

#### **PUBLIC SAFETY COMMITTEE**

## COMMITTEE MEETING ~ MINUTES ~

Wednesday, June 7, 2023

5:30 PM

Sullivan Chamber 795 Massachusetts Avenue Cambridge, MA 02139

## The Public Safety Committee will hold a public meeting to discuss the Police Review and Advisory Board, including CMA 2023 #27

Attendee Name	Present	Absent	Late	Arrived
Quinton Zondervan	$\overline{\checkmark}$			
Burhan Azeem	Remote			
Marc C. McGovern	$\overline{\checkmark}$			5:42 PM
Patricia Nolan		$\square$		
Paul F. Toner	$\overline{\checkmark}$			

A public meeting of the Cambridge City Council's Public Safety Committee was held on Wednesday, June 7, 2023. The meeting was Called to Order at 5:30 p.m. by the Chair, Councillor Zondervan. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2<sup>nd</sup> Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via zoom.

At the request of the Chair, Clerk of Committees Erwin called the roll.

**Councillor Azeem – Present/Remote** 

Councillor McGovern - Absent\*

Councillor Nolan - Absent

Councillor Toner - Present/In Sullivan Chamber

Councillor Zondervan – Present/In Sullivan Chamber

Present – 3, Absent – 2. Quorum established.

\*Councillor McGovern was marked present in the Sullivan Chamber at 5:42p.m.

The Chair, Councillor Zondervan offered opening remarks and noted that the call of the meeting was to discuss the Police Review and Advisory Board (PRAB), including CMA 2023 #27. Councillor Zondervan introduced Brian Corr, Executive Director of the PRAB, who was joined by Alexandra Fallon, Chair of the PRAB. Also present at the meeting was Police Commissioner Christine Elow, who joined via Zoom.

The Chair, Councillor Zondervan recognized Brian Corr and Alexandra Fallon who gave a presentation titled "Civilian Oversight of Law Enforcement in Cambridge" (Attachment A). The presentation reviewed the purpose and origin of the Board and how it functions, how the Board fits into the national context, effective practices in agency oversights, and the goals of the Board

**Minutes** 

moving forward. Alexandra Fallon shared that there are currently five members on the PRAB who can serve two five-year terms, and reviewed responsibilities and roles of members. Brian Corr reviewed the history and evolution of Civilian Oversight Agencies in the U.S., as well as common goals that Agencies have, noting that in 2020 there were over 220 Oversight Agencies. To conclude the presentation, Alexandra Fallon and Brian Corr reviewed the proposed short-term and long-term goals of the Board, sharing that they would like to have more communication with Commissioner Elow, participate in Cambridge Police Department (CPD) trainings, improve access to filing complaints, revise the Board's rules and regulations, review a minimum of two CPD policies a year, and have Board members participate in a minimum of three community outreach efforts. After the presentation Brian Corr and Alexandra Fallon were available to respond to questions and concerns from Committee members.

The Chair, Councillor Zondervan recognized Councillor McGovern who asked if there were any documents that help define the type of complaints citizens can file. Brian Corr reviewed the process of filing a complaint and noted that they are usually defined in general categories that capture the type of interaction that occurred with the Police. Councillor McGovern suggested that Officers hand out business cards after any interaction, good or bad, that can direct citizens on how to reach out to the PRAB. Commissioner Elow shared that she was in support of business cards and is currently working with the Center of Policy and Equity to help find ways where Officers can give information to citizens to allow them to provide feedback.

The Chair, Councillor Zondervan recognized Councillor Toner who asked Brian Corr and Alexandra Fallon if there is any explanation as to why the complaints have decreased within the last couple of years. Brian Corr shared that the complaints that were received were typical numbers you would see with the size of the City and the Police Department. He noted that the decrease in numbers could also be related to the pandemic and shared that there are more complaints when there is a national incident because citizens have an increased awareness. Councillor Toner asked for more information on what the PRAB can investigate and what complaints they cannot. Brian Corr shared that they would have to explore the nature of the complaint to see if it would fall under jurisdiction of PRAB and noted that most criminal investigations would not be something PRAB would be able to investigate unless there was a complaint around the criminal investigations, sharing that PRAB is driven by complaints in terms of individual incidents.

The Chair, Councillor Zondervan asked if PRAB has any information on other Cities or Towns where Board members are elected. Brian Corr shared that the only Board with elected members is in Detroit, Michigan and offered comments on how they established having elected members. Councillor Zondervan offered comments on formal complaints and how they can be brought to the attention of PRAB. Alexandra Fallon shared that they have learned more about different models of oversight. By monitoring and auditing incidents within CPD, it would allow PRAB to explore more and help set standards for the City. Brian Corr and Alexandra Fallon responded to questions from Councillor Zondervan regarding public engagement and shared that PRAB is committed to provide more outreach and encouraged the community to come to a public meeting to share questions, suggestions, and concerns. It was noted that reaching out to PRAB does not mean you have to file a formal complaint, but can share concerns that can be brought forward to CPD.

The Chair, Councillor Zondervan recognized Councillor McGovern who asked if PRAB has considered teaming up with the Department of Human Service Programs (DHSP) to promote more outreach. Brian Corr agreed that only good things would come out of collaborating with DHSP to conduct joint outreach.

The Chair, Councillor Zondervan recognized Councillor Toner who shared that he was supportive of all incidents being looked at and was happy to see a decrease in complaints. Councillor Toner thanked the PRAB team for their report and thanked them for their work. The Chair, Councillor Zondervan, Brian Corr, and Alexandra Fallon offered comments on the Police budget review and language that is written in the Ordinance. Councillor Zondervan asked for clarification on what type of incidents a citizen's petition would allow PRAB to investigate. Brian Corr shared the process of filing a petition with 50 signatures and noted that depending on the incident it would be something that PRAB would have to consult with the Law Department. Councillor Zondervan thanked Brian Corr and Alexandra Fallon for their work and presentation.

The Chair, Councillor Zondervan recognized Councillor Toner who made a motion to adjourn the meeting.

Clerk of Committees Erwin called the roll.

Councillor Azeem – Yes Councillor McGovern – Yes Councillor Nolan – Absent Councillor Toner – Yes Councillor Zondervan – Yes

Yes -4, No -0, Absent -1. Meeting adjourned.

## Attachment A – Presentation titled "Civilian Oversight of Law Enforcement in Cambridge."

**Clerk's Note:** The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record. The video for this meeting can be viewed at:

 $\underline{https://cambridgema.granicus.com/player/clip/518?view\_id=1\&redirect=true\&h=397466d67ddd}\\0863d353f6f369977598$ 

A communication transmitted from Yi-An Huang, City Manager, relative to the Police Review and Advisory Board quarterly reports. REFERRED TO PUBLIC SAFETY IN COUNCIL 2.6.2023

Please find attached a communication regarding quarterly reports from Brian Corr, Executive Director, Police Review and Advisory Board.

A communication was received from Brian Corr, Executive Director Peace Commission, transmitting Civilian Oversight of Law Enforcement in Cambridge presentation.

## Civilian Oversight of Law Enforcement in Cambridge

Context, History, and the Role and Purpose of the Police Review & Advisory Board

Cambridge City Council
Public Safety Committee

June 7, 2023

Brian Corr, Executive Director & Alexandra Fallon, Board Chair



#### **Overview**

- About the Board: Purpose and Origins
- The Board and its Functions
- How the Board Fits into the National Context
- Effective Practices in Oversight
- Looking Forward



## About the Police Review & Advisory Board

History, Purpose, Ordinance, Membership, and Process





## Why is there a Police Review & Advisory Board?

A number of serious incidents in Cambridge led to the creation of the Board:

- April 15, 1970: "Rioting" in Harvard Square and the CPD and Mass. State Police response led to calls for civilian oversight of CPD.
- November 1970: Incidents, including the beating of the Walton brothers at the police station by six CPD officers led City Manager Corcoran to propose a "Citizens' Review Board" designed "to handle citizen complaints and recommendations for improved service."
- October 27, 1972: The in-custody death of 17-year-old Lawrence Largey sparked 5 nights of "rioting" in Roosevelt Towers in the Wellington-Harrington neighborhood and further exacerbated the CPD's tense relations with communities of color.
- In 1984, "the push for a Cambridge review board was sparked by the allegedly random arrest last year of eight Blacks accused of attacking white youths," according to the Christian Science Monitor.





The Police Review & Advisory Board is one of the longest established in the U.S.

The Board provides a prompt, impartial and fair investigation of complaints brought by individuals against members of the Cambridge Police Department. The Board was established by Cambridge City Ordinance in 1984 and empaneled in July 1985 to:

- Provide for citizen participation in reviewing Police Department policies, practices, and procedures;
- Provide a prompt, impartial and fair investigation of complaints brought by individuals against members of the Cambridge Police Department; and
- Develop programs and strategies to promote positive police/community relations and to provide opportunities for expanded discussions, improved understanding, and innovative ways of resolving differences.





The original 1984 ordinance was amended in 2003 and again in 2005

- 2.74.010 Purpose.
- 2.74.020 Established—Composition.
- 2.74.030 Officers and staff.
- 2.74.040 Duties.
- 2.74.050 Chief of Police—Duties.
- 2.74.060 Special meetings.

- 2.74.070 Discipline.
- 2.74.080 Complaints.
- 2.74.090 Resolution of complaints.
- 2.74.100 Hiring and promotions.
- 2.74.110 Hearing by petition.



## The Board and Complaints

The Police Review & Advisory Board is a City department with a board of five Cambridge residents.

- Completely independent of the CPD, the Board is authorized to receive, investigate, and mediate complaints and to review complaint investigations completed by the CPD's Professional Standards Unit.
- Following its review, it then issues recommendations on investigative findings, discipline, and departmental policies and procedures.





The five members of the Police Review & Advisory Board are Cambridge residents who are broadly representative of the racial composition, social composition, and economic composition of the city. Members are appointed for up to two five-year terms and are expected to:

- Possess a reputation for fairness, integrity and responsibility
- Be fair and impartial in their decision making
- Understand implicit and explicit bias and work to mitigate bias in their efforts



## Members of the Board

#### The current members of the Board are

- Alexandra Fallon, Chair (appointed May 2021)
- Maria Guadalupe Arlotto (appointed March 2023)
- Brendan Koscher (appointed March 2023)
- Gina LaRoche (appointed May 2021)
- Beverly Sealey (appointed October 2014, reappointed October 2020)



## Work of the Board Staff

#### Board staff and Board members have different roles:

- Board staff receive and process complaints, concerns and questions
- Work with CPD to ensure prompt and thorough investigations of complaints
- Manage communications with complainants, Board members, the CPD and its Professional Standards Unit and maintain case files
- Set up, staff, and take minutes at Board meetings
- Deliver training and identify other training needed for staff and Board members
- All other work done by any City department





#### Board members:

- Review and evaluate investigations and make determinations on the allegations contained in complaints.
- Identify needs for changes to police department policies, procedures or training and reporting findings and recommended solutions to the Police Commissioner.
- Conduct public education and outreach activities to promote awareness and understanding of the Board and to strengthen community-police relations.
- Receive training on a regular basis outside of the regular monthly meetings on: civilian
  oversight of law enforcement, understanding investigations, and the history and culture
  of policing in Cambridge; CPD training on police policies, procedures, practices, and
  training; effective outreach and community engagement; and understanding public
  meetings, public records, and ethical standards and requirements.



## About Complaints and Investigations

The Board members review complaints and investigations in executive session:

- Complaints and additional information from complainants
- Police reports, computer-aided dispatch reports
- Incident reports and supplemental reports from involved officers
- Other relevant information (can include photos, video, statements from witnesses, etc.)
- Final report of the investigation

## Civilian Oversight and Policing in the U.S.

A Brief History and the Broader Context for Civilian Oversight in Cambridge





## Carryovers from England

The Traditional Narrative about the Origins of U.S. Policing

"When one thinks about policing in early America, there are a few images that may come to mind: A county sheriff enforcing a debt between neighbors, a constable serving an arrest warrant on horseback, or a lone night watchman carrying a lantern through his sleeping town. These organized practices were adapted to the colonies from England and formed the foundations of American law enforcement."



## Enslaved Africans and Slave Patrols: 1704 to 1865

Slave Patroller's Oath, North Carolina, 1828

"I [patroller's name], do swear, that I will as searcher for guns, swords, and other weapons among the slaves in my district, faithfully, and as privately as I can, discharge the trust reposed in me as the law directs, to the best of my power. So help me, God."

https://lawenforcementmuseum.org/2019/07/10/slave-patrols-an-early-form-of-american-policing/



## "The Police are the Public, and the Public are the Police"

Sir Robert Peel's Seventh Principle, 1829

"Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence."





- Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community.
- Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.
- Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible, for the police to maintain the public's trust.





Civilian Oversight had traditionally been reactive:

- Follows a high-profile incident or scandal
- Responds to individual complaints
- Reviews policies after one or more complaints
- Emphasizes legalistic rules
- Uses adversarial, administrative process
- Recommends sanctions for individual officers
- Relies on deterrence







#### Civilian Oversight is increasingly proactive:

- Explores problems proactively (e.g., investigation, collection, and analysis of data)
- Identifies underlying issues and causes
- Focuses on organizational change
- Concentrates on reduction and prevention of misconduct
- Builds partnerships with law enforcement
- Creates bridges between law enforcement and the wider community



Photo: Kristopher Skinner/Bay Area News Group

## History of Civilian Oversight in the U.S.



1928: Committee on Constitutional Rights Formed

1948: First Official Civilian Oversight Board formed (Washington, DC)

1958: Police Advisory Board formed in Philadelphia, PA











1931:Wickersham
Commission
Recommends
Disinterested Agency
to combat
"Lawlessness in Law
Enforcement"

1953: First New York
City Civilian
Complaint Board
Formed





1970: Kansas City Office of Citizen Complaints Established 1980: 13 Civilian
Oversight
Agencies in
Operation

2020: Over 220
Oversight Agencies
with More under
Development or
Consideration











1973 : Police Review
Committee
Established in
Berkeley, Calif. by
Voter Referendum

2000: More than 100 Oversight Agencies





- There are more than 230 civilian oversight entities across the United States
   and no two are exactly alike.
- Most large cities and large law enforcement agencies have oversight agencies, as do a growing number of small and mid-size cities.
- Many began in reaction to specific incidents of police misconduct or scandals.
- Civilian oversight has been prominently featured in U.S. Dept. of Justice settlement agreements.
- Increasingly, communities are establishing civilian oversight as part of reexamining public safety and policing.



## Common Goals of Oversight

To ensure the police COMPLAINT PROCESS IS ACCESSIBLE to all and to remove impediments to the filing of complaints

To ensure that INVESTIGATIONS ARE FAIR AND THOROUGH, that FINDINGS ARE REASONABLE, and that DISCIPLINE IS APPROPRIATE

To IMPROVE PUBLIC CONFIDENCE in the police

To enhance the TRANSPARENCY OF POLICE ORGANIZATIONS by publicly reporting on the department's efforts in holding officers accountable



## Common Goals of Oversight

To IMPROVE law enforcement agencies by analyzing patterns in complaints and other police-related data to improve policies, practices, training and management

To DETER OFFICER MISCONDUCT through the creation of more effective and consistent investigation and disciplinary processes

To REDUCE LEGAL LIABILITY from officer misconduct

To improve the public's UNDERSTANDING of police policy, training, and practices

## Comparison of Common Models of Oversight in the U.S.



#### Reviewfocused

Ensures the community has the ability to provide input into the complaint investigation process.

Community review of investigations may increase public trust in the process

An individual or a board/commission authorized to review completed internal investigations – can agree/disagree with findings

#### Investigationfocused

Full-time civilian investigators may have highly specialized training

Investigations conducted by oversight agency-does not rely on investigators from within the police department

Civilian-led investigations may increase community trust in the investigation process

#### Auditor/Monitorfocused

Often have more robust reporting practices than other models

May be more effective at promoting long-term, systemic change in police departments

Generally less expensive than full investigative agencies

Allow the agency to actively engage in many or all of the steps of the complaint process

#### **Hybrids**

Contain elements from one or more of the three models

Have been developed to address the needs of a specific community and conform to state or local laws

May be modifications of a previous oversight agency

Are increasingly common

## Models of Oversight: *Is one model better than another?*



No: Each model has strengths and weaknesses.

When deciding what model to implement, the needs of the community should be carefully assessed:

- History and "narrative" of the community or communities
- Level of support; both financial and political
- Level of authority and independence
- Expected outcomes





The focus on identifying and addressing police misconduct is necessary but insufficient.

- "Lawful but Awful"
- When there's no violation of policy, we still need to ask, "what went wrong and what should be done in the future?" as well as, "Who experienced harm, and what does each of those individuals need to experience to be supported in their efforts to address/mitigate the impacts of being harmed?
- Back-end accountability is designed to answer the question of what happened, whereas front-end accountability actively works to create systems and practices that promote and support individual and community well-being work to counteract the
- Procedural justice is more important than the lawful nature of police conduct.





#### Accountability must be demonstrated by all applicable stakeholders:

- Accountability supports the goals of community-oriented policing.
- Oversight can help hold law enforcement accountable for an individual officer's actions.
- Oversight can improve the quality of the department's internal investigations of alleged misconduct
- When the oversight agency confirms a complainant's allegation(s), complainants and their communities may feel validated.
- When the oversight agency exonerates the officer, the officer may feel supported.

# Establishing Credibility: Expectations of Oversight



- Familiarity with police practices, investigations, and the basic structure of criminal law and criminal procedure
- Being impartial and objective, while acknowledging the lived experience of all stakeholders
- Willingness to meet and communicate with police organization and staff
- Compliance with confidentiality laws and evidentiary standards
- Willingness to consider all sides of a situation and ability to re-evaluate if additional/contrary information/evidence received

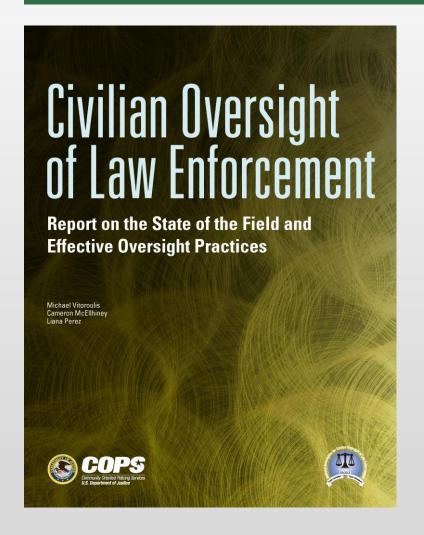
## Civilian Oversight of Law Enforcement: Report on the State of the Field & Effective Oversight Practices

A project funded by the U.S. Department of Justice Community Oriented Policing Services Office, Community Policing Development Grant number 2016CKWXK017



# Civilian Oversight of Law Enforcement: State of the Field & Effective Oversight



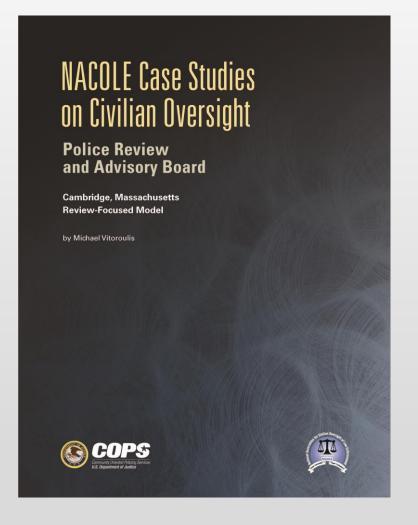


NACOLE and the U.S. Dept. of Justice released the following in July 2021:

- Nine Case Studies of Civilian Oversight Models, including Cambridge
- Report on the State of the Field and Effective Oversight Practices
- Decision-Making Guidebook on Establishing and Strengthening Various Models of Civilian Oversight
- Interactive Online Toolkit at <a href="https://www.NACOLE.org/COAD">www.NACOLE.org/COAD</a>
- All available at <a href="https://www.NACOLE.org/recent\_reports"><u>www.NACOLE.org/recent\_reports</u></a>

# Civilian Oversight of Law Enforcement: Case Study: Cambridge





#### **Program Context**

History and Evolution of the Police Review & Advisory Board Organizational Structure

- Board composition, appointment, and training
- Board staff
- Budget

#### **Scope of Authority**

- Complaint investigation, review, and mediation
- Recommendations
- Access to information

#### **Procedures**

- Complaint intake and investigation
- Complaint review, resolution, and disciplinary recommendations
- Mediation
- Policy recommendations

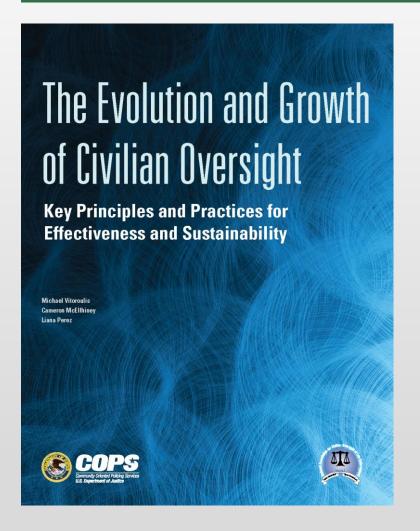


## State of the Field & Effective Oversight: Case Studies in 2019

Site	Model	Year created	Population in 2010 Census	Overseen staff/officers
Denver Office of the Independent Monitor	auditor/monitor	2004	693,060	2,444
Cambridge Police Review & Advisory Board	review	1984	113,000	278
Atlanta Citizens Review Board	investigative	2007	472,522	2,230
Miami Civilian Investigative Panel	investigative	2001	453,579	1,100
LAPD Office of the Inspector General	auditor/monitor	1995	3,976,000	12,812
New Orleans Independent Police Monitor	auditor/monitor	2008	391,495	1,158
Indianapolis Citizens Police Complaint Office	review	1989	864,771	1,511
Washington DC Office of Police Complaints	investigative	1998	693,972	3,900
Philadelphia Police Advisory Commission	review	2017	1,568,000	6,300

## Executive Summary: The Evolution and Growth of Civilian Oversight Key Principles and Practices for Effectiveness and Sustainability





- The number of civilian oversight agencies continues to grow.
- Data-driven policy analysis is increasingly common.
- Access to department records and information varies greatly.
- Accountability and evaluation requirements for civilian oversight agencies are increasingly common.
- There is an increasing focus on front-end accountability, rather than only back-end accountability.
- Centering procedural justice and legitimacy with all stakeholders is essential for effective oversight.

## Executive Summary: The Evolution and Growth of Civilian Oversight Thirteen Principles of Effective Civilian Oversight



- Independence
- 2. Clearly defined and adequate jurisdictional authority
- 3. Unfettered access to necessary records and facilities
- 4. Access to law enforcement executives and internal affairs staff
- 5. Full cooperation
- 6. Sustained stakeholder support

- 7. Adequate funding and operational resources
- 8. Public reporting and transparency
- 9. Policy and pattern analysis
- 10. Community outreach
- II. Community involvement
- 12. Confidentiality, anonymity, and protection from retaliation
- 13. Procedural justice and legitimacy



## Key Considerations for Evaluating Effective Practices

Is this practice an appropriate "fit" for our local context?

How will this practice strengthen civilian oversight in relation to the thirteen principles of effective oversight?

What are the potential unintended consequences of implementing this practice?

# Looking Forward Challenges and Opportunities







### Board Chair Fallon proposed the following goals for the Board:

- Board members and staff to participate in two CPD trainings including "Integrating Communications, Assessment, and Tactics" (ICAT)
- Commissioner Elow to attend two Board meetings to discuss key topics with the Board.
- Improve access to filing complaints by launching an online complaint form.
- Revise the Board's Rules and Regulations to extend the deadline for complaints to be filed to be more than 60 days after the incident.
- The Board will conduct a review of a minimum of two CPD policies.
- Board members will participate in a minimum of three community outreach efforts.
- The Board will have a quorum for all scheduled meetings.

## New, Emerging, and Remagined Oversight





Results and looking forward: What do we hope to see in five years?



How will we set expectations and measure success?



How will we actively listen to and honor *all* voices, perspectives, and lived experiences?



## Stepping Through: Challenges





Community trauma

Skepticism from law enforcement

Limited understanding of oversight and its role

**Impartiality** 

Having legitimacy with "both sides"

Need for training

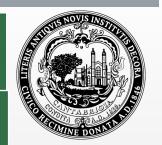
"Change can't wait"

Attempting to meet all the demands

Some stakeholders think that other stakeholders cannot – or should not – be engaged



# Stepping Up: Opportunities



The moment we're in:

"The Fierce Urgency of Now"

State law creates possibilities

Community trauma

Government support for oversight

Calls for reform/defunding/abolition

Centering those most impacted

Demonstrating legitimacy

Policy and procedures can be changed

Creating something sustainable

Defining the role, work, and outcomes

Engaging all stakeholders





## The work of civilian oversight can be difficult:

- Understanding stakeholder expectations and clarity about what is possible are both important.
- The need to be fair and consistent in the work often makes it difficult to meet the broad range of expectations in a community.

## The benefits of working with NACOLE as a neutral partner:

- NACOLE's capacity for professional development, training, and advice is based on a national network of practitioners
- Just as one might consider a government perspective, an academic perspective, a labor perspective, a police executive perspective, communities can benefit from a civilian oversight perspective.





How can you build on opportunities, while addressing and understanding the challenges?

How will you build legitimacy with *all* stakeholders and goodwill for the future?

What are your priorities and what can go on the "back burner"?

How can you adapt to conditions in order to achieve your mission?



