

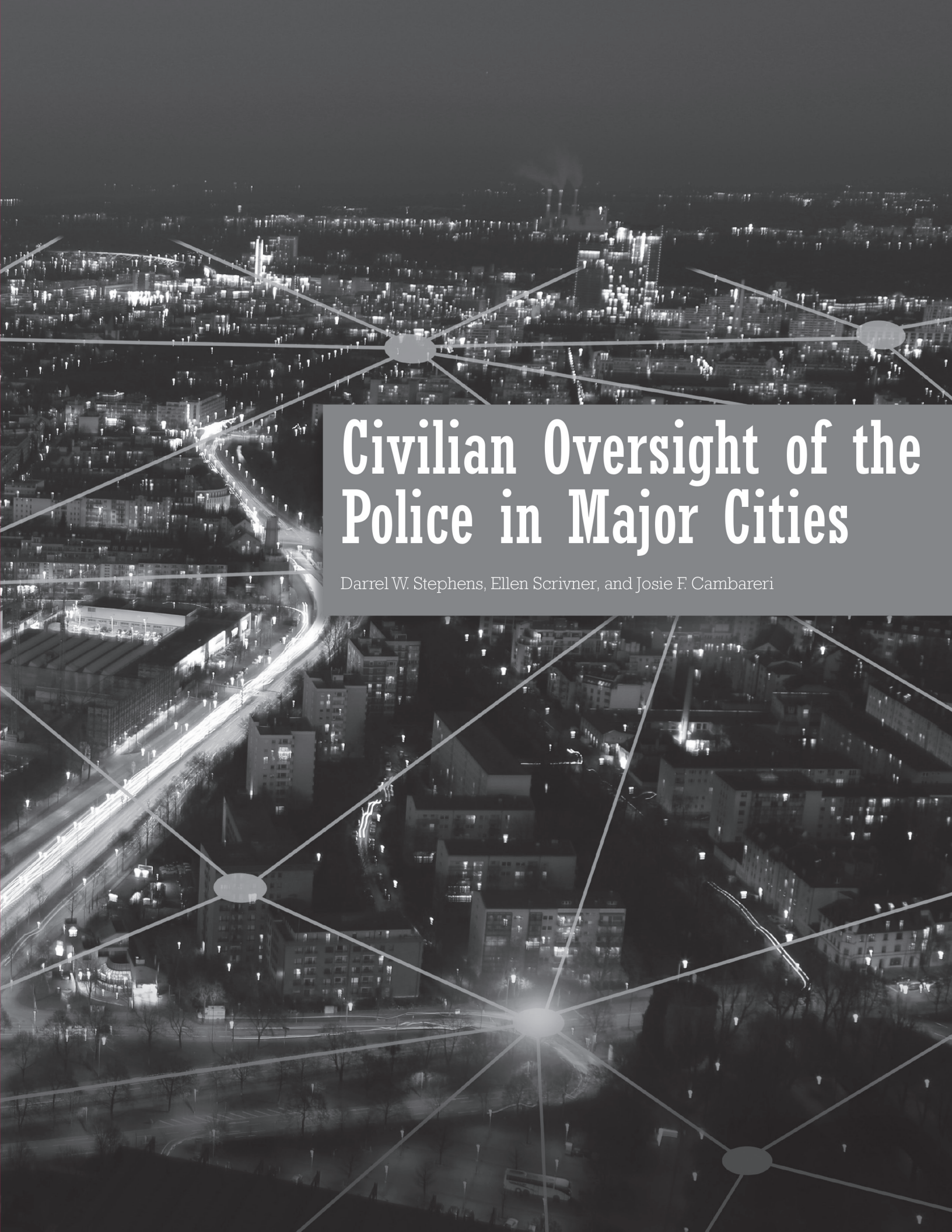
Civilian Oversight of the Police in Major Cities

Darrel W. Stephens, Ellen Scrivner, and Josie F. Cambareri



COPS
Community Oriented Policing Services
U.S. Department of Justice



An aerial night photograph of a city, likely New York City, showing a dense urban landscape with numerous illuminated buildings and a prominent highway with light trails. Overlaid on the image is a network of white lines connecting several circular nodes, suggesting a global or interconnected theme.

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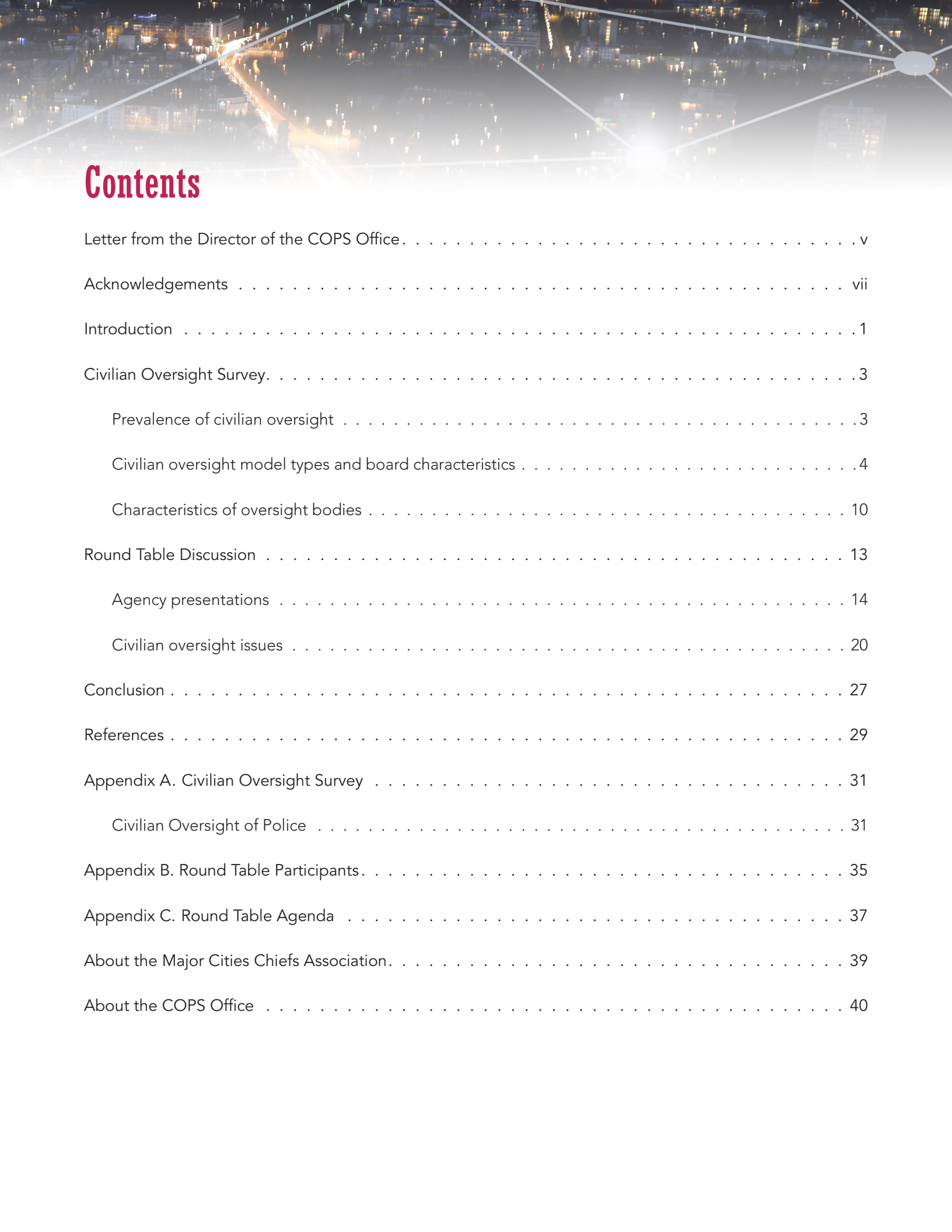
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Letter from the Director of the COPS Office

Colleagues:

As you know, civilian oversight of law enforcement agencies is nothing new. In fact, agencies have always been accountable to the communities they serve. Moreover, additional oversight boards have existed in various forms since the 1950s. While not present everywhere, according to Liana Perez, director of the National Association for Civilian Oversight of Law Enforcement, there are now more than 200 oversight boards across the nation.

However, like any local law enforcement initiative, civilian oversight takes different forms in different jurisdictions. Many agencies exploring options for their own communities often ask what others are doing to inform their own decision making. To assist those agencies who want to know how civilian oversight is working in communities across the nation, the COPS Office awarded funding to the Major Cities Chiefs Association (MCCA) to survey its members and hold a round table to discuss the results.

The round table participants, who represented 21 agencies in Canada as well as the United States, talked about how civilian oversight worked in their own communities. They described the objectives of their oversight programs and debated their advantages, challenges, and effectiveness, calling attention to issues they felt were especially important for their peers to know.

On behalf of the COPS Office, I thank the MCCA and its members who responded to the survey, as well as the 21 round table participants, all of whom generously gave of their time and forthrightly expressed their opinions. Our thanks also go out to the National Law Enforcement Memorial Fund, which hosted the meeting.

This report provides an overview of the existing landscape in local oversight. It is important to share this with the field as law enforcement agencies throughout the nation work to continue to build and maintain trust, ensure the quality of the services they deliver, and enhance their mechanisms for local accountability and control that are so important to effectively policing our nation's many and varied communities. The COPS Office is proud to be able to support local agencies in making informed decisions for their communities.

Sincerely,



Phil Keith
Director
Office of Community Oriented Policing Services



An aerial night view of a city, likely New York City, with a network of white lines overlaid on the image, suggesting a global or interconnected theme. The lines form a web-like pattern across the cityscape.

Acknowledgements

The authors would like to acknowledge the important contributions made to this project by members of the Major Cities Chiefs Association that responded to our membership survey on their civilian oversight models and for participating in the round table discussion. We are also grateful for the participation of President Brian Corr and Vice President Margo Frazier from the National Association of Civilian Oversight of Law Enforcement in the round table discussion. MCCA Associate Director Patricia Williams made an important contribution through handling the administrative and logistical aspects of the project.





Introduction

Civilian oversight of the police has been a topic of discussion and debate since the 1960s. The debate generally surfaces in communities where there has been a high-profile incident in which a member of the community has been injured or killed during an encounter with the police. The shooting death of Michael Brown in Ferguson, Missouri, in August 2014 followed by other high-profile shootings and deaths pushed civilian oversight and police accountability into the national spotlight.

Although not generally acknowledged by the public, police agencies have always had civilian oversight through elected mayors, city councils, prosecutors' offices, court decisions, and state and federal legislation. Since the early 1960s, other forms of oversight have been developed in the hope of ensuring greater police accountability and community trust. In the earliest cases, a number of cities established civilian police commissions or boards (Los Angeles; Chicago; Kansas City, Missouri; and Detroit are examples) that played a role in the selection of the chief, policy development, and discipline. Since the late 1960s, other forms of civilian oversight have emerged.

A number of civilian oversight classification systems developed over the years because of the wide variation in approaches adopted by communities. The National Association of Civilian Oversight of Law Enforcement (NACOLE) adopted a system developed by Samuel Walker in 2001 with some modifications of their own.¹ NACOLE places civilian oversight bodies in one of three classifications:

1. The **investigation-focused model** involves routine, independent investigations of complaints against police officers, which may replace or duplicate police internal affairs processes, though non-police civilian investigators staff them.
2. The **review-focused model** concentrates on commenting on completed investigations after reviewing the quality of police internal affairs investigations. Recommendations may be made to police executives regarding findings, or there may be a request that further investigations be conducted. A review board composed of citizen volunteers commonly heads this model, and they may hold public meetings to collect community input and facilitate police-community communication.
3. The **auditor/monitor model** focuses on examining broad patterns in complaint investigations including patterns in the quality of investigations, findings, and discipline rendered. Further, in some cities that use this model, auditor/monitors may actively participate in or monitor open internal investigations. This model often seeks to promote broad organizational change by conducting systematic reviews of police policies, practices or training, and making recommendations for improvement.

1. De Angelis, Rosenthal, and Buchner, *Civilian Oversight*.

An aerial night view of a city with a network diagram overlay. The diagram consists of a central white circle with several lines radiating outwards to other white circles, representing a network or system. The city lights are visible in the background.

Civilian oversight programs vary significantly from one city to the next and even within the general categories described here, and in some communities there are aspects of all of the models. Many programs were established in response to concerns expressed in the community about police accountability. Many advocates believe the police can more effectively be held accountable by an agency outside the law enforcement organization. The exact number of oversight bodies in the United States is not known; NACOLE lists 125 jurisdictions that are part of their membership.² Forty-six of those jurisdictions are Major Cities Chiefs Association (MCCA) members.

One of the major challenges with oversight programs is the limited empirical evidence demonstrating their effectiveness. The three basic models described on page 1 have not been examined to determine whether they actually improve accountability or if community confidence is enhanced by their presence. In some cities where programs have been established, the MCCA has seen calls for changing the way they operate. In Chicago, for example, the mayor dismantled the Independent Police Review Authority and established a new Civilian Office of Police Accountability that began operations in September 2017.

The Office of Community Oriented Policing Services (COPS Office) collaborated with the MCCA to develop a better understanding of civilian oversight programs in MCCA agencies. Through the project, the MCCA sought to improve understanding of civilian oversight agencies and the implementation challenges. To that end, the MCCA surveyed its member agencies and a held round table discussion in Washington, D.C., on June 15, 2017.

This paper discusses the results of that survey and the outcome of the round table conversation and provides an overview of civilian oversight in major city police agencies. While the surveys and subsequent round table were informative, two findings became clear: (1) Because of significant variation of oversight from one jurisdiction to another, it is difficult to make broad generalities, and (2) there is a need for developing clear objectives, measurement, and empirical research to measure effectiveness of the specific models going forward.

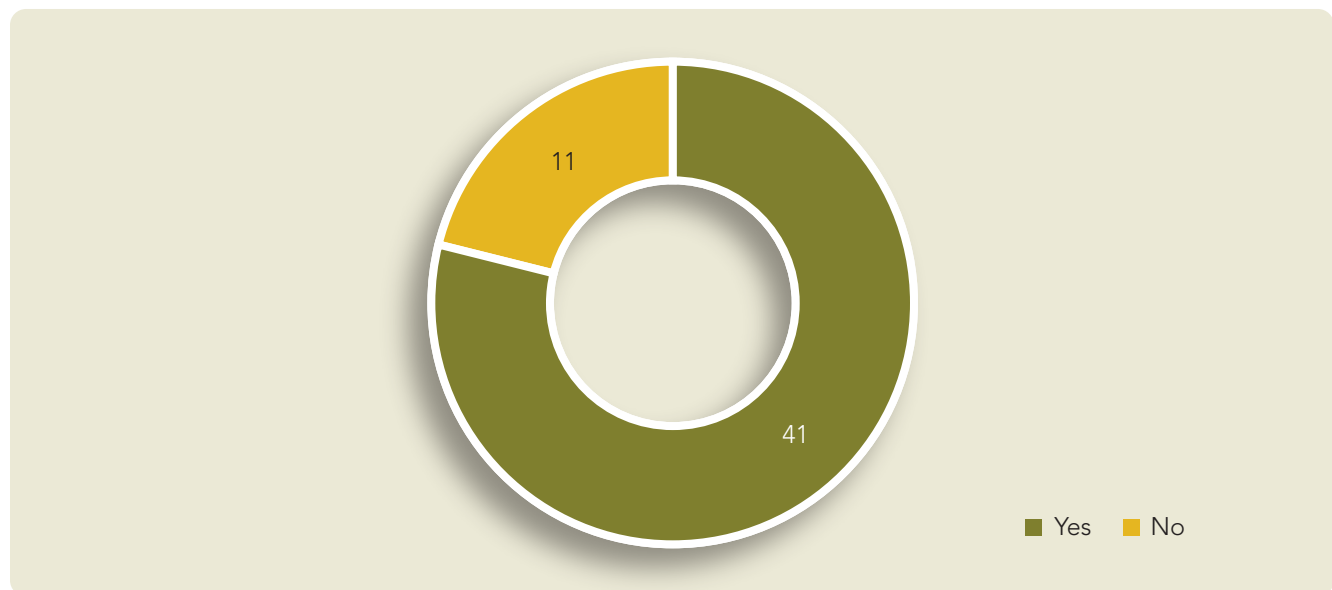
2. NACOLE, "Police Oversight by Jurisdiction (USA)."

Civilian Oversight Survey

This section reports on the findings from the MCCA electronic survey of its 78 member agencies (68 in the United States and 10 in Canada). The survey collected information on the role and authority of civilian oversight bodies among MCCA member agencies (the survey can be found in appendix A beginning on page 31). Responses were collected between November and December of 2016. Fifty-two agencies participated in the survey, a response rate of about 67 percent. However, agencies that did not currently have a civilian oversight body were not expected to respond to the majority of survey questions. Therefore, the sample size in most of the analyses is approximately 41 member agencies.

Prevalence of civilian oversight

Figure 1. Do you have some type of civilian oversight or review in your agency? (n = 52)

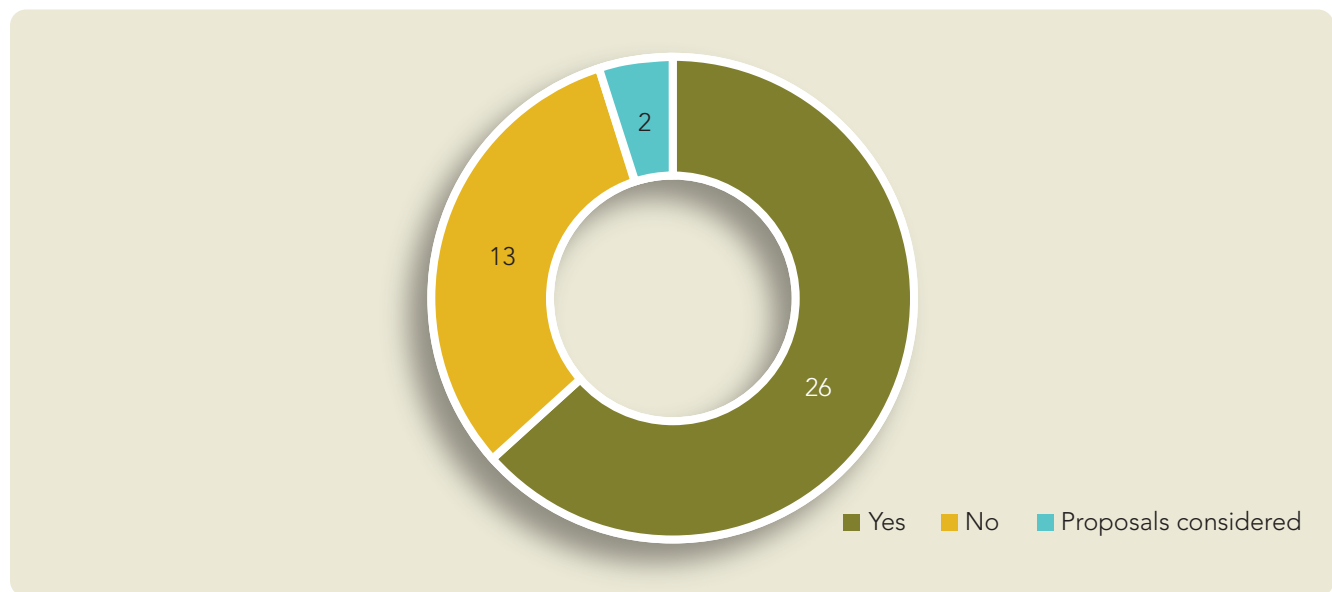


As shown in figure 1, among the 52 responding agencies, 41 departments (79 percent) reported having some kind of civilian oversight or review body, while 11 departments (21 percent) had no existing civilian oversight or review body.

The agencies with a civilian oversight body had established their boards as long ago as 1930 and as recently as 2016. Most (26 agencies) originally formed their oversight bodies between 1990 and 2010.

Figure 2 shows that approximately 63 percent of agencies (n = 26) reported making changes to their oversight system from 2013 to 2016, while about 32 percent (n = 13) reported no recent changes. At the time the survey was conducted, two agencies (Chicago Police Department and Service de Police Ville de Québec) reported that changes were being considered but had not yet been adopted. Chicago subsequently made significant changes, as noted on page 26.

Figure 2. Have there been changes to your model in the past three years? (n = 41)



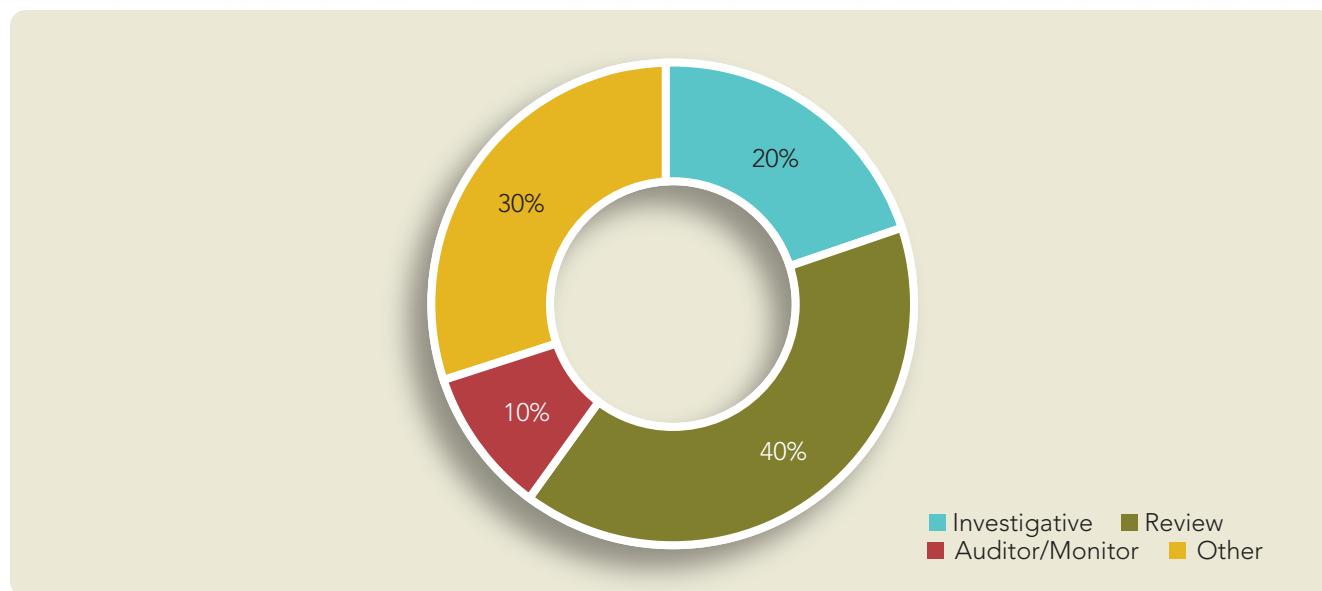
Civilian oversight model types and board characteristics

Model type

MCCA agencies were asked to report which NACOLE definition best fit their agency's model of civilian oversight. NACOLE is a professional association of both individuals and organizations dedicated to improving accountability and transparency through the implementation of civilian oversight bodies.³

3. NACOLE, "About Us."

Figure 3. What most closely fits your model of civilian oversight? —NACOLE model definitions (n = 40)



As shown in figure 3, 28 agencies (70 percent) reported one of the three NACOLE models: investigation-focused (independent investigations of misconduct allegations), review-focused (review the quality of completed internal affairs), or auditor/monitor-focused (inspector general, audit processes, review complaint investigations). Twelve agencies (30 percent) classified their oversight body as being either a combination of these models or another type of model completely.

- The most common type of civilian oversight boards were review-focused (n = 16).
- Auditor/monitor-focused boards were used least frequently (n = 4).
- Twelve MCCA agencies reported “other,” which usually meant they used some hybrid of these models or had two separate bodies with oversight authority.

General authorities

MCCA agencies reported the authorities their agency’s model of civilian oversight possessed. While two agencies (Milwaukee, Wisconsin, and Honolulu, Hawaii) reported their board as having all the authorities listed, most agencies’ oversight bodies had varying levels of authority.

Figure 4. Does your civilian oversight body have the authority to . . . (n = 41)

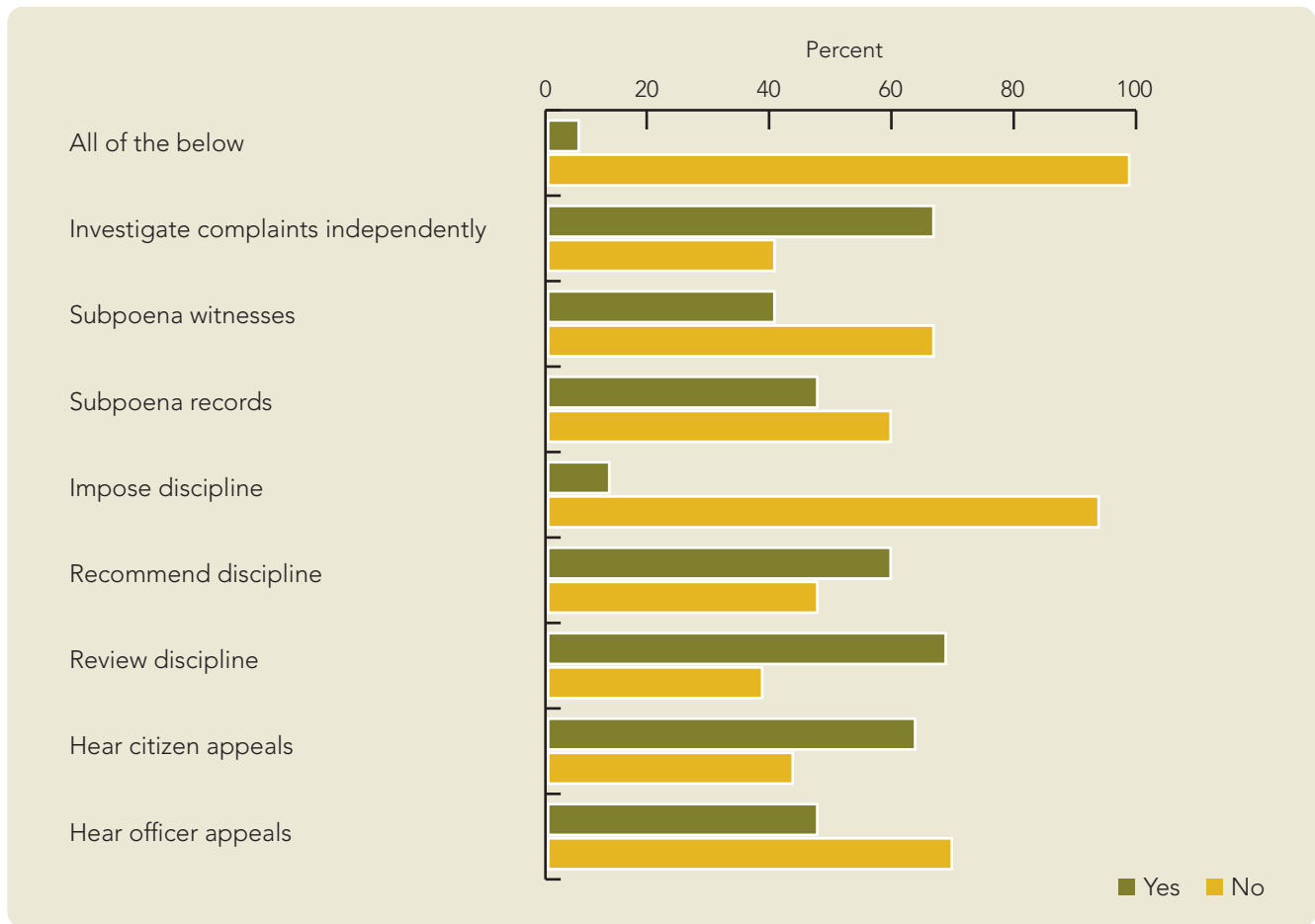


Figure 4 displays which authorities civilian oversight bodies are more or less likely to have among the responding MCCA agencies.

- Two agencies (5 percent) reported that their civilian oversight board had all authorities while 39 agencies (95 percent) reported their board as having limited authority.
- Reviewing discipline (26 agencies), independently investigating complaints (26 agencies), and hearing citizen appeals (25 agencies) were the types of authority most frequently held by civilian oversight bodies.
- Only 4 civilian oversight bodies (10 percent) had the authority to impose discipline.
- Among the 41 agencies responding to this question, civilian oversight bodies have an average of approximately four of these listed authorities.

External complaint authorities

Respondents reported which external complaints (complaints from outside the department) their oversight body has authority to review. As expected, civilian oversight bodies have a greater role and authority in the review of external complaints than they do in the review of internal complaints (complaints from inside the department such as from supervisors or other officers). None of the 41 agencies reported that their civilian oversight board had none of the external authorities listed. Only eight (20 percent) of the civilian oversight boards had limited powers regarding external complaints. Approximately 80 percent of oversight boards (33 agencies) had the authority to hear and review all external complaints.

Figure 5. What type of external complaints does your oversight body have the authority to review? (n = 41)

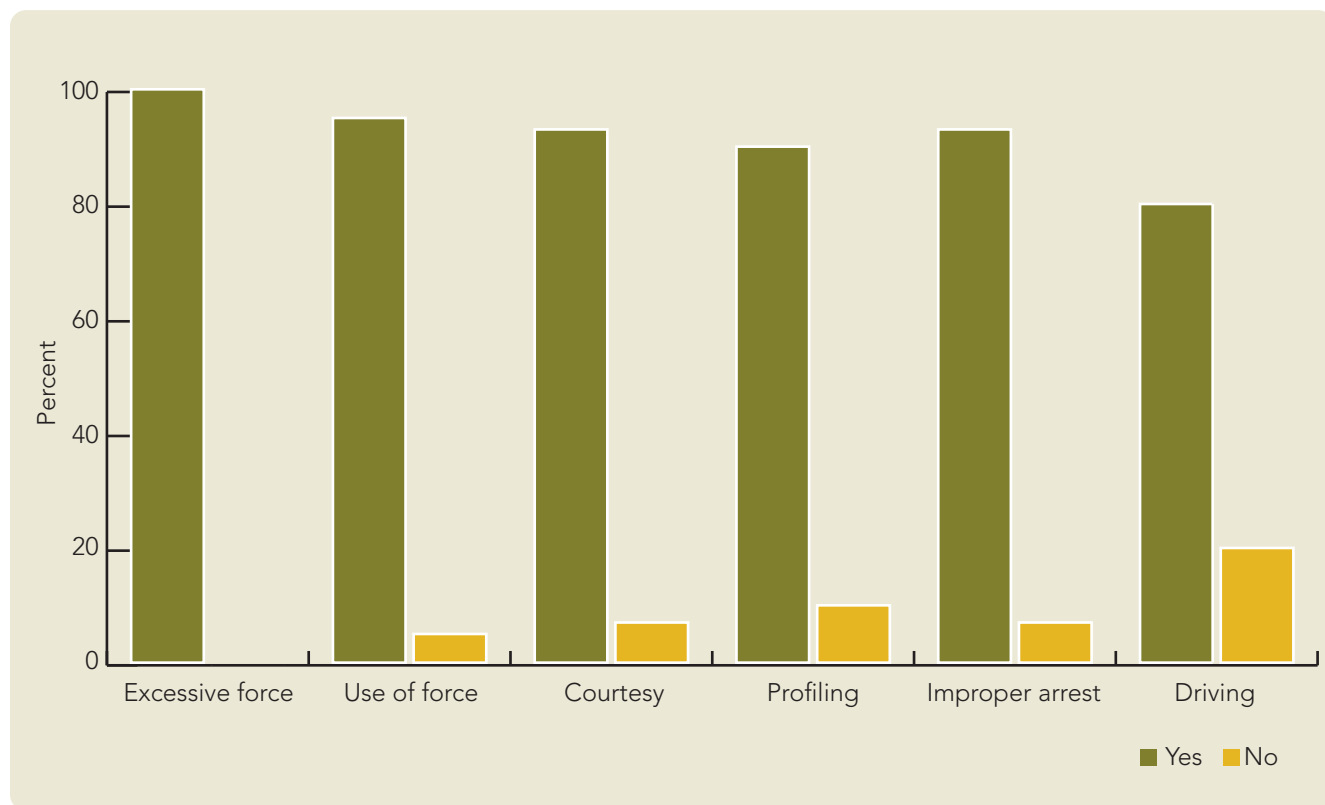




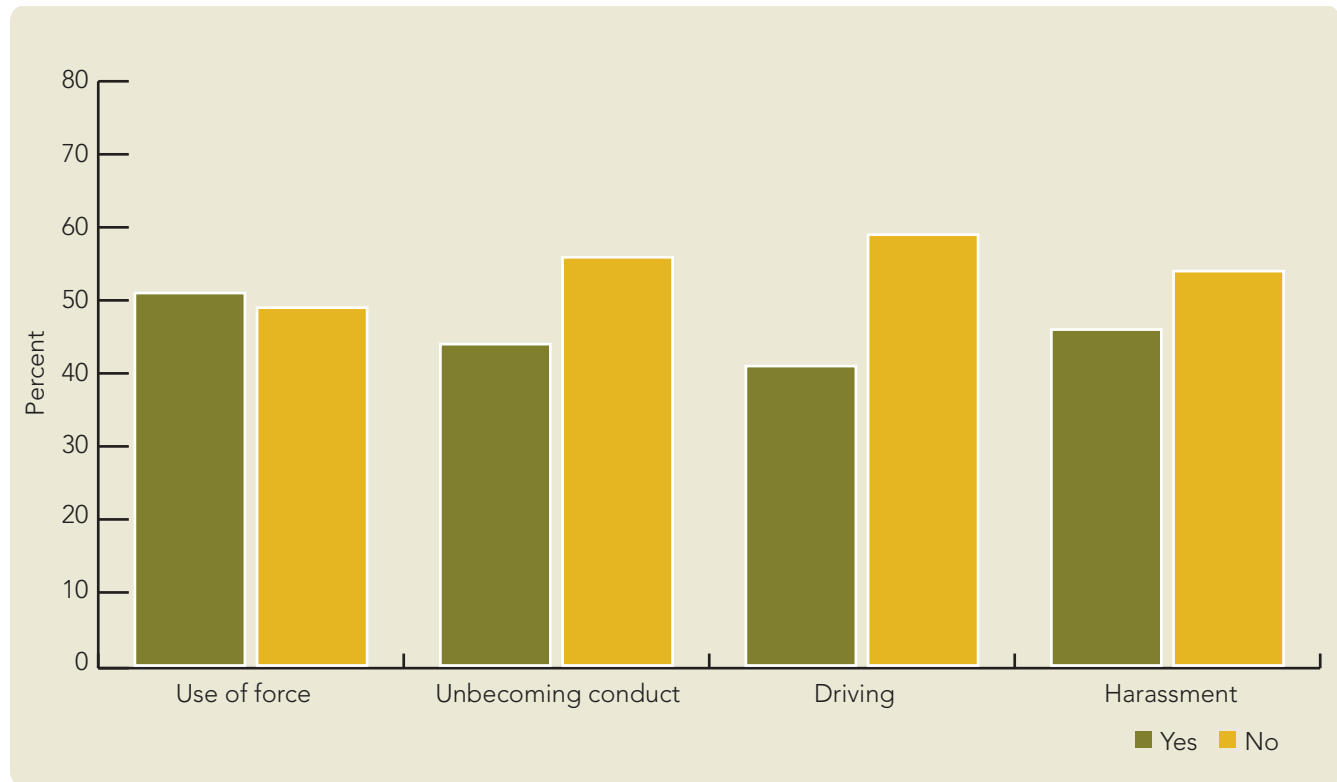
Figure 5 on page 7 displays which external authorities held by civilian oversight boards among the responding MCCA agencies. What is immediately evident from the figure is that an overwhelming majority of bodies have the authority to hear these external complaints.

- All 41 boards had the authority to review the investigations of external complaints of excessive force, while 39 boards (95 percent) could hear all use of force complaints (that is, even when the complaint is not that the force was excessive).
- Compared to other types of complaints, civilian oversight bodies were least likely to have the authority to review external complaints about law enforcement officers' driving; only about 80 percent of boards could review this external complaint.
- Eleven agencies (27 percent) reported that their civilian oversight board has authority to review other types of external complaints. When specifying "other" types of complaints, department contacts named misconduct/abuse of authority, false imprisonment, improper searches/seizures, harassment, abusive/offensive language, and death/serious injury.

Internal complaint authorities

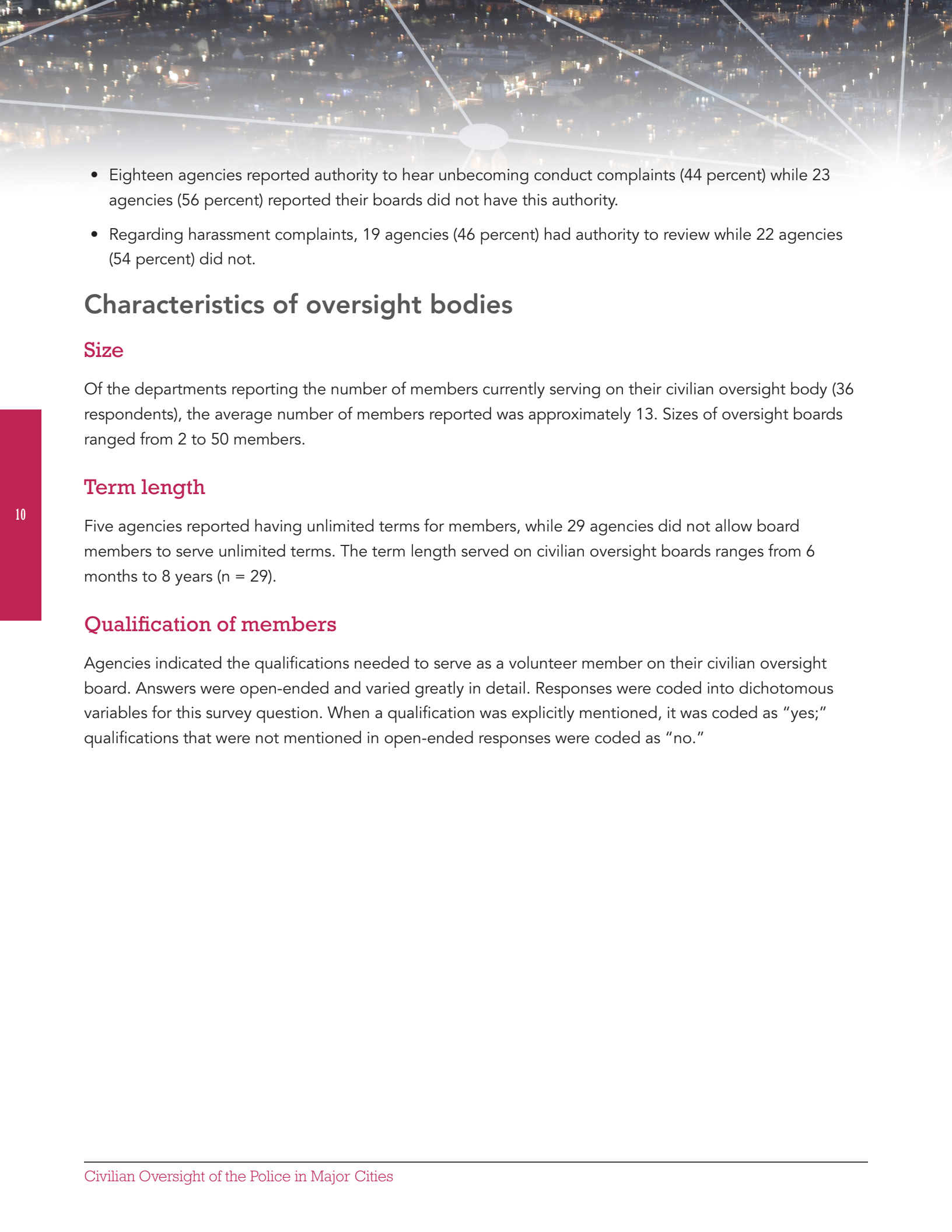
MCCA agencies then reported which internal complaints their oversight body has authority to review. In contrast with external complaints, twenty-four (59 percent) of civilian oversight bodies do not have authority to review all internal complaints. In fact, 17 agencies (nearly 41 percent) reported that their civilian oversight bodies have no authority to review internal complaints.

Figure 6. What type of internal complaints/misconduct does your oversight board have the authority to investigate? (n = 41)



The proportions of agencies that can and cannot review the investigations of internal complaints are displayed in figure 6.

- Seventeen agencies (41 percent) reported that their civilian oversight body had authority to hear all internal complaints; while 7 agencies (17 percent) said their board had a limited authority to hear internal complaints.
- Hearing internal use of force complaints was the most frequently reported authority (21 oversight bodies, 51 percent of agencies).
- Hearing internal complaints related to driving was least likely among oversight bodies; only 17 boards (41 percent) of boards had the authority to review this complaint type.
- Seven agencies (17 percent) reported their oversight body as having the authority to review other types of internal complaints. When specifying "other" types of complaints, department contacts named all officer-involved shootings, death/serious injury by officers, complaints made by a chief, complaints that generate internal affairs investigations, and disciplinary decisions.

- 
- Eighteen agencies reported authority to hear unbecoming conduct complaints (44 percent) while 23 agencies (56 percent) reported their boards did not have this authority.
 - Regarding harassment complaints, 19 agencies (46 percent) had authority to review while 22 agencies (54 percent) did not.

Characteristics of oversight bodies

Size

Of the departments reporting the number of members currently serving on their civilian oversight body (36 respondents), the average number of members reported was approximately 13. Sizes of oversight boards ranged from 2 to 50 members.

Term length

Five agencies reported having unlimited terms for members, while 29 agencies did not allow board members to serve unlimited terms. The term length served on civilian oversight boards ranges from 6 months to 8 years (n = 29).

Qualification of members

Agencies indicated the qualifications needed to serve as a volunteer member on their civilian oversight board. Answers were open-ended and varied greatly in detail. Responses were coded into dichotomous variables for this survey question. When a qualification was explicitly mentioned, it was coded as “yes;” qualifications that were not mentioned in open-ended responses were coded as “no.”

Figure 7. What are the qualifications to serve as a member of the oversight body? (n = 37)

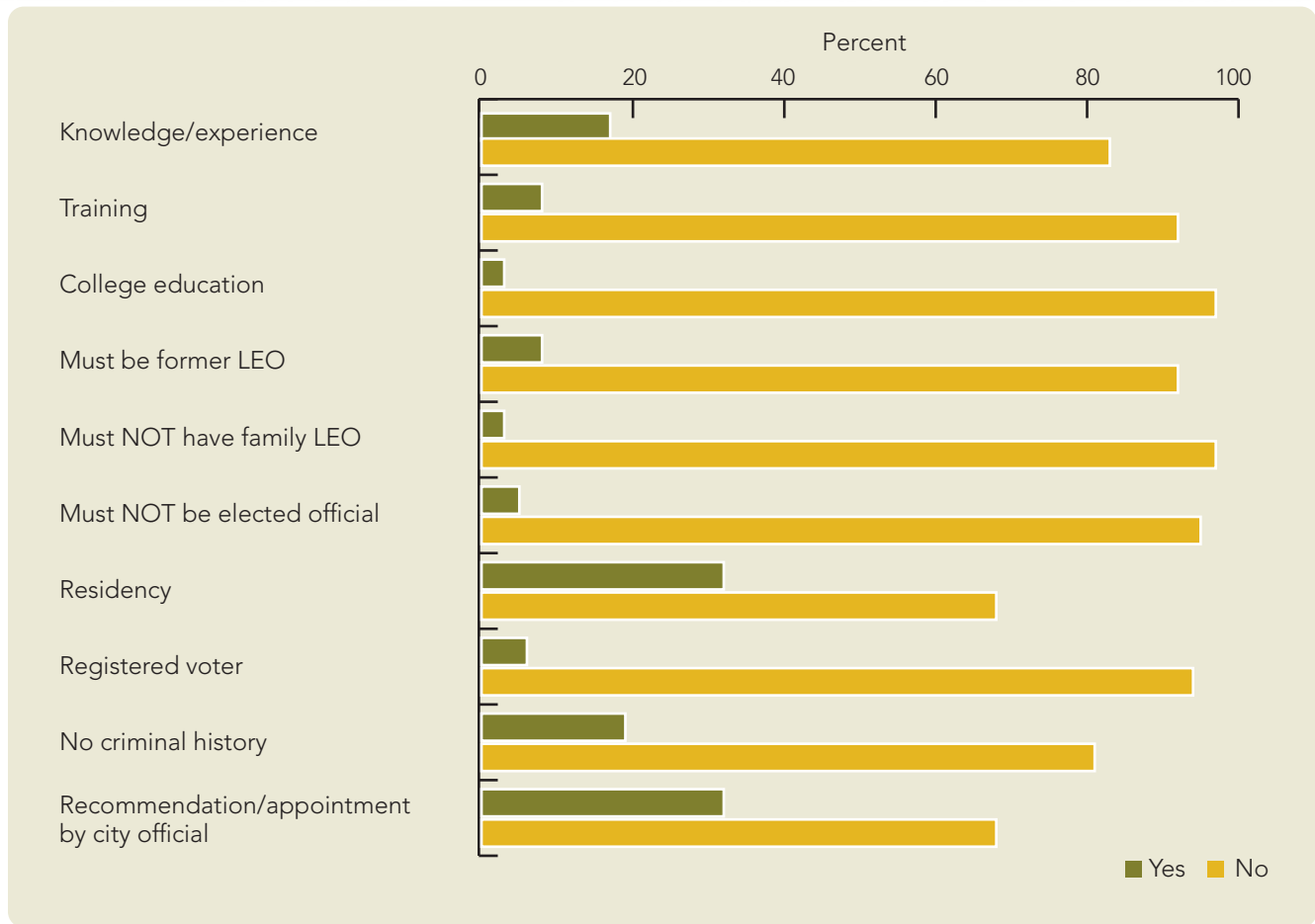


Figure 7 displays frequencies of named qualifications in responses. Thirty-five agencies mentioned at least one qualification for oversight board members, while two agencies reported that the qualifications for members were “none.”

- Qualifications most frequently cited were recommendation/appointment by a city official (11 Boards, 30 percent of agencies) and residency (12 boards, 32 percent of agencies).
- Eight percent of agencies (3 boards) indicated that members must be former law enforcement officers (LEO), while 11 percent of agencies (4 boards) indicate that members may not be a LEO and one board (3 percent) exclude membership for those with a family member in law enforcement.
- Only 8 percent (3 boards) of agencies mentioned that members had to complete some training requirement to serve.

A night cityscape with a network diagram overlay. The diagram consists of a central white circle with several lines radiating outwards to other white circles, creating a web-like structure. The background is a blurred image of city lights at night.

Member qualifications across model type

- Generally, agencies that were investigative-focused or review-focused named more qualifications for members of their civilian oversight bodies.
- Among investigative-focused bodies (n = 8), the most frequently cited qualifications were residency and recommendation/appointment.
- Among review-focused boards (n = 16), the most frequently cited qualifications were recommendation/appointment, no criminal history, and residency.
- Among auditor/monitor-focused agencies (n = 4), the most frequently cited qualification was knowledge/experience.
- For agencies that indicated “other” for model type (n = 12), the most frequently cited qualification (cited by nine agencies) was recommendation/appointment.

Four out of five agencies responding to the MCCA survey had some type of civilian oversight body. The survey found that there are wide variations from one community to the next in the way civilian oversight programs are implemented. All of the oversight bodies played a role in reviewing or investigating allegations of excessive force.



Round Table Discussion

A round table discussion was held to enhance our understanding of how civilian oversight works in major cities. The discussion focused on reviewing the survey results and how the various models worked in actual practice. The National Law Enforcement Officers Memorial Fund hosted the round table discussion on June 15, 2017, at the PEW Conference Center in Washington, D.C. Representatives from 21 MCCA agencies in the United States and Canada participated in the discussion. In addition, the president and vice president of NACOLE attended and participated in the conversation. Also participating was the chairperson of the newly created Fairfax County (Virginia) Civilian Review Panel (the full list of attendees can be found in appendix B on page 35).

The first half of the conversation was devoted to participants describing their oversight bodies. The second half focused on a series of questions about civilian oversight aimed at helping understand how it worked in their communities: objectives, advantages and disadvantages, effectiveness measures, research gaps, and key points participants thought should be emphasized in the paper (the full agenda can be found in appendix C on page 37).

The oversight model discussion was framed around the NACOLE investigative, review, and auditor/monitor models. As can be seen in table 1 on page 14, most of the agencies reported their civilian oversight body followed the review-focused model. Nine agencies did not fall within the three models; they were combinations of the models or something entirely different. The City of Los Angeles, for example, has a police commission appointed by the mayor that serves as a corporate board with the chief of police in the role of chief executive officer. The commission has a role in appointing the chief, policy and budget approval, and oversight in the disciplinary process. It also appoints an inspector general, whose function would fall under the auditor/monitor model. An additional 11 agencies did not have a type of civilian oversight that fits within any of the NACOLE models and reported “none.” Nevertheless there is civilian oversight of these agencies through mayors, city councils, prosecutors, and the variety of boards and commissions in cities that have some influence over police operations.

Table 1. MCCA survey: agency model responses

Investigation	Review	Auditor/Monitor	Other	None
Atlanta, GA*	Baltimore, MD	Calgary, AB	Los Angeles, CA	Arlington, TX
Chicago, IL*	Boston, MA	Fresno, CA	Louisville, KY	Baltimore County, MD
Honolulu, HI	Charlotte – Mecklenburg, NC*	Los Angeles County, CA*	Memphis, TN	Columbus, OH
Long Beach, CA	Detroit, MI	Wichita, KS*	Minneapolis, MN*	Fairfax County, VA
Montreal, QC	Houston, TX		Ottawa, ON	Miami-Dade County, FL
New York, NY	Las Vegas, NV		Peel Region, ON	Montgomery County, MD
Philadelphia, PA*	Milwaukee, WI		St. Louis, MO*	Nashville, TN
Salt Lake City, UT	Oklahoma City		Toronto, ON	Pittsburgh, PA
Seattle, WA*	Omaha, NE*		Vancouver, BC	Raleigh, NC
	Orlando, FL			Tulsa, OK
	Phoenix, AZ			Virginia Beach, VA
	Prince George's County, MD			
	San Antonio, TX			
	San Diego, CA*			
	Tampa, FL*			
	Tucson, AZ			

* New oversight body or change in process since 2012

Agency presentations

Agencies from each of the three oversight models and from the “other” model were asked to describe how their approach worked in their community.

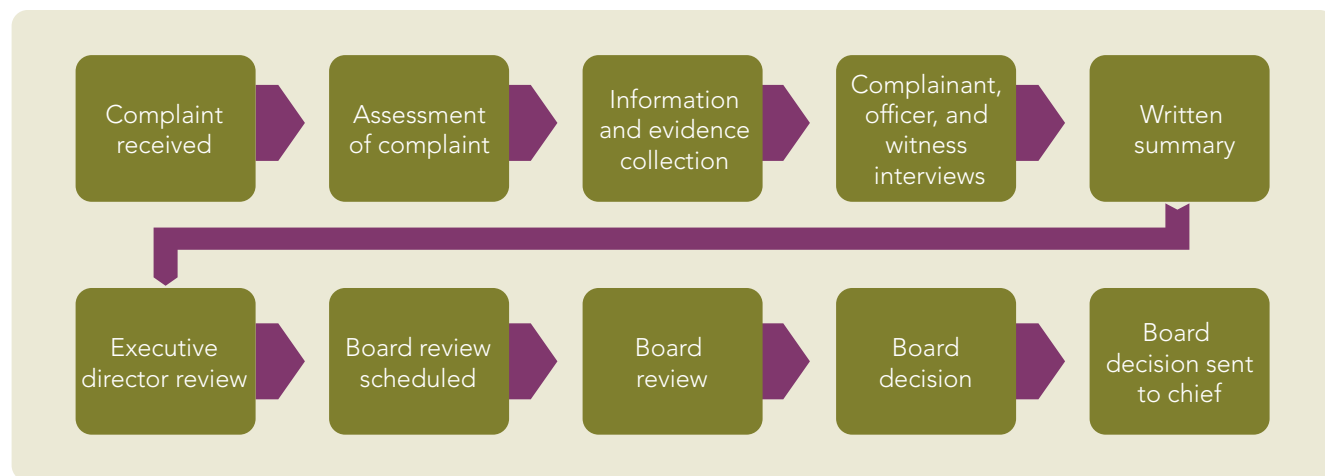
Investigative model

Atlanta

Atlanta, Georgia, established the Atlanta Citizen Review Board (ACRB) in 2007, and it has been in place since then—though not without some modifications. The formation of the board was precipitated by the death of an elderly woman during the service of a search warrant. Because there were questions as to the legitimacy of the warrant served and how the call was handled, an investigation ensued. The investigation, prosecution, and litigation became a lengthy process. Early in that process, Chief Richard Pennington

recommended that a civilian review board be established as a way to help improve public confidence and understanding of the various processes involved in officer misconduct allegations. The ACRB process is reflected in figure 8.

Figure 8. Atlanta Civilian Review Board investigative process



Source: "The Process," Atlanta Citizens Review Board, accessed August 28, 2017, <http://acrbgov.org/>.

Another incident occurred in 2010 that was just as long and complex as the one in 2006. The transparency provided by the ACRB helped keep the public informed and demonstrated the value of a civilian review board in responding to community questions.

While civilian review boards may be responsive to the needs of the community and help build public trust, internal relationships between a police department and civilian oversight have the potential to be problematic. In Atlanta, the department has worked to establish better working relationships with the ACRB. In particular, Internal Affairs (IA) and the Office of Professional Standards (OPS) work closely with the ACRB. Board members have observed police training and now attend the Citizens Police Academy. As a strong working relationship has developed, it has been reflected in the departmental review of the outcome of investigations where findings indicate that the ACRB and IA are reaching similar conclusions regarding the investigative outcome.

Other issues generated by the discussion of the Atlanta investigative model included the selection and background of board members. Selecting members who will have the time required to do the type of work involved is particularly critical. Atlanta has found that selecting board members from senior groups or retired citizens works better than selecting younger members or community youth to serve on the board because they are able to devote more time to their responsibilities.



Seattle

The Office of Police Accountability (OPA) is an independent office within the Seattle Police Department (SPD) that investigates complaints of police misconduct made by members of the community and complaints made internally by members of the SPD.⁴

The mission of the OPA is to provide for civilian oversight of the complaint process; to promote public awareness of and full access to that process; and to advance accountability within the SPD. The structure of the OPA was designed to ensure objective, thorough, and transparent investigations. An independent auditor reviews all OPA investigations. The OPA Review Board (OPARB) furthers the mission of the OPA and assures public trust in the process.

The auditor is appointed by the mayor and confirmed by the city council. The role of the auditor is to ensure the thoroughness, fairness, and timeliness of the OPA investigations. The auditor reviews all the OPA complaints and investigations, reviews and assesses SPD policies and practices, and makes recommendations accordingly.

The OPARB consists of seven members appointed by the city council. The OPARB's mission is to provide community oversight and awareness of SPD practices and its employee accountability system. The OPARB works with the OPA to implement its mission and strengthens the system of police accountability by doing the following:

- Soliciting community input about police accountability and police practices
- Conducting an independent review of the quality of the OPA complaint and investigation process for fairness
- Reviewing police policies and procedures
- Researching national trends and best practices on police accountability and police practices
- Reporting to the community, City government, and the SPD on the citizen input it receives and the results of its independent review and research
- Recommending topics to the OPA auditor for the auditor's review of the OPA⁵

Since 2013, Seattle has also had a Community Police Commission (CPC). The CPC was created to help reform efforts under the U.S. Department of Justice (DOJ) consent decree; in 2017, new legislation made it a permanent entity with more commissioners and staff and broader responsibilities and authority.⁶

4. Office of Police Accountability, "Office of Police Accountability."

5. Office of Police Accountability, "Office of Police Accountability."

6. Seattle Community Police Commission, "Community Police Commission."



Review model

Philadelphia

The first Police Review Board in Philadelphia was created by Mayor Richard Dilworth in 1958. It has come in and out of existence over the years.

Mayor James Kenney signed an executive order to reestablish the Police Advisory Commission (PAC) in January 2017. The commission will focus on policy review, investigations, and community outreach. The commission is now tasked with verifying the Philadelphia Police Department's (PPD) efforts to implement the recommendations of the DOJ's Collaborative Reform efforts and the recommendations made by the task force on 21st Century Policing established by then President Barack Obama in 2014.

The PAC will have 13 voting members appointed by the mayor, the city council, and civic and advocacy groups. Their mission is to provide independent civilian oversight to strengthen the relationship between police and community members.

Since 2017, one PAC member sits on the PPD's Use of Force Review Board and is a voting member who helps to determine if an officer-involved shooting (OIS) was justified. The PAC is also authorized to respond to the scene of any police firearm discharge resulting in injury or death.

Las Vegas

The Las Vegas Metropolitan Police Department (LVMPD) was the first agency to engage in the Collaborative Reform process through the Office of Community Oriented Policing Services (COPS Office) that lasted two years and laid the groundwork for the development of its civilian oversight model.

As a result of its work in Collaborative Reform, the LVMPD began to engage community stakeholders in OIS incidents and is gradually institutionalizing this process. Following the passage of a local ordinance, a Citizen Review Board was created to act as an advisory board to the department and to review internal complaints and use of force. The board is funded by local government and has an appointed director, and all 25 members serve two- or three-year rotating, staggered terms. At minimum, they receive training on policies and procedures and also go to the Citizen Police Academy. Five of the 25 board members are chosen randomly to staff the hearing panels that review incidents and make recommendations for referral or additional review. Their findings are referred to the sheriff or to mediation.

In 2016, 141 of 173 review board complaints were reviewed by screening panels. Only eight were referred back to Internal Affairs to seek additional information. Now the LVMPD is considering assigning Citizen Review Board members to attend crime scenes where officers use force and participate in the whole investigation, starting with the crime scene and ending with the Use of Force Review Board. The department's work clearly shows how modifications can continue to occur that grow and strengthen a civilian oversight program.



Tampa

Responding to concerns expressed by the community, civil rights groups, and the city council, Tampa Mayor Bob Buckhorn established the Citizens Review Board by executive order in February 2016.⁷ The volunteer review board has nine voting members and two alternates who serve staggered 4-year terms. The board reviews disciplinary cases and other important issues identified by the police department and community. They report their findings to the Chief of Police and may also make recommendations for policy changes.⁸

To qualify, Review Board members have to complete the police department's Citizen Academy, be at least 18 years of age, and submit to a background check. They cannot work for the City of Tampa, be in law enforcement, directly related to anyone in the police department, and cannot have any felony or moral turpitude convictions.⁹

At board meetings held monthly, the lead Internal Affairs detective presents cases for the consideration of the Review Board.

Auditor model

Fresno

The City of Fresno has two oversight bodies designed to improve accountability and community trust.

The first is the Office of Independent Review (OIR). It was established in 2009 as a part-time position that operates separately from the police department. The OIR operates as an auditor and reviews the police department's policies, procedures, strategies, and internal investigations.¹⁰ The Independent Reviewer assesses the FPD's Internal Affairs investigations to ensure they are thorough and treat all parties fairly. In addition the office conducts audits of police department units to ensure they are operating within the framework of agency policy and procedures.¹¹

The second oversight body is the Citizen's Public Safety Advisory Board. The city council approved the mayor's proposal to establish a nine-member board on March 16, 2017. The board conducts reviews of major incidents like officer-involved shootings (OIS). It also has the authority to review policies and prepare reports to the council and public. In addition the city council approved making the OIR a full-time rather than part-time position (Sheehan 2017).¹²

7. Sullivan, "Tampa's new Civilian Review Board convenes without acrimony."

8. Civilian Review Board, "Civilian Review Board."

9. Civilian Review Board, "Civilian Review Board."

10. City Manager's Office, "Office of Independent Review."

11. City Manager's Office, "Office of Independent Review."

12. Sheehan, "New Police Oversight Board."



Los Angeles County Sheriff

The Los Angeles County Sheriff's Department has two forms of civilian oversight that were created by the Board of County Supervisors. The Office of Inspector General (OIG) was established in 2014 followed by the Sheriff Civilian Oversight Commission in 2016.

The Office of Inspector General was created as an independent oversight and monitoring body for the Los Angeles County Sheriff's Department and its jail. The Inspector General reports directly to the Board of Supervisors and is responsible for keeping the board informed about the operations of the sheriff's department. The OIG reports are considered public records unless they deal with confidential personnel or otherwise privileged information.¹³

The Los Angeles County Board of Supervisors established the Sheriff Civilian Oversight Commission in January 2016. The commission's mission is to improve transparency and accountability in the sheriff's department.¹⁴ The Board of County Supervisors appointed the nine-member commission and the executive director in November 2016. The commission was encouraged to "demand information, demand the truth and err on the side of disclosure...."¹⁵

Other models

Louisville

The Louisville Police Department (LPD) had an investigative body for civilian oversight, but it was dissolved in 2003 with the consolidation of city and county governments. It included a City Commission on Public Accountability, composed of 10 members selected by the mayor; a public integrity process; and a professional standards office.

When the city and county governments merged, a state law established the Police Merit Board. It is composed of five members approved by the mayor and two members approved by the Fraternal Order of Police. The board has the statutory ability to hear cases and make recommendations.

13. Los Angeles County Office of Inspector General, "Office of Inspector General."

14. Los Angeles County Sheriff's Civilian Oversight Commission, "Sheriff Civilian Oversight Commission."

15. City News Service, "Los Angeles County appoints Civilian Oversight Commissioners."



Fairfax County, Virginia

Participants from the Fairfax County (Virginia) Police Department (FCPD) were eager to learn from the round table discussions because they represent an agency in the early stages of setting up civilian review based on recommendations from the Fairfax County Oversight Commission and approved by the Fairfax County Board of Supervisors. Although the FCPD is just getting started, it will be blending the review and auditor models. The auditor will review all investigations related to death and serious injury cases, use of force, and internal affairs investigations and will advise the chief of police and Board of Supervisors of any disagreement with findings in these investigations.

Members of the newly appointed Civilian Review Panel will serve three-year terms with a two-term limit. They will review abuse of authority complaints and serious misconduct. Both the auditor and the Civilian Review Panel will issue annual reports to the public concerning their activities and will provide public recommendations to the Board of Supervisors and chief of police on proposed revisions to Fairfax County policies, training, and practice. Further, they will create an online matrix that will list all the items being accomplished based on the oversight commission's 202 recommendations and will show the progress made toward implementation. The matrix will be used as a report card after the first year of operation is completed.

Civilian oversight issues

The second half of the round table focused on a series of questions about civilian oversight aimed at helping to understand how it worked in communities: objectives, advantages and disadvantages, measures of effectiveness, research gaps, and key points participants thought should be emphasized in the paper.

Civilian oversight objectives

Round table participants identified what they believed to be important objectives for civilian oversight.

- Transparency
- Independent investigations
- Improving accountability
- Improving public trust and legitimacy
- Engaging the community
- Demystifying police internal affairs investigations



These objectives are obviously all important for civilian oversight processes. Objectives will vary from one community to another and among the various models. For example, the level of transparency that an oversight process can provide may be influenced by state public records laws. If, for example, personnel records are confidential under state law, the amount of information that can be shared about an officer under investigation or the outcome of the investigation may be limited.

Independent investigations will not be an objective for the review model of oversight. In the review model, the oversight body relies on the investigations conducted by the internal affairs or professional responsibility units of the police department. The review model can include all of the other objectives, however.

The objective of improving public trust and legitimacy requires that the oversight body have a plan for informing the public of their work. A website, periodic public reports, press releases, and social media are all ways of ensuring the public has some awareness of the work of the oversight body. Some communities televise the deliberations of the oversight body.

NACOLE identified two additional goals and objectives of civilian oversight: (1) ensuring an accessible process and (2) deterring police misconduct.¹⁶

Model advantages and disadvantages

Round table participants discussed the advantages and disadvantages of each of the oversight models. The advantages and disadvantages participants identified can certainly be the subjects of debate. They are identified as advantages or disadvantages from the perspective of the round table participants. One could argue that timeliness (the amount of time it takes from the initiation of a complaint to its resolution) is a disadvantage of all three models. There is also considerable overlap between the models. For example, independence (from police) was identified as an advantage of both the investigative model and the auditor model. There is also some independence in the review model because the oversight body often reports to the city council or city manager. But these city leaders must rely on the police to conduct the investigation that may limit independence in the mind of some observers. The oversight body in an auditor model does not conduct the complaint investigation in most cases, but it does examine the quality of the investigation and will audit policy and other areas of the police department to enhance accountability. Table 2 on page 22 outlines the advantages and disadvantages of each model.

16. De Angelis, Rosenthal, and Buchner, *Civilian Oversight*.

Table 2. Civilian oversight model advantages and disadvantages

	Investigative	Review	Auditor
Advantages			
Independence	✓		✓
Transparency	✓	✓	✓
Public confidence	✓	✓	
Community perspective	✓	✓	
Officer acceptance		✓	✓
Broad range of oversight			✓
Policy focus			✓
Disadvantages			
Investigative experience	✓		
Expense	✓		
Complaint reception		✓	✓
Timeliness	✓		✓
Report challenges			✓
Diversity representation			✓

There are other forms of oversight that do not fall neatly into any of the three models in table 2, and there are advantages and disadvantages with these approaches as well. Both the Toronto Police Service and the Peel Regional Police (Ontario, Canada) work at the direction of the Police Services Board, which appoints the chief of police, who is responsible to the board as the chief executive of a corporation is responsible to its board of directors. (This is similar to the City of Los Angeles, where the mayor's appointment of chief of police must be approved by a majority of the civilian police commissioners and the city council.) In addition, Toronto and the Peel Region have three additional oversight bodies that include all three of the models already described. While these bodies conduct independent investigations of OIS and misconduct (two separate agencies), this process does not involve the community—the bodies are still government agencies. They have the advantage of independence and well-trained investigators but lack the perspective of the community.

Fairfax County, Virginia, combines the review and auditor models in its approach to civilian oversight. It settled on this approach after a lengthy public conversation about the approach that best suited its needs. It will have the advantages and disadvantages of both models.



Civilian oversight effectiveness measures

Are civilian oversight programs effective? Do they achieve their objectives? Round table participants identified and discussed measures they believe would help answer those questions. A program's contribution to a specific outcome may not be able to be isolated from other programs or activities that could have had an impact in the same area.

Citizen and officer satisfaction. An important measure is whether or not those who interact with the oversight program are satisfied with the process. Even if they are not happy with the outcome, satisfaction with how they were treated is one indication of how they view the program. Do they believe they were treated fairly in the process? The questions will vary to some extent based on the model of oversight—citizen interaction with the auditor model may be limited. In the review model, both citizens and officers may have direct contact with the oversight body if a hearing is held. In the investigative model, both the citizen and officer have contact with the oversight body through the investigative process.

Timeliness of the process. A frequent criticism by citizens who make complaints and officers who are the subject of the complaint is the length of time it takes to investigate and come to a resolution. Depending on the type of complaint, it is not unusual for it to take six months to a year from complaint reception to resolution, if the complaint is sustained and involves disciplinary action against the officer. This is not just in places with civilian oversight bodies—it occurs in police agencies without civilian oversight.

Every step of the process should be tracked. Agencies should know how long each step takes and establish benchmarks for completion. Some investigations are more complex than others and will require more time, but a supervisor should approve extensions beyond the benchmark times. If it is difficult at times to contact a complainant, or if an officer is unavailable, that can contribute to delays in the investigation. These circumstances are unavoidable, but they should be documented.

When a complaint is sustained and disciplinary action is being considered, the time to resolve the complaint is extended even further. If there are appeals it takes even longer. Departments can decrease these timelines, but these adjustments require close monitoring of the process and reminders to those involved to move the case along. Oversight agencies can also work to ensure that complainants understand the steps in the process and the time it takes to complete them.

An aerial night view of a city with a network diagram overlay. The diagram consists of a central white circle with several lines radiating outwards to other white circles, representing a network or system. The city lights are visible in the background.

Program costs. Although costs are not a measure of effectiveness, they should be clearly understood for the different models of civilian oversight. Knowing the cost of the investment helps in determining what approach may be best for a particular community. The costs include the police department investigation. If a community has a review model, for example, the police investigative and support costs should be included. The costs of investigations conducted by the oversight agency might be compared with the police investigative costs.

Resolution of complaints. Although there are variations from one community to another, most use four investigative outcomes.

1. **Unfounded.** Investigation shows the events complained of did not occur or the subject of the complaint was not involved.
2. **Exonerated.** The actions of the subject of the complaint were justified, lawful, and proper.
3. **Not sustained.** The investigation failed to find evidence to clearly prove or disprove the allegation.
4. **Sustained.** The investigation discovered sufficient evidence to clearly prove the allegation.

Investigative outcomes should be tracked and regularly shared with the community in statistical reports. Police and oversight bodies have been criticized for the low rate of complaints that are sustained. A 2006 Bureau of Justice Statistics (BJS) report indicated that use of force complaints in departments with more than 100 officers were sustained 8 percent of the time.¹⁷ Thirty-four percent of the complaints were not sustained, 25 percent were declared unfounded, and 23 percent were exonerated.¹⁸ Jurisdictions with a civilian complaint review board sustained complaints 6 percent of the time; those without a board sustained 11 percent of the complaints.¹⁹ These statistics are important to the community, and they require an explanation.

Public trust and confidence. Round table participants thought an effort should be made to periodically measure the level of confidence in the oversight body and the police. National polls routinely ask the public about their trust and confidence in the police—community residents could be surveyed to gain insight into the impact of civilian oversight on trust and confidence.

17. Hickman, *Citizen Complaints*.

18. Hickman, *Citizen Complaints*.

19. Hickman, *Citizen Complaints*.



Community awareness. Are community residents aware of the civilian oversight body? Community surveys can provide a sense of the overall awareness of the of the oversight body. Although awareness is not a measure of effectiveness of the oversight body, it can provide insight into the effectiveness of outreach efforts to let the public know about civilian review of the police agency.

Number of citizen complaints. Numbers and type of complaints and trends should be documented and reported. Is the number of complaints against police officers affected by the presence of a civilian oversight body? The BJS study on use of force complaints in cities with more than 100 officers indicates that communities with civilian oversight receive 11.9 complaints per 100 officers and those without civilian oversight receive 6.6 per 100 officers.²⁰ It can be argued that the presence of an oversight body helps overcome the fear of filing a complaint against a police officer.

Research gaps. Civilian oversight bodies have been in existence for many years, and the number has grown to well more than 100. Many of the bodies were established following high-profile incidents with considerable debate in their communities and frequently opposed by the police. There is a significant body of literature on the advantages and disadvantages of civilian oversight, descriptions of the various models, and advice on implementation. There is little, if any, empirical research on the effectiveness of civilian oversight of the police—nor are the programs subjected to any systematic evaluation.

The Chicago Police Accountability Task Force closely examined the system of accountability and concluded:

The public has lost faith in the oversight system. Every stage of investigations and discipline is plagued by serious structural and procedural flaws that make real accountability nearly impossible. The collective bargaining agreements provide an unfair advantage to officers, and the investigating agencies— [Independent Police Review Authority] IPRA and CPD's Bureau of Internal Affairs—are under-resourced, lack true independence and are not held accountable for their work. Even where misconduct is found to have occurred, officers are frequently able to avoid meaningful consequences due to an opaque, drawn out and unscrutinized disciplinary process.²¹

20. Hickman, *Citizen Complaints*.

21. Police Accountability Task Force, *Recommendations for Reform*.



The Chicago task force found that the Independent Police Review Authority (IPRA) or the Bureau of Internal Affairs failed to investigate 40 percent of the complaints from 2011 to 2015. The task force recommended that IPRA be replaced with a new civilian police investigative agency. The recommendation was implemented in September 2017 with a change in the name: Civilian Office of Police Accountability (COPA).

There is a clear need for local agencies to conduct empirical research on civilian oversight approaches to determine if they are achieving their objectives and, if not, to identify the corrective steps necessary.



Conclusion

Seventy-nine percent of the MCCA agencies that responded to our survey indicated they have some type of civilian oversight body in their community. At one time or another, it is safe to say that all of the other agencies have had a conversation about creating a civilian oversight body in their city. It is important to have an ongoing conversation about how to ensure that police are held accountable for their actions. It is also a difficult conversation about extremely complicated work. And the conversation most often takes place in less than ideal circumstances. NACOLE found that 49 percent of agencies' oversight bodies were established following high-profile incidents and 30 percent from concerns about racial violence.²²

There is little doubt that conversations about police accountability need to continue and should be a high priority. A July 2017 Gallup Poll indicated that 57 percent of Americans had a great deal or quite a lot of confidence in the police. However there are continuing gaps between minority groups and White people who have a great deal or a lot of confidence in the police. Black respondents' confidence in law enforcement was only 30 percent, Hispanic respondents' was 45 percent, and White respondents' was 61 percent.²³

A 2016 CATO Institute poll found that 46 percent of Americans (including 64 percent of African Americans) say the police are "generally not" held accountable for misconduct, and 79 percent of Americans support outside law enforcement agencies conducting these investigations.²⁴ The question for police is how to engage the community in a way that helps close the gaps that exist between White community members and racial minorities in confidence and accountability.

This is not a challenge for the police alone but also for local government generally and for civilian oversight bodies. The steps that have been taken so far have not had much effect on confidence and perceptions of accountability. Have the solutions fallen short because they are the wrong ideas? Have they been implemented in a half-hearted way? Have they been appropriately resourced?

These are important questions that require police leaders and the community to work together to resolve.

22. De Angelis, Rosenthal, and Buchner, *Civilian Oversight*.

23. At 57 percent the police are in third place behind the military (72 percent) and small business (70 percent) in a list of 14 institutions with religious institutions (41 percent) in fourth place and the US Supreme Court (40 percent) in fifth place. Newport, "Americans' Confidence."

24. Elkins, *Policing in America*.



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Appendix A. Civilian Oversight Survey

Civilian Oversight of Police

1. Do you have some type of civilian oversight or review in your agency?

☐ Yes

☐ No - If no go to questions 5-6 then 14.

2. What year was your civilian oversight body established?

3. Has there been changes in your model in the past three years?

☐ Yes

☐ No

☐ Proposals considered - not adopted.

Comment

4. What most closely fits your model of civilian oversight? (NACOLE Model Definitions)

☐ Investigation-Focused Model – independent investigations of misconduct allegations

☐ Review-Focused Model – review the quality of completed internal affairs investigations

☐ Auditor/Monitor-Focused model – inspector general, audit processes, review complaint investigations

☐ Other (please specify)

5. Do you have a police commission or governing board that plays a role in appointing the chief?

☐ Yes

☐ No

Comment

6. Does the police commission or board have policy oversight?

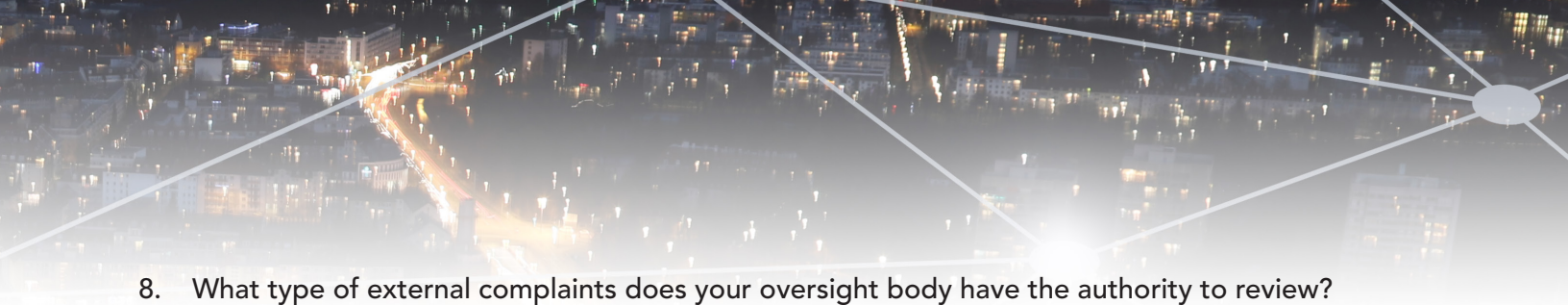
☐ Yes

☐ No

Comment

7. Does your civilian oversight body have the authority to:

	Yes	No
Conduct Independent Investigations of Complaints	☐	☐
Subpoena Witnesses	☐	☐
Subpoena Records	☐	☐
Impose Discipline	☐	☐
Recommend Discipline	☐	☐
Review Discipline	☐	☐
Hear Citizen Appeals	☐	☐
Hear Officer Appeals	☐	☐



8. What type of external complaints does your oversight body have the authority to review?

- ☐ All
 - ☐ Excessive Force
 - ☐ Use of Force
 - ☐ Courtesy
 - ☐ Profiling
 - ☐ Improper Arrest
 - ☐ Driving
 - ☐ Other (please specify)
-

9. What type of internal complaints/misconduct does your oversight board have the authority to investigate? (Check all that apply)

- ☐ All
 - ☐ None
 - ☐ Use of Force
 - ☐ Unbecoming conduct
 - ☐ Driving
 - ☐ Harassment
 - ☐ Other (please specify)
-

10. How many members are on your civilian oversight body?

11. What is the length of term for members of the oversight body?

12. What are the qualifications to serve as a member of the oversight body?

13. Our department is interested in participating in a round table discussion on civilian oversight.

☐ Yes

☐ No

Comment

14. Contact Information

Name

Department

Email Address

Phone Number



Appendix B. Round Table Participants

Jason Case

Commander, Minneapolis (Minnesota) Police Department

Mindy Casto

Lieutenant, Fresno (California) Police Department

Kimberly Chisley-Missouri

Assistant Chief, Washington (D.C.) Metropolitan Police Department

Michael J. Cochrane

Chief Inspector, Philadelphia Police Department

Brian Corr

President, National Association for Civilian Oversight of Law Enforcement

Margo Frasier

Sheriff (ret.), Travis County (Texas) Sheriff's Office,
and Vice President, National Association for Civilian Oversight of Law Enforcement

Patrick Gallagher

Deputy Chief, Virginia Beach Police Department

Stacie Gibbs

Deputy Chief, Atlanta (Georgia) Police Department

Terrence Gordon

Inspector, Milwaukee (Wisconsin) Police Department

Jason Johnson

Deputy Commissioner, Baltimore (Maryland) Police Department

Jim Jones

Assistant Chief, Houston (Texas) Police Department

Lamont Martin

Captain, Baltimore (Maryland) County Police Department



Chris McCord

Deputy Chief, Peel (Ontario) Regional Police Service

George Nichols, Jr.

Deputy Chief, Prince George's County (Maryland) Police Department

Eddie Rivero

Assistant Sheriff, Los Angeles County Sheriff's Department

Tom Roberts

Assistant Sheriff, Las Vegas (Nevada) Metropolitan Police Department

Edwin C. Roessler Jr.

Chief, Fairfax County (Virginia) Police Department

Ellen Scrivner

Consultant, Major Cities Chiefs Association

Adrian Steele

Chair, Fairfax County Civilian Review Panel

Darrel Stephens

Executive Director, Major Cities Chiefs Association

Richard Stubbings

Assistant Deputy Chief, Toronto Police Service

Mike Sullivan

Deputy Chief, Louisville (Kentucky) Metropolitan Police Department

Eric Ward

Chief, Tampa (Florida) Police Department

Patricia Williams

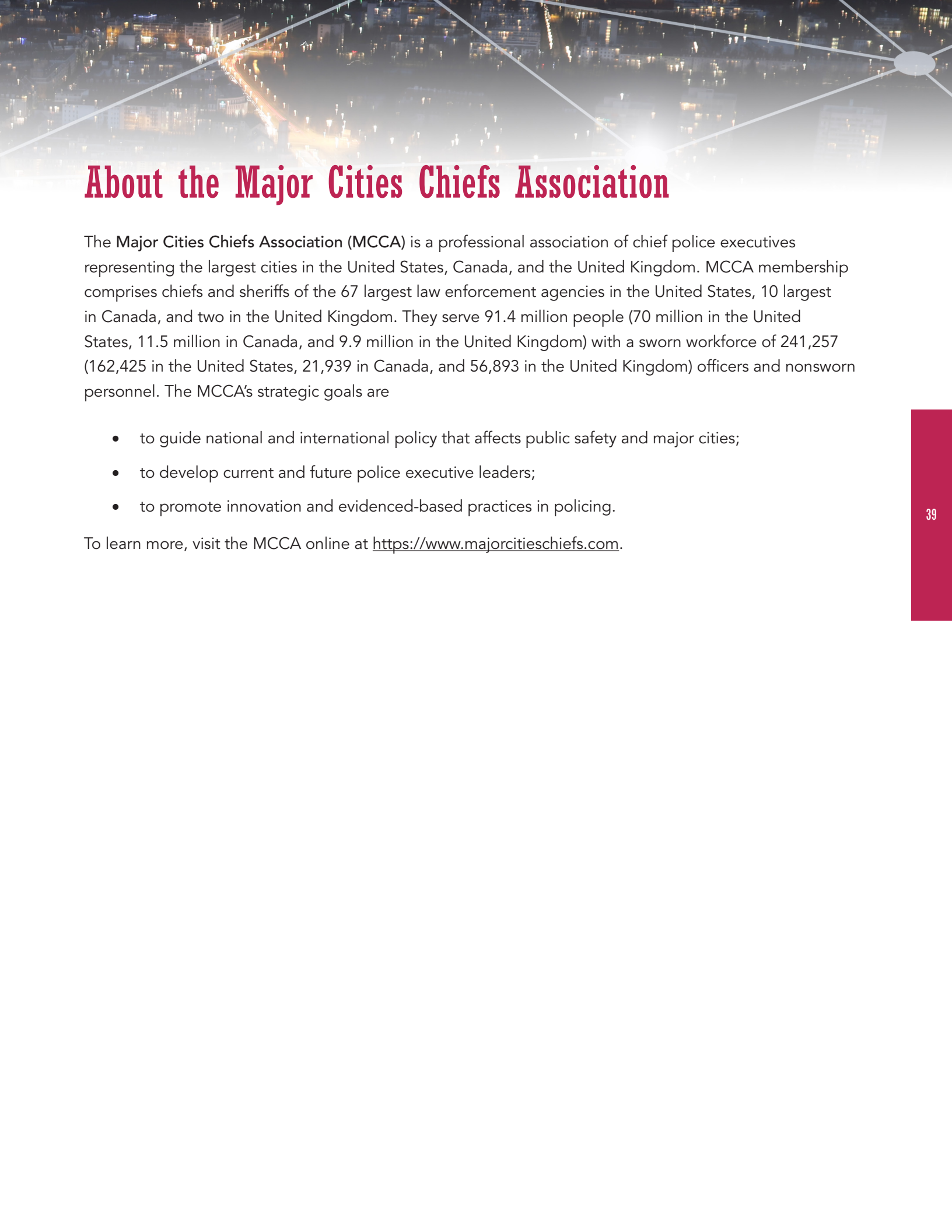
Associate Director, Major Cities Chiefs Association



Appendix C. Round Table Agenda

- 08:30 Welcome and Introductions
Darrel Stephens – MCCA Executive Director
- 09:00 MCCA Civilian Oversight Survey of Major Cities
Darrel Stephens
- 09:30 Investigation Focused Model – Atlanta, Seattle
- 10:00 Break
- 10:15 Review Focused Model – Las Vegas, Tampa
- 10:45 Auditor Monitor Focused Model – Los Angeles County, Wichita
- 11:15 Other Models - Louisville, Peel Region
- 11:45 Lunch
- 12:30 Discussion
What are the primary objectives of civilian oversight?
- 1:15 What are the advantages and disadvantages for each model of civilian oversight?
- 2:30 Break
- 2:45 What are the key effectiveness measures of civilian oversight?
- 3:15 What are the research gaps in civilian oversight?
- 3:45 What do you think should be emphasized in the white paper?



An aerial night view of a city, likely New York City, with a network of white lines overlaid on the image, suggesting a global or interconnected theme. The lines form a web-like pattern across the cityscape.

About the Major Cities Chiefs Association

The **Major Cities Chiefs Association (MCCA)** is a professional association of chief police executives representing the largest cities in the United States, Canada, and the United Kingdom. MCCA membership comprises chiefs and sheriffs of the 67 largest law enforcement agencies in the United States, 10 largest in Canada, and two in the United Kingdom. They serve 91.4 million people (70 million in the United States, 11.5 million in Canada, and 9.9 million in the United Kingdom) with a sworn workforce of 241,257 (162,425 in the United States, 21,939 in Canada, and 56,893 in the United Kingdom) officers and nonsworn personnel. The MCCA's strategic goals are

- to guide national and international policy that affects public safety and major cities;
- to develop current and future police executive leaders;
- to promote innovation and evidenced-based practices in policing.

To learn more, visit the MCCA online at <https://www.majorcitieschiefs.com>.

The background of the top half of the page features a blurred night photograph of a city skyline with numerous lights. Overlaid on this image is a white network diagram consisting of several lines radiating from a central circular node, creating a star-like pattern.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the US Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing. Other achievements include the following:

- To date, the COPS Office has funded the hiring of approximately 130,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs and flash drives.
- The COPS Office also sponsors conferences, round tables, and other forums focused on issues critical to law enforcement.

COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, www.cops.usdoj.gov. This website is also the grant application portal, providing access to online application forms.

Since the 1950s, when civilian oversight was first implemented in some American police departments, its use has grown and a variety of new forms have developed. Established to improve community relations, enhance transparency and increase accountability, all of these programs have the ultimate goal of improving the quality of local policing and thereby increasing public safety. To develop a better understanding of oversight programs in their various forms, how they have evolved over time, and the challenges to implementing them, the Office of Community Oriented Policing Services (COPS Office) collaborated with the Major Cities Chiefs Association (MCCA) to conduct a survey of MCCA member agencies. This publication discusses the results of that survey and the outcome of the round table held to discuss it. In doing so, it provides an overview of civilian oversight in major city police agencies.



COPS
Community Oriented Policing Services
U.S. Department of Justice

US Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs, call
the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at www.cops.usdoj.gov.