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CIVILIAN OVERSIGHT

DC Review Board Monitors Protests

A new report by the District of Columbia's Police Complaints Board (PCB) describes how the police handled anti-war and anti-globalization demonstrations on September 24, 2005. The District's council approved the First Amendment Rights and Police Standards Act of 2004, which went into effect in April 2005. The law, enacted in response to the Metropolitan Police Department's (MPD) handling of demonstrations in 2000 and 2001, broadens the scope of the PCB's authority to include actual monitoring of police crowd control efforts. It also requires that the MPD make changes in its policies and practices relating to crowd control. The council had found that the MPD "overzealously sought to preempt criminal activity and in so doing infringed the right of persons to assemble and protest peacefully in the District of Columbia," according to the PCB's report.

The report, released through the PCB's Office of Police Complaints (OPC), focused on the new law's provisions regarding police conduct during assemblies, especially in relation to police responses to unannounced or altered protest plans. Overall, the OPC said, the MPD's interaction with demonstrators "appeared cordial, helpful, and respectful," and the office commended officers for being "alert and attentive, yet unimposing, unobtrusive, and non-confrontational." The police permitted changes to demonstration times and routes and also provided assistance in at least one case to members of an unapproved march. Demonstrators were mainly peaceful, said the OPC, apparently "due in part to the fact that they were allowed to demonstrate near the objects [including the White House] of their protests." The report includes recommendations for the mayor, district council, and police chief.

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Some officers were hesitant to immediately arrest a few anti-globalization demonstrators who engaged in property damage without first getting permission from MPD supervisors. The OPC said officers should have moved in more quickly “to make arrests before the illegality escalated.” One recommendation put forth in the report called for the department to devise a way to allow officers near unlawful activity to make arrests “as soon as they obtain probable cause with respect to specific individuals.”

The OPC also found that while almost all officers displayed their nameplates and badge numbers, these were difficult to see and were effectively covered up when some officers donned rain gear. Officers on bikes and scooters were exceptions; they wore helmets with large, painted numbers. The MPD should find a way to make names and badge numbers more visible, suggested the OPC. One OPC observer questioned whether the police—not wearing riot gear because of the lack of violence, in accordance with the new law—could quickly access the gear if needed. The OPC concluded that the MPD “may need to devise a way to balance its obligation not to assume a threatening and intimidating posture that chills First Amendment expression and encourages overreaction to minor unlawful activity, against the need to be prepared to handle a large scale outbreak of violent activity should it occur.” The report can be accessed online at http://occr.dc.gov/occr/frames.asp?doc=/occr/lib/occr/pdf/Protest_Monitoring-September_2005_Report_Final.pdf.

Omaha Auditor Releases Penultimate Report

Omaha’s Public Safety Auditor Tristan Bonn’s most recent report, reviewing the Omaha Police Department (OPD) for the quarter ending September 30, 2005, signaled changes to come in Omaha. The report is the next to final one her office will produce, as the city’s council voted to remove the office from the 2006 budget and private foundation money supporting the auditor’s work was no longer available. Bonn said the mayor will “keep some form of formal oversight function alive in city government” by placing it within his office; Bonn said she plans to transfer to that oversight position.

During the quarter, 48 complaints were filed, of which 27 were not formalized and did not go on to investigation as decided by the complainant. OPD

Internal Affairs (IA) completed 19 complaint investigations, within which there were a total of 55 allegations, in the same time period; IA has a maximum of 45 days to complete each investigation, barring approved extensions. Among the most common allegations were improper procedure (23), excessive force (eight), verbal abuse (six), unprofessional conduct (six), and intimidation (five). Of the 55 total allegations, one was sustained—for verbal abuse. Auditor Bonn disagreed with the department's outcomes in five IA investigations, finding that either the OPD chief's decision was not supported by evidence or the department's Standard Operating Procedure was not properly applied.

The report showed that 10 of 19 (or 53 percent) of those who filed investigated complainants were "Black or African American." According to the U.S. Census Bureau, 12.1 percent of Omaha's residents identified themselves as black or African American in the year 2004. Black or African-American females, at six, comprised the largest single group of complainants.

The Public Safety Auditor addressed two policy issues on which her office was working at the time the city council voted to disband the office. Bonn has received several complaints about OPD officers shooting and killing pets during the execution of search warrants, including five animals during the previous year. She noted that some departments are very effectively using Tasers to keep dogs away from officers conducting searches, while other agencies are requiring officers to plan ahead before searches and to bring appropriate tools and persons to resolve such issues without firearms. The second issue revolves around cases in which citizens have complained "that an officer has treated them like a criminal for no reason," ordering an individual to produce identification, placing hands on the individual, or performing searches—all such actions done "as a part of the very first steps of the interaction between the officer and the individual." Bonn acknowledged that officers know very little about a citizen when they first approach, and thus the need, she said, for skills training to get cooperation from citizens through non-coercive questioning. "Redoubling the Department's efforts to improve verbal skills would go along way in helping to reduce police/community tensions," the report concluded. The report can be accessed online at www.omahapublicsafetyauditor.com. www.census.gov.

CONSENT DECREES/ MEMORANDA OF AGREEMENT

Monitor for L.A. Issues Positive Report

In its eighteenth quarterly report, the Independent Monitor for the City of Los Angeles and Los Angeles Police Department (LAPD) said it continues to be "generally pleased with the Department's overall progress in achieving compliance with most areas" of the June 2001 consent decree with the U.S. Justice Department. In particular, the Monitor was pleased with LAPD oversight and internal auditing mechanisms set up to maintain best police practices after the consent decree ends. The decree focuses on areas such as use-of-force investigation and documentation; risk management; LAPD self-auditing; gang-unit supervision; use of confidential informants; and training. During the quarter ending December 31, 2005, the Monitor examined 40 paragraphs or subparagraphs of the decree and found the City and LAPD in full compliance with 27. Eleven were not in compliance, and a determination was withheld on the remaining two.

The consent decree requires the LAPD to create an early warning system—the Training Evaluation & Management System II (TEAMS II)—to promote best practices and to identify and correct at-risk behavior. The system's completion and implementation schedule "has, from the inception of the Monitorship, been very much in question." TEAMS II is itself comprised of four component systems, one of them the Risk Management Information System (RMIS). While the city finished readiness testing for the RMIS during the quarter, the Monitor expressed concern over continuing delays impacting the implementation of the component and another one called the Complaint Management System. That said, the Monitor praised LAPD progress on rolling out the Use of Force System, a third part of TEAMS II, to much of the department.

The Monitor reviewed eight investigations into serious force incidents, or categorical uses of force (CUOF). Although the Monitor "did not identify deficiencies rising to the level found in past reviews," concerns still exist regarding leading questions and investigative thoroughness. In five of the eight investigations, relevant evidence was missing. Five also had inconsistent statements made during the course of

investigation that were not identified and addressed. Additionally, the report noted that the LAPD did not comply with decree requirements related to department analysis of executed search warrants.

The Monitor once again commended the LAPD's Audit Division and also lauded the Office of Inspector General (OIG). The Monitor had previously expressed concern over the OIG's resource constraints, which impacted the timeliness and quality of the office's own audits and reviews of department audits. Since an early 2005 reorganization, noted the report, "the OIG has had an increasing number of quality reviews in each quarter." All five of the OIG reviews looked at were "generally responsive" to decree provisions for assessing the completeness, quality, and findings of LAPD audits. The Los Angeles Police Commission, which provides civilian oversight of the department, including by reviewing LAPD findings on use-of-force investigations, similarly received praise from the Monitor. A recent decision by the commission to reverse a finding of the LAPD and police chief "shows unequivocally that its civilian oversight of the Department is thoughtful and independent, as envisioned and intended by both the Los Angeles City Charter and the Consent Decree," the report said. The full Monitor report can be accessed online at www.krollworldwide.com/library/lapd/LAPD_Q18_Final_Report_02-15-2006.pdf.

MPD Makes Progress, but Some Areas Lag

The Office of the Independent Monitor (OIM) has released its fifteenth quarterly report assessing District of Columbia and Metropolitan Police Department compliance with their 2001 Memorandum of Agreement (MOA) with the U.S. Justice Department. The MOA requires reforms in use-of-force policies, documentation, investigation, and review; firearms, OC spray, and canine policies; citizen complaint intake; and personnel management, among other areas. During the quarter, from October 1 through December 31, 2005, the OIM focused on use-of-force reporting, internal investigations, receipt of citizen complaints, and apprehensions involving canines. While much progress toward MOA compliance is continuing to be made, noted Independent Monitor Michael R. Bromwich, "the list of areas in which MPD and the City continue to fall short of substantial compliance is quite long."

The OIM lauded the MPD for developing and staffing a Quality Assurance Unit (QAU) over the last several quarters within the department's Office of Professional Responsibility. The QAU's mission is to conduct internal inspections and audits of department operations and compliance with policies and procedures. The OIM stated that the unit's creation is an important, overdue step that "reflects the City's and MPD's commitment to institutionalizing the reforms embodied by the MOA."

A comprehensive audit, conducted jointly by the OIM and the new QAU, to test department compliance with MOA requirements for proper MPD receipt of citizen complaints revealed a lack of department compliance. Volunteers, mostly MPD recruits, posed as citizens seeking to file misconduct complaints with officers responding to incidents in the community, by telephone, or at police headquarters or substations. More than 90 percent of officers complied when asked to provide their names and badge numbers, but there were other areas in which MPD officers "performed quite poorly." For example, the OIM and QAU found zero percent compliance with the MOA stipulation that officers keep complaint forms and related information in their patrol cars.

Use-of-force and misconduct investigations conducted by MPD Internal Affairs and districts contained appropriate evidence summaries in 93 percent of the cases reviewed and included findings and supporting analysis in only 73.5 percent of the cases—both drops from 100 percent the quarter before. However, 88.3 percent of all investigations the OIM reviewed were completed within the MOA-required 90 days or justifications for the delays were documented. The Monitor noted that this rate "is the highest level of compliance we have observed and represents the second quarter in a row in which MPD has demonstrated a high degree (over 85%) of timeliness with these investigations." The OIM also found the MPD canine unit's bite-to-apprehension ratio of 14.3 percent throughout 2005 to be "quite acceptable" and noted a dramatic increase in reporting of hand control use-of-force incidents, "which likely is in response to the clarifications MPD has issued" on the circumstances when such uses of force must be reported. The full OIM report can be accessed online at www.policemonitor.org.

ACADEMIC RESEARCH

A recent *Justice Quarterly* article, “Managing Police Patrol Time: The Role of the Supervisor,” by Christine N. Famega, James Frank, and Lorraine Mazerolle, examines how police officers spend their discretionary time and what effect, if any, supervisors play in instructing officers about how to spend that time.

There has been managerial and technological advancement in policing since the 1960s, a great deal of which has been designed to make police more proactive and increase their involvement in the community by talking to citizens, attending community meetings, and using crime-mapping and hot-spot policing. In this study, the authors set out to test if the activities and behaviors of street-level police officers have changed along with technology and the development of proactive policing strategies. To do this, the authors first examined if officers had sufficient time to engage in proactive activities. They then asked whether or not the activities conducted during the unassigned time (time not responding to calls for service) were self-initiated or directed by supervisors. Lastly, the authors analyzed the nature of self-initiated and directed activities.

Data for the study were collected during 1999 and came from more than 1,300 hours of systematic social observations conducted by trained researchers monitoring Baltimore police officers. Officers included in the study were assigned to one of 16 posts, across three sectors, within three Baltimore police districts. Observers recorded officers’ activities and behaviors across 163 shifts. During the observations, observers recorded every minute of the officer’s shift and for each activity, recorded the time, conduct, and problem, if any, that the activity was addressing. Furthermore, for directed activities, observers recorded whether the activity was at the direction of supervisors, dispatchers, other officers, or citizens. According to the authors, the “goal was to capture and measure the input supervisors had in directing patrol-officer activities.”

The authors found that approximately 81 percent of each shift was unassigned time and that officers spent the majority of this time conducting routine patrol or backing up other officers on calls to which they were not dispatched. Additionally, only six percent of unassigned time activities were directed by supervisors and dispatchers, other officers, or citizens. The only activities that were more likely to be directed than self-initiated were serving warrants and subpoenas or trying to locate suspects, witnesses, or informants. Lastly, the authors found that only four percent of all activities were part of long-term problem-solving initiatives. They conclude that there is “little evidence to suggest that proactive policing strategies involving the direction of patrol officers have made it past administrators to the front lines of policing. In spite of the numerous proactive policing strategies that have emerged, patrol officers’ unassigned time is still primarily spent engaged in routine patrol or backing up other officers on calls for service.” *Justice Quarterly*, December 2005, Vol. 22, No. 4.

Oakland Monitoring Team Notes Some Progress

The Independent Monitoring Team (IMT) has released its seventh compliance report on the 2003 Settlement Agreement between private plaintiffs who alleged officer misconduct in a civil lawsuit, and the City of Oakland and Oakland Police Department (OPD). The Settlement Agreement (SA) addresses use-of-force reporting and review; internal investigations; civilian complaints; personnel supervision and management; officer training; and community policing. The IMT observed that the OPD’s “increased energy and improved attitude” toward reform, as noted in the

previous report, has continued. The department’s commitment “is beginning to have some impact on OPD police practices,” said the monitoring team. During the reporting period, from May 16 through December 1, 2005, the IMT focused on misconduct reporting, internal investigations, and policy creation and implementation delays.

The IMT assessed the department’s progress on the 51 SA tasks, which by the end of the quarter had all become due. The OPD has thus far achieved policy compliance—which is followed by training and then

actual practice compliance—with 43 of the 51 total tasks, up from 22 tasks achieving policy compliance by the end of the last reporting period. The report said that the department’s delinquency on the remaining tasks will be corrected with implementation of policies relating to use-of-force reviews, the handling of criminal misconduct, and operations of the nascent personnel management system. The monitoring team “is extremely concerned about the egregious delays in completing and publishing these policies and urges OPD to complete and implement them as quickly as possible,” said the report. Of the 43 tasks in policy compliance, 36 require training before implementation, and the OPD is in training compliance on 17 of these.

One result of the OPD having not yet implemented certain SA-mandated use-of-force policies is that officers are not yet required to report every instance of force. The department also still operates under use-of-force protocols “which provide confusing, contradictory instructions to officers who in turn continue to use force in a manner that is inconsistent with professional policing standards,” warned the IMT. A review of the department’s OC spray reporting system likewise turned up problems. The IMT found a “large discrepancy” between the number of replacement OC canisters issued and the number of uses of force reported. The IMT reported that the department had begun to take steps to determine the reasons for the discrepancy.

Another major concern of the monitoring team was the reporting of misconduct. While 95 percent or more of relevant personnel have been trained on related SA requirements, the IMT found that officers do not sufficiently understand the task. “OPD personnel frequently do not report misconduct and OPD only rarely assesses whether misconduct was properly reported,” said the IMT. With rare exception, the OPD does not hold personnel accountable for failing to report misconduct even when an investigation shows this to have occurred. At the same time, 41 percent of supervisors and managers could not produce documentation that they held required semimonthly and biannual performance reviews with subordinates.

In an improvement over the last reporting period, the OPD’s Firearms Discharge Board of Review conducted “more exacting” reviews of officer-involved shootings, and the OPD is now tracking all such shootings. Board

members have begun receiving complete investigative files prior to reviews. During the period, the board found shootings in two incidents to be out of policy, though the chief overturned one of these decisions. Nonetheless, the IMT said the findings “mark the first time in recent memory that the Board has found an officer-involved shooting to be out of policy.”

The IMT commended the OPD for routinely investigating allegations of Manual of Rules violations stemming from allegations in claims alleging officer misconduct filed against the city and/or department. The team also noted that the OPD “has undertaken considerable efforts” to address the discovery by the IMT of hundreds of misconduct allegations that the OPD had never investigated. The department has been investigating dozens of the overlooked cases and is in the process of changing how misconduct allegations are received, tracked, and investigated. The full IMT report can be accessed online at www.cdsusa.org/imt_rpts/Seventh_Status_Report.pdf.

COMMUNITY POLICING

Study Evaluates CPOP Progress in Cincinnati

When the City of Cincinnati, the Cincinnati Police Department (CPD), and the U.S. Department of Justice reached a memorandum of agreement in 2002, the City also signed a Collaborative Agreement (CA) with private plaintiffs and the Fraternal Order of Police. The CA requires the adoption and implementation of Community Problem-Oriented Policing (CPOP) and bias-free policing, with the goal of improving the relationship between the public and the police. In 2004, the CA parties hired the RAND Corporation to evaluate achievement of the agreement’s goals. After conducting several surveys and analyses for its evaluation, RAND’s Infrastructure, Safety, and Environment Division released *Police-Community Relations in Cincinnati*, the first in a series of annual reviews RAND will conduct in Cincinnati.

RAND researchers noted that the first report only provides preliminary information on CPOP progress, as it is “primarily intended to establish the baseline from which future progress toward or regression from the goals of the collaborative agreement can be measured.” Among other indicators, the evaluation

assessed community satisfaction with and perceptions of the CPD, officer sentiments about their work and the community, and traffic stop data.

Overall, the report said the community is supportive of the CPD—with only 19 percent of survey respondents rating the quality of police protection below “fair.” The rates of support, however, fluctuate greatly by neighborhood and racial group. For example, 41 percent of blacks surveyed, compared to six percent of whites, believed police “almost always” use race as a determining factor in making stops for traffic violations. Researchers attributed the disparity in perceptions partially to differing conditions and policing styles in Cincinnati’s neighborhoods.

While perception and satisfaction surveys showed there is much to be done to build trust, RAND found that “these perceptions are not matched by a clear pattern of racial bias in motorist stop and post-stop activity,” or by different types of force used on individuals of different races. For example, said the report, “55 percent of use-of-force incidents against black individuals involved TASERS or nonlethal rounds compared to 54 percent for white individuals.”

RAND found predominantly black neighborhoods were subject to a greater amount of proactive policing than were other communities—a possible cause of negative perceptions by blacks of the police—and blacks were stopped longer and searched more frequently than whites. Researchers said that “high-crime, minority neighborhoods may want more police assistance with drugs and violent crime, but what they are getting is more tickets for speeding and more pat-down searches. This type of policing will certainly help to apprehend a small number of offenders, but it may have high costs for community relations.”

Although researchers could not show departmental bias in traffic stops, they did find that four of the 91 officers with more than 100 traffic stops in 2004 stopped a substantially larger percentage of black drivers than did other officers at the same time and place. These four officers were also twice as likely to cite equipment violations as the reason for traffic stops. The report recommended that the CPD “track the race distribution of stops that individual officers make, comparing them with other officers with similar assignments and incorporating this program into an early warning system.” Furthermore, only 20 percent

of all stops were recorded on traffic stop forms, and 16 percent of those that were recorded were missing important data. RAND suggested the CPD constantly audit its data collection process, randomly sample forms for accuracy, and send inaccurate forms back to officers’ supervisors for correction.

Officers’ low response rate on one of RAND’s surveys allowed only qualitative results. Nonetheless, the results showed a high level of commitment to police work among responding officers but an acknowledgment of strained relations with the community. Also of note, an analysis of videotaped police-motorist interactions revealed that black and white officers were more likely to interact courteously with drivers of their own race. The full report can be accessed online at www.rand.org/pubs/technical_reports/2005/RAND_TR333.pdf.

RACIAL PROFILING

Boston Officers Must Identify Selves on Forms

The Massachusetts Supreme Judicial Court, the state’s highest court, denied a motion from the Boston Police Patrolmen’s Association (BPPA) seeking to stop the City of Boston and the state from requiring officers to identify themselves on traffic stop data forms. In a decision rendered on February 8, the court vacated a stay of the collection of officer information that had been issued by an Appeals Court judge. In doing so, it affirmed a lower court’s denial of a union request for an injunction against the data gathering.

The BPPA had argued that Boston Police Commissioner Kathleen M. O’Toole’s decision to require officers to provide their badge numbers, the driver’s race, and the reason for the stop would subject police officers to frivolous claims of racial profiling, according to news reports. However, Massachusetts Public Safety Secretary Edward Flynn said the data on reasons for stops “will enable police departments to better manage their departments and engage in productive dialogue with their communities on police enforcement actions and interpretation of the data.”

As PARC reported in May of 2004, a Northeastern University study found that 249 of 366 Massachusetts

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IN FOCUS

Victor Voloshin, Director of Mediation New York City Civilian Complaint Review Board

PARC: *Could you describe the Civilian Complaint Review Board's (CCRB) mediation program and its history?*

VV: We established our mediation program in 1997 and we mediated only two cases that year. So to all of the people out there starting new programs, don't get discouraged. You have to start somewhere, and you start small. The next year we mediated 14 cases, and in 2005 we mediated 90 cases and closed 98 other cases as "mediation attempted." This designation is used when an officer agrees to mediate but the complainant drops out of the process or the mediation begins but is not completed—and in either scenario, the complainant chooses not to pursue a subsequent investigation.

CCRB investigators analyze incoming cases and offer complainants the opportunity to mediate only if cases are eligible and suitable for mediation. Our 13-member board sets eligibility standards. For example, cases eligible for mediation include those involving discourtesy, offensive language, the use of minor force, threats, stops and frisks, and an officer's refusal to identify him or herself. Cases in which complainants claim they were injured or their property damaged, or where they were arrested, are ineligible. Suitability refers more to the particular complainants and officers, not all of whom are appropriate for mediation. For instance, a complainant who has expressed a strong interest in filing a lawsuit would not be a suitable candidate for mediation.

Once complainants agree to mediate, cases are transferred to the CCRB's Mediation Unit, which more thoroughly analyzes them and shepherds them through the approval process. The New York City Police Department (NYPD) also examines the officer's record and must permit the officer to participate. Once the department agrees, a committee of three board members reviews the case for final approval. The officer is then asked whether he or she wants to mediate the complaint. The NYPD provides officers with two incentives to mediate. If the complaint is mediated or closed as mediation attempted, the allegations raised by the complaint will not appear in the officer's complaint history, though the complaint itself will be recorded. And second, when the department reviews an officer's personnel file, it will not consider complaints closed through the mediation process. So the NYPD doesn't count these cases when it is considering promoting an officer, the way it might take into account other complaints.

PARC: *According to the CCRB, nine out of every ten individuals who mediate their complaints resolve them successfully. How is the program's success measured?*

VV: Actually, the rate is a bit higher—about 93 to 95 percent of the cases that come to the mediation table are resolved. I'm careful to use the word "successfully" because success is different things to different people and parties. When we say "resolved," it means neither party seeks further action. But a complainant may view success as being satisfied with the ability to sit and talk to the officer or the outcome. The officer may be satisfied that he or she doesn't have to be subjected to an investigation.

When talking about measuring the program's success, we look at quantitative and qualitative factors. Quantitatively, if the number of cases mediated or closed as mediation attempted steadily increases—and the trend over time is that the program is growing—we consider that to be a sign of success. Qualitatively, we think mediation is the best way to address community-police relations because it's the only process that allows the officer and the complainant to sit in a safe, balanced, neutral environment and talk to each other without fear of repercussion. Investigation, on the other hand, is a one-way process that provides no feedback, discussion, or chance for understanding.

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PARC: *To what do you attribute the steady increase in the number of cases closed through the mediation process? What, if anything, are you doing to promote the program with complainants and officers?*

VV: I don't think it's coincidental that mediations began increasing dramatically in 2002 as our outreach department started a concerted campaign to bring the mediation program to light. The Outreach Unit created mediation brochures that it distributes to police officers and citizens. At the same time, the Outreach Unit redesigned the agency's web site. The mediation page is extremely informative. I always get emails and calls from people who ask, "I just filed a complaint with the CCRB, but I read about this program and want to participate in it."

Another important internal component involves our investigative staff, which is initially responsible for describing mediation to civilians and offering them the opportunity to mediate. We continuously train investigators regarding mediation eligibility and suitability, and how to talk to complainants about their cases and explain all the benefits mediation offers. The number of complainants who agree to mediate has a direct impact on the growth of the mediation program.

PARC: *How has the increased use of the mediation program affected the CCRB's operations generally?*

VV: Any case that does not need to be investigated leaves more resources, money, and time to devote to those serious ones that do. On average, cases that are investigated cost the agency more than cases that are closed through the mediation process.

Expansion of the mediation program also improves our interaction and relationship with the police department. We are viewed—not surprisingly, being an investigative agency—with some degree of suspicion by the NYPD. When an officer participates in a successful mediation, he or she returns to the precinct and explains to colleagues what the mediation involved. The officer will often say that participating in mediation was better than being the subject of an investigation, it was not adversarial, and that the mediation affected the officer's view of the complainant and the complaint process. Because of this kind of positive feedback, the police department as a whole views the CCRB in a more balanced and positive light.

I'd be more than happy to discuss our program in more detail with your readers. I can be reached at: vvoloshin@ccrb.nyc.gov and (212) 442-8740.

law enforcement agencies had “substantial racial disparity” in at least one of four measures used to evaluate traffic stops. Secretary Flynn ordered the 249 agencies, including the Boston Police Department, to collect data on all traffic stops for one year, including information on the reasons for stops and searches. Information about the court decision can be accessed online at www.ma-appellatecourts.org/display_docket.php?dno=SJC-09621. The Massachusetts Office of Public Safety web site can be found at www.mass.gov/?pageID=eopshomepage&L=1&L0=Home&sid=Eeops. The 2004 Northeastern study can be accessed online at www.racialprofiling.analysis.neu.edu/IRJsite_docs/finalreport.pdf. *Boston Globe*, February 8, 2006; *Boston Herald*, February 9, 2006.

STANDARDS & TRAINING

Report Examines Early Intervention Systems

Law enforcement agencies have traditionally relied on punishment of officers for poor job performance, but according to a report funded by the U.S. Department of Justice's Office of Community Oriented Policing Services, many departments are now adopting systems—known as Early Intervention Systems (EIS)—to address an officer's problem before it “manifests itself in inappropriate behaviors on the job.” The study was conducted by the Police Executive Research Forum (authored by Samuel Walker, Stacy Osnick Milligan, with Anna Berke).

An EIS is a database, usually electronic, that captures information about officers with the goal of managing personnel, improving community relations through increased accountability, minimizing lawsuits and complaints, and/or identifying problems early enough to protect the public and potentially save an officer's career. An EIS might collect data on complaints against an officer; the amount and type of use-of-force incidents; and use of sick leave. Agencies that reorient themselves "to 'helping' officers instead of only disciplining them will go far in improving accountability, integrity, and the overall health of the organization," according to the report.

The report notes that well-trained supervisors and a variety of interventions to address officers' problems are two key EIS components. But while much research has been done on what data should be collected and how thresholds—points at which there is sufficient reason to formally inquire into an officer's behavior—should be determined, little research has focused on how agencies address problems once officers have reached an EIS's threshold, the authors observed. Through an examination of nine agencies of varying sizes that have all implemented successful EIS's, the report presents findings and recommendations on EIS supervision, interventions, and maintenance.

The report calls first-line supervisors the "lynchpin" of an EIS, as they are the individuals most likely to identify problems early on and to prevent escalation. Supervisors should intervene before an officer's behavior meets an EIS threshold. The authors quoted one chief who stated, "If the officer gets to [the early intervention system], the department has failed to supervise the officer." In this sense, said the report, an EIS is essentially a backup system for ongoing supervision. The authors recommended that supervisors be involved in EIS development, implementation, and testing. They also noted that training can help convince supervisors that the additional responsibilities and paperwork initially accompanying a system "will pay off in long-term benefits such as decreased performance problems and less paperwork."

A variety of interventions should be provided for addressing the range of officer performance issues and should be available even for those officers who have not reached an EIS threshold. Recommended

interventions include: counseling by supervisors; training, including officer-initiated training and cost-effective online courses; peer support programs; and reassignment or relief from duty. Agencies were also urged to implement a formal follow-through process for officers who have gone through interventions.

Maintaining an EIS should involve continual training for all officers so that they understand the intervention process. Misunderstanding of an EIS and its purposes "can lead to misinterpretation, distrust, and low morale," the authors observed. Monitoring the integrity of data inputted and ensuring the clarity of EIS elements and consistency of their application are likewise important aspects of maintenance, the report said. The full EIS report can be accessed online at www.cops.usdoj.gov/Default.asp?Item=1634.

NEWS BRIEFS

Louisville Looks for Community Help on Crime

A new web site designed by robbery squad detectives with the Louisville (KY) Metro Police Department (LMPD) aims to solve armed robberies of businesses through community involvement and information. According to Louisville's *Courier-Journal*, a record number of robberies occurred in 2005. The department's online Armed Suspect Apprehension Program (ASAP) allows the public to search through a chronological database of all robberies in which the LMPD has surveillance videos, images, or suspect mug shots, all of which can be viewed. An event description and suspect information accompany each file.

The web site gives a legal definition of robbery, provides robbery reduction tips, and includes links to cases from 2004 and 2005, before the web site was created. If community members viewing information through ASAP can identify the offender or provide any information that may be useful in a case, they are instructed to "click" on the name of the lead detective and email information directly to him or her. The public is also encouraged to provide information by phone or in person, and may submit information anonymously. LMPD Chief Robert C. White told the *Courier-Journal* the ASAP depends on information from the public for solving crimes. The ASAP can be accessed online at www.lmpdasap.com/. *Courier-Journal*, December 2, 2005.

King County (WA) Agency Scrutinized

Sheriff Sue Rahr of the King County Sheriff's Office (KCSO) in the State of Washington recently announced the creation of a commission "to review the systems currently in place in the Sheriff's Office that deal with employee misconduct and discipline." She requested the county council, executive, and prosecutor to each appoint two members to the blue-ribbon panel. The move came after a *Seattle Post-Intelligencer* investigative series, "Conduct Unbecoming," was published that described KCSO misconduct, discipline, and accountability problems.

In the articles, critics described the KCSO's oversight system as "dated." Citizen complaints currently go to the King County Ombudsman's Office, which handles various types of complaints from the public and whose staff has no specific policing knowledge. The KCSO's system was contrasted with that of the Seattle Police Department (SPD). The series noted the SPD has the Office of Professional Accountability, headed by a civilian; a civilian review board; and a civilian auditor. The investigative series described instances of KCSO field training officers teaching new deputies to make vehicle stops based on criteria such as how disheveled a driver looked or how old or dirty a car was. Some new deputies who objected to this and other training reportedly were dismissed. The *Post-Intelligencer* also found examples of deputies allowed to finish their careers and collect retirement benefits despite serious misconduct that the KCSO characterized merely as "conduct unbecoming."

The series identified three main reasons for the breakdown in accountability: "an internal discipline system that often protects wrongdoing and punishes those who report it; a pervasive insider network that selectively rewards and protects its own, creating what critics call a culture of cronyism; and a union that has literally designed the department for its own control, successfully lobbying for an elected sheriff, and repeatedly protecting the jobs of problem officers."

The *Seattle Post-Intelligencer* investigative series (which ran from December 28-30, 2005) and related articles can be accessed online at <http://seattlepi.nwsource.com/conductunbecoming/>. Information about the KCSO and statements by Sheriff Rahr can be found at www.metrokc.gov/sheriff/index.aspx. *Seattle Post-Intelligencer*, January 2 and 10, 2006 and February 3, 2006.

INTERVIEW

As a commissioner of the Independent Police Complaints Commission for England and Wales, **Nicola Williams** helps run the agency and is responsible for overseeing public complaints filed against a number of forces. Prior to her current appointment, Commissioner Williams practiced law for 16 years, working on cases that encompassed criminal and civil law before a variety of tribunals, including three successful Commonwealth death penalty appeals before the Privy Council. Nicola was also a member of the inaugural Independent Advisory Group to London's Metropolitan Police. She has taught courses on police misconduct and human rights in the UK and abroad in conjunction with the British Council. From 2001 to 2004, Ms. Williams was Chair of the London Regional Advisory Council to the BBC. She is also a published novelist. **PARC** recently spoke with Commissioner Williams about her work and the independent oversight system in England and Wales.



PARC: What is the mission of the Independent Police Complaints Commission (IPCC)?

NW: Our overarching mission is to engender confidence in the police complaints system among citizens. Whether complaints are dealt with directly by us as an organization or by professional standards departments, which are equivalent to internal affairs units in the States, we want members of the public to have confidence that no matter what the decision might be in their particular complaint, that it has been impartially and professionally handled.

PARC: What types of allegations does the IPCC handle, and what types of investigations can be launched as a result?

NW: We deal with all types of allegations, but we deal with them in different ways. We have four types of investigations, three of which we deal with hands-on. The most serious allegations result in independent investigations, where our team of in-house investigators and lawyers get involved immediately

after an incident. A police shooting would almost invariably be dealt with in this way by the IPCC. At the next level down, we have managed investigations, where police forces deal with the complaint but must report to an IPCC investigator—who in turn reports to me—and work to particular terms of reference (i.e., a detailed, written definition of the parameters of the investigation, including all the matters to be covered) set by me, as a Commissioner. It's not completely independent at this level, but we have a great deal of control as to how the investigation is run and managed. Allegations that would result in managed investigations would be either fatal or very serious injuries caused by police driving, for example. Then we have supervised investigations, handled by the particular police force but adhering to terms of reference that we at the IPCC either draft or approve. Such an investigation would be used when, say, someone is arrested and allegedly suffers a broken bone in the course of the arrest. Only if the terms of reference are met would we agree to find that investigation to be a proper one that meets our criteria.

These three types of investigations are actually referred to and dealt with at some level by the IPCC. But below that are local investigations, used for incivility complaints like rudeness. With the exception of racially motivated incivility, which must be referred to the IPCC, particular police forces' professional standards departments investigate these complaints. After the investigation, findings, and any recommendations, they then submit the report to us. If a racial incivility allegation is serious and offensive enough, we deal with it ourselves as a supervised, or even a managed, investigation.

At the very lowest end, we have what we call "local resolutions," which is similar to mediation, for only the most minor complaints. If both the complainant and the officer agree to talk, they sit around a table with other people in the room, and the complainant has a chance to say, "Look, when you said this to me or behaved like that, this is how it made me feel." In an ideal situation, what you'd hope is that the officer would appreciate how it felt from the point of view of the complainant and would apologize. Sometimes they do, and sometimes they don't.

PARC: *You mentioned that officer-involved shootings are automatically investigated by the IPCC. Does something happen simultaneously at the local police force, even if*

the IPCC is handling it? Does the local police force turn over everything to you and not do anything until you complete your investigation?

NW: Usually the first people at the scene of an officer-involved shooting would be the local police. They would then call their professional standards, which is always based at the police headquarters for that particular force. At the same time as professional standards is contacted, the police ring us. We always have a commissioner, an investigator, and a regional director on call. Usually by the time we get our people there, at least an hour has gone by, if not more, depending on where in the country it has happened. After a couple of hours, certainly no more than 24 hours, the entire investigation is transferred over to us. There is virtually no remaining force involvement in an IPCC independent investigation.

PARC: *The Police Complaints Board (PCB) was replaced by the Police Complaints Authority (PCA), which in turn was replaced by the IPCC. What was the impetus for these changes? How does the IPCC differ from its predecessor agencies?*

NW: Before coming to the IPCC, I was a board member at the PCA for two and a half years, so I can certainly speak with some authority about the differences between the PCA and the IPCC.

Back in 1981 we had the Brixton Riots, the biggest civil unrest in the UK for hundreds of years, if not ever. The riots started off in what is one of the oldest black communities in London. A public inquiry was later set up as a result of the riots, headed by Lord Scarman. One of the things that he found out was that there was a lot of resentment among young black people, mostly men, towards the police for how they perceived they were being treated, particularly around the issue of stop-and-search. Also, people didn't have confidence that their complaints about the police would be independently investigated. Lord Scarman recommended a new, completely independent body should be set up to investigate complaints. Hence, the Police Complaints Authority replaced the Police Complaints Board.

The PCA started in 1985 with tremendously high hopes. It had more powers regarding police complaints than there had ever been in police oversight. But then fast forward to 2004 and the three

to five years leading up to that point. People were becoming increasingly disillusioned with the organization. Its basic premise was good but until the last years in the life of the organization, there was less of a willingness to fully use the powers that the Authority had. The PCA Board Members—the equivalent of IPCC Commissioners—were also less diverse than their present-day equivalent. The irony is that in the last two or three years of the organization’s life, it had actually changed quite essentially, but the damage was already done. I think the government felt—and I can completely understand this—that the PCA was so damaged that the best thing to do for civilians to have confidence in it would be to start completely afresh: new premises, a new name, new powers, largely new staff, and a new location. That was how the IPCC came about.

The main differences between the IPCC and the PCA are: investigations, appeals, regionalization of offices, and guardianship.

Before the IPCC started, there was no such thing as an independent investigation completely separate from a police force. The best we could do was to have a supervised investigation, which meant that if there was a police shooting by the London Metropolitan Police (Met), for example, one single PCA board member—the equivalent of a commissioner—would be responsible for overseeing the entire investigation, but the actual investigation itself would be carried out by either that police force, or by another police force, reporting to the board member. That never had the confidence of the public because as far as it was concerned, it was just “police investigating police.”

At the PCA, there was absolutely no avenue of appealing, even if, for example, it transpired that six months later new information subsequently came to light which indicated that the decision was made on the wrong premise. Under the IPCC, there is now an opportunity to appeal. It is limited, but before it was nonexistent.

Instead of just having one London office dealing with all of the complaints from all over England and Wales, we now have four regional offices—one in the North, one in central England, one in Wales, and one in London covering the capital and the South East. Citizens used to complain that if something happened in Cumbria—our northernmost county—they would have to come all the way down to London or wait until a PCA member came all the way there before anything got done.

“Guardianship” means that every commissioner for his or her particular assigned forces is responsible for making sure that the police complaints system works effectively. So we’re not just dealing with complaints on a case-by-case basis but maintaining a wider, overarching view on what’s going wrong. For example, you could deal with stop-

and-search complaints on a case-by-case basis, which is what used to happen at the PCA because people were so overworked they didn’t have a chance to look at anything else, or you can track trends if you have a chance to look at it in a broader perspective. You can see that maybe in some parts of the Met, stop-and-search is a real issue, and in other parts it is not. You can see that some people are stopped and searched more often either because of their race or because of their faith, for example in Islamophobic-related stops.

PARC: *What was your relevant professional background prior to becoming an IPCC commissioner?*

NW: The doors of the IPCC opened to the public on April 1, 2004, and although I was involved with it for about six months prior to this, my work as a commissioner started on that day. I had previously worked for the PCA from September 2001 to the end of March 2004. Before that, I was a barrister—or a trial attorney—in private practice, specializing in personal injury cases, civil actions against the police, and in particular criminal defense trials; in the last five years of my practicing life I concentrated on criminal defense at the highest level, including three

“Before the IPCC started, there was no such thing as an independent investigation completely separate from a police force. The best we could do was to have a supervised investigation.... That never had the confidence of the public because as far as it was concerned, it was just ‘police investigating police.’”

successful death penalty appeals from the British Commonwealth.

PARC: Which specific police forces are under your review as a commissioner?

NW: There are a total of 15 IPCC commissioners excluding the Chair and Deputy Chair, and four of us are commissioners in the London and Southeast region. We each have a quarter of the Metropolitan Police Service, due to its size. My part is Met Central and Southwest, which actually make up the biggest part of the Met—roughly from the Houses of Parliament all the way out and beyond Heathrow Airport and down south into Richmond. There are 32 boroughs in London and the greater London area, and ten of them fall within my area. I also have Kent and the Ministry of Defense Police (MDP). The MDP's headquarters are in the southeast region, but its police are spread throughout the entire country. It is the only police force where every member is entitled to and does, in fact, carry a firearm. In the United Kingdom, officers do NOT carry guns as a matter of course.

The office of Commissioner is a public appointment for five years, with a possibility of renewal for a further five years. You cannot serve longer than ten years altogether. In my personal opinion, I think that is probably a good thing, both because of the stressful, high-profile nature of the position, and also since there may be a perception that if you have the same set of forces for a long time, you might be a little too cozy with them. In a way this guarantees the IPCC more independence because nobody will be here at the commissioner level—where all the major decisions are made—long enough for people to say, “You’ve completely lost your independence because you’ve been co-opted by your forces.”

PARC: What is the IPCC’s organizational structure, from top to bottom? How large is the IPCC staff?

NW: Our staff is approximately 350 people, from the administrative assistants right up to the Chair. The Executive and the Commission together make up the IPCC.

If you talk about levels, it’s the telephone call center and admin staff at one level, then the case work managers and senior case work managers, and then investigators, who only get involved in the managed and independent—or serious—ends of the business. And then at the top of that structure would be the commissioners.

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PARC: How does a complaint move through that structure?

NW: There are two ways in which someone can make a complaint. A person can go to the front counter of a police station and make a complaint there. An

inspector will take the complaint and either contact the professional standards department for that particular force, which will then either resolve or investigate the matter locally, or pass it to us. A complainant can also contact us directly, through telephone, letter, or email, or through their legal representative. The force against which the complainant wishes to complain will determine which commissioner is responsible.

The commissioner then makes a very early decision, with a recommendation from both the casework manager and the regional director, as to what type of investigation is appropriate. If it is a local investigation it is sent back to the force to deal with. Once it has been dealt with by that police force, the investigation report is prepared and sent to the IPCC for our consideration. A casework manager deals with it and then it passes on to the commissioner if necessary. If the complaint is supervised, the same thing will happen, except that we have a more hands-on involvement in it. If it is managed or independent, a case work manager and also an investigator are both allocated straight away. Case work managers ask for all the papers needed from forces and prepare minutes for me and the other commissioners to consider. No

matter what type of case it is, a commissioner has ultimate responsibility for decisions on complaints in his or her forces.

If the complaint, and its outcome, will have national significance and impact, then in fact you wouldn't get just one commissioner deciding on that. Rather, you'd get a panel of three. It's as much to protect commissioners as to ensure independence.

If a commissioner's decision is appealed or there is an issue between the commissioner and the force which cannot be resolved, then sometimes the deputy chair gets involved. But usually it is the commissioner who has the final say.

PARC: *Since IPCC commissioners cannot have a policing background, what is done to ensure that the IPCC sufficiently understands law enforcement issues?*

NW: In addition to the 15 commissioners, there is the deputy chair and the chair. I would think that out of the 17 of us, at least ten of us have a legal background. We have had and will continue to have training, some of which is from the police. We are also greatly assisted by our dedicated in-house legal team—something the PCA did not have. Also, many of our investigators have police backgrounds. This, of course, is both positive and negative: negative, because some people have said it compromises our independence to have ex-police officers working for us, but positive because they know the ins and outs of law enforcement.

PARC: *What power do your recommendations from general as well as serious investigations hold?*

NW: In an independent investigation, we basically run the show. Recommendations from independent investigations are accepted and implemented largely without any quarrel from the police. In managed and/or supervised investigations, there are sometimes situations in which we make recommendations and the police disagree. If we reach an impasse—where there's no meeting of minds but someone has to make

a decision—then it's the commissioner's recommendation and then, if necessary, the commissioner's direction that the matter should be dealt with in a way that we decide. If I as a commissioner feel strongly that an officer should appear at a hearing before a police disciplinary tribunal, I can direct that to happen. Directing a hearing is not something we like to do very often, but it's certainly a power we have and can exercise and that I personally have exercised. There's always a chance that when you direct something, you don't get the expected result or your position is criticized. This can have long-term ramifications for your future

ongoing working relationship with a police force, which you always have to bear in mind.

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PARC: *What happens once the IPCC has sustained an allegation? Is it a police force's responsibility to decide upon and impose discipline, or*

does the IPCC make disciplinary decisions?

NW: As stated above, it is for the police force to make recommendations on discipline. If the IPCC agrees with them, there is no issue. If we do not, and the matter goes to a hearing, whether on our direction or not, once the matter is before a tribunal, whether or not the matter is proven, whatever type of penalty is imposed even if it is proven is entirely a matter for the tribunal, not the IPCC.

PARC: *You have touched upon this, but how does your office handle the challenges posed by investigating or overseeing complaints lodged against a variety of local forces? How has the IPCC, as a national agency, ensured that it is knowledgeable about particular forces and their activities in local communities?*

NW: One of the big challenges we had at the PCA is that you could have forces geographically spread very far from the office in London. If something happened in the North that needed a very immediate response, you couldn't immediately attend. Having regional offices now certainly helps the IPCC handle

complaints better. Also, with our guardianship roles, we don't just turn up at a particular force when something has happened; we have a more regular oversight role. We commissioners have regular meetings in our assigned forces with professional standards departments, senior officers, and borough officers. For example, with my part of the Met, I meet with the professional standards department at least four times a year. We can have additional engagements by email, phone, or visits. Once or twice a year, I also see the overall commander for the ten boroughs that comprise my part of the Met, and I have met all the borough commanders as well. I do this with all of my forces, though at different rates depending on how busy they are. The Ministry of Defense Police isn't very busy in terms of complaints, even though it is the only armed police force. The Met, on the other hand, as the largest and busiest police force, receives a lot of complaints, so I see them more often.

Our guardianship function also involves meeting with civilian groups that have an interest in policing and police complaints. We could be doing fantastic work in the IPCC, but if people don't know what we're doing, we might as well all pack up shop and go home.

PARC: *Could you discuss any possible appeals available to complainants or officers? Are there any benefits or drawbacks to the limited number of complaints the IPCC directly and independently investigates compared to some review boards that handle all civilian complaints?*

NW: The appeals process is not available to officers; it is only available to complainants, and in a limited way. You can only appeal against a decision on a local or supervised investigation. You can't appeal against the outcome of a local resolution, which, again, is similar to mediation; if at the end of the process, after having already agreed to it, you feel very disgruntled and that you should have made a formal complaint, it's too late. You can only appeal against the process if you don't think it was done properly.

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As for benefits or drawbacks to the limited number of complaints we investigate ourselves, I personally would like us to investigate more complaints independently. Having said that, there will always be some things that are more serious than others, and I think we have to allocate our resources accordingly. So while I would like more things to be independently investigated and to have fewer managed investigations, I wouldn't say that we should independently investigate everything, like minor rudeness or incivility complaints. I think that would dilute our ability to do any one thing well. A tremendous amount of work already comes through this organization, and that's with the vast majority of complaints not being independently investigated.

PARC: *The IPCC initiated an investigation into the July 2005 lethal shooting of an unarmed Brazilian man, Jean Charles de*

Menezes, at the Stockwell Underground Station just after a series of bombs were detonated around London. How is the investigation proceeding and do you have preliminary concerns or findings that you could share? Has the intense national and international media coverage of this shooting spurred any changes in either police practices or the way IPCC conducts its work?

NW: As this is not my case, and because of its sensitivities, I do not want to comment on this at present. If any officers are to be prosecuted, this will be a matter for the Crown Prosecution Service (CPS)

PARC: *What are some of the IPCC's or your major concerns regarding policing in the U.K., whether longstanding or emerging?*

NW: Stop-and-search is a big issue of concern for me and my work in my force areas, specifically regarding the disproportionate number of black people involved. In one particular borough of mine in the Met, you are about 11 times more likely to be stopped or searched if you are black than if you are not. In another borough, you are about nine times more likely. These are not boroughs known to have a large minority population. A part of Kent has the same

issues as well. I think this a pattern replicated in all the major cities in the UK and in the environs just outside those cities.

Another wider issue post-September 11 but particularly after the July bombings in London is Islamophobic stops—police officers stopping anybody who looks like they might be a Muslim. Many officers are working on the erroneous assumption you can tell that someone is a Muslim just by looking at them.

Every year we concentrate on getting out the message about the IPCC to particular groups, most of which we find are probably going to have a disproportionate amount of police complaints coming into the organization. The two groups we're concentrating on this year are the mentally ill and young people, between the ages of about 14 and 21. Quite often youths' rights are breached when they are stopped. This is an emerging concern of ours, while stops and searches of the mentally ill is a longstanding concern.

Another emerging concern is about police treatment of travelers and Roma people. It's a minority group that flies under the radar here, and we're trying to target it. Because they are a traveling community, it's quite hard for us to get into that community. The tales we hear suggest that they are subject to a lot of discrimination from police and have complaints to make but don't want to make because they think nobody's going to believe them because of who they are.

PARC: *The IPCC says that it is “working with the police to shift the culture of the police complaints system to a ‘learning’ culture.” How does the IPCC help police learn from the complaints you receive?*

NW: This is where our guardianship function really comes in. Before guardianship was enshrined in police oversight, we just dealt with complaints on a case-by-case basis, partly because the PCA was overworked and understaffed. It was very hard to look at complaints in a broader way. The way we see it at the

IPCC is that there is no point dealing with matters on a case-by-case basis if the same incidents just keep getting repeated but by different officers in different parts of the forces with which we deal. We want officers to learn from their mistakes, and we do this by tracking trends.

Officers who use language that is racially offensive but not obviously so might themselves not recognize it or even really mean it. Officers come from all over the country to work in London, perhaps the most diverse city in the world. They may sometimes say offensive things without meaning to do so. What we do is isolate that as an issue and deal with it however appropriate. It might be really serious or it might

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just be more learning than anything else, particularly if the officer has shown a great deal of contrition. And then we take the issue wider than that officer. We might ask professional

standards to keep track of similar complaints to see how other officers are being dealt with. Or we might do training for groups of officers so that they would know what's appropriate and what isn't.

We want officers to learn. We want them to know we're not getting at them, we're not picking at them. I think most officers realize that we're just trying to get the average man or woman on the street to have confidence in policing, which means a) if they have an issue or witness a crime, they're confident the police will respond and deal with it in a professional manner, and b) if they have a complaint about the same officers and get in touch with professional standards or with us, they're confident it would be dealt with in an equally professional manner.

PARC: *Can the IPCC do anything if it notices what we in the U.S. might call a “pattern or practice” of misconduct in a police force? Does the IPCC have the power to make binding recommendations to correct troubling trends or patterns of problems you identify?*

NW: We can take action against an entire department, if necessary. In a colleague's case, sexist behavior was

found within a particular police force, really awful stuff, like putting female officers in kennels with leashes around them. It first looked as if it was just one person, but then it became clearly this endemic problem throughout the force. My colleague is looking at how they are going to clean up that force. I have an anti-corruption case which may or may not broaden out.

We do have power to make binding recommendations to correct such problems because that's part of our guardianship role now. Before, we wouldn't have had the power to do that. We could have made recommendations until we were blue in the face, but no one would have paid any attention if complaints weren't about particular individuals. We can now deal with things in a much wider, and, in the long-term, more effective way.

PARC: *What are some of the reactions the IPCC receives from police officers and forces, given the commission's wide scope of authority?*

NW: The reactions are mixed! But generally they are positive, particularly as we are now coming to the end of our second year.

PARC: *The IPCC supports and conducts research on a variety of police-related subjects. Could you discuss some of your research projects? How does the IPCC go about trying to make its research findings have a real impact on policing?*

NW: Our policy department would be in a better position to answer this question, but I'll certainly answer as far as I can. We produce papers on our research. Our three big research projects at the moment deal with police and the mentally ill, deaths caused by police driving, and deaths in police custody, both explained and unexplained.

Regarding complaints involving someone who is mentally ill, there are certain ways in which the person should be treated, and his or her rights shouldn't be

abrogated. Once we release recommendations from our research about police interactions with the mentally ill, we'll check every investigation report that comes in to us to see if complainants had been dealt with in accordance with our recommendations. If they haven't, we'll send reports back to forces to redo. And if we find that the last six reports on similar matters from a force all come back being dealt with wrong, then we know there is a pattern in that force. We will then ensure the officers are trained up to speed on proper interaction with the mentally ill. We don't expect to see those kinds of errors being replicated over and over again in reports.

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PARC: *Do you see elements of your oversight system that could improve police oversight and accountability in the States, where policing and oversight are much more decentralized?*

NW: I think it would certainly help if you'd have a national oversight body as opposed to things being done on a local basis. At a minimum, I think you ought to have oversight on a statewide basis, so that you have a consistency in your standards and authority as far as possible. It doesn't mean that people should walk in lockstep with each other, but there should be a consistent approach even if decisions will be different. Individual oversight bodies in various cities could be regional groups that report to one state body.

I also think it would be useful if more people on civilian review boards have a legal background. I have certainly found that my own legal background has helped me.

PARC: *Not long ago you attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in Miami, Florida. What was your sense of the conference and the state and future of oversight in the States and internationally?*

NW: It seemed to me in listening to various presentations at the NACOLE conference that some of the review bodies in the U.S. are almost like IPCC

regional offices in terms of their authority and operations. But then many of them operated almost on the level of what we call “police and community consultative groups” here, which are groups that meet between six and 12 times a year and invite police officers either to make presentations to the group or to be asked questions by members of the public, but who have very little direct effect on policing policy or practice.

I also kind of got the impression that many civilian oversight bodies are not really respected by the police forces with which they are dealing. That’s worrying. A police chief who doesn’t respect his local civilian oversight body and thinks they don’t know what they’re talking about can feed them what he wants. Where’s the enforcement power on the part of civilian oversight? How can you call a police force or its officers to account? Are the civilian overseers just seen as a lot of “bleeding heart liberals who don’t know anything about policing in the real world?”

I didn’t know what to expect, but the conference was actually very good, even taking out the fact it was in Miami, a city I like. People seemed to like the idea of an international civilian oversight organization, and, actually, there is a plan to have an international police oversight body set up by this autumn. NACOLE, its Canadian counterpart, and a European group of oversight bodies will be involved in that. There is also a body in South Africa, which is very effective in terms of its powers. We would all link up, and other organizations that want to get on board could also join this global network. On a very practical level we would at least attend each other’s conferences.

We’re very keen on cooperation at the IPCC. We realized from the start that if we established links with other bodies across the world, it would be much harder for our respective governments—particularly if we’re making controversial decisions not necessarily supported by government—to clip our wings. We also see the value in sharing practices about how we accomplish our work.

CONFERENCES & MEETINGS

March 19-24, 2006 – American Criminal Justice Association, 69th Annual Conference: Challenging Today’s Juveniles, St. Charles, IL. Online at www.acjalae.org/national.htm

March 20-23, 2006 – Office of Juvenile Justice and Delinquency Prevention, 17th National Youth Crime Prevention Conference and International Forum, Ogden, UT. Online at www.ycwa.org/youthcon/

March 27-30, 2006 – Phoenix Police Department, 2006 Early Identification and Intervention Best Practices Training Conference, Phoenix, AZ. Online at www.phoenix.gov/police/

April 20-22, 2006 – Police Executive Research Forum, 2006 Annual Meeting, San Francisco, CA. Online at www.policeforum.org/

April 25-29, 2006 – International Law Enforcement Educators and Trainers Association, 2006 International Training Conference and Expo, Arlington Heights, IL. Online at www.ileeta.org/Downloads/2006Conference/06ConfBroch11_29.pdf

June 5-9, 2006 – International Association of Chiefs of Police, 30th Annual Law Enforcement Management Conference and Exposition, Grapevine, TX. Online at www.iacptechnology.org/2006LEIM.htm

June 17-21, 2006 – National Sheriffs' Association, 2006 Annual Conference and Exposition, Orlando, FL. Online at www.sherriffs.org/conf-annual.shtml

June 26-30, 2006 – International Association of Directors of Law Enforcement Standards and Training, 2006 Conference: Building Bridges in Police Training and Resources, South Burlington, VT. Online at www.iadlestconference.org/