



May 30, 2019

Dear Councilmembers:

In the wake of Soheil Mojarrad's recent death at the hands of a Raleigh police officer and with our community still reeling and searching for answers, we are writing to reiterate recommendations to ensure that there is transparency, accountability, and meaningful change within the Raleigh Police Department. Specifically, we want to address needed changes to the current body camera policy, and again call on you to support a robust Community Oversight Board.

Body Camera Policy

The Raleigh Police Department's body cameras are only true transparency tools if the policy that guides their use is adequate. To that end, we strongly recommend:

- Adding language to the policy that outlines how officers will be disciplined if they do not comply with it. As specified in the current policy, cameras should be turned on during all "voluntary encounters of an investigatory nature"—as was the case when Officer Edwards encountered Soheil Mojarrad on the evening of his death. Officer Edwards was wearing a body camera that was never turned on, and as a result, critical evidence and answers for Soheil's family are lost. Is there any consequence for that inaction--a clear policy violation?
- Continuing to follow up with WatchGuard, Raleigh's body camera vendor, regarding the capacity of the cameras to auto-activate as soon as an officer's weapon is drawn from its holster, as PACT has been recommending since RPD's much-highlighted body camera community engagement process in 2017. If WatchGuard is unable to provide this feature, we urge you to select a vendor who can when the contract expires at the end of 2020.
- Adding language to the policy that specifies that officers, like average civilians, should have access to body camera footage where it does exist only after they've written their preliminary incident reports, to prevent confirmation bias.

Community Review Board

As you undertake consideration of a Community Review Board (CRB) in Raleigh, we want to reiterate our support for the creation of an independent board that has the power to investigate civilian allegations of police misconduct and make disciplinary recommendations to the police chief. We are advocating for a board that has independent subpoena, disciplinary, and investigatory power. Without these powers, it will be difficult if not impossible for any CRB to meaningfully address instances of police misconduct in the City of Raleigh.

We are advocating for a board that mirrors the best practices outlined in a 2016 law review article called [Getting it Right: Building Effective Civilian Review Boards to Oversee Police](#). A CRB modeled on those best practices was established in Newark, New Jersey just a few years ago. You might be aware that the Newark CRB is currently the subject of ongoing litigation, but that should not discourage you from moving ahead. That case, *Fraternal Order of Police, Newark Lodge No. 12 v. City of Newark*, A-003298-17T3, was heard in the New Jersey appellate division earlier this month. It will likely make its way from there to the state Supreme Court. We want to make it clear that the issues involved in that case are state specific to New Jersey. It is not legally controlling in any way on what happens here. That said, one of the things we can learn from that case is that the CRB is being challenged in part for lack of adequate due process protections for police officers. We can and should build-in adequate due process into any CRB adopted by the City of Raleigh.

We know that Raleigh must receive authority from the General Assembly to create a board with subpoena power. Our ask of you is that you take that seriously by passing a resolution to add this to the City's existing legislative priorities, and work with Raleigh's legislative delegation to file a bill granting that authority during the next legislative session.

In addition, we know that none of these changes in isolation will build trust, accountability, equity, and transparency in Raleigh policing. We encourage you to also consider recommendations such as making it mandatory for all uniformed officers to receive regular Crisis Intervention Training (CIT).

As always, we are happy to meet with you at any time to discuss these recommendations and anything else you may be considering to address the need for meaningful police accountability in our city. You can read all of PACT's recommendations for change at <http://www.raleighpact.org/solutions>.

Thank you,

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