POLICE ACCOUNTABILITY AND CITIZEN REVIEW

A LEADERSHIP OPPORTUNITY FOR POLICE CHIEFS

A Project Response Publication

Prepared by

The International Association of Chiefs of Police

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I. INTRODUCTION

PROJECT RESPONSE

Project Response is a periodic initiative of the IACP to supply salient information and recommended courses of action on critical issues of current and emerging significance to the police profession.

PROJECT RESPONSE TARGETS URGENT ISSUES

The urgency of an issue and field need for the most contemporary policy information initiate and govern selection of Project Response topics. Project Response publications have included <u>Americans With Disabilities Act</u>, <u>Security Team Program</u>, <u>The Oklahoma City Tragedy</u>, and <u>Preparing Law Enforcement for Y2K</u>.

PROJECT RESPONSE ENHANCES LAW ENFORCEMENT POLICY DEVELOPMENT

Project Response reports are designed for chief law enforcement executives. They focus on the core dimensions of a critical issue, summarize the contemporary response to the issue, and provide guidance concerning best policy and practice in the issue area. Reports are disseminated to local, county, state, and federal police agencies nationwide. Project Response reports have policy value for government officials and the community at large, as well.

WHY WE ARE ADDRESSING CITIZEN REVIEW

CITIZEN REVIEW IS A CRITICAL CONTEMPORARY ISSUE FOR POLICE

Increasingly, police leaders are being asked to consider and adopt civilian review. Ultimately, they are dealing with the benefits and drawbacks of the models they choose or are presented to them for implementation by their governing bodies. Citizen review approaches and their effectiveness vary dramatically. Informing police leaders about citizen review will add to their capacity to make and influence informed choices.

THERE IS A NEED TO CLARIFY CITIZEN REVIEW CONCEPTS AND PRACTICES

"Civilian review," "citizen review," "civilian/citizen oversight," "civilian review board," and "citizen review board" are familiar terms. Approach, powers, limitations, and the impact of various models of citizen review are not at all familiar, however.   Substantial study on the workings and impact of citizen review models remains to be done. This report summarizes knowledge that is currently available and identifies gaps in that knowledge – which are many.

POLICE RESPONSE INFLUENCES COMMUNITY TRUST

Public concerns about racial bias in traffic stops, excessive use of force, deliberate violations of sanctioned evidence handling procedures, and corruption are create mistrust. When events such as these take center stage, communities begin to question the integrity of their police agencies. Apparent failure to contain these issues causes public policy makers to consider alternatives. Citizen review thus becomes a consideration and subsequently a chosen response for addressing problems and administrative failures. Police response to calls for citizen review can either forge or restore community trust or reinforce mistrust. Project Response can help police leaders understand and respond to the issue effectively and appropriately.

CITIZEN REVIEW IS ONE BUILDING BLOCK OF ACCOUNTABILITY

Accountability is built and maintained through diligent attention to many facets of the police enterprise, ranging from entry-level selection practices, to ethics and integrity, training, supervision, misconduct policies, and performance evaluation. It is important to place citizen review in its proper context. Citizen review is but one tool among many that can be used to promote and ensure accountability. It is neither a cure-all nor likely to promote desired results unless accompanied by a full package of accountability-building strategies.   Over-reliance on these mechanisms can bring disappointment to a community.

POLICE MUST LEAD THE COMMUNITY DIALOGUE

Chief law enforcement executives must exercise leadership and educate the community when citizen review discussions and actions arise.   Whether confronting issues proactively and preemptively or responding to citizen and government initiatives, a chief must be thoroughly prepared to lead a constructive community dialogue.

In many cases, citizen review proposals are not negative in character but an outreach from the community to help departments respond objectively to difficult internal situations. Many citizens see civilian review as a positive link to their departments. With credible information on models and their variations chiefs and the community alike can make informed decisions regarding best practices, implementation, anticipated benefits, and likely drawbacks of citizen review.

ADVANCING THE IACP ACCOUNTABILITY AGENDA

Police accountability is a preeminent concern of the IACP. In April of 1999 the IACP held the first of two forums on Professional Traffic Stops. The second was held in September of 2000. In April of 2000, the IACP called for a national commission to examine all aspects of policing in the United States, with a focus on police accountability and community trust. For a number of years the IACP's Image and Ethics Committee has concentrated attention on the community perceptions of the police. The IACP has built the nation's largest use of force database. The IACP has recently drafted a Strategic Intent to foster and enhance the public's trust in law enforcement agencies and the

criminal justice system. These activities reflect our commitment to public accountability for the police. Advancing understanding of citizen review logically extends our commitment to the issue of public accountability.

POLICE LEADERSHIP OBLIGATIONS

Current trends suggest that chiefs of law enforcement agencies may have to devote increasing attention to citizen oversight and increasingly engage the public and government decision-makers in constructive dialogue on accountability and oversight issues. Accordingly, police executives must position themselves to lead and educate their communities on citizen review matters when they choose or are required to do so. This positioning argues compellingly for this Project Response report.

As important as positioning to lead the citizen review dialogue may be, it is secondary to the chief's fundamental obligation to create a law enforcement environment in which ethical behavior is paramount. Proactive, preventive measures can be implemented by police chiefs which can be expected to lead to increased trust and community satisfaction, thereby eliminating the need or call for citizen review.

An open and accessible process for accepting misconduct complaints from citizens is essential. Swift and thorough investigation of citizen complaints by a professional Internal Affairs office can provide the facts chiefs need to make appropriate and informed decisions on disciplinary action. Early warning systems can assist in identifying potential problem officers who can then receive appropriate counseling and training. All supervisors should be trained to identify subordinates who are at risk and take remedial action.

Professional police departments ensure that they have well-established relationships with their communities, with elected officials, non-elected informal leaders, core constituencies, and individual citizens. While implementing strong internal affairs procedures and controls is important, true community partnership includes ongoing dialogue with the community. Without this critical component, citizens have no alternative but to call for some form of citizen review.

These processes and relationships, and others like them, are the necessary building blocks on which trust can be built. If police chiefs can build these bridges to their communities, the necessity for addressing the issues of the formation and implementation of some type of citizen review board may never have to be addressed. Police chiefs who foster a culture that will not tolerate misconduct, acknowledge misconduct when it occurs and implement reform when necessary, will enjoy the respect and confidence of the people they serve, often without formalized citizen review.
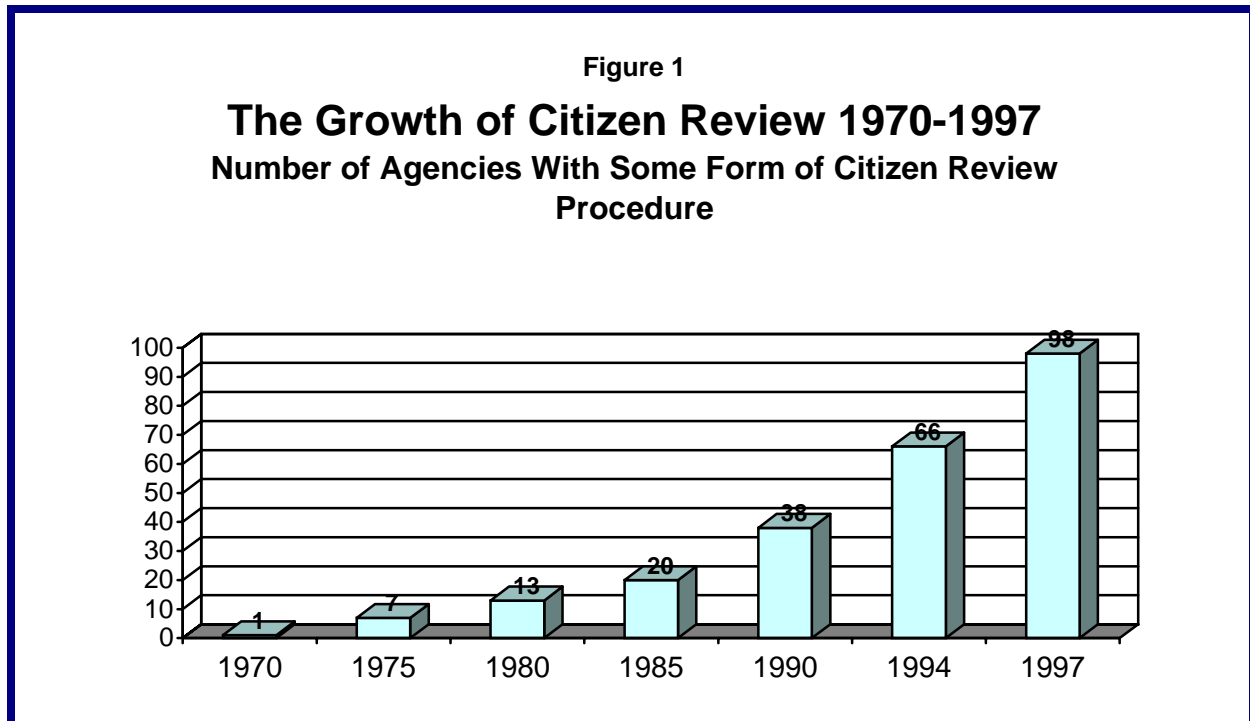
II. CITIZEN REVIEW TODAY

Public discussion and media reports linking citizen review and police misconduct have been prominent during the past several years. Some situations have been characterized by proactive police leadership reaching out for community/police collaborations.   In others, local communities have insisted on increasing citizen involvement in response to dissatisfaction with police management of specific events, often officer misconduct or alleged misconduct. The U.S. Department of Justice has in certain cases demanded that citizen review be put in place as part of consent decree settlements with jurisdictions that have triggered public attention. Behind current stories is a substantial history of citizen review.

The concept of citizen review was first proposed in 1935.   Early versions were implemented in the 1940's and 1950's in New York City and Philadelphia. The procedures adopted in these cities were abolished in the 1960s.[1] The prevalence of citizen review of police in the United States today is simply not known. There are 18,760 state, county, and local police agencies in the United States. No comprehensive or statistically representative survey of these agencies has ever been conducted.

One indicator of prevalence is found in the 1997 Law Enforcement Management and Administrative Statistics report (LEMAS) of the Bureau of Justice Statistics. Surveying 651 agencies with 100 or more sworn officers, BJS asked *"Is there a civilian complaint review board/agency in your jurisdiction that reviews excessive force complaints against your department?"* Ninety-eight agencies (15%) reported that they did have boards in place. Since the LEMAS questionnaire sought only information on one type of review (boards) it is likely that the actual number of all types of citizen review well exceeds the 98 indicated for 1997.

Earlier research (Walker and Wright, 1994) sought information nationally on how many agencies had any form of citizen review, including civilian complaint review boards. If we combine the data from the 1994 study with the recent LEMAS report, a clear trend of growth in citizen review is apparent (Figure 1).

Part of the explanation for the growth of citizen review may be public attitude toward the concept. In one recent survey, approximately 80% of the American public reports that they favor the use of civilian review.[2] Many citizens see citizen review as a logical outgrowth of community oriented policing. Groups such as the American Civil Liberties Union (ACLU) and the International Association of Civilian Oversight of Law Enforcement (IACOLE) also cite the value, and call for the creation of citizen review of police. Citizen activist groups agree that "if the police department wants the community to be their partner, the partnership must be based on openness, equity, trust and accountability."[3] While debate continues, cities with some form of citizen oversight become more numerous.

Figure 1

The Growth of Citizen Review 1970-1997
Number of Agencies With Some Form of Citizen Review Procedure

Source: 1970-1994, Citizen Review of the Police 1994 National Survey (PERF). 1997 Data from BJS LEMAS Report for Agencies with 100+ Officers.

III. CITIZEN AND LAW ENFORCEMENT CONCERNS

Citizen review promises many benefits of incalculable value including improved citizen-police relationships, bridge-building among community and police, and enhanced trust in police actions and strategies. The concept also has many detractors, their positions based in theory and evidence of tangible damage to the police enterprise. Traditionally, law enforcement has exhibited wariness about civilian review. Concern is fueled by the fact that there are few studies that demonstrate citizen review effectiveness[4]. The best known criminal justice commissions (The Knapp Commission, the President's Commission, The National Advisory Commission) have not supported independent civilian review and have argued that there is no substitute for good Internal Affairs units and solid police agency ethics.[5] Examples of dysfunctional programs are plentiful.

Citizen pressure for oversight often emerges from police abuse, actual or perceived-racial bias in traffic stops for example. Being essentially observers and having limited or no input into police decision-making, and often possessing very little information, some citizens become frustrated when police misconduct occurs or is alleged. When citizens begin to lack faith in internal affairs processes and have no knowledge of how they work,

they become less comfortable allowing the police to police themselves. When a police department resists implementation of citizen review, public suspicion is heightened that a department is not operating as fully in the interests of the community as it should nor is it as forthcoming as it should be on critical issues. Even when an oversight mechanism is created, citizens fear that reviewers may be handpicked and will not operate independently from the department.

To law enforcement executives, no priority transcends that of holding members of their departments accountable for their actions. Nonetheless, concern remains about the impact of citizen review on department autonomy and the capacity of chiefs to manage officers effectively. The impact of citizen review on the ability of officers to perform their duties in a proper fashion is another expressed concern. The most significant concerns of law enforcement executives with regard to civilian oversight are:

- ❑ *Officers become wary of review and avoid conflict in order to reduce potential allegations.*

- ❑ *When citizen review first begins there may be a marked increase of complaints, especially from critics of a police agency.*

- ❑ *Citizen members of a review board may not have a law enforcement background and fail to understand proper police policy and procedure. Accordingly, they may not judge officer actions correctly.*

- ❑ *Citizen review may lead to a chief losing control over the agency discipline process.*

- ❑ *Citizen review/recommendations may promote police policies that cannot or are too difficult to be implemented. Inability to implement recommendations could degrade the public view of the agency.*

- ❑ *Citizen review may create animosity between the officers and the public.*

- ❑ *The often political nature of citizen review may introduce partisan politics into law enforcement decision-making.*

- ❑ *Costs of review mechanisms, both financial and human, may burden the department.*

Most citizens and police executives share the foregoing concerns. Further exploration of these issues can provide a foundation for informed and constructive dialogue and partnership on citizen review considerations.

IV. CITIZEN REVIEW MODELS

Citizen review of police misconduct takes many forms. Four types are most common.[6]

- ❑ ***Class I: Citizen Review Board***. *Citizen complaints are reviewed and investigated, and recommendations for disciplinary or policy action are made by a board comprised wholly of citizens. The board may or may not have subpoena power.*

  Under this model, a citizen review board handles each step on the continuum from original complaint through review, investigation and recommendations for sanctions. This is the most independent citizen review model.

- ❑ ***Class II: Police Review/Citizen Oversight***. *Complaints are reviewed and investigated, and recommendations for disciplinary or policy action are made by law enforcement officers, with oversight of each case by a citizen or board of citizens.*

  Under this model, the steps on the complaint continuum are handled by the police. A board of citizen reviewers, or a single individual, reviews those actions/determinations. Since law enforcement conducts the initial fact-finding investigation, the Class II model is considered less independent than Class I.

- ❑ ***Class III: Police Review/Citizen-Police Appeal Board***. *Complaints are reviewed and investigated by law enforcement officers in the Internal Affairs Unit, which recommends disciplinary action to the chief. Complainants who are not satisfied with outcomes of investigations can appeal for review to a board composed of both citizens and sworn officers.*

  Under this model, the complaint process is handled by the police. In the event a complaint is not satisfied with the outcome of his or her case, a board that includes police officers undertakes review of how the case was originally investigated. Citizen participation is limited to appeal review only.

- ❑ ***Class IV: Independent Citizen Auditor***. *An independent citizen auditor or auditor system reviews the law enforcement agency's internal complaint review process (IA) and makes recommendations as needed.*

  Under this model, the complaint process is fully in the hands of the police. However, an auditor or audit team has access to that process and reviews it for effectiveness and accuracy of findings, making recommendations to

improve the process as needed. The auditor reviews completed complaint cases and contacts complainants to assess satisfaction with outcome.

Figure 2 displays the distribution of citizen review models by the four classes and by size of department, using 1994 data on 66 agencies, the latest data available. All models are most prevalent in the 50 largest cities. Class II models are the most widely employed. Class I models are the second most frequently used.

Figure 2

DISTRIBUTION OF CITIZEN REVIEW MODELS

Class	50 Largest Cities	Second 50 Largest Cities	Small Cities	County Sheriffs/ Police Departments	Total
I	17	0	3	2	**22**
II	13	10	4	4	**31**
III	4	3	3	1	**11**
IV	2	0	0	0	**2**
	36	**13**	**10**	**7**	**66**

Source: Citizen Review Resources Manual, Police Executive Research Forum, p. 11 (1995)

The four basic models of citizen review were catalogued as early as 1991.[7] Wide variations can now be identified. Subpoena powers, decision-making ability, public hearings, and officers' rights to representation exemplify the nature of the variations. For example, the Office of Community Ombudsman in Boise, Idaho, created in 1999, combines elements of both Class I and Class IV, allowing the Ombudsman both the authority to investigate complaints (Class I) and to review the internal affairs investigation process to determine fairness (Class IV). Another variation of citizen review that is fairly common is a board comprised entirely of citizens with independent investigative staff-having original and sometimes concurrent jurisdiction (with IA) limited to allegations of force and bias; and having appellate jurisdiction over all other allegations; making recommendations regarding discipline or policy action.

V. TAKING A POSITION ON CITIZEN REVIEW

Not all police departments need or would derive substantial value from formalized citizen review. In jurisdictions where community trust is solid and durable, strong police-

community bonds exist, community access is institutionalized, and misconduct is not frequent nor egregious, citizen oversight is neither likely to emerge as an issue nor to have a profound impact on existing conditions. Smaller departments, in particular, have the advantage of constant informal interaction with citizens to maintain close ties and receive information and guidance. As communities and police agencies grow in size, lines of citizen/police contact may need strengthening through formality. Community leaders may suggest a citizen review mechanism to ensure involvement in problem resolution at the officer and/or department level.   Even in these cases, alternative interventions may satisfy needs.

Addressing citizen review provides an *opportunity for leadership—a chance for a chief to take an initiative on accountability,* an opportunity to educate the public on a complex issue, and an opportunity to work collaboratively to arrive at a decision that meets both police and community concerns. Police leaders need not, and must not, end up in a reactive stance, leaving the issue of citizen oversight to be raised by others in government or the community. Deliberate and thorough analysis of the factors necessary for informed decision-making by a chief is required.

To lead and educate a police chief must have a position on citizen review for his or her community. That position must be based on exhaustive problem analysis, examination of alternative models, estimation of costs, political consequences and the potential of the selected model to solve problems (if problems exist).   The chief's position must be arrived at through collaboration with government and community representatives.

For chiefs to make a rational and proactive decision on citizen review, they must position themselves carefully, seek information and consider issues in advance of formal public discussions or public demand on the topic. Essential action steps are:

❑   Assess whether a problem exists

❑   Examine existing literature and practice regarding forms of citizen review and their impacts

❑   Confer with constituencies that must be involved in the decision to establish a citizen review device

❑   Work with citizens and government officials to understand how the review process may affect them

❑   Understand possible/probable outcomes of citizen review

❑   Complete a preliminary cost analysis to determine the financial impact on the department and the city.

Taking these steps will be helpful regardless of whether a chief is in a proactive stance seeking advance information on citizen review, or a reactive one, responding to citizen

calls for review. In either case the chief will be prepared to lead, educate, and make informed decisions based on local preferences and circumstances.

ASSESS THE NATURE AND EXTENT OF THE PROBLEM

It is inappropriate to pursue citizen review without understanding whether oversight-related issues and problems exist and, if so, the nature and extent of the problems. Once a problem is identified, rational decision-making can occur with regard to whether a citizen review approach makes sense. Exploring the following questions will help with problem assessment:

- ❑   Is the community concerned about police misconduct?

- ❑   What particular issues are they concerned about?

- ❑   Are specific community groups raising issues?

- ❑   Is there a consensus among citizens about police misconduct issues?

- ❑   Have citizens or citizen groups called for action by the department?

- ❑   If so, what action (resolution) are they seeking?

PEER CONSULTATION

The most constructive and potentially illuminating first step is to reach out to peers—chiefs, and others who have first-hand experience with the functioning and impact of citizen review mechanisms. Section IX of this document presents five examples or agencies that could share valuable insights.

EXAMINE EXISTING LITERATURE AND PRACTICE

To facilitate constructive discussion on citizen review, chiefs should master the body of literature. The current collection of literature on citizen review is very limited and plagued by important gaps. Much of it focuses on the experiences of departments that have successfully introduced a form of citizen review. One significant shortfall of existing literature is the absence of evaluation and measurement of impact. Valid impact studies including stated citizen review objectives, statistics on activities and outcomes, and determination of success/failure are almost entirely absent. Some citizen satisfaction survey efforts have been made.[8] But a great deal more research, particularly process and impact evaluation is required. One way to improve this situation is to ensure that research and evaluation components are built in to all future implementations of citizen review. The critical features of this evaluation component are discussed in Section VII: Critical Implementation Issues. Section X of this report presents a selected bibliography for further review of the subject.

CONFER WITH CORE CONSTITUENCIES

A chief's position should be influenced by the opinions and input of core stakeholder groups:

- *Governing Body Leadership*
- *Citizens/Citizen Groups/the Community*
- *Police Department Leadership*
- *Police Personnel and Police Labor Union Leaders*

The chief must be sure to include representatives from these constituencies in discussions of the advisability of establishing citizen review. The concerns, perspectives, and attitudes of these groups toward citizen review may vary dramatically.

UNDERSTAND HOW EACH CONSTITUENCY MIGHT BE AFFECTED BY CITIZEN REVIEW

The positions and expectations of core constituencies should be diagnosed carefully. The following questions should be explored and answered:

Governmental Body

- Will citizen review help or damage electorally?
- What commitments have been made publically?
- How satisfied is the governing body with the image and ethics of its police department?
- Are they in favor of citizen oversight? If so, why?
- How would they react to the department either rejecting or supporting a citizen review design?
- How well are government leaders positioned to know about and understand community attitudes about citizen review?
- What expectations do government leaders have for their police department?
- Are they supportive of citizen concerns?
- Will citizen review improve the department's relationship with its governing body? If not, why not?

Citizens/Community

❑ Are citizens satisfied with the police department's internal affairs process and its handling of disciplinary actions?

❑ Do they seek a greater role in police decision-making?

❑ Are they trusting toward the department, or suspicious?

❑ How would the community (and its leaders) react to the department's rejection or acceptance of a form of citizen review?

❑ Do they see a link between successful community policing and the creation of a review board or other mechanism?

❑ Is the community unified in its concerns about IA and civilian oversight?

❑ Are there pockets of concern in specific neighborhoods?

❑ How will citizen review affect the relationship of the department to the neighborhood?

❑ Will the community understand this change in police administration and view it as positive?

Police Leadership

❑ How will a positive or negative stance affect the leadership position of the chief?

❑ How will the chief's position affect external pressures on the department?

❑ How will it affect the overall leadership capacity of the chief?

❑ Do others (citizens, government, police officers) have specific expectations on how their chief will handle the issue?

❑ Will citizen review support or undermine the leadership goals of the chief?

Police Personnel

❑ How satisfied are current police personnel with the internal affairs process?

❑ Do they feel the current internal affairs approach is sufficient and fair?

❑ Do they want to see a change, such as utilizing a form of citizen oversight?

❑ Do they have concerns about citizen review authority/powers?

❑   How will consideration or adoption of a form of citizen review impact officer/civilian employee morale?

❑   Is the institutional culture of the department strongly inclined toward ethical behavior?

Police Unions

❑   Is citizen review addressed in the labor/management contract?

❑   How do union leaders feel about the introduction of citizen review?

❑   Have union leaders taken any previous position on this subject?

PROJECT PROBABLE AND POSSIBLE OUTCOMES

Having identified community problems, and looking ahead to a citizen review model being put in place, chiefs need to project outcomes. Probable and possible outcomes will help determine viability of the concept and provide useful information for goal-setting if a citizen review is implemented. If a citizen review is put in place, will it:

❑   Increase or reinforce public trust?

❑   Enhance police accountability?

❑   Create a more ethical police culture?

❑   Increase the number of legitimate complaints?

❑   Diffuse hostility toward the department?

❑   Reduce or prevent officer misconduct?

❑   Improve fairness and thoroughness of misconduct review?

❑   Ensure that misconduct will be dealt with effectively?

COMPLETE A PRELIMINARY COST ANALYSIS

Citizen review costs money and requires the commitment of soft resources – from the department, the governing body, and the community. Chiefs should commission a preliminary estimate of costs and ascertain whether funding support is available to meet them. Even in advance of determining the specifics of the review model, certain costs constraints can be anticipated:

❑   What are the overall cost implications of citizen review model?

❑   How many people, at what cost, would be involved?

❑   What are the costs to the department itself?

❑   What other (governmental) costs are incurred?

❑ What operational, procedural costs are involved?

❑ Are there equipment/facility costs?

The chief, in collaboration with key decision-makers, must consider each of the above questions. This analysis will position the chief to make an informed decision about promoting, accepting, revising or rejecting any citizen review approach proposed for the department.

VI. DESIGNING A MODEL THAT FITS

If through analysis it becomes clear that citizen oversight is desirable or essential, designing the right model is the next priority. The four most common models employed in the U.S. were introduced earlier.

The most important design factor for chiefs is likely to be the level and sequencing of authority/oversight. Class I boards provide the most significant and continuous involvement of citizens in the complaint review process. Classes II and III introduce citizen involvement after initial police decisions are made. Class IV allows for maximum decision making (at the incident/complaint level) by the law enforcement agency, while the auditor reviews all processes and makes recommendations for change as needed.

There is no simple formula to help a chief, the governing body and the community design the most appropriate model. Situations differ, as do the determining variables that affect design. Chiefs should lobby aggressively for the design that, after all of the foregoing study and analysis, they judge to be best. Since constituencies may have varying expectations or concerns, negotiation and compromise is called for. Obviously, acceptance on the part of all principal players will be a clear indicator of which model is most likely to succeed.

There are four design issues that if addressed carefully can help to ensure that a model is designed that is acceptable to as many constituencies as possible:

❑ ***The Core Model****.* Oversight models vary significantly with regard to when citizen review comes into play, what citizens get to review, and how much autonomy they have to make decisions or recommendations after review is completed.   The chief should work with community and government leaders to design a model that appears best suited to resolve the identified issues. Reasonably broad consensus on the model is paramount at the outset.

❑ ***Oversight Powers/Authority****.* Some citizen review mechanisms have little or no power and are utilized in an advisory capacity only. Some have powers that may actually exceed those of sworn police personnel. Chiefs

must understand and identify an appropriate set of powers to render their citizen review effective. Allowing models that provide unreasonable powers to citizens can undermine police authority and demoralize police personnel. Specific issues such as subpoena powers, public hearings, officers' rights to representation and overall decision-making power must be clarified at the outset.

❑   ***Reviewers/Board Membership***. Parties should agree on the types of individuals that should populate the oversight mechanism. There must be clarity on how members are selected and who has the final say on those under consideration. Even with a well-designed model of review, appointing individuals ill-equipped to handle sensitive police matters is problematic. Citizens selected should be familiar with law enforcement practices and must also be independent (not previously involved with/aligned with the department). Police leaders must be able to clearly articulate their preferences for selection and maximize their involvement in the selection process to the degree permitted by varying models. Examples from other successful implementations should be used during these discussions. Comprehensive background checks should be completed for each candidate selected for any citizen review role.

❑   ***Funding/Costs***. Often, governing bodies, communities and their departments do not properly anticipate the cost of citizen oversight. Final cost estimates must be made, and funding secured, before implementation is considered.

Designing an acceptable model can be a difficult undertaking. Careful consideration given to these four design issues will help facilitate a successful planning phase.

VII. CRITICAL IMPLEMENTATION ISSUES

When police departments work with governing bodies and communities to implement a citizen review, several actions should be taken to promote successful implementation and operation:

❑   ***Document Design***. Information must be available to all interested parties on the agreed upon citizen review approach. This information must include the mission, goals, and objectives of the review model, how the model works, who will serve as reviewers, what autonomy/authority these reviewers will have, and the process description of each action the reviewers will take.

❑   ***Document Implementation***. A record should be kept on how the jurisdiction is approaching the implementation process. This log of actions

with notation on issue resolution will be extremely useful as the public, departmental officers, and the media seek to understand more about the program.

❑ ***Providing Sufficient Staffing/Support****.* Determine who in the department will provide administrative/logistic support to the citizen reviewers/board. Assess the level and time consumption of these duties. Addressing this staff issue will help the department understand the impact on sworn and/or civilian personnel.

❑ ***Avoid Complaint Case Backlogs****.* Cities must assign sufficient staff, membership, authority and funding support to allow a board/auditor to do its job. Less than sufficient support in any of these areas results in case backlogs causing the review mechanism to lose credibility along with the department itself.

❑ ***Measure User Satisfaction****.* Once citizen review is in place it is important to monitor how all key constituents view its work. Where a form of review is functioning effectively, satisfaction levels should be high among those who have a stake in complaint case determinations.   Section VIII provides additional detail on how to evaluate the impact of citizen review.

VIII. EVALUATING CITIZEN REVIEW MODELS

There is a dearth of solid evidence regarding the outcomes, impact and value of citizen review. Absent national evaluation information, local chiefs must take definitive action to insure that their citizen review program's affect can be measured. To accomplish this, an evaluation component must be built into the ongoing planning process for citizen review implementation.

The evaluation should be designed to measure both the process (how the implementation moves ahead) and the outcomes (impact of review once in place). To accomplish these evaluations, the following steps must be taken:

❑ **Mission Statement, Goals and Objectives For the Review Model Must Be Set In Place**

A program can only be measured against what it sets out to accomplish. Program goals may include, for example, diffusing public concern, reducing police misconduct, lowering the number of citizen complaints.

❑   **An Evaluation Team (or Individual) Must Be Identified**

The chief, community leaders and government leaders must agree on an independent reviewer/evaluator to coordinate the evaluation portion of the implementation phase. Collaboration with neighboring universities is a cost-effective method to identify such individuals.

❑   **Sufficient Evaluation Funds Must Be Set Aside**

Evaluations can vary dramatically in scope and cost. The jurisdiction must decide in advance how in-depth an evaluation it desires, and then set aside funds to cover that expense.

❑   **Data Collection Tools Must Be Identified**

There are any number of potential data collection tools to promote evaluation, including citizen satisfaction surveys, officer satisfaction surveys, and data management software. These tools capture complaint, complaint resolution, disciplinary recommendation, final actions by the department, and subsequent citizen appeals. A variety of data collection instruments will insure a more comprehensive evaluation.

❑   **Use of Data to Refine/Redirect the Model**

Once data is captured and analyzed on a regular basis, the jurisdiction is then in a position to revisit the original goals of the model and determine if progress is being made. Where data indicates otherwise, the model should be adjusted accordingly.

The above steps will help any jurisdiction achieve a dynamic process of program implementation, ongoing evaluation, and intermittent course correction that has been substantially missing from previous iterations of citizen review.

IX. CITIZEN REVIEW APPROACHES – SELECTED EXAMPLES

There are innumerable examples of citizen review approaches. The following examples illustrate how the previously discussed models have been implemented.

❑ ***Minneapolis, MN - The Civilian Police Review Authority (CRA) (Class I)[9]***

The CRA receives, considers, investigates, and makes determinations regarding complaints. It is independent of the police and is made up of mostly citizens appointed by the City Council and the Mayor. In 1997 there were three investigators; two were ex-police officers not from Minneapolis. The chief of police makes disciplinary recommendations. The chief must provide his reasons, in writing, to the CRA and the Mayor, for whatever actions he takes.

❑ ***Berkeley, CA - The Berkeley Police Review Commission (PRC) (Class I)[10]***

The PRC claims to be the oldest civilian review board in the US. Formed in 1973, it is independent of the Berkeley Police Department. The Commission is made up of nine members, appointed by the City Council. No member may be an officer or employee of the City of Berkeley. The Commission Investigator conducts his own independent investigation of any complaints made concurrent with the IAB investigation. Upon completion of the investigation, a Board of Inquiry, made up of three commissioners, hears the case. The board will make a finding of "sustained (true and unjustified action)," "not sustained (not sufficiently proved)," "exonerated (true but justified action)," or "unfounded (not true)." Findings by the Board can be appealed if there is new evidence or a substantial mistake was made in the way the first hearing was conducted. The PRC does not recommend discipline; that is up to the City Manager.

❑ ***Portland, OR - The Police Internal Investigations Auditing Committee (PIIAC) (Class II)[11]***

The PIIAC is composed of city council members. It hears appeals from citizens on IAD investigations, performs random audits of IAD investigations to determine whether complete and unbiased investigations have taken place, and reviews all closed "use of force" cases. PIIAC does not perform independent investigations. The police chief makes all disciplinary decisions.

❑ ***Los Angeles, CA – The Police Commission (Class III)[12]***

As a reaction to riots, which took place in Los Angeles in the early 1990's, new programs were put into place. The Police Commission now serves as citizen oversight of the police department but without complaint review or investigative duties. It is the Office of the Inspector General that performs oversight on the police department's own IAG investigations. OIG receives

the initial citizen complaints but passes them on to the IAG. OIG also assists citizens with tracking complaints and their outcomes.

❑ ***San Jose, CA - Independent Auditor (Class IV)*** [13]

San Jose's Independent Auditor can take citizen complaints but she does not investigate them. Complaints are investigated by the San Jose Police Department's Professional Standards and Conduct Unit (PSCU), formerly IAD. The auditor can sit in on questioning during the investigation phase but cannot question. The auditor can recommend modifications of policies and procedures but her recommendations are not binding. The Independent Auditor does not discipline officers and cannot appeal the chief's decisions regarding any sanctions.

X. WHERE TO FIND ADDITIONAL INFORMATION

❑ National Criminal Justice Reference Service (NCJRS)

Telephone: (800) 851-3420
Facsimile: (301) 519-5212
Website: www.ncjrs.org

❑ Bureau of Justice Statistics (BJS)

Telephone: (202) 307-0765
Facsimile: (202) 307-1463
Website: www.ojp.usdoj.gov/bjs

❑ National Institute of Justice (NIJ)

Telephone: (202) 307-2942
Facsimile: (202) 307-6394
Website: www.ojp.usdoj.gov/nij

❑ International Association of Civilian Oversight of Law Enforcement (IACOLE)

Telephone: (513) 352-6240
Facsimile: (513) 624-8042

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XIII. ENDNOTES

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