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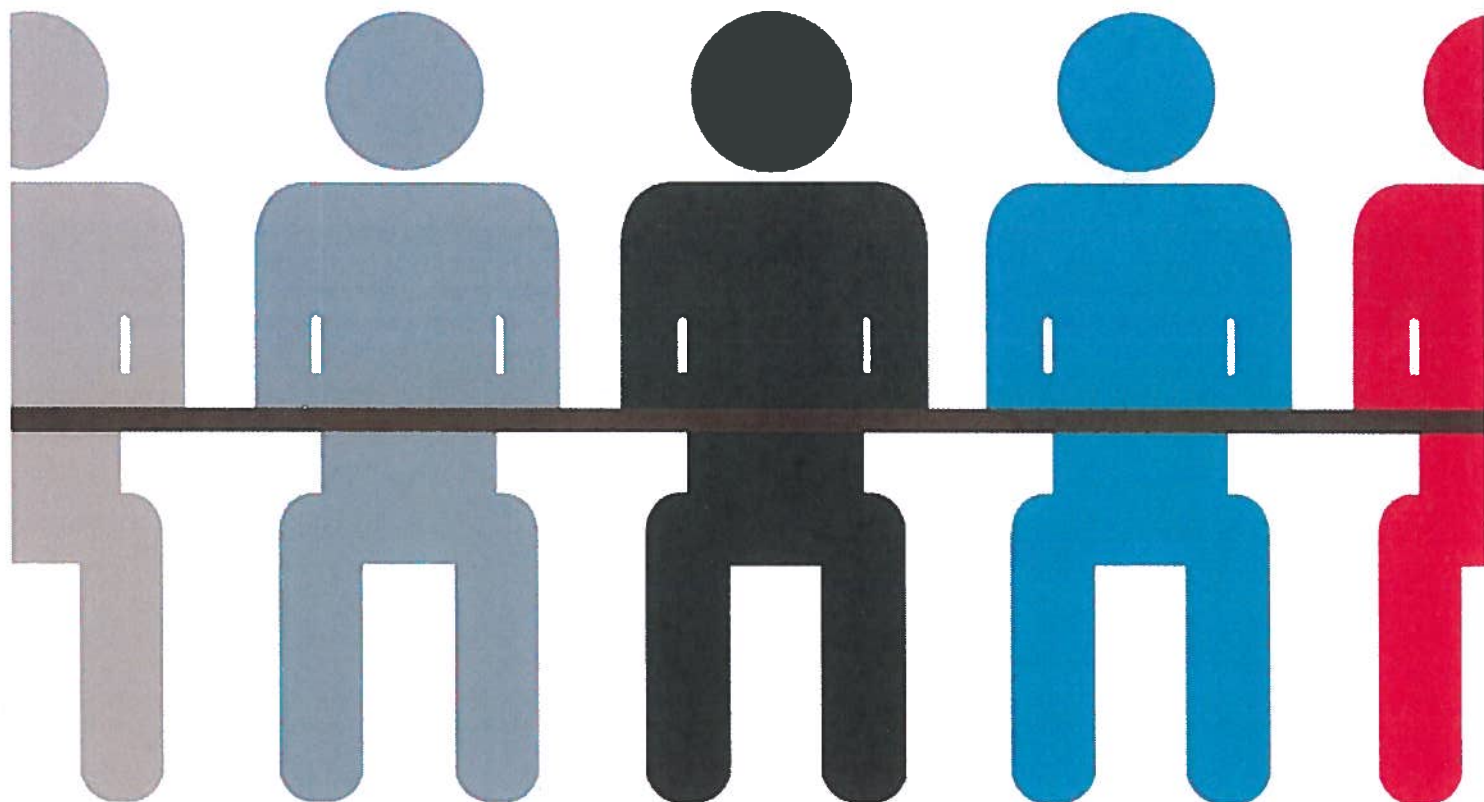
# Criminal Justice Reform

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## Citizen Advisory Boards in Contemporary Practice: A Practical Approach in Policing

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## Introduction

Democracy is a core value of U.S. society, and citizens have a fundamental right to participate. In addition, it has been widely argued that citizen participation in governmental policy making produces many benefits, and because citizen participation promotes trust in governmental operations, it has continued to be a long-standing value of U.S. public administration. However, historically, the value has not been embraced by law enforcement in a meaningful manner.

The notion of citizen participation is an elusive ideal. Participation efforts in government have continued to evolve without a general consensus of the meaning, and conflict can arise between the types of citizen involvement and the traditional principles of public administration theory and practice. Some researchers have argued that the overarching administrative ethos of the state can create barriers to citizen participation in governance.<sup>1</sup>

An intellectually honest discussion about citizen involvement is particularly relevant in the post-Ferguson, post-New York, post-Baltimore environment of policing, in

which community involvement has become the de facto mandate for law enforcement. Early on, the U.S. federal government provided the primary impetus to citizen participation programs. For example, the Environmental Protection Agency (EPA) developed efforts to incorporate more citizen involvement in environmental protection projects, pushing for national as well as regional improvements to environmental decision making throughout the 1990s. However, such efforts have not been limited to the EPA or the federal government. Public entities at all levels of government have increasingly launched public participation measures.

Local administrative agencies have a long history of seeking out citizen participation via public meetings and hearings, public workshops, feedback surveys, and steering committees. Empirical evidence has underscored the limitations of such practices in terms of reaching true consensus. The practice of deciding upon a policy and then introducing it to citizens in a public hearing format has proven to be a poor technique and a grossly inadequate persuasion tool.<sup>2</sup> In the late 1980s and early 1990s, in order to improve upon the one-way flow of information that takes place in the public meeting forum, citizen advisory boards started to surface, which can overcome several limitations inherent in traditional citizen participation efforts.

The recently released *Final Report of the President's Task Force on 21st Century Policing* emphasized the importance of citizen involvement in policing as a strategy to improve trust between law enforcement and the public. Within the study, citizen advisory boards or community involvement were specifically recommended as action items for local law enforcement, as well as support and collaboration with the federal government, training and education, improved technologies, and officer wellness and safety programs.<sup>3</sup> Today, it is critically important for all police organizations to promote and cultivate citizen involvement with their agencies. However, implementing boards and commissions must be done thoughtfully and purposefully in order to establish a meaningful, effective relationship.

What follows is an analysis regarding the role of citizen advisory boards and some examples of citizen advisory boards that proved to be beneficial to administrative functions. A recommended approach to appointing, organizing, and conducting a citizen advisory board is also presented.

## The Role of Citizen Advisory Boards

A citizen advisory board can be defined as a group of individuals appointed for the purpose of examining a public issue or set of issues, who meet over an extended period, and develop alternative solutions and new ideas through comprehensive interaction. Rather than being open to all members of the public, a citizen advisory board is restricted to a small number of individuals who are expected to represent the interests of the public.<sup>4</sup> A law enforcement organization can utilize a citizen advisory board for advice and input on a myriad of issues. A board may be asked to conduct research, generate new ideas or solutions, or provide informed recommendations on public policies and practices. What a citizen advisory board should not be is a policy-making body; otherwise, the ability of the police executive to do his or her job will be compromised.

Law enforcement leaders cannot transfer their administrative accountability and legal responsibilities to a citizen board—there are statutory rules that must be followed and observed. Although some are cynical about citizen advisory boards because of this lack of formal power, public administration by definition should be done by professional administrators. These individuals have been appointed or elected and are ultimately accountable for the decisions that are made. Police executives have the managerial, legal, and political responsibility to lead their organization. On the other hand, establishing citizen advisory boards for specific policy or project recommendations, strategic planning, or the review of personnel practices can be useful. The implementation of body-worn cameras is an ideal example of a project that might greatly benefit from the perspective of a citizen board. A citizen advisory board can be a critical component to establishing an open culture between a public agency and the community.

## Examples of Citizen Advisory Boards

### ***Example 1: La Plata County, Colorado, Sheriff's Office***

In 1987, Bill Gardner ran for the position of La Plata County Sheriff and made a campaign pledge to rebuild the eroding trust between the sheriff's office and the public. After being elected, Gardner was the first Colorado sheriff to implement a formal citizen advisory board. Gardner's overall mission for the board was to restore trust with the community, have policy oversight, raise personnel standards, and create transparency.

Gardner had no particular individuals in mind as he embarked upon creating the new advisory board. However, he did have a seemingly simplistic mandate—board members had to reflect the diversity of the La Plata County community. La Plata County is a primarily a college and resort community, but it is also home to many hardworking ranchers. To encompass these diverse sectors of the community, Gardner appointed representatives from the local college, the Latino community, local businesses, school board, and a ski resort, as well as the incumbent president of the Cattleman's Association and a Colorado State Patrol major.

The board members were credible and well-known people within the La Plata County community and the residents supported their involvement and representation. With the community's support, the board made significant progress in achieving the fundamental goal of restoring trust. Gardner commented on the success of the advisory board by saying, "What would have taken several years to build was accomplished in less than a year. That is a home run."<sup>5</sup> The La Plata County case demonstrates how a well-designed citizen advisory board can assist a public administrator with agency functions and practices as well as build positive relations with the community.

### ***Example 2: City of Fruita, Colorado***

The City of Fruita, a relatively small city in western Colorado, adopted bylaws in 1999 to establish a Police Commission, following several controversial police actions that eroded community trust. The commission was given investigatory powers, albeit with limited authority. The stated purpose of the commission was to serve as an advisory committee reporting to the city council. The commission was comprised of five members: four citizens nominated by the mayor and one member of the city council. In addition, the Fruita chief of police served as an ex-officio member of the commission with no voting power. The members were selected by the mayor based on their "ability to perform the prescribed duties."<sup>6</sup>

The duties outlined in the bylaws were primarily advisory in nature, including advising on matters involving police department activities, policies, personnel, and planning. However, the board also served as a Citizen Complaint Review Board with the power to investigate citizens' complaints and make recommendations based on their investigations to the chief of police, the city manager, and city council. While the commission did not have authority to administer corrective actions to

department personnel, the investigative authority included the ability to request a review of the (initial) police investigation with the assigned investigator, the questioning of the complainant and associated witnesses while in executive session, and the ability to designate an outside law enforcement jurisdiction to conduct an internal affairs investigation.

This additional authority proved problematic for Fruita. Specifically, members of the Citizen Complaint Review Board lacked the skills, expertise, and training required to properly interview witnesses and officers. Additionally, the board was privy to confidential information, which potentially could have been compromised with civilian involvement.

The problem was essentially resolved in 2005 when city charter revisions addressed the powers and duties of the Police Commission. The makeup of the commission remained the same; however, the duties were revised and limited to recommending policies, standards, procedures, and limitations for the police department, upon the direction of city council and receiving public comment on the operations and management of the agency. In addition, the commission provides input to the city manager on the appointment of the police chief, and, upon the request of the police chief, the commission can assist in the selection of members of the department.<sup>7</sup>

Since 2005, the commission has been instrumental in decisions to implement equipment (e.g., Tasers and body-worn cameras), as well as taking part in the oral board assessment for the police chief and new police officers. In the role of an advisory board to city council, the city manager, and the police chief, the Police Commission has proven to be a valuable asset to all entities and an effective sounding board for the community.

## Recommendations

Police executives and elected officials should decide upon the amount of authority the new board will have while remaining open to the importance of having citizen input and oversight. Effective government is based on trust; thus, a central tenet of a citizen advisory board should be to build trust and two-way communication between the government (police) and the community.

A citizen advisory board should be limited in scope and purpose. There will always be a certain tension between accountability and the notions of community trust and transparency. The operational needs of the agency and the authority given to the board should be based on the situation or the issues being addressed. If too much power and authority is delegated to the citizen advisory board, the ability of the agency head to be an effective leader will no doubt be questioned.

Once the purpose and mission of the citizen advisory board are established, membership selection should take place. The agency head should retain some limited authority in the appointment of the board, accomplished through an established and transparent search process. Ultimately, each applicant should pass a rigorous litmus test prior to becoming a sitting member of the advisory board.

The agency should widely advertise that the board is being formed and notify the community when applications are being accepted. The optimal size will depend on the purpose and mission of the board, which should be large enough to represent a variety of interests yet small enough for each member to be involved without decision making dragging on interminably.<sup>8</sup> Establishing a term limit should be considered, and having the members approved by elected representatives is another consideration. The priority should be to establish a diversified board and to balance the interests and expertise found within the community as a whole.

To be effective, the advisory board cannot be political. Each member must genuinely represent the community or the fundamental objective of the board will be lost. Board members are only a small segment of a community—they should clearly represent a constituency in order to be influential and supported by the population. Because board members volunteer their time, the agency head must ensure that the board does not become dominated by partisan members or overpopulated with participants who have the economic means to donate time. The advisory board should be culturally diverse and have broad geographical representation.

When creating a citizen advisory board for the complex law enforcement incidents U.S. communities have experienced in the recent past, it would be wise to utilize the talents of the academic community in terms of organizing the internal processes of a citizen review. Garnering the organizational and facilitation skills of an expert who can teach the advisory board about problem analysis and decision making will

positively influence the overall process and outcome. The outside facilitator should be concerned with the board's process, not the content of the issues being addressed by the board. Advisory board members should mutually agree upon a consensus process in the development and approval of the recommendations. Transparency in the decision-making process will build trust among the participants.

For some communities, cost can be a barrier to implementation. The per-decision cost of a citizen advisory board is arguably more expensive than a single administrator. A citizen advisory board will have significant time commitments, whereas an astute agency administrator can make some decisions in less than a month, within a day, or even within an hour. However, what cannot be measured when utilizing a citizen advisory board is the social capital gained.

Determining if citizen advisory boards truly work is difficult because of limited empirical studies and the diversity in criteria for success. Furthermore, success is difficult to define. Researchers and practitioners have historically measured success within two broad categories: (a) the success of the process and (b) the success of the outcome.[9] The evaluation of the process is characterized by analyzing the means that were used, rather than focusing solely on results. When evaluating the outcomes, it is important to be cognizant of the fact that an effect could be due to the citizen participation process or some other variables. A balance between process and outcome goals should be met.

## Conclusion

Citizen advisory boards are becoming important components of most law enforcement organizations and, when handled appropriately, will result in more democratic and effective organizations. Police leaders should encourage an engaged citizenry. With citizens participating actively in the organization, the public may be less critical of the difficult decisions often required of public administrators. Effective governmental programs can improve legitimacy and trust, and the best public programs and policies usually emerge from the collaborative efforts of the community and government together. The design and implementation of citizen advisory boards can be vital to accomplishing these goals.♦



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**Judy Macy** has worked in law enforcement for 27 years. She began her career with the Douglas County Sheriff's Office in Colorado in 1988, serving in detention, patrol, and investigation units during her time there. In 2002, she joined the Fruita, Colorado, Police Department and was appointed chief of police in 2014. Chief Macy has a bachelor's degree in public administration from Colorado Mesa University.

### Notes:

<sup>1</sup> Terry L. Cooper and Pradeep Chandra Kathi, "Democratizing the Administrative State: Connecting Neighborhood Councils and City Agencies" *Public Administration Review* 65, no. 5 (2005): 559–567.

<sup>2</sup> Renee A. Irvin and John J. Stansbury, "Citizen Participation in Decision Making: Is It Worth It?" *Public Administration Review* 64, no. 1 (2004): 55–65.

<sup>3</sup> President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, D.C.: Office of Community Oriented Policing Services, 2015),

[http://www.cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf) (accessed June 10, 2015).

<sup>4</sup> John Clayton Thomas, *Public Participation in Public Decisions: New Skills and Strategies for Public Managers* (San Francisco, CA: Jossey-Bass Publishing, 2008).

<sup>5</sup> William "Bill" Gardner (sheriff (ret.), La Plata County; police chief (ret.), Grand Junction Police Department), personal interview by John Reece, 2010.

<sup>6</sup> City of Fruita Charter, *Fruita Police Commission By-Laws*, 1-4, June 1, 1999, <http://org.coloradomesa.edu/~joreece/Fruita%20Police%20Commission%20By-laws%201999.pdf> (uploaded on June 25, 2015).

<sup>7</sup> City of Fruita Charter Resolution 2011-33, *Fruita Police Commission By-Laws, revised*, 1-2, 2-38-2-39, August 2, 2011, (uploaded on June 25, 2015).

<sup>8</sup> *Ibid.*, 4

<sup>9</sup> Caron Chess and Kristen Purcell, "Public Participation and the Environment: Do We

Know What Works?" *Environmental Science and Technology* 33, no. 16 (1999): 2685–2692.

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