



## U.S. Department of Justice

April 6, 2015

### MEMORANDUM FOR THE COMPLIANCE OFFICER AND COMMUNITY LIASION

FROM: The DOJ Monitoring Team  
SUBJECT: COAB Administration and Operations

This memorandum is provided pursuant to your request for DOJ's insight into recent questions raised by individual members of the COAB and the public regarding administrative operations of the COAB and its committees. We encourage you to share the following points with the COAB. Should any COAB members have questions or concerns regarding these matters, a member of our team will be available to discuss at the April 9<sup>th</sup> meeting.

- DOJ supports and concurs with the roles and responsibilities letter issued by the COCL on March 26, 2015. All COAB authority must be derived from the Settlement Agreement (SA). The district court found the SA fair, adequate, and reasonable. Authority for the COAB and its functions does not extend beyond the SA.
- There is no basis for any assertion that non-COAB members may sit on the executive committee. The COAB is made up of 15 voting members and five advisory non-voting (sworn officers) members (para 142). The COAB may form an executive committee or other subcommittees to accomplish its tasks under the SA (para 143).
  - Executive Committee – The bylaws provide that the executive committee will “lead and guide” the COAB in its work. The COAB does not have the authority to delegate to non-COAB members its authority for COAB functions. Therefore, only voting COAB members shall serve on an executive committee
  - Subcommittees – The bylaws allow subcommittees to also include non-voting alternates and members of the public. Only a majority vote of the COAB—not subcommittees—may make recommendations on SA implementation (para 151). Therefore, any work product, actions, and recommendations must be submitted to the COAB for consideration and vote. In essence, the subcommittees shall not act independently of the COAB, nor make recommendations on behalf of the COAB. Finally, advisory members should be included on the subcommittees as well.
- The COCL is required to “perform activities necessary for the efficient operations of the board,” such as clarifying roles and responsibilities, including those of committees (para 144).

- The COAB reports to the COCL (para 144). It is the COCL, not the COAB, making the decision on the operations of the board (*id.*). The COCL’s decisions stand on administrative/operational issues of the board (*id*).
- In making its decisions on efficient operations of the COAB, the COCL can and should consider the interpretations of the SA by the City and the DOJ (see para 141 – requiring the city, in consultation with the DOJ, to establish the COAB).
- The City Attorney is required by the SA to provide guidance on public meeting laws to the COCL, and to represent the COCL in any challenge regarding compliance with those laws (paras 154-155).
- The City Attorney may provide guidance to the COCL on the structure and operations of the board, as it established such board in consultation with DOJ (para 141). Such advice on the structure and operations of the COAB is not in conflict with the City’s role in defending its position on legal compliance of the terms of the settlement. The district court found the SA fair, adequate, and reasonable, including the provisions regarding the City Attorney’s roles. As such, the COAB does not need independent legal counsel.
- Neither the COAB nor the COCL make substantive legal decisions or investigations of the City or PBB—instead SA paragraph 141 clearly delineates COAB’s advisory roles:
  - independently assess the implementation of the SA; (b) make recommendations to the Parties and the COCL on other actions; (c) advise the Police Chief and Commissioner on strategies to improve community relations; (d) provide the community with information on the SA and its implementation; (e) contribute to the development and implementation of the PPB Community Engagement and Outreach Plan; and (f) receive public comments and concerns. The scope of the COAB and its meetings must be maintained within these roles and objectives (para 154). DOJ is the legal monitor (para 167).
    - The COAB must use the tools provided in the SA to “independently assess the implementation of the SA.” For example, providing comments on the reports of the COCL, including comments or concerns from the public at large during the quarterly town-hall meetings, as provided by paragraph 163.
    - In determining whether to make recommendations on “other actions,” the COAB must, again, use the tools provided in SA. For example, the COAB must follow the processes provided by para 146a-h for the outreach survey, public hearings on outreach (with PPB), and consultation with community members and PPB.
- Both the COCL and the City may provide training to the COAB as necessary pursuant to their roles provided in the Settlement Agreement for operations of the COAB (para 144, 154, 155).