

# COMMUNITY ADVISORY BOARDS: WHAT WORKS AND WHAT DOESN'T

## LESSONS FROM A NATIONAL STUDY

*Community Advisory Boards (“CABs”) are one of the most common forms of police-community engagement bodies in the country. Both progressive leaders of policing agencies and proponents of civilian oversight frequently cite a range of potential benefits of CABs to both police and the communities they serve. As a result, CABs continue to grow across the country. This interest in CABs has continued with insufficient study and evaluation of whether CABs actually play any meaningful oversight or community-engagement role. In order to assess this, the Policing Project conducted an in-depth, national study of CABs.*

*The study revealed that, in practice, many community advisory boards suffer from a number of deficiencies—some quite serious—that often inhibit their ability to achieve their intended purpose. Too often CABs are a result of pro forma efforts by policing agencies to signal a commitment to working with the public—without really working with the public. This article presents the lessons learned from the study and offers practical guidance on establishing and operating effective CABs.*

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# TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	<b>03</b>
<b>I. METHODOLOGY</b> .....	<b>04</b>
<b>II. OVERVIEW OF COMMUNITY ADVISORY BOARDS (“CABs”)</b> .....	<b>05</b>
What are community advisory boards?.....	<b>05</b>
How are community advisory boards structured?.....	<b>06</b>
Why are community advisory boards typically created?.....	<b>06</b>
What are the functions of community advisory boards?.....	<b>07</b>
<b>III. KEY FINDINGS FROM THE STUDY</b> .....	<b>09</b>
Forming a CAB is not always the best community engagement strategy.....	<b>09</b>
CABs benefit from a clearly defined charter that establishes realistic expectations.....	<b>09</b>
CAB members require technical knowledge in order to weigh in substantively on policy matters.....	<b>10</b>
CABs must be well-resourced.....	<b>13</b>
CAB memberships require significant diversity along several dimensions.....	<b>14</b>
Efforts are required so that CAB members do not suffer from participation fatigue and burnout.....	<b>16</b>
CABs require operating procedures and meeting protocols.....	<b>16</b>
<b>CONCLUSION</b> .....	<b>17</b>

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## INTRODUCTION

Community engagement is widely considered a critical component of a well-functioning policing agency. By strategically and effectively engaging the communities they serve, law enforcement agencies have a greater likelihood of building partnerships, fostering trust and mutual understanding, and collaborating to solve problems.<sup>1</sup>

One way policing agencies engage the public is by forming community advisory boards ("CABs").<sup>2</sup> Community advisory boards are volunteer groups that meet with or report regularly to policing agency leadership for a variety of purposes, including: bridging the gap between the public and the police; advising and opining on various police policies and practices; and discussing neighborhood-specific issues. These bodies can be created by ordinance, by a policing agency, or by community initiative. They are also known as police community advisory boards, citizen advisory commissions<sup>3</sup>, civilian advisory groups<sup>4</sup>, and the like.

Historically, CABs have garnered significant attention as a means of fostering police-community engagement following a period of significant civil unrest. Just months after the 1968 assassination of Martin Luther King, Jr. and the riots that devastated Washington D.C., the Office of Economic Opportunity created the Pilot District Project, which

called for a civilian advisory board—likely the first of its kind—to give community members more influence in the formation of police policies, including those concerning the use of force and training.<sup>5</sup> Similarly, just a couple of decades later, the Los Angeles Police Department's Foothill Division established a civilian advisory board following the Rodney King beating and ensuing LA riots.<sup>6</sup> Dozens of other jurisdictions across the country followed suit shortly thereafter. Most recently, CABs proliferated in the mid-2010s largely in response to a series of highly publicized and tragic police shootings of unarmed Black people.

Progressive leaders of policing agencies and proponents of "civilian oversight" frequently cite a range of potential benefits that CABs can offer both to police and the communities they serve.<sup>7</sup> For this reason, CABs have become one of the most common forms of police-community engagement in the United States.

Despite widespread interest in CABs, there has been insufficient attention paid to their overall success or failure and whether they actually play any meaningful oversight or community-engagement role. In order to assess the strengths, challenges, and overall utility of CABs, the Policing Project conducted an in-depth, national study of CABs.

The study revealed that, in practice, many community advisory boards suffer from a number of deficiencies—some quite serious—that often inhibit their ability to

<sup>1</sup> THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING, OFFICE OF CMTY. ORIENTED POLICING SERVS., FINAL REPORT OF THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING 41 (2015) [hereinafter FINAL REPORT], <http://www.cops.usdoj.gov/pdf/tasldorce/tasldorce-finalreport.pdf> [<http://perma.cc/N2HW-8UXS>].

<sup>2</sup> INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *Promoting Community Involvement in Law Enforcement: Community Advisory Boards* (May 6, 2019), <https://www.theiacp.org/news/blog-post/promoting-community-involvement-in-law-enforcement-community-advisory-boards>.

<sup>3</sup> Citizen advisory board is not the preferred nomenclature because of its use of the word "citizen." Many people in marginalized and over-policed communities are non-U.S. citizens and their voices and presence are among those most needed on community advisory boards. Citizenship should not be a prerequisite to serve on a CAB and to have a say in how one's community is policed. Therefore, the term used to describe these boards should be inclusive of non-citizens.

<sup>4</sup> Sometimes community advisory boards are referred to as "civilian" advisory boards or are seen to be part of "civilian" oversight. In this report, and elsewhere, we eschew using the word "civilian," and would like to explain why. Civilian typically is used to distinguish individuals who are not in the military, but the police are not the military, nor should we see them as performing a similar function. To refer to people who are not either sworn officers, or part of a police department, as "civilians" is to build walls where walls need to be torn down. We prefer Sir Robert Peel's dictum, "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."

<sup>5</sup> Carl Bernstein, *How Not to Model a Precinct*, WASH. POST (Mar. 16, 1969), <https://search.proquest.com/hnpwashingtonpost/docview/147706282/pageviewPDF/3D94988B3A454DICPQ/1?accountid=12768>.

<sup>6</sup> John Corrigan, *After the Rodney King Beating, LAPD's Foothill Division Was Ordered to Reinvent Itself*, LA TIMES (Mar. 4, 2001), <https://www.latimes.com/local/california/la-legacy-of-a-beating-the-proving-ground-20010304-story.html>

<sup>7</sup> IACP, *supra* note 2 ("Law enforcement agencies can ask community advisory boards for recommendations and advice on issues related to the community and policing... Advisory boards can assist law enforcement agencies with conducting research, reviewing new policies, providing skill volunteer services or supporting community outreach efforts."). See also, FINAL REPORT, *supra* note 1, at 35 ("Just having the conversation can increase trust and legitimacy and help departments make better decisions.").



Members of the Oakland Privacy Advisory Commission from a Policing Project site visit, April 2019

achieve their intended purpose. Too often, CABs represent a pro forma effort by policing agencies to signal a commitment to working with the public, without really working with the public. Membership becomes stagnant, communication runs in one direction, members feel disempowered, and police-community relations don't improve in any notable way.

To be clear, CABs can be effective. But this will not happen unless a CAB is created in a thoughtful way, and attention continually is given to assuring its success. A CAB must have an operating model specifically tailored to the community it is intended to serve. Without sufficient thought and effort, a CAB will at best be a waste of many people's time and energy, and at worst will provide window dressing for something that is not actually happening. This report is aimed to be uniquely responsive to the needs of practitioners, police, community members, and advocates who seek to create or improve a CAB by cataloging the issues they commonly encounter and by offering practical, implementable solutions to improve their effectiveness.

Part I of this report describes the methodology used to conduct the study. Part II provides an overview of community advisory boards, explaining what they are, how they are structured, why they are created, and what their various functions are. Part III raises several

critiques of existing boards with examples of challenges faced by CABs around the United States and offers practical guidance on remedying those challenges. Finally, the report concludes that well-functioning community advisory boards can offer communities a meaningful and effective mechanism to participate in and influence the critical decision-making processes of their local police forces.

## I. METHODOLOGY

This qualitative ethnography proceeded in four stages: 1) a systematic review of online materials and literature about CABs in various regions of the United States; 2) in-depth research on forty-seven CABs that represented a variety of different sorts of jurisdictions; 3) phone interviews with the members of CABs, police officials, and local city council members from fourteen locations that had CABs that both were active and diverse along a variety of dimensions; and 4) site visits with a select number of CABs in cities nationwide.

In order to gain insight into the breadth and variety of CABs currently in operation in the United States, we began by relying on online resources to identify CABs and conduct a cursory review of them. The second stage of our research involved selecting forty-seven

CABs and then conducting an in-depth review of each of them. In our review, we sought to develop a basic understanding of each CAB we identified by looking into: what led to their inception, what powers or responsibilities they had, the topics discussed during meetings, their relationship with the police and with the community, how active the CABs were in terms of meeting or otherwise communicating with the local communities, their overall apparent effectiveness, and any other distinguishing features.

From this initial pool of forty-seven, we identified fourteen CABs of interest that were diverse along a variety of dimensions, including region, agency size, and demographic makeup. We conducted phone interviews with members of the CABs, police officials, and local city council members to learn about the day-to-day operation, overall scope, and success of each board.<sup>8</sup>

Finally, we conducted site visits in a select number of cities across the country, observing directly how CABs operated and the impact they had on police-community relations.<sup>9</sup> We talked frankly with CAB members and police officials about what works, what doesn't, and how to improve CABs generally. We also sat in on CAB meetings, observed how people interacted and evaluated their work product. These site visits were extremely helpful in assessing the overall efficacy and performance of the CABs in terms of policy influence, CAB-police relationship quality, and attendance/participation among the CAB members and the public.

Given the constraints of our study, the findings contained in this report obviously cannot represent the efforts, successes, or challenges of all CABs and the agencies that work with them. Throughout this report, we have been careful to frame our conclusions and recommendations with this limitation in mind. Nonetheless, we believe we have seen enough and learned enough that we are able to generalize.

Whether a jurisdiction's goal in creating a CAB is simply to open a line of communication with the public, or to receive more robust, ongoing feedback for the development of policing policies or the management of critical community events, this report outlines some lessons learned regarding how best to implement an effective and impactful community advisory board.

## II. OVERVIEW OF COMMUNITY ADVISORY BOARDS (CABs)

In recent years, police, oversight professionals, and community leaders alike have stressed the need for more engagement between the public and the police.<sup>10</sup> Understanding the chasm that exists between themselves and the marginalized communities they serve, agencies across the United States have made community engagement and cooperative relationships with the public a priority. Aimed at making policing more equitable, transparent, and responsive to community concerns, police-community engagement has come to encompass a broad range of problem-solving partnerships between police and the public. One such form of engagement is the community advisory board. This section of the report explains what community advisory boards are, how they are structured, why they are created, and what their functions are.

### WHAT ARE COMMUNITY ADVISORY BOARDS?

Broadly defined, community advisory boards are groups of community representatives who are assembled to meet with police to discuss the means, ends, and consequences of local policing. CABs can be found across the country—from small townships to major metropolitan areas. Almost invariably, community members on these boards work on a voluntary basis, and, as such, are not compensated for their time.

<sup>8</sup> We conducted phone interviews with the members of CABs from fourteen locations: Albany, NY; Asheville, NC; Beaumont, TX; Charlottesville, NC; Chico, CA; El Paso, TX; Minneapolis, MN; Oakland, CA; Oklahoma City, OK; Phoenix, AZ; Richland County, SC; San Francisco, CA; St. Joseph, MO; Upper Merion Township, PA.

<sup>9</sup> We visited with and conducted in-depth studies of CABs from three cities: Albany, NY; Oakland, CA; Phoenix, AZ.

<sup>10</sup> FINAL REPORT, *supra* note 1, at 41.

Advisory boards sometimes are confused with citizen review boards ("CRBs"), which adjudicate specific complaints of police misconduct.<sup>11</sup> These entities are different in that CRBs do their work on the "back-end" of policing, after something has gone wrong or there has been a claim of officer misconduct.<sup>12</sup> CRBs review complaints, conduct investigations, or simply review the work of internal police disciplinary processes. CABs, on the other hand, engage with police officials on the "front end," to review matters of practice or policy before they are put into place, in order to foster better policing as well as improved communication and police-community relations.

Typically, CABs are purely advisory. They are asked to provide advice and recommendations to policing leadership or to other officials, but the suggestions made by CABs are non-binding.

## HOW ARE COMMUNITY ADVISORY BOARDS STRUCTURED?

The structure of CABs varies widely. Usually they are convened by, and communicate directly with, the chief law enforcement officer ("CLEO") of a policing agency. There are a number of ways that board members are selected. Occasionally, members are appointed by city officials or certain affinity groups that are charged with appointing a member from their ranks. Most often, a CLEO will recruit and select members from various groups of stakeholders (e.g. neighborhood councils, affinity groups, etc.).

Some CABs are created formally by a city ordinance and report to elected officials. There are formal entities in cities such as: Oakland, California; Madison, Wisconsin; Buffalo, New York; Wichita, Kansas; and Houston, Texas. These are "ordinanced" bodies, though, again, they are typically made up entirely of

unpaid volunteers who focus on playing a liaison role between the community and the policing agency. In some CABs, members are selected by the police department while in other boards, members are selected by elected officials. Unlike CABs organized by a CLEO, these tend to be thought of as somewhat more independent from the police department. When members are selected by the police, such as in Phoenix, Arizona, they can be perceived as "carrying water" for the department.

Conversely, when selected by elected officials, as in Albany, New York, police officials claim appointments are too politicized and believe members are "in the pocket" of local politicians. Even when a CLEO has no objection to members being selected by politicians, frequently rank-and-file officers are skeptical of CABs when elected officials appoint the members.

## WHY ARE COMMUNITY ADVISORY BOARDS TYPICALLY CREATED?

CABs often are established in the aftermath of a controversial incident of alleged police misconduct, such as a police shooting of an unarmed individual. Incidents such as these can bring to light a longstanding divide between the policing agency and community members, particularly low-income communities of color.<sup>13</sup> This may lead a CLEO to propose the formation of a CAB, both in an effort to send a symbolic message about accountability and to strengthen ties with estranged communities.<sup>14</sup> For example, the CAB in Beaumont, Texas was created following an off-duty officer's shooting of a local resident in 2010. However, the incident need not even occur in the specific jurisdiction to trigger creation of a CAB. For instance, CAB members in St. Joseph, Missouri recalled that their board was

<sup>11</sup> Indeed, part of the problem is the lack of common terminology. Sometimes, entities are called "Citizen Review Boards," but because they have no ability to review complaints and focus more on advising the police department and/or elected officials they are more accurately called Community Advisory Boards. See Udi Ofer, *Getting It Right: Building Effective Civilian Review Boards to Oversee Police*, 46 SETON HALL L. REV. 1033, 1041 (2016).

<sup>12</sup> POLICING PROJECT, <https://www.policingproject.org/our-mission> (last visited Apr. 13, 2020).

<sup>13</sup> Richard R.W. Brooks, *Fear and Fairness in the City: Criminal Enforcement and Perceptions of Fairness in Minority Communities*, 73 S. CAL. L. REV. 1219, 1221 (2000) ("[C]ommunity tension and distrust of police appear to be rising as residents struggle to reconcile a recent string of police killings of unarmed black men.").

<sup>14</sup> Monica C. Bell, *Police Reform and the Dismantling of Legal Estrangement*, 126 YALE L.J. 2054 (2017) ("Legal estrangement is a theory of detachment and eventual alienation from the law's enforcers, and it reflects the intuition among many people in poor communities of color that the law operates to exclude them from society.").

created in the early 1990s in response to the arrest and beating of Rodney King in Los Angeles and the discourse and unrest it sparked across the country.

Even when not directly related to a specific event, CABs almost always are formed to address strained relations between the policing agencies and the communities they serve.

## **WHAT ARE THE FUNCTIONS OF COMMUNITY ADVISORY BOARDS?**

When CLEOs and other city officials are realistic about what community advisory boards can accomplish and are thoughtful and deliberate in their creation, CABs have the potential to achieve meaningful success. CABs are typically understood to perform three functions: serving as a bridge between law enforcement and communities; operating as a sounding board for policing agencies; and facilitating outreach for community events.

### ***A "bridge" between police and communities***

As a result of being formed to address a seeming divide between policing agencies and communities, one of the purposes offered most frequently for the creation of a CAB is that its members will serve as a bridge between a policing agency and the general public, providing a somewhat formal structure through which community members can share their views and concerns.

Just about every CAB we interviewed claimed to serve as an intermediary for communities to raise issues with the police. This is especially the case for marginalized communities, which may hesitate about contacting the police directly.<sup>15</sup> Representatives from the CAB in El Paso, Texas said that residents often fear retaliation for contacting the police about public safety issues and that the CAB helps to broker an exchange of information. This was echoed in Phoenix, Arizona, where individuals without lawful

immigration status feel more comfortable raising issues to CAB members than to the police. Where police departments are not able to obtain the views of the community in one-on-one interactions, CABs can fill the gap.

Additionally, CABs occasionally are seen by policing agencies as a means to disseminate accurate information in crisis situations about an incident or subsequent investigation. When CABs are highlighted in the course of a crisis, they often are portrayed as a legitimizing presence for the policing agency's response.

### ***A sounding board for policing agencies***

CABs frequently are asked to serve as a sounding board for the CLEO. As the word "advisory" in the title suggests, community advisory boards can and do occasionally opine on various policies and practices that the CLEO is considering. Whether a CLEO is responding to a controversial incident, or is contemplating a change in policy, a CAB sometimes is seen as a body trusted for honest advice on what to do and how best to do it. Many agencies also use CABs to gauge public responses to incidents and to test out how their planned talking points will be received.

For example, a member of the Citizens' Advisory Council in Richland County, South Carolina said the Richland County Sheriff's Department "uses the meetings as an opportunity to get input from members about new policies."<sup>16</sup> One notable example of this practice was when the sheriff of Richland County sought advice about implementing the use of body-worn cameras for the SWAT team. After the Council questioned why SWAT was the only unit not yet equipped with body-worn cameras and suggested they too should be equipped with them, the sheriff listened and soon thereafter the SWAT team received body-worn cameras.

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<sup>15</sup> Memorandum from the Albany Community Police Advisory Committee Site Visit (June 20, 2019) (on file with author) ("In my community, many people have never had a chance to meet and speak with police officers in a non-conflict situation.").

<sup>16</sup> Memorandum from the Richland County Citizens' Advisory Council Phone Interview 4 (Sept. 6, 2017) (on file with author).



Albany Police Chief Eric Hawkins at an Albany Community Police Advisory Committee meeting in June 2019



Members of the Albany Community Police Advisory Committee during a Policing Project site visit, June 2019.

### ***An outreach facilitator for community events***

CABs also are used as a way for the police to communicate with the public about upcoming events. Non-enforcement community engagement activities can contribute substantially to building and maintaining relationships and community trust. But in order to accomplish this type of engagement, the public must be made aware of opportunities to engage and be encouraged to attend. When CAB members with visibility in their communities publicize and promote police-community engagement, events gain credibility and attendance improves.

In Minneapolis, the police present information to the Chief's Citizen Advisory Council on new and upcoming community engagement activities, with the Council expected to help spread the news. Similarly, the CABs in Phoenix help to facilitate engagement efforts for special events such as Chinese New Year, Pride Parade, and Native American cultural events.

Virtually every CAB with which we spoke claimed to perform all of these functions, though some later admitted that, in reality, their CABs do not always accomplish what they set out to do. In a perfect world, CABs would have the time and resources to do more, but in practice trying to accomplish all of them may mean little gets done.

## **III. KEY FINDINGS**

Our research has led us to a number of important conclusions and recommendations regarding the utility of CABs. It easily would have been possible to frame these as "don'ts" because in most of the research we conducted CABs were not performing as effectively as they might—or even effectively at all. In many cases, we came to question the utility of CABs. But we prefer to be optimistic, especially because we think it is important for some form of "front-end" body to exist in the space between police and the communities they serve.<sup>17</sup>

<sup>17</sup> See Barry Friedman & Maria Ponomarenko, *Democratic Policing*, 90 N.Y.U. L. Rev. 1827, 1881 (2015); BARRY FRIEDMAN, *UNWARRANTED: POLICING WITHOUT PERMISSION* (2017).

At the same time, it is important that those bodies be meaningful and effective. To that end, Part III offers our findings and recommendations for any jurisdiction considering creating a CAB, as well as for those with existing CABs that would like them to be more effective than they presently are.

### FORMING A CAB IS NOT ALWAYS THE BEST COMMUNITY ENGAGEMENT STRATEGY

Due to the long-term, sustained effort required to maintain high-functioning CABs, some other form of engagement may be more appropriate for certain jurisdictions looking to improve police-community relations. Although the impetus to create a community advisory board often is a single high-profile incident, by their nature CABs will exist long past the event and require a long-term commitment from all parties involved. They should not be created if that commitment is lacking or not likely to exist in the future.

There are other forms of community engagement available to policing agencies, many of which may be used effectively either in lieu of or alongside a CAB. These include social media, community forums or listening sessions, task forces, regularly scheduled community meetings, surveys, citizen review boards, and commissions.<sup>18</sup> Agencies creating CABs should be aware of the breadth of community engagement options and understand that without the proper resources, staffing, and commitment from stakeholders, CABs often achieve few, if any, of their objectives or, worse still, can end up being counterproductive.

Jurisdictions considering creating a CAB must decide if the local policing agency is prepared to dedicate the time and resources necessary to work successfully with the board. Will the agency be able to balance the differing views, interests, skills, and commitment levels of CAB members with the needs and limitations of the agency?<sup>19</sup> If not, the jurisdiction should consider a shorter-term solution.

### CABs BENEFIT FROM A CLEARLY DEFINED CHARTER THAT ESTABLISHES REALISTIC EXPECTATIONS

Most community advisory boards are formed in an attempt to improve strained relations between policing agencies and the communities they serve. Yet, at the time of their creation not all CABs have governing documents that provide clear guidance to achieve this aim. CABs should not be implemented haphazardly. Instead, CABs should have a charter that defines the board's authority, mission, goals, and procedures.

Without having a clear and agreed-upon charter, a CAB may lack direction, squander the valuable time of participants, and find itself at odds with the policing agency it was created to help. There may be value in sitting down with a subset of the public regularly to keep lines of communication open; but if that's the case, the agency should be honest that this is the sole goal, and not hold the CAB out as something it is not.

Too often, board members disagree—with each other, with the public, and with their local policing agency—over what the CAB can and should be doing, making it difficult to move forward. CABs experience difficulty achieving meaningful progress in a timely manner because their mission, powers, procedures, and goals are not enumerated and clear.

A charter can help a board by:

- Enumerating what it is empowered to do;
- Ensuring that its members—both police and members of the public—know what they are signing up for;
- Identifying how the policing agency or CLEO is to respond to suggestions from the CAB;
- Providing membership qualifications, number of members, and appointment procedures;
- Outlining rules and criteria for participation;

<sup>18</sup> Policing Project, The Police Foundation & The National Urban League, *Beyond the Conversation: Ensuring Meaningful Police-Community Engagement* 1, 9 (June 19, 2018), [https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5b29056a758d460f539bc079/1529415022872/Policing+Project\\_Beyond+the+Conversation.pdf](https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5b29056a758d460f539bc079/1529415022872/Policing+Project_Beyond+the+Conversation.pdf).

<sup>19</sup> Danielle Malangone & Carmen Facciolo, *How Community Advisory Boards Can Assist the Work of the Justice System* 1, CTR. FOR COURT INNOVATION (May 2014), <http://www.courtinnovation.org/sites/default/files/documents/CommunityAdvisoryBoards.pdf>.

- Detailing basic operating procedures and protocols to be followed; and
- Establishing a point of reference during times of institutional change and leadership transitions.

As the following example of Asheville, North Carolina demonstrates, CABs without a charter—or similar governing document—often are not as well-positioned to be effective. Asheville has a Citizens/Police Advisory Committee ("CPAC"), which has been in operation for nearly thirty years. The CPAC initially was formed with the purpose of providing a forum to gather community input on Asheville Police Department policies and issues, and make nonbinding recommendations based on that input.

Although the CPAC has a mission statement that provides some information about its membership and function, it does not have a charter that sets out the extent and limits of the board's authority.<sup>20</sup> This is a problem, because members need to know what decisions they can make on their own, how their advice is used, and how final decisions are made in the agency.<sup>21</sup> As one member of the CPAC said, "We have a mission statement, but it's pretty generic... We're grappling with the role and function of the committee. We're hoping [City] Council will give us guidance for the role of CPAC."<sup>22</sup> Or as another member explained, "[a]s it is currently organized, I believe CPAC serves no useful purpose—unless you consider raised blood pressure and wasted time as useful."<sup>23</sup>

Without a provision that clearly delineates the power and responsibilities of a CAB and its various stakeholders, it's difficult for a board to know that its contributions are being taken seriously. There's no written document to hold a policing agency

accountable for its responsibilities in the partnership. This type of environment can breed stagnation, ineffectiveness, and skepticism. By failing to specify a CAB's authority, city officials may unknowingly delegitimize the CAB from the beginning and make aggrieved communities skeptical of the value of the CAB and any of its initiatives.

Moreover, in addition to whatever needs the policing agency has, CABs should be granted some autonomy and be empowered to develop a scope of work that makes sense to them. For CAB members to be invested fully in the mission of the CAB, they need to be allowed to establish and achieve measurable objectives that are not contingent on the approval of the policing agency with which they work. At the same time, power also should not be implied where there is none. CAB-governing agencies can avoid confusion and frustration among CAB members by articulating the authority of a CAB clearly in a well-drafted charter.

### **CAB MEMBERS REQUIRE TECHNICAL KNOWLEDGE IN ORDER TO WEIGH IN SUBSTANTIVELY ON POLICY MATTERS**

CAB members frequently do not have a sufficient technical understanding of policing issues, which can hinder their ability to participate in policy deliberations. Too often police seek to address this by sending CAB members to a citizens police academy and putting them through "shoot-no shoot" drills on a simulator. Although this sort of training may be valuable, it is both limited and one-sided. Understanding what police do requires a great deal more information than what is taught in a citizens police academy. It requires an understanding of formal policy and agency operations, but also of

<sup>20</sup> CPAC's Mission Statement provides: "The committee serves as a liaison between the police department and the community. The committee mediates problems or conflicts and serves as an advocate for programs, ideas, and methods to improve the relationship between the police and community. The committee is also responsible for disseminating information to the community and to the government officials of Asheville. As an advisory committee to City Council, CPAC's primary function is to make recommendations to the City Council and act as a source of citizen information." Citizens / Police Advisory Committee, The City of Asheville, <https://www.ashevilenc.gov/department/city-clerk/boards-and-commissions/citizens-police-advisory-committee/> (last visited June 20, 2020).

<sup>21</sup> *Mentoring Resource Center Fact Sheet: Building an Effective Advisory Committee*, Mentoring Resource Center Fact Sheet No. 21 (U.S. DEPT. OF ED. OFFICE OF SAFE AND DRUG-FREE SCH.), Apr. 2008, at 1 <https://educationnorthwest.org/sites/default/files/factsheet21.pdf>

<sup>22</sup> Abigail Margulis, *Is Asheville Police Advisory Group Worth It or Wasted Time?*, ASHEVILLE CITIZEN-TIMES (May 19, 2017, 12:55 PM), <https://www.citizen-times.com/story/news/local/2017/05/19/asheville-police-advisory-group-worth-wasted-time/101543706/>

<sup>23</sup> *Id.*



Chairs of the African-American and Hispanic advisory boards in Phoenix, Arizona, interview during a Policing Project site visit in spring 2019.

community views and concerns about the police. And CAB members can best participate on substantive issues when they have a baseline understanding of policing issues as they are understood across a variety of perspectives, not just that of the police.

Citizens police academies typically are programs developed by policing agencies to educate community members about various facets of policing.<sup>24</sup> Designed to increase understanding between citizens and police through education, participants are taught police operations, policies, and procedures.<sup>25</sup> Although citizens police academies may provide community members with an increased awareness of what the police do, how they do it, and why—a positive outcome, to be sure—it's not clear that this type of training alone sufficiently equips CAB members with the knowledge necessary to opine on the various matters they are likely to be presented with over the course of their tenure.

As the following example of Beaumont, Texas's Citizens Advisory Committee ("CAC") makes clear, participating in a citizens police academy may be unnecessary to do the work of a CAB, and it certainly is insufficient alone. The Beaumont CAC originally was created in the wake of a controversy regarding a

use-of-force incident that left residents with strong concerns about the Department's policies, practices, and disciplinary procedures. Believing these concerns were due to a lack of information about its operations, the Beaumont Police Department created the CAC to increase public awareness and understanding of the daily functions, responsibilities, and challenges faced by its officers. This dedication to public education is reflected in CAC's mission statement: to enhance community understanding, communication, and cooperation between the police department and the community.

To further the CAC mission, the Beaumont Police Department required that all CAC members attend a citizens police academy. As is true elsewhere, this is a fourteen-week, one night a week, free course that is open to anyone eighteen or older who lives or works in Beaumont. It is designed to give participants a working knowledge of the Beaumont Police Department's policies and practices. In requiring CAC members to receive this instruction, the Department hopes CAC members will make informed judgements about the Department, and, with time, suspicions and misconceptions will be dispelled. Despite the Department's best efforts, many CAC members are unpersuaded by the training and continue to harbor

<sup>24</sup> JoAnne Brewster, Michael Stoloff & Nicole Sanders, *Effectiveness of Citizen Police Academies in Changing the Attitudes, Beliefs, and Behavior of Citizen Participants*, 30 AM. J. CRIM. JUST. 1, 21, 2005).

<sup>25</sup> Ellen G. Cohn, *The Citizen Police Academy: A Recipe for Improving Police-Community Relations*, 24 J. CRIM. JUST. 3, 265 (1996).

negative views of the Department. Although agonism,<sup>26</sup> such as this, is healthy for a CAB (and democratic participation more broadly), instead of being lauded, unfortunately, it is often grounds for dismissal from certain CABs, such as the Beaumont CAC.<sup>27</sup>

Aside from their ability—or inability—to evoke support and appreciation for police, citizen police academies are neither necessary nor adequate to provide CAB members with a baseline understanding on a core set of topics, such as an agency's policies, best practices, use of emerging technologies, and current challenges. Agencies can and should provide simple presentations to CAB members on such issues. It also would be beneficial to include other perspectives. External advocates can be consulted and invited to present during meetings—including civil liberties groups and academics from local universities—who can provide a healthy balance of perspective on issues.

An example of where technical background or training pays off in a CAB is Oakland, California's Privacy Advisory Commission. Unlike many of the CABs profiled in this study, the Oakland Privacy Advisory Commission ("OPAC") is rooted in a very specific concern: police activity that impinges upon personal privacy. Established by city ordinance in early 2016, OPAC was created for the narrow purpose of advising "the City of Oakland on best practices to protect citizen privacy rights in connection with the City's purchase and use of surveillance equipment and other technology that collects or stores citizen data."<sup>28</sup>

Although OPAC has only advisory authority, its structure and membership has imbued it with nearly de facto ability to shape privacy policy. The Chair of OPAC characterized the board as an extremely influential advisory body that cultivates its credibility and clout with the city council by emphasizing the academic and experiential credentials of commission

members. "The level of technological and legal sophistication among Advisory Commission members is night and day compared to the previous ad hoc iterations [of the Commission]."<sup>29</sup>

Standing OPAC members are selected based on their expertise and familiarity with modern surveillance techniques. Although there are no formal criteria for Advisory Commission members, there are several categories that OPAC tends to draw from: (1) attorneys, legal scholars, or activists with expertise in privacy or civil rights law; (2) past or present members of policing agencies; (3) auditors; and (4) hardware/software encryption security professionals.

These credentials give OPAC unusual credibility with both city officials and local policing agencies. The Oakland Police Department—which historically has had a tenuous relationship with public oversight bodies—has recognized that dealing with OPAC in a forthright, transparent manner is in the Department's best interest. The Department's representative on the Commission explained that he feels comfortable telling other officers that the Advisory Commission is a collection of reasonable people with sufficient expertise to understand the difficult balance between personal privacy concerns and legitimate law enforcement objectives.

While reorienting the internal Oakland Police Department culture to embrace OPAC oversight remains an ongoing process, the targeted expertise of OPAC members appears to have made the Oakland Police Department more receptive to OPAC's recommendations. Moreover, given OPAC's recommendations have to date been universally approved by the Oakland City Council, positioning OPAC as a sophisticated, technologically literate collection of industry experts and legal professionals appears to have worked very well.

<sup>26</sup> Sunita Patel, *Toward Democratic Police Reform: A Vision for "Community Engagement" Provisions in DOJ Consent Decrees*, 51 WAKE FOREST L. REV. 793, 804 (2016) ("Agonism takes an adversarial stance toward practices and ideologies of institutions in power, but it does so through engagement with those institutions rather than withdrawal, by acknowledging intractable differences but respecting the adversary who disagrees") (quoting Jocelyn Simonson, *Copwatching*, 104 CAL. L. REV. 391, 435-36 (2016)).

<sup>27</sup> Memorandum from the Beaumont Community Advisory Board Phone Interview (Dec. 5, 2017) (stating people who exhibit more negative views of the Committee are not "repacked" by the city council to serve additional terms on the Committee) (on file with author).

<sup>28</sup> Privacy Advisory Commission, CITY OAKLAND, CAL., <http://www2.oaklandnet.com/government/o/CityAdministration/d/PrivacyAdvisoryCommission/index.htm> (last visited Apr. 13, 2020).

<sup>29</sup> Memorandum from the Oakland Privacy Advisory Commission Site Visit (June 6, 2019) (on file with author).

## CABs MUST BE WELL-RESOURCED

If a municipal government or policing agency truly is committed to a "front-end" formal advisory model, the proper resources must be appropriated for a CAB staff, budget, etc. It is simply impossible for a CAB to operate effectively on the labor of volunteers alone.

Consider, for example, the common function of boards to hear from the community. They need to reach out to the public to understand their perspectives on specific issues. It can take a substantial amount of administrative and logistical legwork to plan and execute public meetings that include substantive presentations and discussions on new agency initiatives, training, or strategies. CAB members tasked with the heavy lift of managing public meetings likely will become overburdened quickly.

Municipalities and/or their policing agencies ought to allocate funds for the operation of the CAB. To work effectively, community advisory boards require concerted effort and resources—though this need not be substantial. Even with a small amount of money and resources dedicated to their operation, CABs are much more likely to achieve their potential. Having personnel available to publicize the upcoming meetings, set meeting agendas, take notes, and help facilitate conversations can make a world of difference. In an ideal world, CABs might have full- or part-time staff to help with this responsibility. Short of that, CABs should consider either enlisting a member of the city's administrative staff to help effectively publicize, coordinate, and run public meetings, or making the responsibility one that is assigned on a rotating basis to CAB members.

The Community Policing Advisory Board in Oakland (as distinct from OPAC, described above) is a testament to the value of allocated funds to the successful operation of a community advisory board.

Created in 2005 by city ordinance, and charged with "helping to bring the block and neighborhood groups together as a citywide voice for community policing," the Community Policing Advisory Board has the great benefit of receiving ordinance-mandated funding from the Oakland City Council.<sup>30</sup> To ensure that the City of Oakland remains committed to providing a structured approach to community involvement in policing, it included in the resolution creating the Community Policing Advisory Board a provision that appropriates funds for its use.<sup>31</sup>

To identify, seek, and maximize the funding it receives from the Oakland City Council, the Community Policing Advisory Board, pursuant to its by-laws, appoints a Fund Development Committee. With the substantial funding it receives, the Community Policing Advisory Board:

- Employs a Staff Administrator;
- Posts public notice of monthly meetings;
- Creates and publicly publishes meeting agendas;
- Records and publicly publishes meeting minutes;
- Maintains a website and newsletter;
- Polls its communities on policing matters;
- Creates and implements community initiatives;
- Authors and publishes bi-annual reports.

In sum, the funds the Community Policing Advisory Board is allocated allow it to lead important initiatives, conduct efficient meetings, and operate in an orderly manner. This in turn enhances the legitimacy of the Board and bolsters its reputation as a reliable and committed partner to both the Oakland Police Department and the communities it serves.

Although not all jurisdictions with, or aspiring to create, a community advisory board will have the resources that Oakland does, all jurisdictions interested in having an effective CAB must enable it with whatever means it can—whether that be money, time, or energy.

<sup>30</sup> OAKLAND, CAL., RESOLUTION 79235 § 5.1 (2005) <http://www2.oaklandnet.com/oakcal/groups/cityadministrator/documents/report/oak037412.pdf>.

<sup>31</sup> *Id.* at Section 5.9 ("The City Council shall provide the Community Policing Advisory Board with sufficient funding for its activities, including attendance at conferences, observation of community policing programs elsewhere in the country, and retaining consultants to assist it with its responsibilities.").

## CAB MEMBERSHIPS REQUIRE SIGNIFICANT DIVERSITY ALONG SEVERAL DIMENSIONS

It is essential that board membership on CABs is diverse across a variety of factors. These include social identity such as age, gender, race, socioeconomic background, sexual orientation, occupation, creed, geography (i.e. neighborhood), ability, and so on. At the same time, the agency working with the CAB should not presume that a person of a particular race, socioeconomic group, or other factor "represents" that community of interests; people are individuals and communities are diverse within themselves.<sup>32</sup>

There is always the danger that a CAB will only represent views favorable to the police. Even though a CAB may look diverse along a variety of dimensions, there is the risk that the people who participate already have warm feelings toward the police and will do little to foster relationships with those who are alienated. Often, the individuals selected to participate on CABs already have ties to the policing agency, or they have been in the role for such a significant amount of time that community members view them as extensions of the police, rather than independent advisors. The mission of a CAB will be thwarted absent an effort to counter this tendency by drawing in participation from those who are less eager for interaction with the police but who may provide a diversity of perspectives.

In addition, an effective CAB requires members with a range of professional backgrounds. This particularly is the case if resources to support the CAB are few. In order to achieve the CAB's goals, the body may require that someone have a basic understanding of criminal law and procedure, or a communications background, or a community organizing background.

Membership needs to be diverse across a range of dimensions—not only in terms of demographic makeup,

but also by experience, skills, and perspectives on policing. When recruiting members, it is important not to focus only on those with fancy titles or jobs. Those who organize a CAB should make sure to include members who have strong but informal connections to the community and who can demonstrate an ability to recruit new members, potentially through social media platforms or otherwise. Often, the most successful CAB members are willing and able to engage with their community outside of CAB meetings. This extra effort goes a long way—it affords CAB members the opportunity to collect and hear the valuable feedback of members of the public who can't or don't attend meetings (many of whom are from marginalized communities).

The Phoenix Police Department uses a unique and thoughtful approach to connect with the diverse communities it serves. The Phoenix Police Department has twelve Citizen Advisory Boards ("CABs"), each of which represents a different demographic group in Phoenix.<sup>33</sup> Although this community relations strategy certainly would not work for all jurisdictions, in Phoenix, there seems to be a good case for the current structure and composition of the Boards. With this structure, the Police Department can devote attention to the particular needs of each of the twelve aforementioned communities. By assigning detectives who are familiar with each community to each of the respective Boards and making these detectives responsible for recruiting new CAB members (with the help of the Board), the Police Department engages with the communities and builds trust through collaboration.

A strong demonstration of local ties and involvement in a particular community is crucial to being approved for CAB membership in Phoenix. This is designed to maximize the ripple of outreach that can be generated by a small group and to promote

<sup>32</sup> See Reenah L. Kim, *Legitimizing Community Consent to Local Policing: The Need for Democratically Negotiated Community Representation on Civilian Advisory Councils*, 36 HARV. C.R.-C.L. L. REV. 461, 486 (2001) ("The concept of community itself remains imprecise.").

<sup>33</sup> Police Chief's Advisory Boards, City of Phoenix, <https://www.phoenix.gov/police/resources-information/citizen-advisory-boards> (African American Advisory Board; Arab Advisory Board; Asian Advisory Board; Cross-Disability Advisory Board; Faith Based Advisory Board; Hispanic Advisory Board; Jewish Advisory Board; LGBTQ Advisory Board; Muslim Advisory Board; Native American Advisory Board; Refugee Advisory Board; Sikh Advisory Board).

a membership that has a genuine stake in the community. The private nature of the meetings (guests must be approved in advance) also is a critical component of the strategy to build trust and foster communication among the police and the public. The Phoenix CABs seek to create long-term relationships that can be informal and personal, not only professional.

Yet, Phoenix's structure is not without its difficulties. By organizing its CABs in this way, the Phoenix Police Department limits its ability to understand and efficiently attend to issues that exist across these communities, or outside of them. The closed meeting style also means that the existence of the boards is not as well known among the public as it could be. And although this structure is designed to be inclusive and diverse from a demographic standpoint, when some demographic groups are enumerated—like they are here—others necessarily are excluded.

An example of an alternative, but equally effective, approach to achieving board membership diversity is shown by the Community Police Advisory Boards in San Francisco, California. The San Francisco Police Department has a network of Advisory Boards, one for each of the city's ten district stations. Although

the Police Department has no defined set of criteria for Advisory Board members, captains are instructed by their commander to look for individuals who are "diverse and who care about the community."<sup>34</sup> Also, importantly, captains are encouraged to add to their boards at least two to three people who "aren't the biggest fans of the police."<sup>35</sup> As the head of the San Francisco Police Department's Office of Community Engagement explained, "[s]ome of the most valuable perspectives on community engagement come from board members who have had negative police interactions or developed an unfavorable view of the department."<sup>36</sup>

Given one of the common purposes of CABs is to improve the relationship between a policing agency and the communities it serves, it follows that CABs need members who are willing to voice the perhaps difficult to hear but honest opinions about how police, and the actions they propose to take, are or will be perceived—especially by members of marginalized and over-policed communities. How can a relationship be mended and trust be formed, if underlying issues are not brought to the fore? These dissenting members help agencies to understand the magnitude of a problem, the details of its origin, and the path toward reconciliation.



Members of the Phoenix Police Department's LGBTQ Advisory Board group during a quarterly meeting in spring 2019.

<sup>34</sup> Memorandum from the San Francisco Community Police Advisory Board Phone Interview (May 4, 2018) (on file with author).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

## **EFFORTS ARE REQUIRED SO THAT CAB MEMBERS DO NOT SUFFER FROM PARTICIPATION FATIGUE AND BURNOUT**

Even with a clearly understood mandate and committed CAB members, there can be an issue of participation fatigue. We privately heard from many policing agencies and board members that there tend to be CAB members who stop showing up to meetings, don't participate, and aren't responsive to communication. That is not surprising—even the most committed CAB members often experience burnout.

Members should serve set terms. Some boards use term limits to ensure that new members and perspectives continually are cycled onto the board. There also should be agreed-upon rules regarding member absences or lack of participation, so that inactive members can be replaced.

The Northeast Regional Command Community Advisory Board in El Paso, Texas, is a quintessential example of what may befall an otherwise well-structured CAB when it lacks member term limits. In total, there are five Regional Command CABs in El Paso, Texas—Central, Mission Valley, Northeast, Pebble Hills, and Westside.<sup>37</sup> Despite being governed by a very detailed charter, the NE Regional Command CAB struggles with member attendance and attrition. This is due in part to the fact that its charter does not mention term limits and responsibilities for its members.<sup>38</sup> As a member of the NE Regional CAB explained, “[p]eople are involved with the CAB when there is a crime in the neighborhood or their home, but then they disappear. A quorum (2/3) is required for voting, and maintaining that quorum is difficult.”<sup>39</sup>

Recognizing that CAB members are volunteers and an optimally functioning CAB is time-consuming and resource-intensive, it is not surprising that El Paso's NE Regional CAB struggles with member attendance. If volunteers are not told from the early stages of their participation how long they will serve, what is

expected of them, and the consequences of non-compliance, there's a significantly greater likelihood that members will miss meetings. Setting term limits is an effective way to mitigate the risk of member burnout and absenteeism.

CABs should consider implementing not only term limits but staggered terms as well. A CAB with staggered terms is arranged so only a certain number of members are appointed in a given year, and therefore, only some members—not the whole board—transition off the CAB at one time. Staggered terms are essential to maintain relationships with policing agency personnel and necessary to preserve institutional memory and culture.

Attendance issues can be mitigated in more ways than term limits and communication alone. Meeting schedules should be reasonable and not overly burdensome for the people who volunteer their time for the often thankless and difficult civil service that is CAB membership. The frequency of meetings certainly will differ across jurisdictions, but at a minimum, all boards ought to seek the input of its members as to how often meetings should occur. Furthermore, meetings should be held in locations that are easily accessible by public transportation and convenient for CAB members to reach.

The bottom line is that board members should serve finite terms. With a timeline, guidance, doable tasks, recognition, and a belief that their input and hard work is valued, CAB members will show up and help to effect change.

## **CABS REQUIRE OPERATING PROCEDURES AND MEETING PROTOCOLS**

As with any organization or board, CAB meetings will be lackluster and without direction absent operating procedures or bylaws. Discussions will lack direction, conversation will flounder, and enthusiasm for participation will decrease. In order for a CAB to be

<sup>37</sup> Memorandum from the El Paso NE Regional Community Advisory Board Phone Interview (Mar. 28, 2018) (on file with author).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

successful, it is necessary to develop and utilize basic operating procedures and meeting protocols that address some basic issues: whether the CAB will receive funding, whether there will be officers, how often the board will meet, meeting structure and guidelines, how decisions and recommendations are made and received, and so on. Operating procedures also provide logistical guidance for how a CAB should work together to complete tasks, including setting agendas and documenting minutes. Without this guidance and frame of reference, a CAB may find it difficult to accomplish anything. Rules such as these also help set realistic expectations.

An example of a community advisory board whose performance and effectiveness suffered significantly as a result of not having agreed-upon operating procedures is the Citizens' Advisory Panel ("CAP") in Charlottesville, Virginia. The CAP was created in 2008 as an advisory group to the Charlottesville Police Department and to the Charlottesville City Council. Before the CAP was dissolved in favor of a Civilian Review Board, its purpose was to "build positive citizen relationships, encourage widespread police and citizen engagement, and ensure that issues that arise in the aftermath of a critical event are assessed in a manner that properly balances legitimate policing practices and community values and expectations."<sup>40</sup> Although the CAP existed for nearly a decade, it was plagued with a number of challenges throughout its existence. Some of the challenges it faced may be fairly attributed to its lack of basic operating principles and procedures.

The former Chair of the CAP expressed that its members were responsible for their own bylaws without any guidance, and ultimately, went through multiple iterations. He felt the original police chief was not actively engaged in the CAP and did not provide support to CAP initiatives. He also expressed that CAP members felt they received little support and direction, and were kept at bay by the police chief.

Though the CAP was created to advise the police department, other than the initial incident that precipitated the creation of the CAP, the former Chair recalled no other instance in which the police chief called on the CAP to serve in an advisory capacity.<sup>41</sup>

As this example from Charlottesville shows, CABs need the support of city officials in the development of operating principles and procedures. A CAB can create bylaws by itself, but those who urged the creation of the CAB and interact with it should have some role in vetting those procedures to make sure expectations are reasonable. Without guardrails in place to guide the CAB, its relationship with its local policing agency can turn adversarial instead of collaborative.

## CONCLUSION

Many policing agencies have some form of a community advisory board. But too many of these CABs are dormant, ineffective, or otherwise not well-positioned to provide actionable advice. This is a serious underutilization of CABs' potential to connect policing agencies with community perspectives. The simple fact is, that unless the sorts of guidance offered here is adopted, it is probably better not to have a CAB—rather than an ineffectual or rubber-stamp one.

To be effective, CABs need to be purposeful. They need to be composed of committed members who are diverse, capable, skilled, widely known by the community, and know how to work together as a team. They should lean on local resources like academics, advocates, and nonprofit organizations. When they are working well, CABs can be an integral part of a broader police-community engagement strategy and have the capability to heighten the influence of a community voice in policing. □

<sup>40</sup> See Carahongwhaley, *Criminal Justice in the Community: Recommendations for an Effective Civilian Police Review Board*, Virginia Politics and Elections (2018), [https://vapoliticsblog.wordpress.com/2018/05/11/criminal-justice-in-the-community-recommendations-for-an-effective-civilian-police-review-board/#\\_ftnref21](https://vapoliticsblog.wordpress.com/2018/05/11/criminal-justice-in-the-community-recommendations-for-an-effective-civilian-police-review-board/#_ftnref21) (Following the violent white nationalist events in Charlottesville on August 11-12, 2017, the effectiveness of the CAP came into question. During City Council meetings, numerous speakers criticized the CAP. Instead of providing the CAP with additional powers and responsibilities, the Charlottesville City Council decided to dissolve the CAP and create a Civilian Review Board (CRB) instead. On December 18, 2017, the Charlottesville City Council approved the creation of the CRB).

<sup>41</sup> Memorandum from the Former Members of the Charlottesville Citizens' Advisory Panel Phone Interviews (May 18, 2018) (on file with author)