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Foss: Weak police review board in Saratoga Springs is no solution

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Daryl Mount's mother is right.

The mother of the Saratoga Springs man who was injured and later died after police pursued him through downtown didn't mince words when asked her what she thought of the city's newly created Citizen Advisory Board.

"They have no investigative authority, and all they can do is advise, so the board is bull----," Mount's mother, Patty Jackson, told The Daily Gazette earlier this week.

As conceived by Saratoga Springs Public Safety Commissioner Peter Martin, the Citizen Advisory Board is a pretty toothless entity, created under duress to deflect criticism stemming from revelations that city Police Chief Greg Veitch lied when he said Mount's death in 2013 was the subject of an internal affairs investigation that never happened.

Those hoping the Citizen Advisory Board will bring transparency and accountability to a Police Department sorely in need of it are likely to be disappointed.

The purpose of the board, according to Martin, "is to improve communications in two directions: communications coming from citizens to our Police Department and communications from our Police Department to them."

The problem in Saratoga Springs isn't a lack of communication.

It's a lack of honesty.

Veitch communicated with the public in the wake of Mount's death, but he lied about his department's response.

A Citizen Advisory Board that lacks investigatory powers, and is viewed mainly as a tool for communicating with the public, will not serve as an effective check on police power should a similar controversy arise in the future.

If anything, the board will serve a public relations function by making police officials appear more committed to transparency and accountability than they actually are.

This problem isn't unique to Saratoga Springs.

Research suggests that civilian review boards have a dismal track record when it comes to addressing citizen complaints of police abuse. This is intentional -- the powers-that-be don't want these boards to be effective, and design them in a way that makes it all but impossible to provide needed oversight.

Some, such as Tim Lynch, the former director of the Cato Institute's project on criminal justice, have gone so far as to argue that civilian review boards are rigged and thus guaranteed to fail.

"Given the historical record, it is a bit odd to see civil liberties groups and community activists concerned about police abuse agitate for more citizen review boards," Lynch wrote in 2016. "Such calls amount to the triumph of hope over experience. In cities where police organizations have been abusive and dysfunctional, community activists probably believe that any check on the police department has to be helpful."

But there's good reason to believe otherwise.

"Ineffectual boards can provide the local power brokers with political cover against media scrutiny and community resentment over police misconduct," Lynch explained in his essay.

A 2016 article in the Seton Hall Law Review makes similar points.

"A civilian complaint review board will be only as strong as its authority to conduct independent investigations, and at the heart of such authority must be the ability to subpoena witnesses and documents, including internal police disciplinary documents, medical records, surveillance footage, and other materials relevant to an investigation," the article states.

Veitch's egregious breach of the public trust demands real reform.

But an ineffectual review board that enables city officials to pay lip service to the idea of reform is no reform at all.