

UPDATE ON RESOLUTION 2020-38

&

POLICING: Research & Recommendations

RESOLUTION 2020-38

*Passed by City
Council on
30 June 2020*

In response to active community dialogue and interest, the resolution provided future direction in four areas:

Section 1. Direct Staff to identify and present options to the City Council for civilian oversight board (COB); and,

Section 2. Authorize staff to investigate areas in which mental health professionals may be appropriately utilized in place of, or in combination with, LPD officers; and,

Section 3. Explore further community engagement opportunities, increase positive interactions between LPD and the public; and,

Section 4. Identify funding within the public safety budget to increase the percentage of officers in the Laramie PD with crisis intervention training and to expand other areas of training relevant to achieving more equitable policing.

Resolution 2020-38 Section 2

Mental Health Calls for Service (MHCFS)

Authorize staff to investigate areas in which mental health professionals may be appropriately utilized in place of, or in combination with, LPD officers...

For many years, LPD has worked on this topic and collaborated with the community Mental Health Board which evaluates our collective responses to MHCFS.

- ✓ In December, LPD teamed with Peak Wellness to support individuals in their Gatekeeper Program who fail to check in with Peak counselors.

This effort may eventually develop into a program in which Peak counselors conduct these checks without police present, based on risk factor considerations.

- ✓ We continue to have conversations with the Mental Health Board about mirroring CAHOOTS, REAL, STAR, and/or other nationally known programs.

Discussion continues with local mental health professionals who do not believe that there is currently the capacity to implement these programs.

Resolution 2020-38 Section 2

Mental Health Calls for Service (MHCFS)

Authorize staff to investigate areas in which mental health professionals may be appropriately utilized in place of, or in combination with, LPD officers...

- ✓ We're supporting grant applications which, if funded, will expand Crisis Intervention Training (CIT), Mental Health First Aid (MHFA), and Applied Suicide Intervention Skills Training (ASIST), or other training for community members and police officers.

The County and UW application would provide funding for CIT, MHFA, and ASIST for both police and community members.

A separate County application would provide funding for juvenile mental health services.

- ✓ In Mental Health First Aid – this is another option for training and now we have two MHFA trainers in town

Police Department plans to begin holding CIT and MHFA classes as soon as it is feasible to return to in-person training. (It should be noted that that crisis intervention training has long been part of our standard training requirements.)

Resolution 2020-38 Section 3

Community Engagement

*Explore further
community
engagement
opportunities,
increase positive
interactions between
LPD and the public...*

This objective has been challenging due to COVID-19 pandemic.

- ✓ Shop With a Cop in December

<https://www.youtube.com/watch?v=5QJ6nb70cok>

Officers paired with 27 less-fortunate elementary age children identified by school counselors to provide a holiday shopping spree and family holiday meal.

- ✓ We hope that longstanding community events – Safety City at Freedom Has A Birthday, Bike Safety through the Rec Center and Coffee with a Cop – can resume later this year
- ✓ Laramie officers contribute throughout the community in a myriad of ways, coaching youth sports and engaging in other youth activities on a regular basis.

Resolution 2020-38

Section 4

Equitable Policing

Identify funding within the public safety budget to increase the percentage of officers in the Laramie PD with crisis intervention training and to expand other areas of training relevant to achieving more equitable policing...

- ✓ We're In November 2020 we brought in a nationally recognized implicit bias trainer.
Two 8-hour classes (in person) with 27 persons trained.
- ✓ De-escalation training has been made available to all PD personnel, both sworn officers and civilian staff, through a 2.5-hour class offered by Calibre Press (on-line).
- ✓ We continue to train all new personnel in trauma informed interviewing.

Resolution 2020-38 Section 1

Policing Oversight

Identify funding within the public safety budget to increase the percentage of officers in the Laramie PD with crisis intervention training and to expand other areas of training relevant to achieving more equitable policing...

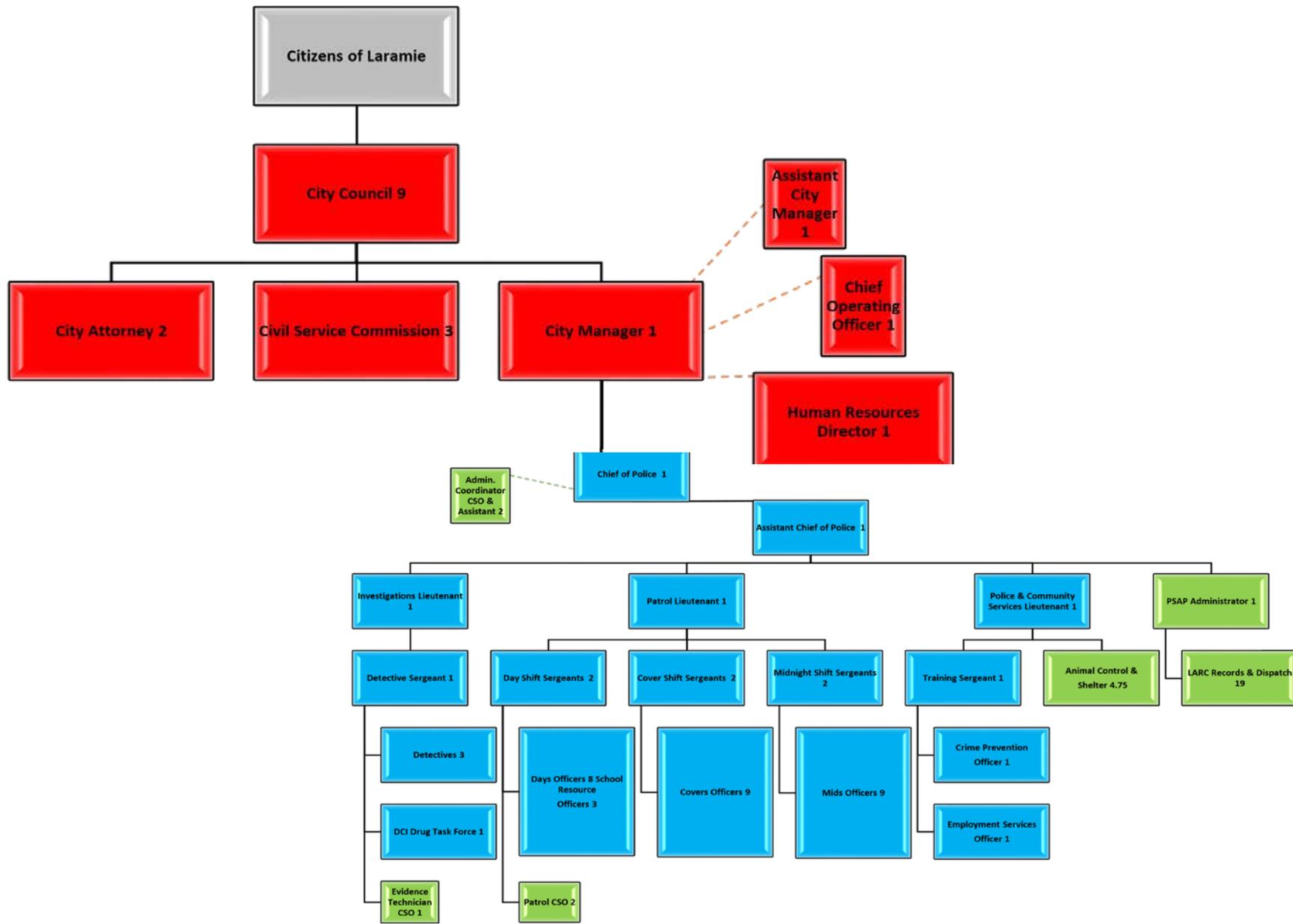
Tonight, we will cover this agenda –

- A. Current Civilian Oversight (City Manager)
- B. Legal Framework & Limitations (City Attorney)
- C. Citizen/Resident Oversight Models from Around the Country (Chief of Police)

References

Strengths and Weaknesses

- D. Case Review for Illustrative Purposes (Chief)
- E. Moving Forward. The Community's Evolving Needs (City Manager)



Civilian Management & Oversight (18)

Sworn Police Management (13) & Personnel (36)

Non-Sworn Civilian Departmental Management (4) & Personnel (27.25)

Civilian Oversight

Current Structure

-
- ✓ General City Employment Structure
 - ✓ Civil Service Commission
 - ✓ Personnel Records / Information
 - ✓ Fairness / Liability

**Legal
Framework
&
Limitations**

REFERENCES

National Association for Civilian Oversight of Law Enforcement (NACOLE)

Police Assessment Resource Center (PARC)

Center for Policing Equity

International Association of Chiefs of Police (IACP)

The Justice Collaboratory – Yale Law School

The National Institute of Justice (NIJ) – *Citizen Review of Police*

There are over 25 noted publications regarding civilian oversight of police agencies.

WHAT LEADS

TO

CITIZEN/RESIDENT

OVERSIGHT?

Most often, citizen/resident oversight is the result of a community crisis over racially disparate policing surrounding officer involved shootings, excessive-force cases, and perceptions of civil rights violations.

- Most common cause for implementing citizen/resident oversight is repeated use-of-force incidents with a racial component
- Very few instances in which oversight was the result of a proactive action on the part of police administrators or elected officials
- In majority of cases in which citizen oversight is considered, police agencies are entering, are in, or are emerging from Federal consent decrees

TYPICAL GOALS

OF

CITIZEN/RESIDENT OVERSIGHT

Improve	Public Trust
Ensure	Accessible Complaint Processes
Promote	Thorough Investigations
Increase	Transparency
Deter	Police Misconduct

CORE ELEMENTS
OF
SUCCESSFUL
CITIZEN/RESIDENT
OVERSIGHT

- Independence
- Adequate jurisdictional authority
- Unfettered access to records
- Access to police administrators and internal affairs staff
- Full cooperation
- Support of process stakeholders
- Adequate resources
- Public reporting
- Community outreach
- Community involvement
- Respect for confidentiality requirements

SCOPE OF OVERSIGHT: CITIZEN/RESIDENT

While academic insight regarding citizen/resident oversight is extensive, actual research-based outcome studies are more limited.

NACOLE's reports *Civilian Oversight of Law Enforcement: Assessing the Evidence & A Review of the Strengths and Weaknesses of Various Models*

- NACOLE identified 144 oversight agencies in the country, primarily in large cities
- they then researched 97 departments utilizing some form of citizen oversight

There are over 18,000 Federal, State, and Local law enforcement agencies in the US.

OVERSIGHT MODELS

There are three general models of citizen oversight, although the NIJ breaks typology down further.

All references agree that:

- none of the general models are applied specifically, and
- in almost all cases the model employed is a hybrid of one or more of the three general models.

There is wide variation as to costs necessary for operating different oversight types.

OVERSIGHT MODELS

There is currently no “best practice” for citizen oversight.

- There is consensus that oversight should be the “least intrusive” based on known concerns about the police agency considering oversight.
- There are still “tremendous gaps” in what is known regarding the effectiveness of citizen oversight.

INVESTIGATION FOCUSED MODELS (sometimes called Type I)

Under the investigations focused model(s) of oversight, the citizen agency works separately from the police agency.

- Has the ability to conduct independent investigations of allegations of misconduct by members of the public
- May either replace internal affairs operations or parallel internal investigations
- Oversight board makes recommendation of findings to chief

INVESTIGATION FOCUSED MODELS (sometimes called Type I)

- The most independent form of oversight
- Requires full-time, non-police trained staff
- Requires the greatest cost and resources necessary to conduct competent and timely investigations
- Citizen investigators may face strong resistance from police personnel

REVIEW

FOCUSED MODELS

(sometimes called Type II)

Review focused models generally review the quality of work done by an internal affairs operation.

- May serve as the point of complaint intake for the police agency
- Generally only review citizen complaints and not involved in internal investigations
- May make recommendations to the chief
- Often report back to the community on their findings

REVIEW

FOCUSED MODELS

(sometimes called Type II)

Commonly led by a review board composed of citizen volunteers and, thereby, tends to be least costly model.

There are costs associated with training board members on..

- understanding complaint intake processes, as well as ...
- what constitutes a proper investigation into a citizen complaint

Less independent from the police agency they work with

AUDITOR / MONITOR

FOCUSED MODELS

(sometimes called Type III)

In the auditor / monitor model, an auditor works directly with the internal affairs process to ensure proper handling of citizen complaints or internal investigations.

- Reviews broad patterns of citizen and internally generated complaints
- Conducts evaluations of police policy, training, and practices
- Sometimes also serve as a point of intake for citizen complaints

AUDITOR / MONITOR

FOCUSED MODELS

(sometimes called
Type III)

- Most costly and intrusive model
- Since they oversee police practices, the training of the auditor / monitor is extensive and requires significant expertise
- Most auditor / monitors can only make recommendations and cannot compel agencies to make changes

ALTERNATIVES
TO
CITIZEN/RESIDENT
OVERSIGHT

Mediation – Use of internal mechanisms (Mayor, City Manager, Civil Service Commission, or Other Board) to mediate complaints not adequately resolved by police agencies.

- Often accomplished through confidential meeting facilitated by a neutral third party
- May be more cost-effective and efficient than full citizen/resident oversight board

OTHER CONSIDERATIONS

&

BEST PRACTICES

- Citizen/resident oversight typically develops as result of a local crises
- There is clear variation in the budget and cost among oversight types
- Local jurisdictions need to carefully match their goals for citizen oversight to the resources they have when considering oversight, such as available personnel and fiscal resources
- Citizen oversight can serve as a conduit for positive information about police agency performance

CASE STUDY

In 2014, the Fairfax VA Police Department had a contentious officer involved shooting

- There was a history of racially-charged incidents in the jurisdiction and the shooting prompted the County Governing Board to look at oversight
- State statutes had to be addressed prior to implementation of an auditor / citizen review panel

Accomplished in 2017

CASE STUDY

Parameters were set toward what the Auditor / Review Panel could oversight

- Use of force with a citizen complaint
- Death / Serious injury investigations
- In-custody death investigations
- Abuse of authority or serious misconduct

- Auditor does not become involved in any other citizen complaint or internal investigations

CASE STUDY

In all instances, the Auditor does not become involved until after internal affairs has completed their investigation

- In all instances, the auditor requires a request from the Chief to review the incident, and once he has reviewed the case, the review board then discusses the case and provides input to the Auditor
- The Auditor's charge is to ensure that the incident was
 - Thorough
 - Complete
 - Objective
 - Impartial
 - Accurate

CASE STUDY

The Auditor and Civilian Review Board are trained in oversight:

- NACOLE principles
- Department policy
- Internal investigations processes
- 4th Amendment searches and seizures law
- Use of Force policy and training
- Outside training (CIT, implicit bias, etc.)

CASE STUDY

Other considerations

- What will the budget of the Auditor / Board be?
- Will Auditor / Board have an executive director and support staff?
- Will Board members be paid a stipend when they review incidents, or will they receive a salary?

“If anyone tells you that there isn’t a cost associated with civilian oversight, they are not being honest” – Richard Shott, Fairfax County Police Auditor

CASE STUDY

There was also extensive education of Departmental personnel regarding...

- Oversight entity
- Roles
- Responsibilities
- Impact on personnel
- Limitations on Auditor / Board

Will adopting another community's oversight model best serve Laramie?

Community Values & Needs
Available Resources/Partners
Data & Evidence
Prioritization

We already know the best way to design/re-design the way we deliver services,
including policing...

...a holistic approach based on values and evidence-based decision making.

***“Local jurisdictions need to carefully match their goals for citizen oversight to
the resources they have...”***



Moving Forward

**Understanding
Laramie's
Evolving Needs**

A Laramie-centric solution that works for our residents and meets our goals.



Improve	Public Trust
Ensure	Accessible Complaint Processes
Promote	Thorough Investigations
Increase	Transparency
Deter	Police Misconduct

What problem(s) need solved?
And, in what priority order?

What are our goals?

What accountability measures
need to be in place to ensure
success?

Implemented by whom?

What resources will be needed?

Who are our partners?

Moving Forward

**Understanding
Laramie's
Evolving Needs**

2021 WORKING GROUP FOR POLICE AND COMMUNITY (WGP&C)

A broad-based working group that will consider Laramie's municipal policing services and community needs and submit a body of recommendations within 12 months.

Working Group will advise city government leadership with respect to these objectives -

1. Investigate data, evidence, and available resources and partnerships and, subsequently, advise regarding community values, needs, and priorities for policing services;
2. Potential solutions & methods for attaining the community's needs, values and priorities for policing services;
3. How best to build understanding, effective communication and trust between Laramie's police department and the community; and
4. Transparency and accountability around use-of-force and police conduct.



Moving Forward

**Understanding
Laramie's
Evolving Needs**

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Anticipated Schedule:

City Council Resolution, March 16, 2021

Application & Appointment Period, March 17 - 31, 2021

Nominating Committee Convened as Needed, April 1 - 9, 2021

City Council Confirmation of Candidate Slate, April 13, 2021

Initial WGP&C Meeting, April 19 – 30, 2021

Recommendations Due to City Leadership, April 2022



Moving Forward

**Understanding
Laramie's
Evolving Needs**

QUESTIONS
