

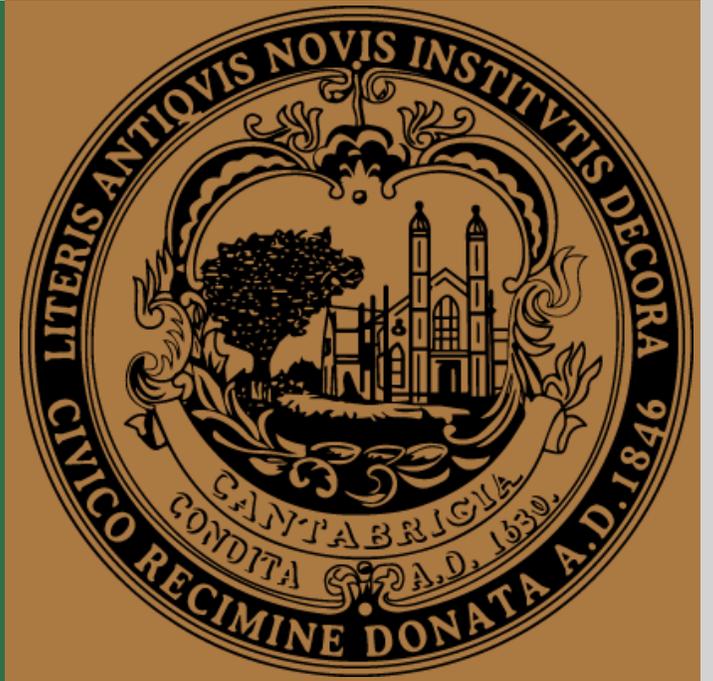
# Civilian Oversight of Law Enforcement in Cambridge

*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

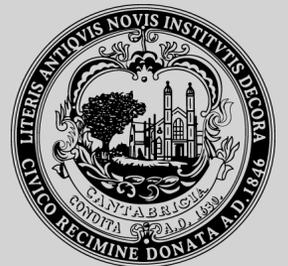
- About the Board: Purpose and Origins
- The Board and its Functions
- How the Board Fits into the National Context
- Effective Practices in Oversight
- Looking Forward



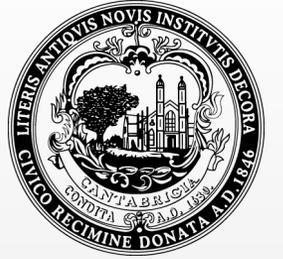
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# About the Police Review & Advisory Board

*History, Purpose, Ordinance, Membership, and Process*



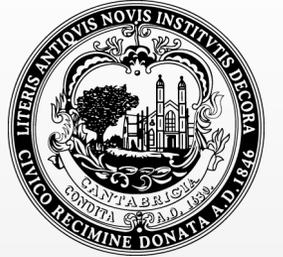
# Why is there a Police Review & Advisory Board?



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.

# Purpose of the Board

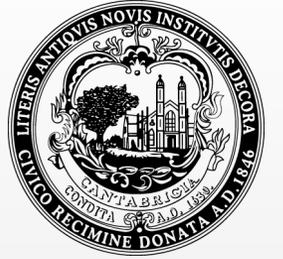


The Police Review & Advisory Board is one of the longest established in the U.S.

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 Board's Establishing Ordinance



*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.

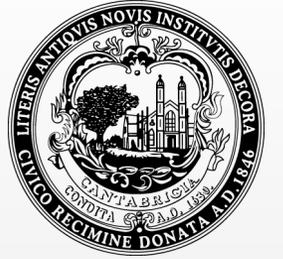
2.74.080 - Complaints.

2.74.090 - Resolution of  
complaints.

2.74.100 - Hiring and promotions.

2.74.110 - Hearing by petition.

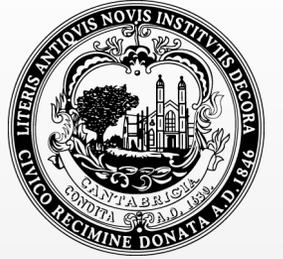
# The Board and Complaints



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.

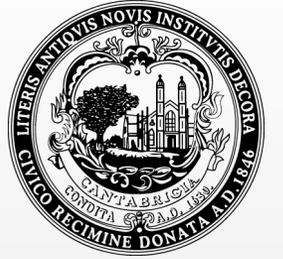
# Members of the Board



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

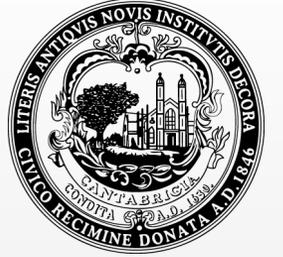
# Members of the Board



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)

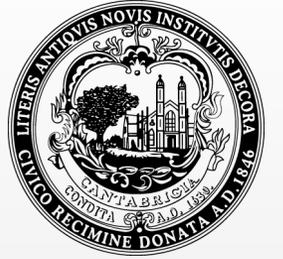
# Work of the Board Staff



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

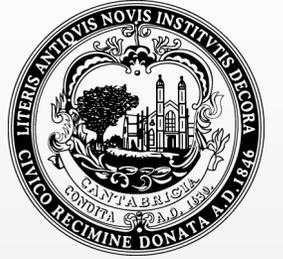
# Work of the Board Members



## 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:

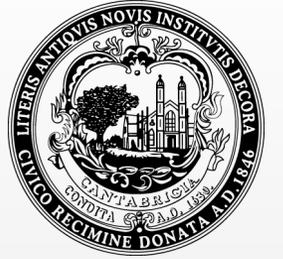
- Complaints and additional information from complainants
- Police reports, computer-aided dispatch reports
- Incident reports and supplemental reports from involved officers
- Other relevant information (can include photos, video, statements from witnesses, etc.)
- Final report of the investigation

# Civilian Oversight and Policing in the U.S.

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



# Carryovers from England

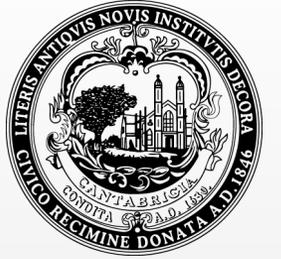


## The Traditional Narrative about the Origins of U.S. Policing

“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.”

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

# Enslaved Africans and Slave Patrols: 1704 to 1865

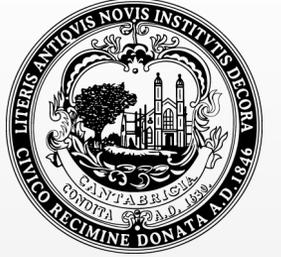


## Slave Patroller's Oath, North Carolina, 1828

“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/>

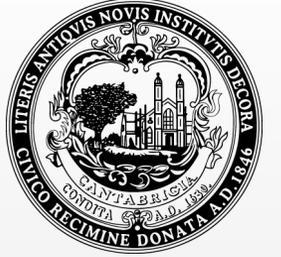
“The Police are the Public, and the Public are the Police”



Sir Robert Peel's Seventh Principle, 1829

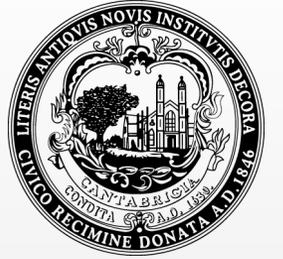
“Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every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

# “The Police are the Public, and the Public are the Police”



- 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.

# Evolution of Civilian Oversight

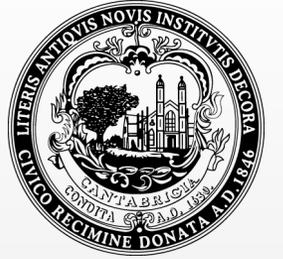


Civilian Oversight had traditionally been *reactive*:

- 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



# Evolution of Civilian Oversight



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

# History of Civilian Oversight in the U.S.



1970: Kansas City  
Office of Citizen  
Complaints  
Established

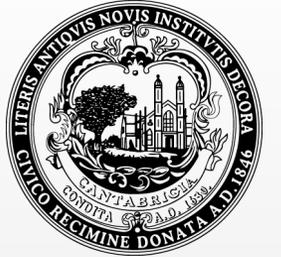
1980: 13 Civilian  
Oversight  
Agencies in  
Operation

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

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

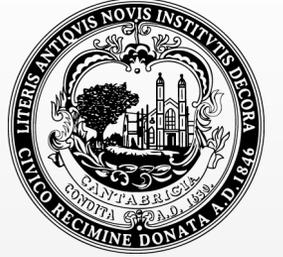
2000: More than  
100 Oversight  
Agencies

## Facts about the Field: *Civilian Oversight*



- 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



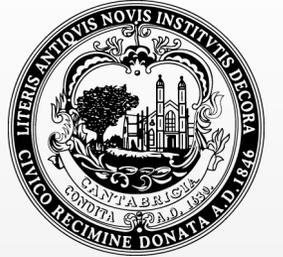
To ensure the police COMPLAINT PROCESS IS ACCESSIBLE to all and to remove impediments to the filing of complaints

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.



## Review-focused

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

## Investigation-focused

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/Monitor-focused

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

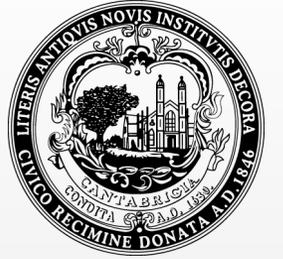
Contain elements from one or more of the three models

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?*

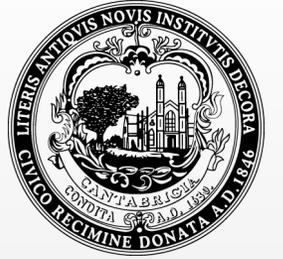


No: Each model has strengths *and* weaknesses.

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

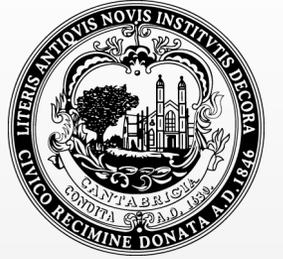
# “What happens when they followed the rules, but...?”



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.

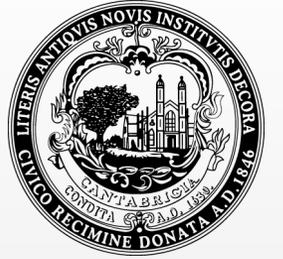
# Accountability



## 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

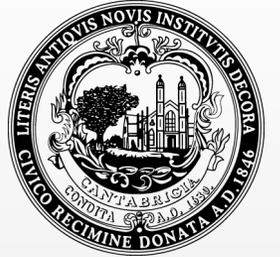
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# Civilian Oversight of Law Enforcement: Report on the State of the Field & Effective Oversight Practices

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*



## Civilian Oversight of Law Enforcement

Report on the State of the Field and  
Effective Oversight Practices

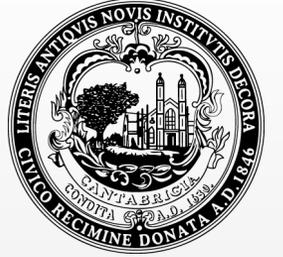
Michael Vitoroulis  
Cameron McElhiney  
Liana Perez



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 [www.NACOLE.org/COAD](http://www.NACOLE.org/COAD)
- All available at [www.NACOLE.org/recent\\_reports](http://www.NACOLE.org/recent_reports)

# Civilian Oversight of Law Enforcement: *Case Study: Cambridge*



## NACOLE Case Studies on Civilian Oversight

### Police Review and Advisory Board

Cambridge, Massachusetts  
Review-Focused Model

by Michael Vitoroulis



### Program Context

### History and Evolution of the Police Review & Advisory Board

### Organizational Structure

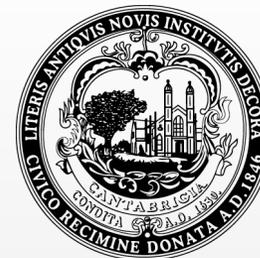
- Board composition, appointment, and training
- Board staff
- Budget

### 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

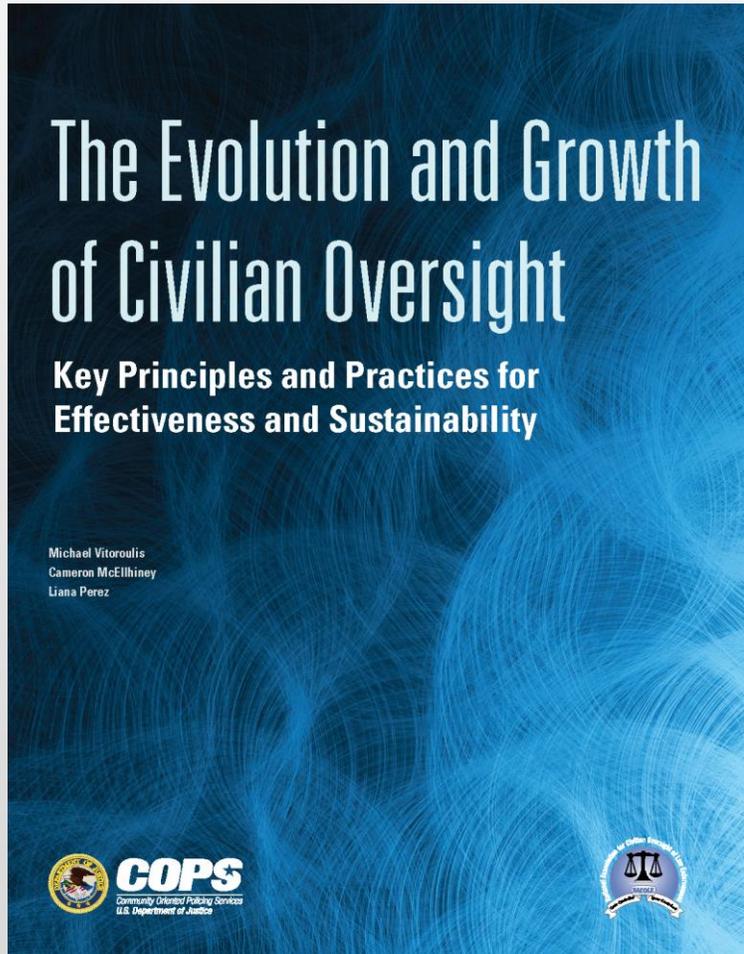
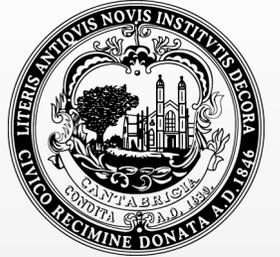


# State of the Field & Effective Oversight: Case Studies in 2019

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.

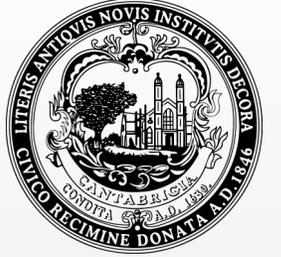
# Executive Summary: The Evolution and Growth of Civilian Oversight

## *Thirteen Principles of Effective Civilian Oversight*



1. 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
11. 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?

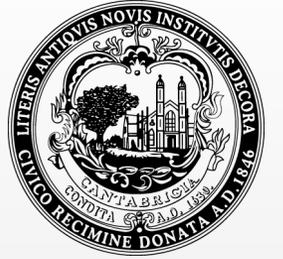
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# Looking Forward

## *Challenges and Opportunities*



# Board Goals for 2023



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.



# Stepping Through: Challenges

Very high expectations

Fear of change

Community trauma

Skepticism from law enforcement

Limited understanding of oversight and its role

Impartiality

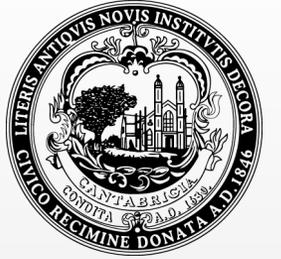
Having legitimacy with “both sides”

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

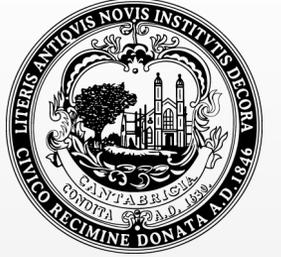
Demonstrating legitimacy

Policy and procedures can be changed

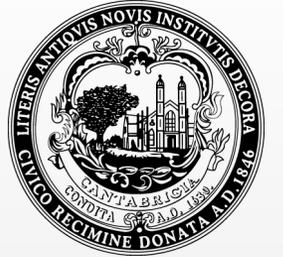
Creating something sustainable

Defining the role, work, and outcomes

Engaging *all* stakeholders



# Expectations when Considering Change

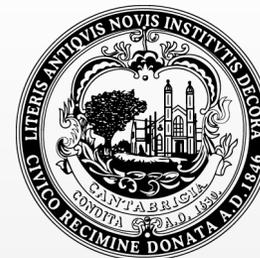


The work of civilian oversight can be difficult:

- 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.



# Thinking Strategically about the Thirteen Principles

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?

