

OUTLOOK

Hilder: Houston's police oversight panel needs more teeth

Better resources, greater authority would boost the oversight panel's relevance

By Philip H. Hilder | September 3, 2016

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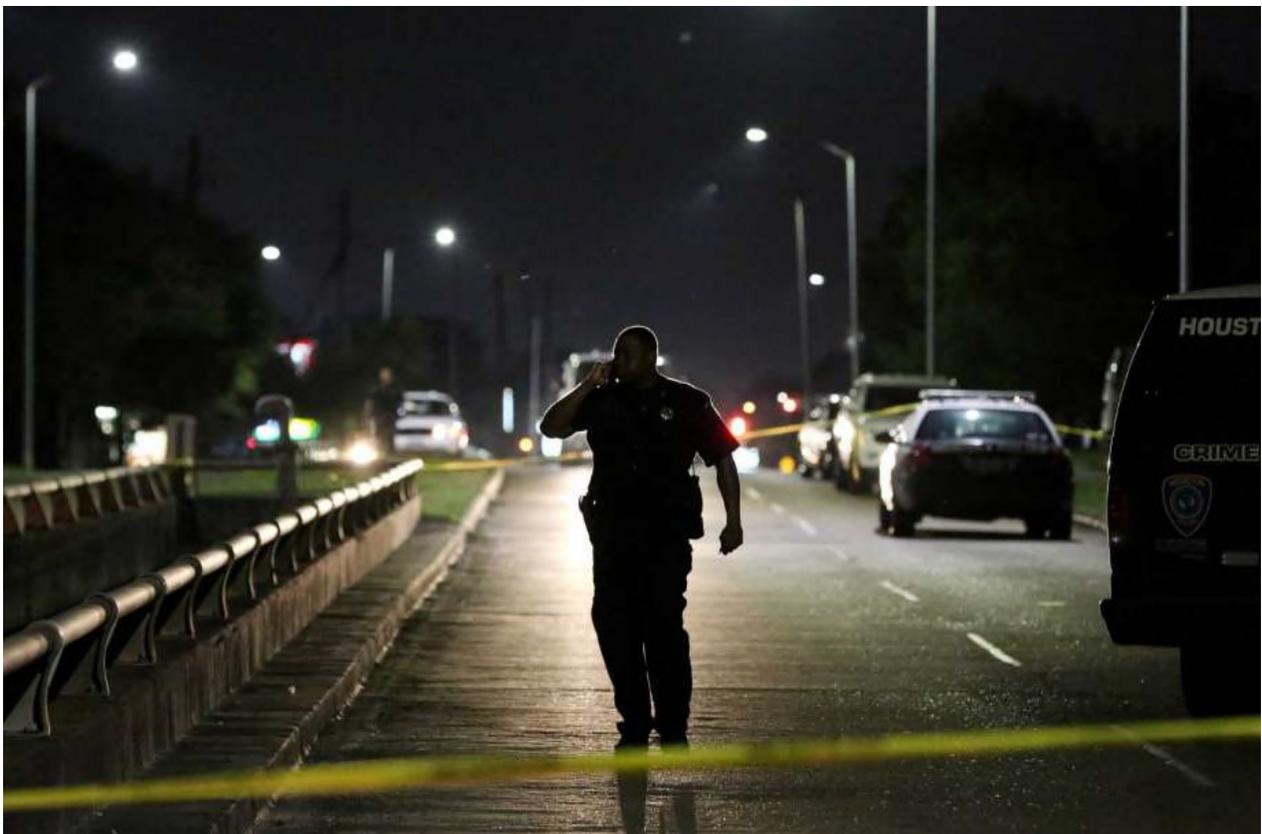


Photo: Jon Shapley, Staff

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The public must have confidence that its police department is responsive, competent and well-trained and that its officers exercise good judgment.

How do city residents determine whether the local police oversight board is effective at holding the police department accountable? Sometimes it takes a crisis before someone asks the question. We shouldn't wait for that moment in Houston.

Our Independent Police Oversight Board has been in place since 2011, established by executive order under former Mayor Annise Parker. Its mission is, in part, to address community concerns. The objective is to provide a system of accountability and transparency to give



residents a say into the internal investigative process of the Houston Police Department. The oversight board's creation was laudable, but the watchdog is long overdue for more bite. Despite the growing use of video cameras and claims of police abuse across the country, HPD still investigates itself even in sensitive cases, and that is not a situation that engenders trust by Houston's diverse citizenry. Several enhancements to boost the board's relevance should be considered to give it true and meaningful independent oversight.

The oversight board as created is composed of 21 unpaid volunteers appointed by the mayor and confirmed by City Council. As structured, the board is divided into four panels, all charged with review of internal policy investigations of excessive force allegations; discharge of firearms; and serious bodily injury or death. Other responsibilities include review and recommendations for recruitment,

training and evaluation of police officers, and the consideration of community concerns regarding HPD. To effectively meet its charge, the oversight board should restructure beyond review panels and formulate additional panels that focus on community outreach, emerging technology, training and policy.

The public must have confidence that its police department is responsive, competent, well-trained, and that it exercises good judgment. Members of the community must realize a tangible connection to oversight. The oversight board must do better to establish community outreach programs and communicate its findings. It should establish processes for civilians to lodge complaints, concerns and general grievances not limited to HPD personnel altercations.

Ability to initiate

The oversight board must be given clear, independent authority to investigate when necessary, and to recommend policy changes through the police department, mayor's office and City Council. As currently constituted, the board is a review body assigned to cases referred by HPD Internal Affairs. But to be effective, the board must have the ability to initiate its own investigations when appropriate. It should be

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granted the power to obtain information outside police approval and cooperation.

Civilian volunteers alone cannot adequately perform investigations. It would be prudent to allocate funding for an independent investigator to assist in review and evaluation of sensitive cases. Independent investigative power is necessary as a check and balance to the police department. As it now stands, the police investigate themselves, an inherent conflict of interest. For the vast majority of the complaints, this procedure is satisfactory. Establishing a robust independent investigative infrastructure may not be feasible. However, for sensitive or volatile situations, an independent investigator would be wise.

Operational support

Establishing limited administrative subpoena power to obtain records within HPD would be helpful to evaluate department policies, practices and training. Currently, HPD provides information to the board at its discretion. Full subpoena power is not necessary for investigations since police officers are required to cooperate as part of their employment agreement. The oversight board cannot and likely should not demand officer testimony, as officers have Fifth Amendment constitutional rights. But the board should be able to obtain HPD documents, a power the panel currently does not hold.

The oversight board merits a full-time paid administrative or executive director position to ensure that the process functions effectively. Additionally, the chairperson should have a security clearance, as should a subcommittee within the board, to oversee new technology that is security-restricted. Technology in law enforcement is rapidly advancing, and the community that pays for it must have a say. Recently, it was revealed that Baltimore Police initiated - without public knowledge - an aerial-surveillance program.

The use of a bomb-carrying robot to end the horrific sniper shooting of police officers in Dallas brings up another use of technology where monitoring of police training is appropriate. Closer to home, HPD employs clandestine devices called Stingrays to intercept cellphone calls. Yet the oversight board has no ability to monitor HPD's use of these devices or how the officers are trained with this new technology. These devices can be abused to spy on citizens.

Other technology issues that confront the oversight board includes requirements to audit the thousands of hours of body-worn camera video. Beginning in October, and twice a year after that, the oversight board will be responsible for auditing tens of thousands of hours of videos from body-worn cameras. The cameras represent a change in technology that justifies additional resources that were not imagined when the oversight board was created.

The future

The bottom line is this: With all that is changing in policing in this camera-crowded world we live in, citizen oversight is needed more than ever. It is very definitely time to give the oversight board a real view into the police department it is charged with overseeing by expanding its powers and role.

Hilder is a white-collar criminal defense attorney and former federal prosecutor. He is a mayoral appointee to the city of Houston's Independent Police Oversight Board.

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