



OIR Perspectives **December 2004**



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Core Values for Overseers? An Initiating Discussion

In our oversight role with the Los Angeles Sheriff's Department, we are often asked: who is it that oversees us, and ensures that our recommendations are fair and principled? The short answer is that while we do not have a group examining us in a formal way, our work is continuously available for review, criticism, and comment by a number of entities: the Board of Supervisors; the Sheriff, his command staff, and all members of LASD; advocacy groups and community-based organizations; and the public at-large. This question, however, suggests a broader inquiry: What basic principles guide the OIR group as we go about our business as overseers?

When we took a cursory look at outside literature on this topic, we discovered very little discussion of this issue among oversight groups. Perhaps that is because the oversight of law enforcement by civilians is still a relatively new concept. Accordingly, the challenges of defining and performing this new function have left little additional time for introspection and self-assessment. In the hopes of initiating such a discussion, however, we offer the following views.

Any oversight group must first develop expertise in the subject matter it intends to oversee. The group must learn about the agency itself and the makeup of its members. This doesn't mean merely going on an occasional "ride along" with hand-picked personnel, though such experiences certainly have their place. Rather, it requires the oversight group members to immerse themselves into the department's organization, culture, values, personalities, and operations. Policies, procedures, and practices written and unwritten must be examined. If at all possible, any startup oversight group must be provided lead time to "listen and learn" before being required to offer recommendations and conclusions.

Being afforded "run up time" to learn about the way the agency goes about its work will help provide credibility to the oversight group from the department itself. In essence, the benefits of this approach include the department's recognition that the new oversight group has done its homework. Oversight agencies who begin to opine based on preconceived notions about policing, and before learning how the department they oversee actually does policing, will have difficulty gaining credibility with the department members they are entrusted to oversee.

Once the oversight group becomes operational, it is imperative that any recommendations it makes are grounded in facts. Nothing can undermine an oversight group faster than "findings" that can be proven to be faulty because of bad facts. It is essential from the very beginning that the oversight group "get it right" with regard to the factual underpinnings that form the basis for its conclusions.

Any oversight group should not shy away from consultation with members of the law enforcement agency with which it is working. While any overseer needs to remain both objectively and subjectively distinct from the department it is assessing, the answers to a better way of doing things will usually lie among the members of the law enforcement agency itself. The overseers should build bridges to these experts within the department, be they executives, lower level supervisors, or members of the rank and file. They should consult regularly with these agency experts as they formulate their recommendations. Ultimately, the recommendations and conclusions must emanate from the oversight group's independent decisions – but those conclusions will be better formed after discussion with voices from both within and outside the law enforcement organization.

An oversight group should be candid and forthright with the members of the department when it forms its recommendations. Rather than running off to the media with its "findings" and playing a game of "gotcha", the oversight group will be better served by sharing its conclusions with the police agency first. For one thing, that dialogue may result in the oversight group learning about facts and circumstances that warrant reexamination of its own conclusions and make for better work product. Additionally, such a dialogue is more likely than other approaches to promote an objective recognition by the department that an issue needing remediation does indeed exist. Rather than simply hunkering down and defending the status quo, as it might in the face of a more public or adversarial critique, the department can focus its energies on problem-solving and constructive reform.

Even if the oversight group concludes that the department's reaction to its views is less than ideal in terms of either acceptance or correction of an identified issue, the group still benefits from a collaborative approach. It can always bring the issue to the public's attention later as opposed to sooner, and has lost little in that regard. Meanwhile, the

oversight group has reinforced to the department its desire to act in good-faith rather than intent on simply scoring cheap points and grabbing headlines.

Finally, perhaps as important as the findings and recommendations reached by any oversight group is the way in which such conclusions are disseminated. The findings — both positive and negative — of the oversight group should not be communicated with hyperbole. The assessment need not “blame” the agency for the problematic state of affairs in order to identify issues and make recommendations for change. When discussing its findings, the overseer should never gloat or indulge in rancor. The oversight group will not gain credibility with the department’s members — or advance the cause of fair and effective law enforcement — should animus of the department, its members, or policing in general be evidenced in its reporting. The overseer’s findings should not be geared toward inflaming emotions. The report should not seek to embarrass or belittle. Rather than reflecting outrage or moral indignation, the overseer’s findings should be communicated dispassionately and objectively. The role of the overseer is to gather facts, assess, conclude, and report. While it is not inconsistent with the role of the overseer to give credit to departmental actions when credit is due, or express disappointment when lapses in judgment are evidenced, the oversight group must remain aware that conveying the facts and objective observations to the public should always be the primary responsibility.

All oversight groups should recognize that they have been provided a window to organizations that have long been shuttered from public view. The transparency that they will be able to provide will be more effective in the long run if the information is conveyed factually and without the filter of bias or emotion.

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The above essay was written before the release of OIR’s most recent annual report. The press coverage of that release reminded me that while an oversight group can steadfastly adhere to the principles described above, the media’s role in reporting any findings will certainly shape the way in which the information is conveyed to the general public. While most of the media coverage of OIR’s latest report provided a balanced and accurate portrayal of the report’s findings, one media headline, in OIR’s view, was not supported by either our Report or the ensuing article itself. In short, the headline did not fairly characterize our observations of LASD actions of the past year. While media sources and the public at large certainly are encouraged to react to the information in our Report, we’re grateful for the opportunity to respond and to present our perspective. Perhaps one response to that headline is simply to quote from the closing remarks of the Foreword of our Third Annual Report:

Before I close, however, I must remind the public that there are thousands of competent, hard-working, dedicated deputies and professional staff at LASD whose files never cross our desk because they are ably carrying out their duties to the public. Moreover, under our model, it is LASD itself who retains the ultimate responsibility to hold its employees accountable. By doing so, it is actually reaffirming the reputations of the vast majority of deputies and professional staff who are serving the public honorably, and instilling confidence in the public regarding the men and women of LASD. It is for that reason that we see our roles as an outside check and reporting mechanism for that process as meaningful and self-rewarding.