectiveness of civilian oversight and the police accountability system, and the impact of reform in the communities served by the police.

The SPD is responsible for collecting and analyzing data on disparate impact and consulting with the CPC and others to identify alternative

practices that would reduce such disparities when they occur.⁶⁶ The CPC is collaborating with the SPD in this area now, reviewing data for evidence of racial and ethnic disparities associated with public consumption citations (alcohol and marijuana) and obstruction arrests. The CPC hired a University of Washington consultant to conduct the analysis. The consultant will also identify alternative practices that may mitigate disparate impact while preserving public safety.

Many community members viewed the CPC's extensive community outreach work in 2013 as highly effective.⁶⁷ The involvement of so many trusted organizations and individuals gave many community members a sense of ownership of the process and allowed the CPC to get in touch with and hear from many people who might not otherwise have been reached.⁶⁸ A similarly extensive community outreach activity is planned for 2016, which will include a second satisfaction survey to obtain community views of the police, individual experiences with the police, and perceptions about the reform process. The CPC's satisfaction survey will provide data on changing community attitudes about the police and will be an indicator of SPD progress under the settlement.

IV. KEY LESSONS FROM SEATTLE'S COMMUNITY POLICE COMMISSION EXPERIENCE

A. Tailor Community Involvement to Meet Local Needs

Every community is different, and what works well in Seattle may not be right for other cities. In the end, the essential elements for successful

⁶⁶ Exhibit B of Memorandum Submitting Consensus Seattle Police Dep't Policies and Order Approving Same, *supra* note 33, at 27–28.

⁶⁷ Interview with Pamela Banks, Exec. Dir., Urban League of Metro. Seattle & Rich Stolz, Exec. Dir., One America, in Seattle, Wash. (Jan. 9, 2015); interview with Sahar Fathi, Policy Analyst, Office of Immigrant & Refugee Affairs, City of Seattle, in Seattle, Wash. (Jan. 5, 2015).

⁶⁸ *Id.*

community involvement will vary, depending on unique factors in each city. Such factors include the city's size, demographics and history with police issues, as well as its political structures, including the arrangements in place that govern and oversee police.

Seattle is a mid-sized city with a history of police issues and with well-organized community activists who sought to address those issues over many years.⁶⁹ Demographically, Seattle has become much more diverse.⁷⁰ The SPD operates as a city department, with the chief of police reporting to the mayor; it is not governed by any other structures such as a civilian police commission.⁷¹ Prior to the settlement that established the CPC, the OPARB was the only community-based entity involved in overseeing the SPD.⁷² The OPARB has a narrow charge and operates with limited resources—its 2015 fiscal year budget totals \$68,476.⁷³ Key parties to the

⁶⁹ Thirty-five organizations long involved in the issue of police conduct requested a DOJ investigation of SPD. *See* letter from Kathleen Taylor, ACLU of Wash. Found. et al., to Thomas Perez, Ass't U.S. Att'y Gen., Civil Rights Div., U.S. Dep't of Justice & Jenny Durkan, U.S. Att'y, W. Dist. of Wash., U.S. Dep't of Justice, REQUEST TO INVESTIGATE PATTERN OR PRACTICE OF MISCONDUCT BY SEATTLE POLICE DEPARTMENT (2010), *available at*

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/ACLU_Letter_to_DOJ.pdf.

⁷⁰ E-mail from Gene Balk, Columnist, The Seattle Times, to Betsy Graef, Consultant, Seattle Cmty. Police Comm'n (July 8, 2015, 10:49 PM PST) (on file with author) (confirming changes in Seattle demographics using 1990 U.S. Census Data and U.S. Census 2013 estimates for Seattle).

⁷¹ CHARTER OF THE CITY OF SEATTLE, art. VI, § 4 (Nov. 5, 2013), *available at* <http://clerk.seattle.gov/~public/charter/charter.htm#articleVI>.

⁷² E-mail from Pierce Murphy Dir., OPA, City of Seattle, to Betsy Graef, Consultant, Seattle Cmty. Police Comm'n (Aug. 10, 2015, 10:21 AM PDT) (on file with author).

⁷³ SEATTLE, WASH., MUNI. CODE § 3.28.900 (2008) *available at* https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT3AD_SUBTITLE_IIDEOF_CH3.28PODE_SUBCHAPTER_IXOFPRACBO_3.28.900OFPRACREBOES; SEATTLE, WASH., MUNI. CODE § 3.28.910 (2008), *available at* https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT3AD_SUBTITLE_IIDEOF_CH3.28PODE_SUBCHAPTER_IXOFPRACBO_3.28.910OPREBORE; telephone interview with Mark Baird, Central Staff, Seattle City Council (Jul. 8, 2015) (confirmed the OPARB 2015 budget).

settlement in Seattle had previously been deeply involved in SPD issues, and there was broad political support to have greater community involvement in the reform process.

Certain key factors determined the scope and scale of responsibilities assigned to the CPC under the settlement and MOU: (1) Seattle is a moderate-sized city whose diversity could be reasonably represented on a 15-member commission; (2) there was no substantial competition for civilian participation (such as a governing police commission or a strong community-based police oversight body); and (3) political leaders and stakeholders supported and understood how effective the community role could be—thoughtful community representatives had already proven themselves, and they saw an opportunity to engage such leaders, along with police representatives, in issues requiring the balancing of a range of community values, including police needs and expectations.⁷⁴

B. Factors of Success and Critical Challenges

Critical factors in the CPC's successes thus far and challenges it continues to face may be germane to other cities as they too seek to benefit from community input to police reform.

⁷⁴ Interview with Puneet Cheema, Trial Att'y, Civil Rights Div., Special Litig. Sect., U.S. Dep't of Justice, J. Michael Diaz, Ass't U.S. Att'y, W. Dist. of Wash., U.S. Dep't of Justice & Timothy D. Mygatt, Special Counsel, Civil Rights Div., Special Litig. Sect., U.S. Dep't of Justice (Jan. 14, 2015) (Betsy Graef conducted a joint interview with Puneet Cheema and J. Michael Diaz in Seattle, Wash.; Timothy D. Mygatt joined via telephone); telephone interview with Michael McGinn, former Mayor, City of Seattle (July 7, 2015); telephone interview with Peter S. Holmes, City Att'y, City of Seattle (July 9, 2015).

1. Factors of Success

a) Institutionalize Effective Community Involvement

Seattle has a history of strong community involvement in police issues through the work of a number of well-organized and coordinated groups. These community representatives brought the DOJ investigation to Seattle, and the agreements ultimately negotiated by the parties incorporated many of their views, including the provision for a community-based commission with defined responsibilities.

The settlement and MOU formalized the CPC's specific charge and its structure was set by city ordinance.⁷⁵ Together, these provisions provide a mandate for the CPC's work, establish its specific role, and give the CPC resources to do its work. Since the settlement agreement, the MOU, and city ordinance institutionalized the CPC's role, its current scope of activities is not subject to revision due to changing priorities of elected officials. Pending legislation to establish the CPC's expanded and ongoing oversight role will provide the CPC a broader mandate, giving it flexibility to respond to emerging issues while also protecting it from the vicissitudes of changing political priorities.⁷⁶ These formalized provisions will also ensure that the CPC's role is accepted and its voice is heard by key city leaders, including the mayor, the city council, the chief of police, and the city attorney.

b) Understand Different Roles and Frames of Reference

On one level, one might expect the Monitor and the DOJ to be natural allies and partners of a formal organization set up to represent community interests in police settlements. However, differing roles and frames of

⁷⁵ ORDINANCE NO. 124021, CREATING THE COMMUNITY POLICE COMMISSION, *supra* note 17, at 5–7.

⁷⁶ Betsy Graef, *CPC Off. of Police Accountability ORD* (2015), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Drafted_Legislation_11-22-15.pdf (drafted legislation).

reference contribute to disagreements, some significant. As elsewhere, in Seattle, the DOJ, as a party to the settlement, has a vested interest to ensure the settlement terms are met, and the Monitor's role is to oversee compliance on behalf of the US District Court.⁷⁷ The perspectives and priorities of the DOJ and the Monitor, along with the City of Seattle, the involved jurisdiction, are likely most guided by legal requirements set forth in the settlement, which are defined in detailed court-approved work plans that define responsibilities and set deadlines. They are most attuned to meeting these requirements and other expectations conveyed by the federal judge. This frame of reference is different from the CPC's, which serves as an advisor, but is not a party to, or a contracted agent responsible for, the settlement agreement.

In the past, the CPC not being a party to the agreement has been a source of tension between the CPC and other key stakeholders. In addition, due to fundamental differences in the roles and perspectives among the CPC, the settlement parties, and the Monitor, priorities may not align and points of contention are inevitable. While disagreements and friction are likely to occur, it is important to accept these dynamics and keep communication channels open.⁷⁸

c) Ensure Broad, Knowledgeable, and Credible Representation

Most CPC members have deep professional or experiential knowledge of and expertise on constitutional policing. Importantly, a number have been involved in police issues for many years and are associated with the community groups that requested the DOJ investigation. The CPC also has other representatives from the business, faith, and youth communities. The inclusion of police union representatives has been critically important, signaling recognition of the legitimacy of police perspectives, which should

⁷⁷ Settlement Agreement and Stipulated Order of Resolution, *supra* note 6, at 5, 48–50.

⁷⁸ See *infra* Part IV(B)(1)(e).

be heard. CPC members are broadly representative of Seattle's diverse populations, and all are respected members of their communities. Many CPC members have activist backgrounds and/or are highly influential and connected. This mix of backgrounds and skills among CPC members has been critically important to the CPC's success in gaining credibility and obtaining political support for its positions and agenda.

d) Provide Sufficient Professional Staff and Resources

The City of Seattle recognized that the CPC needed staff and resources to meet set deadlines for its mandated work on policy recommendations, to fulfill its community outreach obligations, and to establish and maintain effective relationships with stakeholders and other partners. The CPC receives financial support from the city's general fund. This support allows the CPC to be staffed with four FTE (full-time equivalents), including the executive director, a policy analyst, a community outreach specialist, and an administrative assistant. A contracted technical advisor provides additional support in policy development, representing the equivalent of about .50 FTE.

The CPC faced substantial challenges in its first year due to delays in getting permanent staff in place. It relied on temporary and part-time staff throughout that period to support CPC policy development committees, to organize and conduct extensive community outreach, and to provide administrative support. This staff support varied from between 1.50 and 2.50 FTE. Significant support from contracted professional consultants aided during that period. Staffing stabilized when the permanent executive director began in February 2014, and the CPC hired a policy analyst in April 2014. Sufficient professional staff resources are critical to ensure the CPC completes quality work products and meets its obligations in a timely way.

e) Relationships Matter—Give Them Attention

The CPC was fortunate that its resources in 2013 were adequate to meet product delivery deadlines, which earned it credibility for completing quality work on time and for delivering recommendations informed by public input. However, as a newly organized group with a heavy workload and limited staff support, the CPC's capacity to build relations with key stakeholders was constrained during 2013. During this period, neither commissioners nor staff members met regularly with the mayor, the city attorney, city leader representatives, the DOJ, the Monitor or his team, or SPD leaders. The purpose of such meetings would have been to discuss the role of the CPC, to share priorities, and to identify concerns or issues.

Regular communications support positive relationships and can help forge consensus positions. Routine and frequent communications allow the various parties to understand and consider different perspectives and provide clarity about expectations. In early 2013, key stakeholders knew most individual commissioners by reputation, rather than directly. This lack of relationships, coupled with a failure to institute regular communications, caused problems.

Two flashpoints occurred in close order during 2013 that demonstrate why relationships matter. First, in late August 2013, the CPC chose to review and make recommendations on the use of force policies, even though the settlement did not give it this charge. The CPC requested, and the US District Court approved, time for the CPC to comment, which postponed the Monitor's filing of the final policies with the court. Second, the CPC misunderstood its timeline to submit other policy recommendations to the Monitor for consideration in advance of the Monitor's own deadline to file final drafts with the US District Court. The original timeline placed the CPC at risk of failing to obtain timely community input prior to submitting its policy recommendations. As in the case with the use of force policies, while the CPC received a time

extension, all of those involved were unhappy with the friction, the delay, and the confusion.

Commissioners felt disrespected in both instances.⁷⁹ They were concerned that the CPC had to “fight for everything” and believed, given the importance of use of force, the CPC should have had an opportunity to weigh in on those policies. The CPC also felt it was always “chasing and not catching the rabbit” due to what its members believed were unreasonable and arbitrary deadlines. In turn, the Monitor⁸⁰ and the DOJ⁸¹ felt the CPC went beyond the delineated responsibilities of the CPC established by the settlement agreement by seeking to become involved with the use of force policies. The Monitor and the DOJ believed CPC’s late involvement in reviewing the use of force policies delayed their issuance by four months, contributing to a delay in getting the SPD into compliance, and that the CPC could have better managed its affairs by ensuring its community outreach coincided properly with the established filing timeline.⁸²

⁷⁹ Interview with Enrique Gonzalez, Jay Hollingsworth, David Keenan, & Officer Kevin Stuckey, members, & Rev. Harriett Walden, co-chair, Seattle Cmty. Police Comm’n, in Seattle, Wash. (Dec. 30, 2014).

⁸⁰ Telephone interview with Merrick Bobb, Seattle Police Monitor (Jan. 14, 2015); e-mail from Matthew Barge, Deputy Dir., Police Assessment Resource Ctr. & member of the Seattle Monitoring Team, to Betsy Graef, Consultant, Seattle Cmty. Police Comm’n, (Jul. 9, 2015, 1:56 PM PDT) (on file with author).

⁸¹ Interview with Puneet Cheema, Trial Att’y, Civil Rights Div., Special Litig. Sec., U.S. Dep’t of Justice, J. Michael Diaz, Ass’t U.S. Att’y for W. Dist. of Wash., U.S. Dep’t of Justice & Timothy D. Mygatt, Special Counsel, Civil Rights Div., Special Litig. Sec., U.S. Dep’t of Justice (Jan. 14, 2015) (Betsy Graef conducted a joint interview with Puneet Cheema and J. Michael Diaz in Seattle, Wash; Timothy D. Mygatt joined via telephone).

⁸² E-mail from Matthew Barge, Deputy Dir., Police Assessment Resource Ctr. & member of the Seattle Monitoring Team to Betsy Graef, Consultant, Seattle Cmty. Police Comm’n, (July 9, 2015, 1:56 PM PDT) (on file with author); telephone interview with Merrick Bobb, Seattle Police Monitor (Jan. 14, 2015); interview with Puneet Cheema, Trial Att’y, Civil Rights Div., Special Litig. Section, U.S. Dep’t of Justice, J. Michael Diaz, Ass’t U.S. Att’y for W. Dist. of Wash., U.S. Dep’t of Justice & Timothy D. Mygatt, Special Counsel, Civil Rights Div., Special Litig. Section, U.S. Dep’t of Justice

Such fraught situations are less likely to occur today because the CPC staff and its commissioners have improved communications and built stronger relationships with the Monitor and parties, and with other key stakeholders. Regular communications means many problems and issues that surface can be jointly attended to earlier and with fewer misunderstandings, even while different points of view may still exist.

The CPC is now better able to focus time and energy on maintaining critical relationships since additional and permanent CPC staff are on board. The executive director meets regularly with a member of the Monitoring Team and the DOJ's representative, and with a deputy mayor and the mayor's public safety staff for both high-level and detailed discussions.⁸³ The CPC co-chairs and the executive director also together have regularly scheduled meetings with the chief of police.⁸⁴ Most important, the CPC staff communicate as needed with these and other stakeholders, including councilmembers and city attorneys, on issues as they arise.⁸⁵ Individual commissioners have also strengthened their relationships with other stakeholders. Much of this strengthening has been a function of time and familiarity. After nearly two years, the players know each other better, they understand better each other's perspectives, and they recognize the value each brings as individuals and as representatives of critical groups working together to achieve police reform.

(Jan. 14, 2015) (Betsy Graef conducted a joint interview with Puneet Cheema and J. Michael Diaz in Seattle, Wash; Timothy D. Mygatt joined via telephone).

⁸³ Interview with Fé Lopez, Exec. Dir., Seattle Cmty. Police Comm'n & Anne Bettesworth, Policy Analyst, Seattle Cmty. Police Comm'n, in Seattle, Wash. (Dec. 18, 2014).

⁸⁴ *Id.*

⁸⁵ *Id.*

f) Be Outcome-Oriented and Pragmatic

The CPC has been outcome-oriented in its work, focused on finding solutions to issues. In doing so, it has collaborated with a wide range of parties, taken into account myriad interests, and been respectful of differing perspectives. In the view of many stakeholders, the CPC's work products to-date demonstrate that it has balanced different interests well, compromising when necessary, in an effort to find common ground. In doing so, the CPC has demonstrated an understanding and appreciation of "all sides of the equation," including the need for police accountability, the need for public safety, the need to honor a range of community values, and the need to support police in meeting their responsibilities. CPC's credibility is primarily due to this orientation. As a result, elected officials and a wide range of other stakeholders increasingly seek the CPC's "stamp of approval."

The CPC's deliberations and conclusions about changes needed to the accountability system demonstrate very clearly the CPC's outcome-oriented and pragmatic approach. In this work, the CPC was methodical in its review of many complex issues, including taking into account a host of past recommendations for reform. Extensive discussions were held over more than five months with key advisors, including the OPA director, the OPA auditor, the mayor's staff, and the mayor's special advisor on police, to understand different perspectives on key issues. Those engaged in this review focused on the "big picture," were open to persuasion by their colleagues, and sought consensus. In the end, all sides made concessions, resolving most areas of disagreement.

The CPC took the time necessary to fully explore all areas in accountability that needed review, consider competing views about how to address problems, and engage in substantive dialogue with its partners to largely achieve agreement. As a result, while the CPC's accountability system recommendations are extensive, they have been largely endorsed by

the mayor, as well as by several city councilmembers and key stakeholders.⁸⁶

The CPC's collaborative approach was also evident in the development of proposed legislation to codify its accountability recommendations. After the mayor announced support of many of the CPC's accountability recommendations in November 2014, the CPC took the lead in drafting revisions to Seattle's municipal code related to police accountability, engaging many city stakeholders as it did so. While reaching consensus took time, the CPC was committed to finding common ground. In June 2015, the CPC, the mayor, the chief of police, the OPA director, and the OPA auditor agreed to a comprehensive legislative package.⁸⁷

2. Critical Challenges

a) Manage Expectations

Because of its track record, the CPC gained a reputation for credibility and integrity over the course of its first two years of work.⁸⁸ The CPC has

⁸⁶ *Seattle Police Accountability & Civilian Oversight*, supra note 58, at 2, 9–16; OFFICE OF MAYOR MURRAY, *Murray and Community Leaders Announce Police Accountability Reforms* (Nov. 12, 2014), <http://murray.seattle.gov/murray-and-community-leaders-announce-police-accountability-reforms/#sthash.J7N3Mj1p.JpLDQ9il.dpbs>; interview with Pierce Murphy, Dir., OPA, City of Seattle & Stephanie Roth, Deputy Dir., OPA, City of Seattle, in Seattle, Wash. (Jan. 5, 2015); interview with Judge Anne Levinson (ret.), Auditor, OPA, in Seattle, Wash. (Jan. 6, 2015).

⁸⁷ Steve Miletich, *Civilian Police-Review Panel Moves Step Closer to Becoming Permanent*, THE SEATTLE TIMES (June 29, 2015), <http://www.seattletimes.com/seattle-news/politics/accord-reached-on-spd-accountability-measures/>.

⁸⁸ Interview with Kate Joncas, Deputy Mayor, City of Seattle, in Seattle, Wash. (Jan. 13, 2015); interview with Kathleen O'Toole, Chief of Police, Seattle Police Dep't, in Seattle, Wash. (Jan. 15, 2015); interview with Tim Burgess, President, Seattle City Council, in Seattle, Wash. (Dec. 19, 2014); interview with Pamela Banks, Exec. Dir., Urban League of Metro. Seattle & Rich Stolz, Exec. Dir., One America, in Seattle, Wash. (Jan. 9, 2015); interview with Sahar Fathi, Policy Analyst, Office of Immigrant & Refugee Affairs, City of Seattle, in Seattle, Wash. (Jan. 5, 2015); interview with Judge Anne Levinson (ret.), Auditor, OPA, in Seattle, Wash. (Jan. 6, 2015); interview with Pierce Murphy, Dir., OPA, City of Seattle & Stephanie Roth, Deputy Dir., OPA, City of Seattle,

also benefited from greater stability in the SPD. During a critical year, from May 2013 through June 2014, the SPD was led by two interim chiefs, and a rotating set of senior command staff and SPD staff were assigned responsibility for follow-through on activities under the settlement.⁸⁹ As a result, it was often trying for the CPC to establish durable collaborative partnerships within the SPD.

The new chief of police joined the department in July 2014, establishing more consistency in staff and making clear her commitment to not just the letter, but the spirit, of reforms required under the settlement.⁹⁰ The chief has embraced the CPC, welcoming it as a partner in reform, and she is now turning to it for extensive advice and counsel on both topics under its current mandate and beyond the scope of its current responsibilities.⁹¹ The chief has expressed a particular interest in collaborating with the CPC on the issue of disparate impact, potential alternative approaches to reduce disparate impact, and on ways to deepen the CPC's connections to line officers that support the exchange of views and joint problem solving.⁹² The latter effort is especially important to build trust and a sense of shared purpose between the community and the police. In addition to the chief, other SPD leaders and managers, as well as key police union leaders, have

in Seattle, Wash. (Jan. 5, 2015); interview with Captain Mike Edwards, President, Seattle Police Mgmt. Ass'n & Detective Ron Smith, President, Seattle Police Officers Guild, in Seattle, Wash. (Jan. 9, 2015); interview with Virginia Gleason, Chief Strategic Advisor, Seattle Police Dep't, in Seattle, Wash. (Jan. 13, 2015).

⁸⁹ Telephone interview with Brian Maxey, Legal Counsel, Seattle Police Dep't (July 13, 2015).

⁹⁰ Steve Miletich, *Seattle Police Chief O'Toole Aims to Re-energize Department*, THE SEATTLE TIMES (Mar. 1, 2015), <http://www.seattletimes.com/seattle-news/crime/seattle-police-chief-otoole-aims-to-re-energize-department/>; Steve Miletich, *O'Toole Names 4 New Seattle Assistant Police Chiefs*, THE SEATTLE TIMES (Mar. 11, 2015), <http://www.seattletimes.com/seattle-news/otoole-finds-new-blood-for-spd-in-yakima-boston/>.

⁹¹ Interview with Kathleen O'Toole, Chief of Police, Seattle Police Dep't, in Seattle, Wash. (Jan. 15, 2015).

⁹² *Id.*

expressed appreciation for the CPC’s past work and have indicated that they look forward to ongoing collaboration with the CPC.⁹³ In Seattle, it is clear that there is a sense of partnership—increasingly, there is a shared attitude that “we are in this together.”

Finally, the relationships between the CPC, the Monitor, and the DOJ are also stronger than before, and community leaders respect the CPC, believing it has effectively sought out and fairly represented community concerns.⁹⁴ As a result of its track record thus far, expectations may be very high for the CPC to deliver police reform on behalf of the community. But, it is important to acknowledge its limited role.

While the CPC has and will continue to contribute to improvements in the SPD, it is primarily an advisory body, with a “dotted line” relationship to the SPD, the mayor, and others in city government. The CPC cannot dictate reform of the SPD. To influence the outcome of crucial reforms it recommends, the CPC must rely on political connections and moral authority, the latter derived from a reputation for fairness and objectivity. The CPC will need to continue to rely on these sources of influence as it assumes new and broader responsibilities for police accountability.

Finally, there is the hard truth that true police reform depends on a culture shift within the SPD that it alone must drive. The DOJ, the Monitor, the federal court, the CPC, and others cannot make this happen. Much

⁹³ *Id.*; interview with Virginia Gleason, Chief Strategic Advisor, Seattle Police Dep’t, in Seattle, Wash. (Jan. 13, 2015); interview with Captain Mike Edwards, President, Seattle Police Mgmt. Ass’n & Detective Ron Smith, President, Seattle Police Officers Guild, in Seattle, Wash. (Jan. 9, 2015); joint interview with Sgt. John Brooks, Supervisor, Education & Training Sect., Seattle Police Dep’t, Sgt. Adrian Diaz, Cmty. Outreach Sect., Seattle Police Dep’t, Acting Sgt. Brendan Kolding, Audit, Policy, & Research Sect., Seattle Police Dep’t & Officer Martin Welte, Race & Social Justice Initiative Coordinator, Seattle Police Dep’t, in Seattle, Wash. (Jan. 5, 2015).

⁹⁴ Interview with Pamela Banks, Exec. Dir., Urban League of Metro. Seattle & Rich Stolz, Exec. Dir., One America, in Seattle, Wash. (Jan. 9, 2015); interview with Sahar Fathi, Policy Analyst, Office of Immigrant & Refugee Affairs, City of Seattle, in Seattle, Wash. (Jan. 5, 2015).

depends on the chief of police and her actions, particularly in revamping the command staff, setting up systems to measure progress, providing ongoing training, setting expectations, and supporting employee excellence through an effective performance management system.

b) Maintain Diversity, Cohesion, and Commitment

The previous mayor originally appointed the CPC, and the current mayor is now putting his stamp on it. The current mayor appointed five commissioners in 2014-2015 and three vacancies remain to be filled. The reasons for the turnover vary, but delays in filling vacancies are problematic—the CPC needs a balanced and full bench that supports occasional leadership rotation. New commissioners also need to be oriented to the CPC’s role and work, receiving useful background information so they can “hit the ground running.” While the CPC remains broadly representative of Seattle’s diversity, some have concerns that it may need to shift the cast of its membership, adding members who bring different skills, backgrounds, and perspectives, especially given that the CPC’s responsibilities will soon expand.

The turnover and new representation is an opportunity for the CPC to gain useful expertise and fresh insights from new members. However, this churn also brings risks. The original set of commissioners included very knowledgeable and highly committed individuals, willing to devote significant hours to demanding work. The CPC also enjoyed substantial cohesion, with group values that supported a frank exchange of views and sought to achieve compromise and consensus positions. Over time, it will be critical to maintain a diverse, knowledgeable, and highly committed commission that continues to share these core values and norms.

c) Stay Focused, Nimble, and Connected

The CPC is beginning to evolve from an advisory body, with a narrow set of responsibilities associated with the settlement and MOU, to a

permanent police oversight entity with a broader set of responsibilities. So long as the settlement remains in place in Seattle, the CPC will retain its current obligations while also assuming new ones.

New responsibilities as the civilian oversight body for police accountability will require a significant commitment of time by commissioners and CPC staff. To provide robust oversight, the CPC is expected to pursue the following new activities: (1) support and monitor the adoption of city policies and practices related to the police accountability system; (2) conduct regular reviews of relevant SPD policies to identify issues that recommend revisions to policy, practice, and training; (3) review OPA and other SPD data to identify patterns of problems that can be resolved with changes in policies or practices; and (4) scan the experiences of other police departments, national trends, and academic research to find new opportunities to improve SPD policies or practices. In addition, as Seattle’s civilian police oversight body, the CPC will be drawn-in when major police-community issues arise. The CPC will be where many turn to express concerns, ask for counsel, and seek solutions on controversies or issues concerning the police.

This wide range of responsibilities and expectations will be a challenge. To stay focused on its current mandated and upcoming oversight work, the CPC needs to establish principles and goals, make strategic choices, set priorities, and follow realistic work plans that allow it to effectively get more done.⁹⁵ At the same time, it must be flexible and responsive to emerging and immediate “hot button” issues of public interest.⁹⁶ In 2015, the CPC sponsored a public forum to obtain feedback on policy issues related to police use of body-worn cameras; it also sought public feedback

⁹⁵ Interview with Enrique Gonzalez, Jay Hollingsworth, David Keenan & Officer Kevin Stuckey, members & Rev. Harriett Walden, co-chair, Seattle Cmty. Police Comm’n, in Seattle, Wash. (Dec. 30, 2014); telephone interview with Melinda Giovengo, member, Seattle Cmty. Police Comm’n (Jan. 21, 2015).

⁹⁶ *Id.*

on how the SPD handled post-Ferguson protests. These are good examples of emerging and immediate issues of public interest. Similar issues will surface over time. Some in the community will demand CPC involvement, and the chief of police or other city leaders who depend on the CPC to provide a ready channel to community views may endorse or request its engagement.

Staying connected to Seattle's diverse communities has been and will continue to be a major CPC role. Not only do its commissioners serve as the voice and conscience of the city's communities, the CPC must be in touch regularly with all segments of the public in order to articulate with authority what the community cares about and values. A major community outreach effort every few years is invaluable. However, it is labor-intensive and insufficient. More regular communications with affected communities, the broader public, as well as with front-line officers, is needed. Such established conduits will also make it easier for the CPC to engage Seattle's communities and represent their concerns when emerging or immediate issues arise.

V. AN EXAMINATION OF COMMUNITY INVOLVEMENT WITH OTHER LAW ENFORCEMENT AGENCIES

The author reviewed the mandated role of community in 15 jurisdictions, including Seattle, under settlements, agreements, or court orders.⁹⁷ In some

⁹⁷ Jurisdictions under settlements, agreements or court orders were identified from material posted on the DOJ and Police Assessment Resource Center websites. Jurisdictions were selected for review after consultation with DOJ representatives based in part on the size of the population and/or the issues involved. The foundational sources of information on the issues involved and the provisions for community involvement were court orders and/or agreements in the cases. In some instances, jurisdiction websites provided additional information on other civilian functions in place. Interviews of local knowledgeable individuals involved in these cases were conducted for some jurisdictions reviewed.

instances, interviews with individuals involved in implementation provided additional background to the review of settlements, agreements, court orders, and other documents. Other law enforcement agencies mandated to revise their practices were excluded from this review due to small or distinct populations or because the issues involved were limited or dissimilar. Appendix I summarizes the jurisdictions reviewed, details the community role in each case, identifies source materials and, except for Seattle, the interviewees. For Seattle, Appendix II lists the names and associations of interviewees.

The locations of the law enforcement agencies reviewed were:

Year of Court Action, Settlement, or Consent Decree	Number of Jurisdictions	Location
1997	1	Pittsburgh, PA
2001	3	Los Angeles, CA; Riverside, CA; Washington, DC
2002	1	Cincinnati, OH
2003	1	Detroit, MI
2004	2	Oakland, CA; Prince George's County, MD
2012	1	Seattle, WA
2013	3	Maricopa County, AZ; New Orleans, LA; New York, NY
2014	3	Albuquerque, NM; Portland, OR; Suffolk County, NY

In three instances, court orders were related to private lawsuits, and in one case the court order concerned a lawsuit brought by a state attorney general. The remaining 11 cases involved litigation filed by the DOJ.

Community concerns are often the genesis of investigations into systemic police misconduct. In cities mandated to make reforms, community

members often rallied to bring police reform and contributed to such efforts. However, in the cities reviewed, it appears a formal community role has generally been limited.

Nevertheless, this review is not exhaustive, and more research would be useful to determine the full extent and impact of community participation in locales under mandates to reform police practices. While community involvement may not have been dictated, it may have been provided through other mechanisms, and it would be helpful to understand more fully how the community contributed in such instances.

There was no specified community role in cases involving four law enforcement agencies: Detroit, Michigan; Prince George's County, Maryland; Riverside, California; and Washington, D.C.

In four cases, the settlement or consent decree made a provision for the law enforcement agency to consult with, convene, or attend meetings of community groups or representatives to share information and hear community opinions and concerns (Los Angeles, California; Oakland, California; Pittsburgh, Pennsylvania; and Suffolk County, New York).

A. Cases with Substantial Community Involvement

In seven cases, courts made provisions for a more substantial community role: (Albuquerque, New Mexico; Cincinnati, Ohio; Maricopa County, Arizona; New Orleans, Louisiana; New York, New York; Portland, Oregon; and Seattle, Washington). All but one of these cases were settled between 2012 and 2014. The following summarizes arrangements for community involvement in six of these jurisdictions (excluding Seattle).

1. Albuquerque

Albuquerque's November 2014 settlement will result in the establishment of a Civilian Police Oversight Agency (CPOA)⁹⁸ and six Community Policing Councils (Councils) in each area command.⁹⁹ The CPOA will replace an office that previously conducted independent investigations of misconduct cases separate from those conducted by the department's internal affairs division.¹⁰⁰ Each councilmember, who represent geographic districts, will appoint a CPOA member, and there may be additional at-large and city administration members,¹⁰¹ as well as an executive director.¹⁰² CPOA members will be drawn from a broad cross-section of Albuquerque,¹⁰³ but specific provisions for representation are not yet defined.¹⁰⁴ The CPOA will be independent but accountable to the mayor, the city attorney's office, the city council, and the department,¹⁰⁵ and it will have a budget between \$800,000 and \$1.6 million.¹⁰⁶ The CPOA will review all citizen complaints, serious uses of force, officer-involved shootings; recommend disciplinary actions to the chief; and make policy and training recommendations, including policies related to the settlement (i.e., use of force, specialized units, crisis intervention, civilian complaints,

⁹⁸ Settlement Agreement at 83, U.S. v. City of Albuquerque, No. 1:14-cv-1025 (D.N.M.), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Albuquerque_Settlement_Agreement.pdf [hereinafter Settlement Agreement, U.S. v. City of Albuquerque].

⁹⁹ *Id.* at 81.

¹⁰⁰ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep't (Dec. 22, 2014).

¹⁰¹ *Id.*

¹⁰² Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 98, at 84.

¹⁰³ *Id.* at 83.

¹⁰⁴ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep't (Dec. 22, 2014).

¹⁰⁵ Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 98, at 83.

¹⁰⁶ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep't (Dec. 22, 2014).

supervision, discipline, and community engagement).¹⁰⁷ The CPOA will also implement a community outreach program.¹⁰⁸ The CPOA will hold regular, public meetings,¹⁰⁹ but the frequency has not been set.¹¹⁰ Council members are community volunteers charged with reviewing department community policing priorities, strategies, and training; advising on workforce diversity strategies; suggesting ways to collect and share information with the public; and informing and conveying feedback from the community to the department on reform-related matters.¹¹¹ There is no set number of individuals who will participate on the councils. As volunteers they are not appointed,¹¹² but are expected to be drawn from a cross-section of the community.¹¹³ The councils are expected to meet monthly or quarterly, and the department will absorb the minimal associated costs.¹¹⁴ The department is also to establish a Community Outreach and Public Information program in each of the area commands and hold semi-annual meetings to update the community on progress in implementing the agreement and to receive public comments.¹¹⁵

2. Cincinnati

Cincinnati undertook police reform under a memorandum of agreement between the DOJ and the city.¹¹⁶ However, a separate “collaborative

¹⁰⁷ Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 98, at 86.

¹⁰⁸ *Id.* at 87.

¹⁰⁹ *Id.*

¹¹⁰ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep’t (Dec. 22, 2014).

¹¹¹ Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 98, at 82.

¹¹² Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep’t (Dec. 22, 2014).

¹¹³ Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 98, at 81.

¹¹⁴ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep’t (Dec. 22, 2014).

¹¹⁵ Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 98, at 80.

¹¹⁶ MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEP’T OF JUSTICE AND THE CITY OF CINCINNATI, OHIO AND THE CINCINNATI POLICE DEP’T (2002), *available at*

agreement” (CA) associated with a private racial profiling lawsuit gave community members a role in support of community problem-oriented policing (CPOP) and police accountability.¹¹⁷ Goals for the CA were articulated in advance of its finalization, following broad police and community outreach in which more than 3,500 participants identified priorities through surveys and interviews.¹¹⁸ The Community-Police Partnering Center at the Urban League of Greater Southwestern Ohio led the CPOP work in partnership with the police department, and it received substantial private funding (\$1 million per year for five years) to do so.¹¹⁹ It also solicited individuals from throughout the community to join the Friends of the Collaborative, a loosely organized community advisory group that consulted on CPOP and CA implementation.¹²⁰ This group engaged in dialogue with police representatives about problem-oriented policing practices and reviewed use of force and investigation statistics of the civilian-governed Citizen Complaint Authority established under the CA.¹²¹ The Friends of the Collaborative did not meet regularly, and it was never intended to exclusively review department policies, or to make formal recommendations or prepare reports.¹²² Subsequently, the City Manager’s

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Cincinnati_Memorandum_of_Agreement.pdf.

¹¹⁷ Collaborative Agreement at 4–10, 18–24, In re Cincinnati Policing, No. C-1-99-317 (S.D. Ohio), *available at*

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Cincinnati_Collaborative_Agreement.pdf.

¹¹⁸ *Id.* at 2–4.

¹¹⁹ Telephone interview with S. Gregory Baker, Exec. Dir., Cincinnati Initiative to Reduce Violence & former Cincinnati Police Dep’t Compliance Coordinator (Dec. 12, 2014).

¹²⁰ *Id.*

¹²¹ *Id.*; telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager’s Advisory Grp. (Dec. 11, 2014); telephone interview with Lt. Colonel James Whalen, Ass’t Chief, Cincinnati Police Dep’t (Dec. 11, 2014).

¹²² Telephone interview with S. Gregory Baker, Exec. Dir., Cincinnati Initiative to Reduce Violence & former Cincinnati Police Dep’t Compliance Coordinator (Dec. 12, 2014).

Advisory Group (CMAG) assumed responsibility for advising the city and police department informally on general police issues of concern to the community.¹²³ The city manager appoints its members without specific terms and there is no defined number of members or representation.¹²⁴ The city manager chairs CMAG, which meets about three times each year, and is not responsible for preparing reports or recommendations.¹²⁵

3. Maricopa County

The October 2013 court order in the case of the Maricopa County Sheriff's Department originated from a private lawsuit,¹²⁶ and was amended April 4, 2014.¹²⁷ The October 2013 court order mandated that the department establish a Community Advisory Board (CAB) to facilitate regular dialogue between the department and community leaders, and to provide specific recommendations about policies and practices that will increase public trust and ensure court orders are met.¹²⁸ The department was

¹²³ *Id.*; telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager's Advisory Grp. (Dec. 11, 2014); telephone interview with Lt. Colonel James Whalen, Ass't Chief, Cincinnati Police Dep't (Dec. 11, 2014).

¹²⁴ *Id.*

¹²⁵ Telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager's Advisory Grp. (Dec. 11, 2014); telephone interview with Lt. Colonel James Whalen, Ass't Chief, Cincinnati Police Dep't (Dec. 11, 2014).

¹²⁶ Supplemental Permanent Injunction/Judgment Order, Ortega Melendres v. Arpaio, No. CV-02513-PHX-GMS (D. Ariz. Oct. 2, 2013), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Maricopa_County_Melendres_Court_Order_and_Injunction.pdf [hereinafter Supplemental Permanent Injunction/Judgment Order, Ortega Melendres v. Arpaio].

¹²⁷ Telephone interview with Paul Chagolla, Deputy Chief, Support Services Bureau 1 & Community Outreach, Maricopa County Sheriff's Office (Aug. 14, 2015); Amendments to the Supplemental Permanent Injunction/Judgment Order, Ortega Melendres v. Arpaio, No. CV-07-02513-PHX-GMS (D. Ariz. Apr. 4, 2014), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Maricopa_County_Amendments.pdf [hereinafter Amendments to the Supplemental Permanent Injunction/Judgment Order, Ortega v. Arpaio].

¹²⁸ Supplemental Permanent Injunction/Judgment Order, Ortega Melendres v. Arpaio, *supra* note 126, at 46–47.

to appoint three CAB members, and plaintiff representatives were to appoint the other three.¹²⁹ Administratively supported by the department's community liaison officer, the CAB was to meet no less than every four months to receive information on compliance from department representatives responsible for implementation, and to relay to them community concerns about department practices related to racial profiling or unlawful stops.¹³⁰ The department was also to establish a Community Outreach and Public Information program in each of its districts and hold annual meetings to update the community on policy changes taken to implement the court order and to receive public comments.¹³¹ Under the amended order, responsibility for managing a three-member CAB (appointed by plaintiff representatives) rests solely with the court-appointed monitor.¹³² The department is no longer responsible for creating a Community Outreach and Public Information program; instead, the court-appointed monitor is responsible for holding between one and three meetings in the districts annually to inform community members and receive public comment.¹³³

4. New Orleans

The New Orleans January 2013 consent decree acknowledged the role of Police Community Advisory Boards (PCABs), established in 2011, in the city's eight police districts and required the police department to seek the PCABs' assistance, counsel, and input in a range of areas.¹³⁴ PCABs

¹²⁹ *Id.* at 47.

¹³⁰ *Id.*

¹³¹ *Id.* at 45.

¹³² Amendments to the Supplemental Permanent Injunction/Judgment Order, Ortega Melendres v. Arpaio, *supra* note 127, at 5–6.

¹³³ *Id.* at 3–5.

¹³⁴ Consent Decree at 107, U.S. v. City of New Orleans, No. 2:12-cv-01924-SM-JCW (E.D. La. Jan. 11, 2013), *available at*

provide counsel to the police department on community policing strategies to meet community priorities and improve quality of life.¹³⁵ They provide advice and recommendations on police accountability standards and strategies to improve workforce diversity.¹³⁶ Finally, they recommend effective ways to share data and information with district residents, including about compliance with the consent decree.¹³⁷ The PCABs recommend for appointment, by the police superintendent, PCAB candidates who reside in the districts they serve.¹³⁸ PCABs' "actionable" recommendations are provided to district commanders who are required to respond within a short interval with approval or written explanations for denial.¹³⁹ Recommendations forwarded for consideration by headquarters also require formal department response.¹⁴⁰ The staff and resources of the police department and the city's Office of Neighborhood Engagement provide support to the PCABs.¹⁴¹ The department also launched a separate Community Outreach and Public Information program, which provides for annual meetings to be held in each district to update the community on the status of consent decree progress and to receive public comments.¹⁴²

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/New_Orleans_Consent_Decree.pdf.

¹³⁵ NEW ORLEANS POLICE DEP'T POLICE CMTY. ADVISORY BOARD POLICY MANUAL 10–11 (2013), *available at*

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/New_Orleans_PCAB_Policy_Manual.pdf.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.* at 8–9.

¹⁴⁰ *Id.* at 9.

¹⁴¹ Telephone interview with Danny Murphy, Compliance Manager for Police Cmty. Advisory Board, New Orleans Police Dep't (Dec. 16, 2014).

¹⁴² *Id.*

5. New York

The New York Police Department is under an August 2013 court order that originated from a private lawsuit, *Floyd vs. New York*.¹⁴³ A facilitator will work with the parties and other stakeholders to develop, under a Joint Remedial Process, a set of permanent reforms¹⁴⁴ and, in advance and as part of this work, the facilitator will convene town hall meetings in each borough to provide a forum for community stakeholders to be heard.¹⁴⁵ The court order does not specify any other provisions for community involvement, but it does state that the Cincinnati Collaborative Procedure, subsequent DOJ consent decrees, and letters of intent may be used as models to establish details of the Joint Remedial Process.¹⁴⁶ The court order states that community input is vital to ensure any adopted reforms are perceived as legitimate¹⁴⁷ and that those most affected will be at the center of the process of developing reforms.¹⁴⁸

6. Portland

The Portland City Council approved a settlement in November 2012, but due to legal challenges, the federal judge did not order entry of the settlement until August 2014.¹⁴⁹ Based on settlement requirements, the city

¹⁴³ See generally Opinion and Order, No. 1:08-cv-01034-SAS (S.D.N.Y. Aug. 12, 2013), available at http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/New_York_Floyd_Remedy.pdf.

¹⁴⁴ *Id.* at 14.

¹⁴⁵ *Id.* at 31.

¹⁴⁶ *Id.* at 30–31.

¹⁴⁷ *Id.* at 29.

¹⁴⁸ *Id.* at 31.

¹⁴⁹ Telephone interview with Mary Claire Buckley, staff member, Dep't of Justice Compliance Team, Portland Police Bureau (Dec. 3, 2014); Order Entering Settlement Agreement, Conditionally Dismissing Litigation, and Setting First Annual Settlement-Compliance Hearing, U.S. v. City of Portland, No. 3:12-cv-02265-SI (D. Or. Aug. 29, 2014), available at

set up a Community Oversight Advisory Board (COAB) of 15 voting members and five advisory members from the police department.¹⁵⁰ Each of the five city council members appointed a voting member, the chairs of the city’s Human Rights and Disability Commissions appointed five voting members, and a public selection process identified the remaining five voting members.¹⁵¹

Per the settlement, the group is representative of a reasonably broad spectrum of the community.¹⁵² Members serve for a minimum two-year term, with an option for a single one-year reappointment.¹⁵³ The COAB is chaired by and reports to the Community Compliance Officer/Community Liaison (COCL),¹⁵⁴ who is responsible for overseeing the settlement in lieu of a monitor.¹⁵⁵ The COAB attends quarterly meetings with the COCL, and meets at least twice each year with the chief of police, the police commissioner, precinct commanders, neighborhood response teams, and a representative of the Office of Neighborhood Involvement in Crime Prevention to comment on department community outreach, engagement and problem-solving policing activities.¹⁵⁶ Required to meet “as necessary,” the COAB has been holding meetings once or twice a month.¹⁵⁷ The city

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Portland_Settlement_Agreement_Entry.pdf.

¹⁵⁰ Settlement Agreement Pursuant to Fed. R. Civ. P. 41(a)(2) at 51, *U.S. v. City of Portland*, No. 3:12-cv-02265-SI (D. Or. Dec. 17, 2012), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Portland_Settlement_Agreement.pdf [hereinafter Settlement Agreement Pursuant to Fed. R. Civ. P. 41(a)(2)].

¹⁵¹ *Id.*

¹⁵² *Id.* at 52–53; telephone interview with Mary Claire Buckley, staff member, Dep’t of Justice Compliance Team, Portland Police Bureau (Aug. 15, 2015).

¹⁵³ *Id.*

¹⁵⁴ *Id.* at 53.

¹⁵⁵ Telephone interview with Mary Claire Buckley, staff member, Dep’t of Justice Compliance Team, Portland Police Bureau (Dec. 3, 2014).

¹⁵⁶ Settlement Agreement Pursuant to Fed. R. Civ. P. 41(a)(2), *supra* note 150, at 58–59.

¹⁵⁷ *Id.* at 59; telephone interview with Mary Claire Buckley, staff member, Dep’t of Justice Compliance Team, Portland Police Bureau (Dec. 3, 2014).

provides the COAB with administrative support; it has a \$42,000 annual budget at this time.¹⁵⁸ The COAB has a broad mandate to assess the settlement implementation; make recommendations; advise on improving police-community relations; and inform and receive input from the community.¹⁵⁹ The COAB is also responsible for contributing to the development and implementation of the bureau's Community Engagement and Outreach Plan (CEO Plan),¹⁶⁰ which the COAB is to approve.¹⁶¹ In addition to identifying strategies for general public outreach, the CEO Plan may also address (1) the integration of problem-oriented policing principles into the bureau's policies and practices; (2) issues of resource deployment; (3) factors affecting workforce diversity; and (4) police accountability standards.¹⁶² The COAB may provide information to the bureau concerning any of these additional areas as the CEO Plan is developed.¹⁶³

B. Evaluation of Community Involvement

Especially in jurisdictions whose cases were in earlier years, community contributions appear to have been primarily consultative, and in many cases, the provisions were only that the community receive status updates about reform efforts or engage in dialogue about police accountability and public safety concerns. In most cases, the community did not receive a mandate or resources to independently and proactively develop specific recommendations for police policy or practice improvements.

The work in Cincinnati has long been a model for community involvement. Most resources, which were privately raised, supported the

¹⁵⁸ Telephone interview with Mary Claire Buckley, staff member, Dep't of Justice Compliance Team, Portland Police Bureau (Dec. 3, 2014).

¹⁵⁹ Settlement Agreement Pursuant to Fed. R. Civ. P. 41(a)(2), *supra* note 150, at 51.

¹⁶⁰ *Id.*

¹⁶¹ *Id.* at 57.

¹⁶² *Id.*

¹⁶³ *Id.*

work of the Community-Police Partnering Center, a structured entity that engaged the police and community in support of community problem-oriented policing and to address crime and disorder. The Friends of the Collaborative, the other vehicle for community input on reform, was loosely organized and did not meet regularly. While this community contribution under the CA is often cited, an assessment by academics in 2014 urged a renewed commitment to community problem-oriented policing in Cincinnati, including re-engaging the community in the effort, and citing leadership turnover as a factor undermining its use today.¹⁶⁴ This re-engagement is also important to do given the limitations of the current informal arrangements for community counsel.¹⁶⁵

For six jurisdictions under mandates finalized in 2013 and 2014, more structured community involvement was intended. Albuquerque's model puts the most emphasis on and provides substantial resources to a civilian oversight body to conduct misconduct investigations and recommend changes to accountability and related policies—will this mean its focus will be on reviewing individual misconduct cases or will it seek to identify important areas for policy changes? In Maricopa County, the amended court order leaves only three individuals selected by the plaintiffs to provide policy and practice recommendations and represent community interests. This reduced panel is supported exclusively by the monitor and does not appear to have a structured relationship with the department. It has limited resources and independence. The New Orleans approach requires “actionable” recommendations to be responded to by the police department within set timelines, but the structure seems to emphasize geographically defined interests rather than overarching community standards and is also lightly resourced. The arrangement in New York hints at modeling

¹⁶⁴ Telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager's Advisory Grp. (Dec. 11, 2014).

¹⁶⁵ *Id.*

community involvement based on the experiences of other communities, but the specifics of how that will be done remains to be seen. Portland's community involvement may be significant, but it is just getting underway, and there is no provision yet for significant independence, including adequate resources.

At present, the mandated arrangement in Seattle for community involvement appears unique. The CPC was given a number of discrete responsibilities centered on providing input on key police policies and practices, as well as on reviewing the department's accountability system, its training programs, and outreach efforts. It also is obligated to stay connected with the community, so it can share community views with the police and provide the community with status updates about police reform efforts. The settlement and MOU community mandate is codified in a city ordinance, which embeds the CPC into the structure of city government, and the CPC receives substantial city resources to fulfill its responsibilities and support its independence.

It is too early to know how arrangements for community input will play out, either in Seattle or the other jurisdictions where a more substantial community role is mandated. Even after being in place for more than two and half years, it remains too soon to assess the CPC's lasting contribution to police reform in Seattle. After more time has passed, it would be useful to evaluate the community's role and longer-term impact on police reform in these jurisdictions.

VI. CONCLUSION

The CPC's early record in Seattle is positive. Depending on their unique circumstances, other cities that seek effective community involvement in police reform may find elements of the CPC model, structure, and experience promising to consider for their own communities. Much more work lies ahead for Seattle's CPC and for other community members around the country who seek to achieve culture change in police

departments and improvements in police practices that will be sustained over time.

In preparing for that continuing work, it is valuable to review the merits of the Seattle structure for community involvement under Seattle's settlement and MOU, the scope of the CPC's responsibilities, the manner in which the CPC has undertaken its responsibilities, the successes thus far, the lessons learned in its first two years, and the challenges it faces.

The broad representation of interests on the CPC and its focus on partnering with the SPD and other stakeholders demonstrate a commitment to inclusivity. There is an understanding that the issues are complex and multiple perspectives are valid. Many issues cannot be resolved easily, but there is an increasingly shared belief that "we are all in this together," and there is agreement that genuine collaboration is of value in surfacing important issues, identifying options for resolution, and ultimately putting into place better, more effective policies and practices.

The CPC has gained credibility because it has sought to build a bridge between the police and the community and has shared and honored the values and expectations of both. As its role expands, the CPC will need to stay focused on addressing critical overarching policy and practice issues, find effective ways to build trust and further deepen its relations with line officers and with community members, and respond to emerging issues.

None of the CPC's contributions to-date would have been possible without the support of the SPD, other stakeholders, and community leaders. The CPC has also benefited from the financial support of Seattle's political leaders who have provided resources that underpin the work of this independent and productive commission.

APPENDIX I
CASE SUMMARY

Department US Census Bureau	Albuquerque Police Department 2014 Population 557,169¹ Settlement Agreement: November 2014
Case Description	A pattern or practice of conduct related to excessive use of force, including against those who are mentally ill or in crisis. ²
Community Mandate	Settlement Agreement (SA)
Community Entity	Civilian Police Oversight Agency (CPOA) ³ Community Policing Councils (Councils) ⁴
Community Entity: Number/App't/Term Representation	<u>CPOA</u> : Between 9-12 with each of 9 city council members appointing a member and likely additional at-large and city administration representatives. ⁵ Agency appointees were to be drawn from a broad cross-section of the city. ⁶ <u>Councils</u> : Six, one for each area command with volunteer, not appointed members. ⁷ Selection of members was intended to ensure representation of a cross-section of department officers and diverse community members including social services providers; leaders in faith, business, or academic communities; and youth. ⁸
Community Entity: Independence Budget/Staff	<u>CPOA</u> : Accountable to, but independent from the mayor, city attorney's office, city council, and the department ⁹ with a budget of \$800,000 to \$1.6 million, ¹⁰ and staffed by an executive director working under the direction of the CPOA and with authority to hire investigative staff. ¹¹ <u>Councils</u> : No independent budget or staff; minimum costs were to be absorbed by the department. ¹²
Responsibilities	<u>CPOA</u> : Review all citizen misconduct complaints, serious uses of force, and officer-involved shootings; ¹³ recommend disciplinary actions to the chief; ¹⁴ and make policy and training recommendations, including policies related to the settlement (use of force, specialized units, crisis intervention, civilian complaints, supervision, discipline, and community engagement). ¹⁵ Responsible for implementing a community outreach program to obtain public input. ¹⁶ <u>Councils</u> : Facilitate regular communication and cooperation between the department and community leaders, including collaboration on comprehensive community policing that identifies and implements strategies to address crime and safety issues. ¹⁷

(Cont.)	
Responsibilities (Cont.)	Review and assess law enforcement priorities and related community policing strategies, materials, and training; review and assess concerns or recommendations about specific policing tactics and initiatives; advise the chief on recruiting a qualified, diverse workforce; advise the chief on ways to collect and publicly disseminate data and information, including on SA compliance; and inform and convey feedback from the community to the department. ¹⁸ <u>Department:</u> Establish a Community Outreach and Public Information program and hold public meetings in each command area semi-annually to inform the public about settlement requirements, provide progress updates in meeting requirements, and address community concerns. ¹⁹
Community Entity: Meetings	<u>CPOA:</u> Regular public meetings, ²⁰ but no schedule set. ²¹ <u>Councils:</u> Required to meet at minimum every six months, ²² but expected to meet monthly or quarterly. ²³
Community Entity: Reports/Recs	<u>CPOA:</u> Semi-annual reports to the city council on complaint and incident statistics; policy changes recommended and implemented; trends or issues with use of force, policies or training; and CPOA's public outreach efforts. ²⁴ <u>Councils:</u> Annual public report of recommendations. ²⁵
Other Civilian Oversight	In the past, Albuquerque had a police oversight commission with appointed civilian members and responsibilities to oversee citizen complaints; the CPOA replaces that entity. ²⁶

Department US Census Bureau	Cincinnati Police Department 2015 Population 298,165²⁷ Memorandum of Agreement: April 2002 Collaborative Agreement: April 2002
Case Description	The DOJ assessed the department's use of force and associated management practices, including policies, training curriculum, supervisory procedures, and the discipline system. ²⁸ The DOJ made recommendations for changes in department policies and procedures, and the Memorandum of Agreement (MOA) outlines areas that the parties agreed would be the focus of reform. ²⁹ The focus of a separate "collaborative agreement" (CA) associated with a private racial profiling lawsuit, was to implement community problem-oriented policing (CPOP) and put in place mechanisms to support police accountability. ³⁰
Community Mandate	Collaborative Agreement
Community Entity	Community-Police Partnering Center, Urban League of Greater Southwestern Ohio (Partnering Center), the Friends of the Collaborative (FOTC), and the City Manager's Advisory Group or CMAG (current). ³¹

(Cont.)	
Community Entity: Number/App't/Term Representation	No information available on the board of the Partnering Center. The Partnering Center solicited volunteers from throughout the community to join the FOTC, which was loosely organized. ³² CMAG members are appointed by the city manager; there is also no provision for specific representation, numbers, or designated terms. ³³ 15 or 20 individuals now serve on CMAG, including attorney representatives of the original plaintiffs, police union, department leaders, academics, and respected civic and community leaders; the federal judge still occasionally attends. ³⁴
Community Entity: Independence Budget/Staff	The Partnering Center originally received \$1 million per year for five years in private funds for CPOP work and some FOTC support. ³⁵ CMAG is chaired by the city manager and is essentially a committee of that office; it has no separate budget or staff. ³⁶
Responsibilities	The primary role of the Partnering Center and the FOTC was to support implementation of community problem-oriented policing (CPOP) and the work of the Citizen Complaint Authority, established under the CA to improve police accountability. ³⁷ The Partnering Center led the CPOP work in partnership with the department, arranging structured engagement with a wide range of community members, including those who joined the FOTC. ³⁸ These community members provided input to the department through surveys and other means. ³⁹ The FOTC also engaged in dialogue with department representatives about problem-oriented policing practices; reviewed use of force statistics; and reviewed investigation statistics of the Citizen Complaint Authority. ⁴⁰ Later, CMAG assumed responsibility for advising the city and police department informally on general police issues of concern to the community. ⁴¹ An assessment by academics in April 2014 urged a renewed commitment to community problem-oriented policing in Cincinnati, including re-engaging the community in the effort, citing leadership turnover as a factor undermining its use today; re-engagement is important also given the limitations of the current informal arrangements for community counsel. ⁴²
Community Entity: Meetings	No information available on meetings of the Partnering Center. The FOTC did not meet regularly. ⁴³ CMAG previously met monthly, but it now meets approximately three times each year. ⁴⁴
Community Entity: Reports/Recs	No community group was responsible to exclusively review department policies, prepare reports, or make recommendations. ⁴⁵

(Cont.)	
Other Civilian Oversight	The Citizen Complaint Authority (CCA) was established in 2003 as a result of the MOA and CA. ⁴⁶ It has a seven-member board appointed by the mayor and approved by the city council. ⁴⁷ The CCA investigates cases alleging serious police misconduct, while other less serious cases are handled through the Citizen Complaint Resolution Process (CCRP) within the police department. ⁴⁸ CCA board findings and recommendations are forwarded to the city manager for final disposition. ⁴⁹ The CCA has five employees, two of whom are investigators. ⁵⁰

Department US Census Bureau	Detroit Police Department 2014 Population 680,250⁵¹ Consent Judgement: June 2003
Case Description	A pattern or practice of conduct related to excessive use of force, false arrests, illegal detentions, and unconstitutional conditions of confinement. ⁵²
Community Mandate	Not applicable. No community involvement was mandated; the focus was exclusively on internal department corrections. ⁵³
Community Entity	Not applicable.
Community Entity: Number/App't/Term Representation	Not applicable.
Community Entity: Independence Budget/Staff	Not applicable.
Responsibilities	<u>Department:</u> Since the transition agreement, there has been an effort to involve the community with two town halls held with groups of advocates, and there are plans to hold more community meetings. ⁵⁴
Community Entity: Meetings	Not applicable.
Community Entity: Reports/Recs	Not applicable.
Other Civilian Oversight	Originally established under the city's charter in 1974, the Board of Police of Commissioners has seven elected members and four appointed by the mayor, subject to city council approval. ⁵⁵ The board establishes policies and regulations of the department (in consultation with the chief of police and with the mayor's approval), approves the department's budget, and serves as the final appellate authority for employee discipline. ⁵⁶ The board also appoints the civilian director of police personnel, who has responsibilities for the department's examination and hiring practices. ⁵⁷ Through its Office of the Chief Investigator, the board conducts all complaint investigations. ⁵⁸ The office is led by a civilian and has sworn investigators. ⁵⁹

(Cont.)	
Other Civilian Oversight (Cont.)	The board lost broad authority over the department in 2014 when the city was under emergency management associated with its bankruptcy. ⁶⁰ A vote by the city council to restore its full authority will not occur until at least December 2015. ⁶¹ The most current information shows the board with a staff of 28 full-time civilian and sworn employees and a budget of more than \$2.2 million. ⁶²

Department US Census Bureau	Los Angeles Police Department 2014 Population 3,928,864⁶³ Consent Decree: June 2001
Case Description	A pattern or practice of unconstitutional or otherwise unlawful conduct made possible by failure to implement proper management practices and procedures. ⁶⁴
Community Mandate	Not applicable. No community involvement was mandated; the focus was on internal department corrections and community outreach to be conducted by the department. ⁶⁵
Community Entity	Not applicable.
Community Entity: Number/App't/Term Representation	Not applicable.
Community Entity: Independence Budget/Staff	Not applicable.
Responsibilities	<u>Department:</u> Charged with conducting a Community Outreach and Public Information program in its 18 geographic areas to inform the public about settlement provisions, how to file complaints, and present other department information. ⁶⁶ It was to hold one public meeting each quarter in each of its geographic areas during the first year of the settlement and annually thereafter, ⁶⁷ and it was to continue to meet with community advisory groups in each of those geographic areas. ⁶⁸ The department was also to establish a media advisory working group to facilitate disseminating information to Los Angeles residents of multiple ethnicities and cultures. ⁶⁹
Community Entity: Meetings	Not applicable.
Community Entity: Reports/Recs	Not applicable.
Other Civilian Oversight	Established in the 1920s, the Board of Police Commissioners sets the policies and oversees the operations of the department. ⁷⁰ An executive director and staff support the office and its functions. ⁷¹

(Cont.)	
Other Civilian Oversight (Cont.)	There are five civilian commissioners appointed by the mayor and confirmed by the city council. ⁷² They serve a maximum of two five-year terms. ⁷³ The independent Office of Inspector General oversees the department's disciplinary system, monitoring complaints, auditing internal affairs investigations, and conducting systemic reviews. ⁷⁴ The inspector general reports to the board. ⁷⁵

Department US Census Bureau	Maricopa County Sheriff's Department, Melendres v. Arpaio 2014 Population 4,087,191⁷⁶ Court Order: October 2013, amended April 2014
Case Description	The court order originated from a private lawsuit claiming the department engages in racial profiling of Latinos and unlawfully stops, detains, and arrests Latinos. ⁷⁷
Community Mandate	Court order, subsequently amended.
Community Entity	Community Advisory Board (CAB) ⁷⁸
Community Entity: Number/App't/Term Representation	Under the original court order, the department and plaintiff representatives were to each select three CAB members for a total of six CAB members. ⁷⁹ None were to be department employees or associated with the case. ⁸⁰ No terms were identified and no specifics provided on CAB member representation. ⁸¹ Under the amended order, there is a three member CAB appointed by plaintiff representatives. ⁸²
Community Entity: Independence Budget/Staff	There is no independent budget or staff. ⁸³
Responsibilities	<u>CAB:</u> Originally, the intent was to facilitate regular dialogue between the department and community leaders, with department compliance staff attending CAB meetings to provide information and to receive community feedback and recommendations on policies and practices involving public trust, including concerns related to provisions of the order. ⁸⁴ Under the amended order, department representatives are no longer required to attend CAB meetings; the dialogue and exchange of information is between the CAB and the monitor, and the CAB transmits its recommendations and concerns to the monitor for investigation and/or action. ⁸⁵ The monitor, rather than a department community liaison officer, provides administrative support to the CAB. ⁸⁶ <u>Department:</u> Under the amended order, the department is no longer responsible to establish a Community Outreach and Public Information program or to have a community liaison officer. ⁸⁷
Community Entity: Meetings	At regular intervals of no more than four months. ⁸⁸

(Cont.)	
Community Entity: Reports/Recs	Formal reports are not required, but recommendations may be provided to the monitor. ⁸⁹
Other Civilian Oversight	None. The department's internal affairs staff investigates misconduct. There is no civilian entity associated with oversight of the department or police misconduct. ⁹⁰

Department US Census Bureau	New Orleans Police Department 2014 Population 384,320⁹¹ Consent Decree: January 2013
Case Description	A pattern and practice of conduct related to excessive use of force, unlawful searches and seizures, and discriminatory policing. ⁹²
Community Mandate	Consent Decree.
Community Entity	Police Community Advisory Boards (PCABs) ⁹³
Community Entity: Number/App't/Term Representation	Originally established in 2011, ⁹⁴ there are eight district-based PCABs, each with seven community-volunteer members and an assigned department Community Coordinating Sergeant. ⁹⁵ No specific representation cited, although PCAB members are to reside in the district they serve. ⁹⁶ Appointments are for two years, subject to a single re-appointment for a total of four years under staggered terms. ⁹⁷ PCABs recommend appointees who are reviewed by department district staff and by the Office of Neighborhood Engagement, with the police superintendent making the final decision on appointment. ⁹⁸
Community Entity: Independence Budget/Staff	PCABs are supported by the staff and resources of the Office of Neighborhood Engagement and by the department. ⁹⁹
Responsibilities	PCABs: Facilitate regular communication and cooperation among department, city, and community leaders, including youth leaders. ¹⁰⁰ The department works collaboratively with PCABs to develop and implement public safety strategies that respect and reflect each community's public safety priorities and concerns about particular police tactics. ¹⁰¹ The department seeks PCABs' counsel to build community consensus on recommendations on community policing strategies, including special task forces and required resources, to meet community priorities; policy changes to improve quality of life; police accountability standards; workforce diversity strategies; and effective ways to share data and information with district residents, including about compliance with the consent decree. ¹⁰²

(Cont.)	
Responsibilities (Cont.)	PCABs inform and convey feedback from the community on police issues and concerns. ¹⁰³ <u>Department:</u> Establish a Community Outreach and Public Information program and hold public meetings in each district, semi-annually during the first year and annually thereafter, to inform the public about consent decree requirements, provide progress updates in meeting requirements, and address community concerns. ¹⁰⁴
Community Entity: Meetings	PCABs are required to meet quarterly, ¹⁰⁵ and command/executive level staff attends all regularly scheduled PCAB meetings. ¹⁰⁶ The deputy superintendent of field operations and/or the superintendent of police meet annually in separate meetings with PCAB leadership and with the full PCAB membership. ¹⁰⁷
Community Entity: Reports/Recs	PCABs vote to forward recommendations to department districts for action. ¹⁰⁸ District commanders provide a written response within 20 days and cite approval, denial, need for more information, or referral to headquarters for consideration. ¹⁰⁹ Headquarters is to respond within 45–60 days to recommendations sent to it. ¹¹⁰
Other Civilian Oversight	Created in 2009, the Office of the Independent Police Monitor (IPM) monitors, analyzes, and makes recommendations related to the department's complaint intake, investigation, employee performance, and discipline systems. ¹¹¹ It serves as an alternate complaint intake site for those who prefer not to complain directly to the department, and it may enter into partnerships with community organizations to provide off-site complaint intake. ¹¹² IPM forwards complaints to the department's internal investigations unit for investigation. ¹¹³ IPM does review all complaints received by the department and may recommend re-classification of complaints; it also may recommend re-opening of investigations. ¹¹⁴ IPM has four civilian staff members, and volunteers also support its work. ¹¹⁵ In April 2016, voters will be asked to change the city charter, making IPM independent of the Office of the Inspector General. ¹¹⁶

Department US Census Bureau	New York Police Department, <i>Floyd v. New York</i> 2014 Population 8,491,079¹¹⁷ Court Order: August 2013
Case Description	The court order originated from a private lawsuit claiming unconstitutional stop and frisk practices by the department that unfairly target certain groups. ¹¹⁸
Community Mandate	Not Applicable. However, while community input through a formal body was not detailed in the court order, it does identify an intent for significant community input (see Responsibilities below). ¹¹⁹

(Cont.)	
Community Entity	Not Applicable.
Community Entity: Number/App't/Term Representation	Not Applicable.
Community Entity: Independence Budget/Staff	Not Applicable.
Responsibilities	The facilitator will work with the parties and other stakeholders to develop, under a Joint Remedial Process, a set of permanent reforms and, in advance and as part of this work, the facilitator will convene town hall meetings in each borough to provide a forum for community stakeholders to be heard. ¹²⁰ The facilitator will consult with interested groups in setting agenda for those meetings. ¹²¹ The court order does not specify any other provisions for community involvement, but it does state that the Cincinnati Collaborative Procedure, subsequent DOJ consent decrees, and letters of intent may be used as models to establish details of the Joint Remedial Process. The court order states that community input is vital to ensure any adopted reforms are perceived as legitimate ¹²² and that those most affected will be at the center of the process of developing permanent reforms. ¹²³
Community Entity: Meetings	Not Applicable.
Community Entity: Reports/Recs	Not Applicable.
Other Civilian Oversight	Both the department's Internal Affairs Bureau (IAB) and the Civilian Complaint Review Board (CCRB) receive and investigate police misconduct complaints. ¹²⁴ The CCRB investigates, makes findings, and recommends action on complaints alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. ¹²⁵ The IAB reviews cases of corruption, perjury and off-duty criminal conduct. ¹²⁶ The CCRB also issues reports and recommendations on department policies, procedures, and training. ¹²⁷ The CCRB has a thirteen-member board of city residents who reflect New York's diversity. ¹²⁸ The city council designates five board members, one from each borough; the mayor designates five, including the chairperson; the police commissioner designates three members with law enforcement experience. ¹²⁹ Board members serve three-year terms, which may be renewed. ¹³⁰ Three-member board panels review staff investigations and determine findings, which are sent to the police commissioner who makes final disciplinary decisions on substantiated cases. ¹³¹ The CCRB has a unit that prosecutes those cases where the board recommended the most serious discipline; these are tried before an administrative law judge and if the judge finds an officer guilty, the police commissioner still decides the level of punishment. ¹³²

(Cont.)	
Other Civilian Oversight (Cont.)	The CCRB fiscal year 2016 budget is \$15 million, and it has 180 full-time employees, ¹³³ all of its investigators are civilian. ¹³⁴ There is also an Office of the Inspector General for the department, which is part of the New York City Department of Investigation. ¹³⁵ It evaluates broad-based systemic issues and makes recommendations to improve the operations, policies, programs, and practices of the department. ¹³⁶

Department US Census Bureau	Oakland Police Department 2014 Population 413,775¹³⁷ Settlement Agreement: February 2004
Case Description	The agreement settled the private “Riders” lawsuit that claimed violations of plaintiffs’ constitutional rights by defendant officers. It also claimed department indifference or negligence concerning the behavior of these officers, and general indifference or negligence in the hiring, training, supervision, and discipline of all department officers, which contributed to a pattern and practice of unconstitutional policing. ¹³⁸
Community Mandate	Not applicable. No community involvement was mandated; the focus was on internal department corrections and community outreach to be conducted by the department. ¹³⁹
Community Entity	Not applicable.
Community Entity: Number/App’t/Term Representation	Not applicable.
Community Entity: Independence Budget/Staff	Not applicable.
Responsibilities	<u>Department:</u> Charged with developing and implementing a plan to strengthen its relationships with local communities, which involved hosting community meetings, developing mechanisms to measure its community policing and problem-solving activities, and reporting at “crime-stop” meetings statistics on community policing and problem-solving activities, citizen complaints and use of force. ¹⁴⁰ The department was responsible for hosting a community meeting each quarter in each of its service areas, attended by precinct supervisors and officers. ¹⁴¹ The department was also responsible for meeting with established organizations and community groups with concerns about specific police personnel or practices. ¹⁴²
Community Entity: Meetings	Not applicable.
Community Entity: Reports/Recs	Not applicable.

(Cont.)	
Other Civilian Oversight	<p>The Citizens' Police Review Board has the jurisdiction over citizen complaints concerning Oakland police officers and park rangers that are filed with CPRB or with the department.¹⁴³ All complaints filed with the CPRB are also forwarded to the department's internal affairs division, and either or both agencies may investigate the complaint.¹⁴⁴ CPRB staff investigates complaints and presents recommended findings to the board for approval; the board may also hold evidentiary hearings prior to making its findings.¹⁴⁵ The board's recommendations are forwarded to the city manager, who in consultation with the chief of police, makes the final case determination.¹⁴⁶ The CPRB may also make policy recommendations to the Oakland city council.¹⁴⁷ The board has nine volunteer members and three alternates who are Oakland residents, appointed by the mayor and confirmed by the city council for two-year terms; members may serve up to two consecutive terms.¹⁴⁸ The board has three staff members, legal counsel, and four complaint investigators.¹⁴⁹ Oakland also has a Community Policing Advisory Board that advises and makes recommendations to the mayor, city council, and the department on community policing matters.¹⁵⁰</p>

Department US Census Bureau	Pittsburgh Police Department 2014 Population 305,702 ¹⁵¹ Consent Decree: April 1997
Case Description	A pattern or practice of using excessive force, making false arrests, and performing improper searches and seizures; using racial epithets or racially insensitive language against African Americans; failing to properly investigate misconduct complaints; failing to adequately discipline those found to have engaged in misconduct; and failing to properly supervise officers. ¹⁵²
Community Mandate	Not applicable. No community involvement was mandated; the focus was on internal department corrections, with some reference to community outreach by the department and the Office of Municipal Investigations (OMI). ¹⁵³
Community Entity	Not applicable.
Community Entity: Number/App't/Term Representation	Not applicable.
Community Entity: Independence Budget/Staff	Not applicable.

(Cont.)	
Responsibilities	<u>Department:</u> The consent decree acknowledged that department representatives attended community group meetings, and stated an expectation that the department continue to make every effort to participate in these meetings, including those organized by or oriented towards minorities. ¹⁵⁴ It stated that OMI would continue to use television to inform the public about its function, and its representatives would continue to attend community meetings to increase public awareness of it. ¹⁵⁵ It also stated that the city would continue to publish and distribute, at various places throughout the city, pamphlets describing the complaint process. ¹⁵⁶
Community Entity: Meetings	Not applicable.
Community Entity: Reports/Recs	Not applicable.
Other Civilian Oversight	Complaints of police misconduct are received and investigated by either the Pittsburgh Citizen Police Review Board (CPRB) or by the Office of Municipal Investigations (OMI), which investigates allegations of misconduct by all city employees, including police. ¹⁵⁷ The CPRB has three to four civilian investigators, and the OMI has 10 investigators, five civilians and five sworn. ¹⁵⁸ After a full investigation, the CPRB may hold a public hearing at which complainants, witnesses, and police officers testify. ¹⁵⁹ Its findings and recommendations are forwarded to the mayor and chief for final disposition. ¹⁶⁰ The OMI investigates all complaints received and submits its findings to the chief for final disposition. ¹⁶¹ The CPRB was established as an independent agency in 1997, the same year as the consent decree. ¹⁶² The CPRB has seven members, three of whom are directly appointed by the mayor, and four of whom are selected by the mayor from a list of city council nominees. ¹⁶³ Two CPRB members are law enforcement professionals, although they may not be currently employed as a sworn law enforcement officer. ¹⁶⁴

Department US Census Bureau	Portland Police Bureau 2014 Population 619,360¹⁶⁵ Settlement Agreement: August 2014
Case Description	A pattern or practice of unnecessary or unreasonable force during interactions with individuals with or perceived to have mental illness. ¹⁶⁶
Community Mandate	Settlement Agreement
Community Entity	Community Oversight Advisory Board (COAB) ¹⁶⁷

(Cont.)	
Community Entity: Number/App't/Term Representation	The COAB has 15 voting members and five sworn officer advisory (non-voting) members selected by the chief of police. ¹⁶⁸ One voting member is selected by each member of the City Council for a total of five; the city's Human Rights Commission chair and the city's Commission on Disability chair each selects one voting member; these chairs jointly select three additional voting members offering expertise from the mental health field; and five voting members are selected through a public application and screening process. ¹⁶⁹
Community Entity: Number/App't/Term Representation	Members are appointed for two years, and may be reappointed for one year. ¹⁷⁰ Members represent a reasonably broad spectrum from across the city, with different race, ethnicity, gender, gender identity, sexual orientation, national origin, religion, and mental or physical disability backgrounds. Members also demonstrate a diversity of professions, education, areas of expertise, and advocacy/community involvement backgrounds. ¹⁷¹
Community Entity: Independence Budget/Staff	All members are to be independent of the city and the bureau and may not be employed by the city. ¹⁷² The COAB reports to and is chaired by the COCL, and the COCL may remove members for misconduct after consulting with the DOJ. ¹⁷³ The city provides administrative support to the COAB; it has a \$42,000 annual budget at this time. ¹⁷⁴
Responsibilities	COAB: The COAB has a broad mandate to assess the settlement implementation; make recommendations; advise on improving police-community relations; and inform and receive input from the community on matters related to the settlement. ¹⁷⁵ The COAB is to contribute to the development and implementation of the bureau's Community Engagement and Outreach Plan (CEO Plan). ¹⁷⁶ It will provide input to the CEO Plan by consulting with community members and the Human Rights Commission about the bureau's outreach activities, holding public hearings about those activities, consulting on and reviewing the results of a bureau community outreach survey, and assessing the bureau's prior outreach efforts. ¹⁷⁷ The CEO Plan may also address: the integration of problem-oriented policing principles into the bureau's policies and practices; issues of resource deployment; factors affecting workforce diversity; and the police accountability system. ¹⁷⁸ The COAB may provide information to the bureau concerning any of these additional areas as the CEO Plan is developed. ¹⁷⁹ The COAB is to participate with the COCL, the bureau, and the DOJ in developing metrics to evaluate the bureau's outreach activities. ¹⁸⁰ Bureau: Each year, the bureau is to meet with the city council and hold public meetings in each precinct to present an annual report on its problem solving and community policing activities. ¹⁸¹

(Cont.)	
Community Entity: Meetings	The COAB is required to meet quarterly with the COCL and to meet at least twice yearly with the chief of police, the police commissioner, precinct commanders, neighborhood response teams, and a representative of the Office of Neighborhood Involvement in Crime Prevention to comment on department community outreach, engagement, and problem-solving policing activities. ¹⁸² It is required to meet “as necessary” and has been meeting once or twice a month. ¹⁸³
Community Entity: Reports/Recs	The COAB is to submit its recommended CEO Plan in writing to the chief of police. ¹⁸⁴
Other Civilian Oversight	Created in 2001, ¹⁸⁵ the Independent Police Review Division (IPRD) of the city auditor’s office is an independent civilian oversight agency that receives complaints of police misconduct, conducts independent misconduct investigations, and refers cases to the bureau’s internal affairs division for investigation. ¹⁸⁶ It also reviews closed cases and reports measures of activity and performance related to police misconduct complaints. ¹⁸⁷ The 11-member Citizen Review Committee (CRC) gathers community concerns, develops policy recommendations, advises on the complaint handling process, and hears appeals from complainants and officers. ¹⁸⁸ The chief’s final judgment on findings and discipline are subject to approval by the mayor, who serves as the police commissioner. ¹⁸⁹ The work of CRC’s volunteer members is supported by the IPRD, which has 11 employees. ¹⁹⁰ The city auditor recommends nominees to the CRC for appointment by the city council to three-year terms; members may be reappointed. ¹⁹¹

Department US Census Bureau	Prince George’s County 2014 Population 904,430¹⁹² Consent Decree: January 2004 Memorandum of Agreement: January 2004
Case Description	A pattern or practice of conduct related to excessive force and failure to adopt and implement proper management practices. ¹⁹³
Community Mandate	Not applicable. No community involvement was mandated; the focus was exclusively on internal department corrections. ¹⁹⁴
Community Entity	Not applicable.
Community Entity: Number/App’t/Term Representation	Not applicable.
Community Entity: Independence Budget/Staff	Not applicable.
Responsibilities	<u>Department:</u> The department was charged with continuing programs to inform persons they may file complaints regarding officer performance and with making complaint forms and informational materials available to the public. ¹⁹⁵

(Cont.)	
Community Entity: Meetings	Not applicable.
Community Entity: Reports/Recs	Not applicable.
Other Civilian Oversight	Created in 1990, and given expanded authority in 2002, the Citizen Complaint Oversight Panel (CCOP) reviews all complaints alleging a violation of any law or regulation, all cases involving the discharge of firearms, and all in-custody deaths that may have resulted from an officer’s use of force. ¹⁹⁶ The CCOP reviews internal affairs investigations and may conduct concurrent or subsequent case investigations; it submits comments and recommendations on case findings to the chief of police. ¹⁹⁷ The CCOP also reviews supervisory, disciplinary, and hearing board reports. ¹⁹⁸ The CCOP may make recommendations to the chief of police for changes in policy, supervision, operational procedures and training. ¹⁹⁹ The CCOP is responsible for outreach and providing information to the community about the accountability system and issues an annual report. ²⁰⁰ The CCOP includes seven members who are county residents, appointed to four-year terms by the county executive and confirmed by the county council. ²⁰¹

Department US Census Bureau	Riverside Police Department 2014 Population 319,504²⁰² Court Judgment: March 2001
Case Description	Evidence of a dysfunctional organizational culture, with deficient supervision, training and accountability systems, ²⁰³ and pervasive biased language and behavior by department staff. ²⁰⁴ The California attorney general’s investigation concluded many department practices had the potential to be discriminatory and unconstitutional. ²⁰⁵
Community Mandate	Not applicable. No community involvement was mandated; the focus was exclusively on internal department corrections. ²⁰⁶
Community Entity	Not applicable.
Community Entity: Number/App’t/Term Representation	Not applicable.
Community Entity: Independence Budget/Staff	Not applicable.
Responsibilities	Not applicable. The court order also did not define for the department any community outreach responsibilities. ²⁰⁷
Community Entity: Meetings	Not applicable.

(Cont.)	
Community Entity: Reports/Recs	Not applicable.
Other Civilian Oversight	The city established a Community Police Review Commission (CPRC) in 2000, prior to the court judgment in an effort to demonstrate its commitment to undertaking reform. ²⁰⁸ There are nine commissioners (at least one from each city ward) appointed to four-year terms by the city council. ²⁰⁹ The CPRC is staffed by a manager and an administrative assistant and has a budget of \$253,016 (FY 2014–2015). ²¹⁰ Complaints may be received either by the CPRC or by the department and all are investigated by internal affairs. ²¹¹ After the department has investigated and made recommendations, cases are sent to the CPRC. ²¹² The CPRC does not have information about the findings of internal affairs; its review is entirely independent, after which it makes its own finding and/or recommendation. ²¹³ Final decisions on findings are made by the city manager, but the chief imposes discipline. ²¹⁴ In addition to independently reviewing misconduct cases, the CPRC recommends changes in department policy and conducts public outreach. ²¹⁵

Department US Census Bureau	Seattle Police Department 2014 Population 668,342²¹⁶ Settlement Agreement: July 2012 Memorandum of Understanding: July 2012
Case Description	A pattern or practice of conduct related to excessive force and serious concerns about biased policing. ²¹⁷
Community Mandate	Settlement Agreement, Memorandum of Understanding, and city ordinance.
Community Entity	Community Police Commission (CPC) ²¹⁸
Community Entity: Number/App't/Term Representation	15 members, broadly representative of the diversity of city residents, drawn from different racial and ethnic groups, and from the LGBT, youth, faith, and business communities. ²¹⁹ Some represent or are knowledgeable of the issues of those who are homeless or who have mental illness and substance abuse disorders. ²²⁰ There is one representative from each of two police unions. ²²¹ Members are appointed by the mayor and confirmed by the city council. ²²²
Community Entity: Independence Budget/Staff	\$818,564 annual budget, with four professional FTE (executive director, policy analyst, community outreach/communications specialist, and administrative support staff); there are also sufficient resources to pay for consultants. ²²³
Responsibilities	The CPC was charged with making recommendations concerning the department's bias-free policing and stops and detentions policies, practices, and training ²²⁴ and with recommending structural changes to the department's accountability system. ²²⁵

(Cont.)	
Responsibilities (Cont.)	The CPC was charged with assessing the department’s community outreach activities and identifying strategies for improvements. ²²⁶ The CPC was also charged with reviewing the department’s plans for investigatory stops data collection and reporting and making recommendations on any changes to the data to be collected or procedures for retention, reporting, or analysis of the data. ²²⁷ In coordination with the CPC, the department is charged with developing and implementing a program to educate the public on how to make misconduct complaints and with revising, as necessary, its public disclosure policies and practices to support transparency. ²²⁸ The CPC is also to review and report generally on the status of reform initiatives and the settlement implementation and is responsible for regular engagement with community members to keep them informed and to gather their input on the reform process. ²²⁹
Community Entity: Meetings	Full commission meets twice monthly and standing workgroups also meet twice monthly. ²³⁰
Community Entity: Reports/Recs	Issues reports and recommendations associated with mandated areas of responsibility. ²³¹
Other Civilian Oversight	Police misconduct is investigated by the Office of Professional Accountability (OPA), with a civilian director of sworn investigators. ²³² An independent civilian auditor reviews OPA’s work for fairness and thoroughness. ²³³ The chief of police makes final finding and disciplinary decisions. ²³⁴ Both the OPA director and OPA auditor may make policy, practice, supervision, and training recommendations to city officials and the chief. ²³⁵ Under proposed legislation, the CPC would replace the current civilian oversight board and be given expanded authority. ²³⁶

Department US Census Bureau	Suffolk County Police Department 2014 Population 1,502,968²³⁷ Settlement Agreement: January 2014
Case Description	Claim that the department engages in discriminatory policing, discourages the Latino community from filing complaints and cooperating with police, and fails to investigate crimes and hate-crime incidents involving Latinos. ²³⁸ The agreement is between the DOJ, Suffolk County, and the department; a court does not oversee it. ²³⁹
Community Mandate	Not applicable. No community involvement was mandated; the focus was on internal department corrections and community outreach to be conducted by the department. ²⁴⁰
Community Entity	Not applicable.

(Cont.)	
Community Entity: Number/App't/Term Representation	Not applicable.
Community Entity: Independence Budget/Staff	Not applicable.
Responsibilities	<p><u>Department</u>: The agreement provides for establishing a process to consult with Latino community representatives in developing the department's language access policy and in annually reviewing jointly the accuracy and quality of the department's language assistance services, sharing concerns, ideas, and strategies for ensuring language access.²⁴¹ A language access plan is in place with the DOJ's approval.²⁴² An advisory committee was convened to provide input to the plan that included about 12 self-selected participants from the ACLU and Latino Justice, as well as others from churches, social service agencies, and various geographic areas of the county.²⁴³ The structure and arrangements for it are informal.²⁴⁴ The Community Response Bureau is charged with developing a plan for engaging the Latino community, obtaining feedback from Latino leaders quarterly on department programs, and annually reporting on issues raised and how the department addresses them.²⁴⁵ The department had conducted an online community survey on general perspectives about the police and language access; more than 1,000 surveys were completed in early 2015, which provided useful community input.²⁴⁶ The department holds monthly meetings with community members and community liaison officers assigned to each precinct, which senior command staff and precinct representatives attend.²⁴⁷ Community liaison officers are available to community members and meet at least every six months with bureau commanders to share community concerns or issues raised in the previous period.²⁴⁸ The police commissioner or designee also meets regularly with Latino and other minority groups.²⁴⁹</p>
Community Entity: Meetings	Not applicable.
Community Entity: Reports/Recs	Not applicable.
Other Civilian Oversight	There is no civilian entity providing oversight of the department or police misconduct; the department's internal affairs unit investigates misconduct. ²⁵⁰

Department US Census Bureau	Washington, D.C. Metropolitan Police Department 2014 Population 658,839²⁵¹ Memorandum of Agreement: June 2001
Case Description	A pattern or practice of conduct related to excessive use of force. ²⁵²
Community Mandate	Not applicable. No community involvement was mandated; the focus was exclusively on internal department corrections. ²⁵³
Community Entity	Not applicable.
Community Entity: Number/App't/Term Representation	Not applicable.
Community Entity: Independence Budget/Staff	Not applicable.
Responsibilities	Not applicable. The court order also did not define for the department any community outreach responsibilities. ²⁵⁴
Community Entity: Meetings	Not applicable.
Community Entity: Reports/Recs	Not applicable.
Other Civilian Oversight	Open to the public in 2001, the Office of Police Complaints (OPA) receives, investigates, and resolves police misconduct complaints filed by the public. ²⁵⁵ OPA is governed by a five-member Police Complaints Board. ²⁵⁶ One board member is required to be from the department; all members are District of Columbia residents appointed by the mayor and confirmed by the city council. ²⁵⁷ The work of the OPA and the board is supported by 22 full-time staff. ²⁵⁸ The board reviews the OPA's reports and determinations regarding dismissal of complaints; makes recommendations to city officials, including the department, on policies that may decrease police misconduct; and monitors and evaluates the department's handling of protests and demonstrations in the District of Columbia. ²⁵⁹ Complaints of misconduct may be filed with either the OPA or the department; OPA will investigate if it is within its jurisdiction, forwarding other cases to the department to investigate. ²⁶⁰ Final determinations are made by the chief of police. ²⁶¹

APPENDIX II
SEATTLE INTERVIEWS

Name	Title	Interview Date
Pamela Banks	Executive Director, Urban League of Metropolitan Seattle	January 9, 2015
Anne Bettsworth	Policy Analyst CPC	December 18, 2014
Merrick Bobb	Seattle Police Monitor	January 14, 2015
Sergeant John Brooks	Supervisor, Education and Training Section, SPD	January 5, 2015
Tim Burgess	President, City Council, City of Seattle	December 19, 2014
Puneet Cheema	Trial Attorney, Civil Rights Division, Special Litigation Section, US DOJ	January 14, 2015
Lisa Daugaard	Co-Chair, CPC	December 16, 2014
Sergeant Adrian Diaz	Community Outreach Section, SPD	January 5, 2015
J. Michael Diaz	Assistant US Attorney, US Attorney's Office/Western District of Washington, US DOJ	January 14, 2015
Captain Mike Edwards	President, Seattle Police Management Association	January 9, 2015
Sahar Fathi	Policy Analyst, Office of Immigrant and Refugee Affairs, City of Seattle	January 5, 2015
Melinda Giovengo	Member, CPC	January 21, 2015
Virginia Gleason	Chief Strategic Advisor, SPD	December 30, 2014
Enrique Gonzalez	Member, CPC	December 30, 2014
Jay Hollingsworth	Member, CPC	December 30, 2014
Kate Joncas	Deputy Mayor, City of Seattle	January 13, 2015
David Keenan	Member, CPC	December 30, 2014
Acting Sergeant Brendan Kolding	Audit, Policy, and Research Section, SPD	January 5, 2015
Judge Anne Levinson (ret.)	Auditor, Office of Professional Accountability, City of Seattle	January 6, 2015
Fé Lopez	Executive Director, CPC	December 18, 2014
Pierce Murphy	Director, Office of Professional Accountability, SPD	January 5, 2015

(Cont.)		
Name	Title	Interview Date
Timothy D. Mygatt	Special Counsel, Civil Rights Division, Special Litigation Section, US DOJ	January 14, 2015
Kathleen O'Toole	Chief of Police, SPD	January 15, 2015
Stephanie Roth	Deputy Director, Office of Professional Accountability, SPD	January 5, 2015
Jennifer Shaw	Member, CPC	December 16, 2014
Detective Ron Smith	President, Seattle Police Officers Guild	January 9, 2015
Rich Stolz	Executive Director, One America	January 9, 2015
Officer Kevin Stuckey	Member, CPC	December 30, 2014
Rev. Harriett Walden	Member, CPC	December 30, 2014
Officer Martin Welte	Coordinator, Race and Social Justice Initiative, SPD	January 5, 2015

¹ *Quickfacts: Albuquerque city, New Mexico*, U.S. CENSUS BUREAU (July 1, 2014), <http://www.census.gov/quickfacts/table/PST045215/3502000>.

² Letter from Jocelyn Samuels, Assistant Att’y Gen., Civil Rights Div. & Damon P. Martinez, Acting U.S. Att’y, Dist. of N.M., to Richard J. Berry, Mayor, City of Albuquerque, ALBUQUERQUE POLICE DEPARTMENT 9 (Apr. 10, 2014), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Albuquerque_Findings.pdf.

³ Settlement Agreement at 82–83, U.S. v. City of Albuquerque, No. 1:14-cv-1025 (D.N.M.), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Albuquerque_Settlement_Agreement.pdf.

⁴ *Id.* at 81.

⁵ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep’t (Dec. 22, 2014).

⁶ Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 3, at 83.

⁷ *Id.* at 81.

⁸ *Id.*

⁹ *Id.* at 83.

¹⁰ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep’t (Dec. 22, 2014).

¹¹ Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 3, at 84.

¹² Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep’t (Dec. 22, 2014).

¹³ Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 3, at 83.

¹⁴ *Id.* at 83, 86.

¹⁵ *Id.* at 86.

¹⁶ *Id.* at 87.

¹⁷ *Id.* at 81–82.

¹⁸ *Id.* at 82.

¹⁹ *Id.* at 80.

²⁰ *Id.* at 87.

²¹ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep’t (Dec. 22, 2014).

²² Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 3, at 81.

²³ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep’t (Dec. 22, 2014).

²⁴ Settlement Agreement, U.S. v. City of Albuquerque, *supra* note 3, at 87.

²⁵ *Id.* at 82.

²⁶ Telephone interview with Bill Slausen, Exec. Dir., Admin. Support Bureau, Albuquerque Police Dep’t (Dec. 22, 2014).

²⁷ *Quickfacts: Cincinnati city, Ohio*, U.S. CENSUS BUREAU (July 1, 2014), <http://www.census.gov/quickfacts/table/PST045215/3915000>.

²⁸ MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEP’T OF JUSTICE AND THE CITY OF CINCINNATI, OHIO AND THE CINCINNATI POLICE DEP’T 6 (2002), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Cincinnati_Memorandum_of_Agreement.pdf.

²⁹ *See generally id.*

³⁰ Collaborative Agreement at 4–10, 18–24, In re Cincinnati Policing, No. C-1-99-317 (S.D. Ohio), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Cincinnati_Collaborative_Agreement.pdf.

³¹ Telephone interview with S. Gregory Baker, Exec. Dir., Cincinnati Initiative to Reduce Violence & former Cincinnati Police Dep’t Compliance Coordinator (Dec. 12, 2014); telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager’s Advisory Grp. (Dec. 11, 2014); telephone interview with Lt. Colonel James Whalen, Ass’t Chief, Cincinnati Police Dep’t (Dec. 11, 2014).

³² Telephone interview with S. Gregory Baker, Exec. Dir., Cincinnati Initiative to Reduce Violence & former Cincinnati Police Dep’t Compliance Coordinator (Dec. 12, 2014).

³³ *Id.*; telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager’s Advisory Grp. (Dec. 11, 2014); telephone interview with Lt. Colonel James Whalen, Ass’t Chief, Cincinnati Police Dep’t (Dec. 11, 2014).

³⁴ Telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager’s Advisory Grp. (Dec. 11, 2014).

³⁵ Telephone interview with S. Gregory Baker, Exec. Dir., Cincinnati Initiative to Reduce Violence and former Cincinnati Police Dep’t Compliance Coordinator (Dec. 12, 2014).

³⁶ Telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager’s Advisory Grp. (Dec. 11, 2014); telephone interview with Lt. Colonel James Whalen, Ass’t Chief, Cincinnati Police Dep’t (Dec. 11, 2014).

- ³⁷ Collaborative Agreement at 4–10, 18–24, In re Cincinnati Policing, No. C-1-99-317 (S.D. Ohio), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Cincinnati_Collaborative_Agreement.pdf.
- ³⁸ Telephone interview with S. Gregory Baker, Exec. Dir., Cincinnati Initiative to Reduce Violence & former Cincinnati Police Dep't Compliance Coordinator (Dec. 12, 2014).
- ³⁹ *Id.* at 2–4.
- ⁴⁰ Telephone interview with S. Gregory Baker, Exec. Dir., Cincinnati Initiative to Reduce Violence & former Cincinnati Police Dep't Compliance Coordinator (Dec. 12, 2014); telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager's Advisory Grp. (Dec. 11, 2014); telephone interview with Lt. Colonel James Whalen, Ass't Chief, Cincinnati Police Dep't (Dec. 11, 2014).
- ⁴¹ *Id.*
- ⁴² Telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager's Advisory Grp. (Dec. 11, 2014).
- ⁴³ Telephone interview with S. Gregory Baker, Exec. Dir., Cincinnati Initiative to Reduce Violence & former Cincinnati Police Dep't Compliance Coordinator (Dec. 12, 2014).
- ⁴⁴ Telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager's Advisory Grp. (Dec. 11, 2014); telephone interview with Lt. Colonel James Whalen, Ass't Chief, Cincinnati Police Dep't (Dec. 11, 2014).
- ⁴⁵ Telephone interview with S. Gregory Baker, Exec. Dir., Cincinnati Initiative to Reduce Violence & former Cincinnati Police Dep't Compliance Coordinator (Dec. 12, 2014); telephone interview with Professor John Eck, Univ. of Cincinnati & member of the City Manager's Advisory Grp. (Dec. 11, 2014); telephone interview with Lt. Colonel James Whalen, Ass't Chief, Cincinnati Police Dep't (Dec. 11, 2014).
- ⁴⁶ *About the Citizen Complaint Authority*, CITY OF CIN., <http://www.cincinnati-oh.gov/ccia/about-cca/> (last visited Dec. 14, 2015).
- ⁴⁷ *Id.*
- ⁴⁸ *Citizen Complaint Authority FAQs*, CITY OF CIN., <http://www.cincinnati-oh.gov/ccia/frequently-asked-questions/> (last visited Dec. 14, 2015).
- ⁴⁹ *Id.*
- ⁵⁰ *General Contact Information*, CITY OF CIN., <http://www.cincinnati-oh.gov/ccia/contact-us/> (last visited Dec. 14, 2015).
- ⁵¹ *Quickfacts: Detroit city, Michigan*, U.S. CENSUS BUREAU (July 1, 2014), <http://www.census.gov/quickfacts/table/PST045215/2622000>.
- ⁵² Complaint at 2–3, U.S. v. City of Detroit and the Detroit Police Dep't, No 03-72258 (E.D. Mich. June 12, 2003), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Detroit_Complaint.pdf.
- ⁵³ *See generally* Consent Judgement, U.S. v. City of Detroit and the Detroit Police Dep't, No. 03-72258 (E.D. Mich. June 12, 2003), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Detroit_Consent_Judgement.pdf.
- ⁵⁴ Telephone interview with Chief Charles Reynolds, Partner, Police Performance Solutions (Dec. 17, 2014).

⁵⁵ *Police Commissioners History*, CITY OF DET., <http://www.detroitmi.gov/How-Do-I/Find-Detroit-Archives/Police-Commissioners-History> (last visited Dec. 14, 2015).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Niraj Warikoo, *Pastors: Restore Power to Detroit Police Commissioners*, DET. FREE PRESS (Jan. 13, 2015, 11:14 PM), <http://www.freep.com/story/news/local/detroit-bankruptcy/2015/01/13/detroit-police-commissioners-oversight/21722569/>.

⁶¹ Gus Burns, *Detroit Police Commissioner Also Working for Political Campaign in Kentucky*, MLIVE.COM (Sept. 15, 2015, 1:54 PM), http://www.mlive.com/news/detroit/index.ssf/2015/09/detroit_police_commissioner_wo.html.

⁶² *Police Commissioners History*, *supra* note 55.

⁶³ *Quickfacts: Los Angeles city, California*, U.S. CENSUS BUREAU (July 1, 2014), <http://www.census.gov/quickfacts/table/PST045215/0644000>.

⁶⁴ Consent Decree at 1, *U.S. v. City of Los Angeles, Board of Police Commissioners of the City of Los Angeles, and the Los Angeles Police Dep't*, (C.D. Calif.), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/LAPD_Consent_Decree.pdf.

⁶⁵ *See generally id.*

⁶⁶ *Id.* at 69.

⁶⁷ *Id.*

⁶⁸ *Id.* at 70.

⁶⁹ *Id.*

⁷⁰ *The Function and Role of the Board of Police Commissioners*, L.A. POLICE DEP'T, http://www.lapdonline.org/police_commission/content_basic_view/900 (last visited Dec. 14, 2015).

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Office of the Inspector General*, L.A. POLICE DEP'T, http://www.lapdonline.org/police_commission/content_basic_view/1076.

⁷⁵ *Id.*

⁷⁶ *Quickfacts: Maricopa County, Arizona*, U.S. CENSUS BUREAU (July 1, 2014), <http://www.census.gov/quickfacts/table/PST045215/04013>.

⁷⁷ Supplemental Permanent Injunction/Judgment Order at 1–2, *Ortega Melendres v. Arpaio*, No. CV-02513-PHX-GMS (D. Ariz. Oct. 2, 2013), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/Maricopa_County_Melendres_Court_Order_and_Injunction.pdf.

⁷⁸ *Id.* at 46–47; Amendments to the Supplemental Permanent Injunction/Judgment Order at 5–6, *Ortega Melendres v. Arpaio*, No. CV-07-02513-PHX-GMS (D. Ariz. Apr. 4, 2014), *available at* http://seattle.gov/Documents/Departments/CommunityPoliceCommission/Maricopa_County_Amendments.pdf.

⁷⁹ Supplemental Permanent Injunction/Judgment Order, Ortega Melendres v. Arpaio, *supra* note 77, at 47.

⁸⁰ *Id.*

⁸¹ *Id.* at 46–47.

⁸² Amendments to the Supplemental Permanent Injunction/Judgment Order, Ortega Melendres v. Arpaio, *supra* note 78, at 6.

⁸³ Telephone interview with Paul Chagolla, Deputy Chief, Support Services Bureau 1 & Cmty. Outreach, Maricopa Cty. Sheriff's Office (Aug. 14, 2015).

⁸⁴ Supplemental Permanent Injunction/Judgment Order, Ortega Melendres v. Arpaio, *supra* note 77, at 46–47.

⁸⁵ Amendments to the Supplemental Permanent Injunction/Judgment Order, Ortega Melendres v. Arpaio, *supra* note 78, at 5–6.

⁸⁶ *Id.* at 5.

⁸⁷ *Id.* at 3–5.

⁸⁸ *Id.* at 6.

⁸⁹ *Id.* at 5–6.

⁹⁰ Telephone interview with Paul Chagolla, Deputy Chief, Support Services Bureau 1 & Cmty. Outreach, Maricopa Cty. Sheriff's Office (Aug. 14, 2015).

⁹¹ *Quickfacts: New Orleans city, Louisiana*, U.S. CENSUS BUREAU (July 1, 2014), <http://www.census.gov/quickfacts/table/PST045215/2255000>.

⁹² Joint Motion and Memorandum for Entry of Consent Decree at 2, U.S. v. City of New Orleans, No. 2:12-cv-01924-SM-JCW (E.D. La. Jul. 24, 2012), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/New_Orleans_CD_Entry.pdf.

⁹³ Consent Decree at 107–108, U.S. v. City of New Orleans, No. 2:12-cv-01924-SM-JCW (E.D. La. Jan. 11, 2013), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/New_Orleans_Consent_Decree.pdf.

⁹⁴ NEW ORLEANS POLICE DEP'T POLICE CMTY. ADVISORY BOARD POLICY MANUAL 3 (2013), *available at* http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/New_Orleans_PCAB_Policy_Manual.pdf.

⁹⁵ *Id.* at 3, 6.

⁹⁶ *Id.* at 10.

⁹⁷ *Id.* at 11.

⁹⁸ *Id.*

⁹⁹ Telephone interview with Danny Murphy, Compliance Manager for Police Cmty. Advisory Board, New Orleans Police Dep't (Dec. 16, 2014).

¹⁰⁰ Consent Decree, U.S. v. City of New Orleans, *supra* note 93, at 107.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 106.

¹⁰⁵ NEW ORLEANS POLICE DEP'T POLICE CMTY. ADVISORY BOARD POLICY MANUAL, *supra* note 94, at 6.

¹⁰⁶ Consent Decree, U.S. v. City of New Orleans, *supra* note 93, at 108.

¹⁰⁷ NEW ORLEANS POLICE DEP'T POLICE CMTY. ADVISORY BOARD POLICY MANUAL, *supra* note 94, at 6.

¹⁰⁸ *Id.* at 8.

¹⁰⁹ *Id.*

¹¹⁰ *Id.* at 9.

¹¹¹ *Our Mission and Responsibilities*, NEW ORLEANS INDEP. POLICE MONITOR, http://www.nolaipm.org/main/inside.php?page=our_mission (last visited Dec. 14, 2015).

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Independent Police Monitor Susan Hutson*, NEW ORLEANS INDEP. POLICE MONITOR, <http://www.nolaipm.org/main/inside.php?page=staff> (last visited Dec. 14, 2015); *Volunteer*, NEW ORLEANS INDEP. POLICE MONITOR,

<http://www.nolaipm.org/main/inside.php?page=volunteer> (last visited Dec. 14, 2015).

¹¹⁶ Jonathan Bullington, *New Orleans Inspector General, Police Monitor Agree to Split Offices*, NOLA.COM (Oct. 14, 2015, 5:47 PM),

http://www.nola.com/crime/index.ssf/2015/10/inspector_general_police_monit.html.

¹¹⁷ *Quickfacts: New York city, New York*, U.S. CENSUS BUREAU (July 1, 2014),

<http://www.census.gov/quickfacts/table/PST045215/3651000>.

¹¹⁸ Opinion and Order at 1–2, No. 1:08-cv-01034-SAS (S.D.N.Y. Aug. 12, 2013), *available at*

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/New_York_Floyd_Liability.pdf.

¹¹⁹ *See generally* Opinion and Order, No. 1:08-cv-01034-SAS (S.D.N.Y. Aug. 12, 2013), *available at*

http://www.seattle.gov/Documents/Departments/CommunityPoliceCommission/New_York_Floyd_Remedy.pdf.

¹²⁰ *Id.* at 30–31.

¹²¹ *Id.* at 30.

¹²² *Id.* at 29.

¹²³ *Id.* at 31.

¹²⁴ *Frequently Asked Questions*, NYC CIVILIAN REV. BOARD,

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¹⁷⁰ *Id.* at 53.

¹⁷¹ *Id.* at 52–53.

¹⁷² *Id.* at 53.

¹⁷³ *Id.*

¹⁷⁴ Telephone interview with Mary Claire Buckley, staff member, Dep't of Just. Compliance Team, Portland Police Bureau (Dec. 3, 2014).

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- ¹⁷⁸ *Id.* at 57.
- ¹⁷⁹ *Id.*
- ¹⁸⁰ *Id.* at 58.
- ¹⁸¹ *Id.*
- ¹⁸² *Id.* at 58–59.
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¹⁹⁹ *Id.*

²⁰⁰ *Id.*

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