



Dickson Republican Tell House Committee Cutting COB is Best Practice

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Representative Mike Curcio (R,Dickson) repeatedly and mistakenly cited a 2001 National Institute of Justice (NIJ) article when he spoke last week to the House Subcommittee on Criminal Justice and urged them to cut the heart out of Nashville's Community Oversight Board.

"The standards bill that you have before you was brought out of observed best practices by

A graph from a Department of Justice 2018 report, Civilian Oversight of the Police in Major Cities, shows a wide range of COB powers in 41 U.S. cities.

the National Institute of Justice that has studied such Community Oversight Boards across the country to find out what makes the boards work best," Curcio said.

The 167-page NIJ article does not list best practices or even discuss them as such. It examines COBs in several American cities but takes a "no one size fits all" approach. It describes various kinds of COBs, their structures, authority, problems of trust between police and communities and very clearly advises that cities have to decide what works best for them when creating a COB.

Members of the National Association of Civilian Oversight of Law Enforcement (NACOLE) represent 146 jurisdictions. Forty-six of them are also members of the Major Cities Chiefs Association (MCCA).

A 2018 article sponsored by the DOJ's Office of Community Oriented Policing Services (COPS) surveyed MCCA members about their COBs. They identified three types: investigation-focused model, review-focused model (16), and auditor/monitor model (4). Twelve reported "other" meaning a hybrid or two separate bodies with oversight authority.

Of 41 MCCA agencies, two reported their COBs had all authorities (see graph), while 39 reported limited COB authority. Twenty-six reviewed discipline and independently investigated complaints and 25 heard citizen appeals. Only 4 COBs had the authority to impose discipline.

Half had the power to investigate use of force complaints and to subpoena records. Seventeen of 41 could subpoena witnesses. A July 2017 Gallup Poll found Black respondents' confidence in law enforcement was only 30 percent, Hispanic respondents' was 45 percent, and White respondents' was 61 percent. Clearly race matters and clearly there is no general consensus on what constitutes "best practice" when it comes to COBs. But there is good reason why most Americans favor them.

“A 2016 CATO Institute poll found that 46 percent of Americans (including 64 percent of African Americans) say the police are “generally not” held accountable for misconduct, and 79 percent of Americans support outside law enforcement agencies conducting these investigations,” the report said.

Last November, Nashville voters approved a Metro Charter Amendment establishing a COB by 59 percent to 41 percent. On Tuesday, the Senate Judiciary Committee took up SB 1407, the companion bill to HB 658, approved it, and they will now move to a floor vote in both houses.

Both versions of the bill would block the COB’s ability to independently investigate complaints against police by stripping its power to subpoena witnesses. The bill actually goes further. It disqualifies four COB members who were picked by the City Council from neighborhoods that are considered economically distressed. The bill gives Metro one year to get rid of them. It does not say what will happen if they don’t.

The legislation reads in part: “Prohibits a community oversight board from restricting or otherwise limiting membership based upon demographics, economic status, or employment history.” Oversight Now spokesperson Jackie Sims translates that to mean “no poor black folks need apply”.

“I think they want to get rid of members from communities that are disproportionately impacted by law enforcement. They want to get rid of that so they have what they consider respectable middle-class people on the board,” Sims said.