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THESIS

**IDEAL POLICE OVERSIGHT AND REVIEW: THE
NEXT PIECE OF THE COMMUNITY POLICING
PUZZLE**

by

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December 2015

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**IDEAL POLICE OVERSIGHT AND REVIEW: THE NEXT PIECE OF THE
COMMUNITY POLICING PUZZLE**

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ABSTRACT

There has been independent oversight of law enforcement complaints for over a hundred years in the United States, but recent cases of perceived excessive use of force by law enforcement officers have thrust independent oversight into the national forefront. This thesis set out to discover frameworks, operation methods, and responsibilities of independent oversight of cases involving police excessive use of force by researching the current structures and practices of oversight bodies across America—how they differ from each other, how they are successful—and determining whether there should be a national standard. This research includes oversight boards from small, medium, and large American municipalities with law enforcement agencies whose ethnic diversity is not reflective of their communities. Through the use of a request for information, 12 independent oversight boards were examined. The research suggests there is no consistency across independent oversight boards, no standard for independent oversight board frameworks, and no tracking of their efficiency toward organizational or academically suggested goals. Nor is there a central repository where lessons learned and best practices can be catalogued and distributed. This thesis provides recommendations for future research on independent oversight boards.

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LIST OF ACRONYMS AND ABBREVIATIONS

CA	California
CHDS	Center for Homeland Defense and Security
FEMA	Federal Emergency Management Agency
HI	Hawaii
IACP	International Association of Chiefs of Police
IPRS	Ideal Police Review System
MA	Massachusetts
MD	Maryland
MI	Michigan
NACOLE	National Association for Civilian Oversight of Law Enforcement
NC	North Carolina
NPMSRP	National Police Misconduct Statistics and Reporting Project
NPS	Naval Postgraduate School
NY	New York
OR	Oregon
PARC	Police Assessment Research Center
PA	Pennsylvania
PERF	Police Executive Research Forum
WI	Wisconsin

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EXECUTIVE SUMMARY

Independent oversight boards of law enforcement misconduct investigations are often asked to make the complaint process more inclusive by providing mechanisms and locations outside of law enforcement facilities to accept complaints and provide non-police driven feedback on the status and outcomes of complaints. Boards are also used to provide an independent voice to hold law enforcement and civic leaders accountable for training and disciplining officers when necessary.

On May 18, 2015, the President’s Task Force on 21st Century Policing recommended the inclusion of civilians in review of officer involved shootings, that communities should “define” what form of independent oversight fits their community needs, and that the federal government “should provide technical assistance and collect best practices from existing civilian oversight efforts and be prepared to help cities create this structure, potentially with some matching grants and funding.”¹

Law enforcement in the United States has championed a philosophy of community policing at the local, state, and federal levels for more than 30 years. Community meetings, a shared desire for safer communities, and working partnerships are all part of this philosophy—a philosophy based on the police providing their community with the service that it desires and needs. One of the last pieces to be fully implemented nationwide into community policing models appears to be independent oversight of internal law enforcement misconduct investigations. Although independent oversight boards can be found throughout America, they are infrequently used in medium and small municipalities.

A purposive sampling method was used to obtain a representation of boards from across the United States. This thesis set out to discover frameworks, operation methods, and responsibilities of independent oversight of law enforcement excessive use of force cases by examining what the current structures and practices of oversight bodies across

¹ President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force on 21st Century Policing* (Washington, DC: U.S. Department of Justice: Community Oriented Policing Services, 2015), www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf, 26.

America, seeing how are they different from each other, how they are successful, and determining if there should be a national standard framework. The research includes oversight boards from small, medium, and large American municipalities with law enforcement agencies whose ethnic diversity was not reflective of their ethnically diverse communities.

From the research, it can be surmised that there is a lack of established national framework for what is accepted as oversight at minimum; there are only recommendations. There is no established specificity as to what a board must have in its framework organizationally, operationally, and written in policy to be consistent with other boards across the United States. As a whole, the boards together were found to have structures that matched what has been put forth in academic literature. In addition, boards are consistent with having governance that established their creation and have mechanisms for complaint intake. Also, not only do they all have a part in addressing complaints of excessive use of force, they have defined roles as to responsibilities directly related to the review or investigation of complaints. In addition, they provide avenues for making a wide array of recommendations to the head law enforcement executive or city administrator/civic leader. All boards provide some form of feedback to their law enforcement agencies to insure complete and thorough investigations have been conducted. With the exception of one board, those examined do not have the capability to recommend discipline on law enforcement officers who are found committing misconduct.

Results from this research perpetuate findings from the literature review in that there was little to be learned on how boards gauge operational success. This may be due to a wide range of individual missions and vague goals. Eleven of the 12 boards were found not to conduct any type of subjective survey with the end users, the complainants, with regard to their feelings towards the inclusiveness, transparency, or thoroughness of their case. The research and responses also indicate that there is a lack of a standard mission and set of quantifiable goals for oversight nationwide.

Several research limitations were encountered during this thesis. Research was limited due to the lack of an established and available nationally maintained database on

oversight board frameworks, operational goals, and metrics for success. Additionally, the research was unable to provide an even mix of independent oversight boards by function; nine are review boards, and three have true investigative capabilities. This can be attributed in part to scoping criteria addressing ethnic demographics of the police departments themselves and budgets. Also inhibiting the research were non-responses by boards who received a request for information.

This thesis provides recommendations based on the research and findings for the future of independent oversight. They are as follows:

- As a response to the lack of a national database of information on oversight boards, an area of further development would be to create a database of oversight boards that is exhaustive and periodically maintained.
- Research into independent oversight of internal police use of force investigations should consider more in depth case studies on a broader group of boards, including those from countries with comparable governance structures.
- Research on if the Ideal Police Review System as presented by Dr. Douglas Perez in his book on police oversight, *Common Sense about Police Review*, can be used as a model for a national standard for independent police oversight.²
- Future research should consider questioning how social media and the rise of body-worn cameras and cellular phone video footage affect independent oversight boards.

The final report from the President’s Task Force on 21st Century Policing recommends, “Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.”³ Communities should have a say in how their boards operate, but if the president and federal government are going to advocate for oversight, then they should also provide sage guidance based on data and research as to what the minimal standard service an oversight board performs, how it performs the service, and how success will be

² Douglas Werner Perez, *Common Sense about Police Review* (Philadelphia, PA: Temple University Press, 1994).

³ President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force*, 26.

measured. If minimal standards are not established on verifiable best practices then, we may be addressing this same issue again in 20 years and still only providing recommendations instead of refining what has been offered through analysis as a standard that provides results.

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Lastly, thank you all for believing in a kid from south Stockton.

I. INTRODUCTION

A. PROBLEM STATEMENT—BACKGROUND

Independent oversight boards are asked to make the complaint process against police officers more inclusive than traditional internal affairs investigations by providing mechanisms and locations outside of the law enforcement facility to accept complaints and to provide non-police driven feedback on the status and outcomes of complaints. Boards are also used to provide an independent voice to hold law enforcement and civic leaders accountable for training and disciplining officers when necessary.

On May 18, 2015, the President’s Task Force on 21st Century Policing recommended the inclusion of civilians in the review of officers involved shootings, that communities should “define” what form of independent oversight fits their community needs, and that the federal government “should provide technical assistance and collect best practices from existing civilian oversight efforts and be prepared to help cities create this structure, potentially with some matching grants and funding.”¹ Civilian oversight or, as it will be referred to in this thesis, independent oversight, can be thought of as a link in the chain that can hold police-community relations together and provides complaint integrity through independent investigations or review of misconduct complaints. In addition, it provides inclusion for the complainant into the process to create a sense of procedural justice and to create a culture where police departments can learn from complaints and train police officers on proper conduct.

Independent oversight of internal police investigations of misconduct and excessive use of force is not a new concept. It has been used sporadically in communities across America since the end of World War II. Unfortunately, independent oversight is rarely implemented during periods of harmony. It would appear police oversight boards are built and fueled by emotion, perception, and political agenda. Calls for oversight during the aftermath of occurrences of perceived police excessive use of force may be

¹ President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force on 21st Century Policing* (Washington, DC: U.S. Department of Justice: Community Oriented Policing Services, 2015), www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf, 26.

made without much regard for if or why it works. This can be inferred by establishment of the President's Task Force on 21st Century Policing and its recommendations, which were presented on the heels of highly publicized police use of deadly force in Ferguson, Missouri, and New York, New York.

Although independent oversight boards can be found throughout America, they are infrequently used in medium and small municipalities. The lack of independent oversight in these communities can create a scenario where community members feel they have no recourse to stop systemic excessive use of force by police. It is important to understand if and why some boards are successful in implementing and sustaining independent oversight and to search for a framework for a nationally recognized standard for independent oversight implementation. A brief overview of boards nationwide shows there is little data collected as to their effectiveness, and no clear requirements for what makes an oversight board effective. Both of these deficiencies in data can be due to several factors: there is no true definition of what an oversight board is, the operations a board should perform, or metrics for the board to meet operational goals. Asking how independent police oversight boards measure their efforts toward the goal of establishing an inclusive and transparent process that provides law enforcement accountability to the community may lead to an output that can be measured and then replicated. Successful replication may lead to a minimum standardized oversight framework so that citizens across the United States can feel a sense of procedural justice in the excessive force complaint process and help to prevent civil unrest.

Law enforcement in the United States has championed the philosophy of community policing at the local, state, and federal levels for more than 30 years. Community meetings, a shared desire for safer communities, and working partnerships are all part of this philosophy—a philosophy based on the police providing their community with the service that it desires and needs. One of the last pieces to be fully implemented nationwide into community policing models is independent oversight of internal police investigations.

B. RESEARCH QUESTIONS

What are the current structures and practices of external police oversight bodies in the United States? How are they different, and how are they successful?

C. LITERATURE REVIEW

There is very little data collection or statistical analysis on independent oversight boards and their correlation to complainant satisfaction levels, which would allow analysis of the board's effectiveness. The literature on independent oversight regarding excessive force can be broken into four sub-literatures: the history of oversight activity as it pertains to the historical context in which it arose, the history of oversight boards themselves, structural frameworks for oversight organizations, and qualitative metrics for defining and measuring effectiveness. Not included in this review is literature on "police excessive force" complaints as the term is not universally defined, and the literature is vast and is beyond the scope of this research into oversight boards. For purposes of this thesis, the term "independent oversight" should be considered synonymous with civilian oversight or civilian review. Also for the purposes of this thesis, the term "board" includes the terms "committee" and "commission."

1. What Is Independent Oversight, and Why Is It Desired?

Police accountability researcher Dr. Samuel Walker defines independent oversight "as a procedure for providing input into the complaint process by individuals who are not sworn officers."² Several of Walker's writings and research were cited throughout the literature search, as other authors cite his work and claim him as the perennial expert on independent oversight. There appears to be two main themes in the literature supporting the demand for municipalities to institute independent oversight.

The first theme is to provide disenfranchised communities with inclusion and investigative transparency when filing complaints of police misconduct and abuse of police powers. In his article "Race Accountability: The Role of Citizen Oversight,"

² Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (Belmont, CA: Wadsworth Publishing, 2001), 17.

professor of urban studies at Cleveland State University, Ronnie A. Dunn evaluates and reviews the city of Cleveland, Ohio's citizen oversight board, which he notes is one of the oldest in America. Dunn suggests the primary goal of independent oversight is to provide a sense of accountability to the community through a complaint process that is open and transparent, a belief Samuel Walker supports as well in his book *Police Accountability: The Role of Citizen Oversight*.³ Danielle Hryniewicz of the University of Western Ontario, London Department of Sociology suggests the need for oversight is in part due to current internal misconduct complaint systems not providing reliable and transparent checks and balances for citizens against police misconduct.⁴ Police researcher Dr. Douglas Perez of State University New York at Plattsburgh discusses and identifies feelings toward police malpractice as a main driving force for communities to desire independent oversight. Included in that malpractice are instances of perceived physical and verbal abuse, perceived harassment, failure to take appropriate action, and theft.⁵ Perez contends, through his evaluation of the Oakland Police Department in the late 1980s and early 1990s, there were issues with legitimacy perceptions of "self-protecting" processes, such as internal police investigations. Additionally, he discusses police legitimacy by asserting there was a void in credibility between what the Oakland Police Department viewed as a credible internal review system and what the community recognized as legitimate review system.⁶

The U.S. Department of Justice provides a history on oversight from ombudsman programs in the early 1900s through recent boards in its 2000 publication *Citizen Review of Police: Approaches and Implementation*. These boards are given as examples of local governments attempting to prevent and bring to light governmental abuses and protect its citizens, yet it does not provide a collaborative model for what minimally should be

³ Walker, *Police Accountability: The Role of Citizen Oversight*, 7; Ronnie A. Dunn, "Race and the Relevance of Citizen Complaints against the Police," *Administrative Theory and Praxis* 32, no. 4 (2010): 565.

⁴ Danielle Hryniewicz, "Civilian Oversight as a Public Good: Democratic Policing, Civilian Oversight, and the Social," *Contemporary Justice Review* 14, no. 1 (2011): 14.

⁵ Douglas Werner Perez, *Common Sense about Police Review* (Philadelphia, PA: Temple University Press, 1994), 22–27.

⁶ *Ibid.*

included in an oversight board.⁷ In the report, police researcher Peter Finn suggests independent oversight boards can strengthen the veracity of internal police investigations and provide a sense of fairness.⁸

Perez asserts independent oversight is rarely discussed and challenged in a logical or rational manner and that calls for oversight usually comes on the heels of an incident in which police and the community have clashed violently.⁹ This assertion arguably has come to light in the recent work and recommendations of the President’s Task Force on 21st Century Policing; Samuel Walker was prominent member of the witness group. Walker’s submitted statement to the task force was based not on frameworks for oversight but a proposal for “A Respectful Policing Initiative.”¹⁰ Throughout his statement, Walker asserts that a discussion on the day-to-day manner in which officers interact with the community can have an effect on the community, in particular those communities populated by ethnic minorities. Walker concludes his statement by offering that the use of hostile language can create psychological damage to the community, distrust of law enforcement, and eventually an environment where police contacts can escalate an “aggressive behavior on the part of both parties.”¹¹

Walker is not the only academic who raises concerns related to police misconduct towards ethnic minorities. Criminology professors Brad Smith and Malcolm Holmes discuss concerns about misconduct and excessive force against citizens of ethnic minorities or from impoverished areas. In addition, Smith and Holmes voice specific concern regarding agencies whose ethnic diversity does not mirror that of the community. They warn that legitimacy, accountability, and transparency may be affected by a lack of

⁷ Peter Finn, *Citizen Review of Police: Approaches and Implementation* (Washington, DC: U.S. Department of Justice, 2001).

⁸ *Ibid.*, xi.

⁹ Perez, *Common Sense about Police Review*, 124–126.

¹⁰ Samuel Walker, *Statement to the President’s Task Force on 21st Century Policing* (Washington DC: U.S. Department of Justice, 2015), 1–3.

¹¹ *Ibid.*, 2–3.

representation.¹² Community policing principles call for the police to be accountable to citizens' needs and desires for service; oversight is thought to be the extension of that accountability to ensure complainants of police misconduct are given fair and impartial treatment.¹³

Concerns over the lack of transparency and trust of the process create an environment in which those affected by police misconduct desire an independent review of complaints. Richard Jerome, a former police monitor and special master for two different civil settlements in Ohio, posits that there are four reasons for establishing boards that address transparency and trust: boards are established to provide objective review of complaints filed by citizens, give recommendations on police policy and practice, be a forum for the public to voice concerns about law enforcement, and to improve relationships and trust between the community and police.¹⁴ Walker claims independent oversight provides an opportunity for citizens to force transparency and to push past any code of silence practiced by officers investigating their own.¹⁵ Hryniewicz agrees that transparency and independence provide citizens with a sense of procedural justice and feelings of inclusion in the process.¹⁶ The readings provide a foundation for an argument that there is a necessity for oversight boards as an inclusionary mechanism for the community as a whole but specifically for those who encounter police misconduct.

The second theme in the literature pushing independent oversight is to curb and prevent misconduct incidents. The National Association for Civilian Oversight of Law Enforcement (NACOLE) touts the independent oversight board as an avenue to promote public trust in police services and ensure integrity and transparency during internal police

¹² Brad W. Smith, and Malcolm D. Holmes, "Community Accountability, Minority Threat, and Police Brutality: An Examination of Civil Rights Criminal Complaints," *Criminology* 41, no. 4 (2003): 1037–1038.

¹³ Hryniewicz, "Civilian Oversight as a Public Good," 77–83.

¹⁴ Richard Jerome, "Credibility, Impartiality, and Independence in Citizen Oversight," in *Citizen Oversight of Law Enforcement*, 1st ed., ed. Justina Cintron Perino (Chicago, IL: American Bar Association, 2006), 24.

¹⁵ Walker, *Police Accountability: The Role of Citizen Oversight*, 53.

¹⁶ Hryniewicz, "Civilian Oversight as a Public Good," 78–79.

investigations.¹⁷ In their work, researchers of police power abuse and public opinion toward policing, Dr. Linqun Cao and associate Bu Huang cite sociology professor and police researcher Richard Lundman, who claims civilian oversight boards could be an effective conduit for stemming police misconduct.¹⁸ Officers and the agencies they represent are subordinate to the communities they protect through elected officials. Walker advocates this subordination is a true representation of policing in a democratic society.¹⁹

In an article in the *Columbia Journal of Law & Social Problems*, Stephen Clarke, through his analysis of the New York City Complaint Review Board, concludes that citizen oversight is believed at times to be the tool for elected leaders to use as an inquiry mechanism to ascertain there are if systemic issues within a police department that may need addressing after a critical incident or crisis occurs.²⁰ There was no disagreement to note over this claim during this literature review, though Walker cautions against using oversight boards at the whim of political agendas.²¹

In a similar vein, Perez argues that political and municipal leadership still must maintain a commitment to hold law enforcement executives accountable to maintain a proper balance and prevent an agency from answering only to itself when malfeasance is present.²² This check and balance of police leadership is crucial to the formation of an oversight board and to provide overall control of a police department to the community.²³ Perez also recommends that political and administrative leaders must take two

¹⁷ “National Association for Civilian Oversight of Law Enforcement,” National Association for Civilian Oversight of Law Enforcement, accessed November 16, 2014, <https://nacole.org/about-us/nacole-code-of-ethics/>.

¹⁸ Linqun Cao, and Bu Huang, “Determinants of Citizen Complaints against Police Abuse of Power,” *Journal of Criminal Justice* 28, no. 3 (2000): 204.

¹⁹ Samuel Walker, “The History of the Citizen Oversight,” in *Citizen Oversight of Law Enforcement*, 1st ed., ed. Justina Cintron Perino (Chicago, IL: American Bar Association, 2006), 2.

²⁰ Stephen Clarke, “Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of the Police Should Function and How It Fails,” *Columbia Journal of Law & Social Problems* 43, no. 1 (2009): 2–3.

²¹ Samuel Walker, “Alternative Models of Citizen Oversight,” in *Citizen Oversight of Law Enforcement*, 1st ed., ed. Justina Cintron Perino (Chicago, IL: American Bar Association, 2006), 7–10.

²² Perez, *Common Sense about Police Review*, 252–253.

²³ *Ibid.*, 253.

responsibilities seriously. First, they must support their adept police executives through proper budgets, sound legal advice, and political support for the police. Second, they must require accountability from the police executives back to the civic leadership and the community.²⁴ Perez asserts although this level of political and administrative rapport may seem unrealistic, by achieving this, a municipality will receive the police force it desires. If members of a municipality desires an accountable police force, they must have a supportive and accountable political/administrative framework behind it.²⁵

2. What Are the Factors to Consider When Establishing an Independent Oversight Board?

Reviewing what pushes the desire for independent oversight leads us to board framework parameters that communities and civic leaders should consider when establishing their own board. Samuel Walker is again found heavily cited in readings within this sub-literature group, and no researchers attempt to invalidate his claim. Walker offers communities may need to assess whether or not there are issues needing oversight and reasons why it is justified.²⁶ Subjective goals, such as legitimacy (discussed later in this thesis) are unachievable if community needs and metrics are not established.

NACOLE advocates oversight should be independent from the police department. Furthermore, the organization argues members should have personal integrity, provide transparent yet confidential reporting, and give unbiased treatment of those involved.²⁷ Perez acknowledges the need for independence, as citizens who are extremely displeased with their police contact may be more open with an independent investigator than they would with a sworn member of the police department.²⁸ Concerns over to whom an oversight board would be loyal may raise concerns for municipalities when discussing which department the board reports to and who justifies its budget. Richard Jerome and

²⁴ Ibid., 253.

²⁵ Ibid., 254.

²⁶ Walker, *Police Accountability: The Role of Citizen Oversight*, 57.

²⁷ “National Association for Civilian Oversight of Law Enforcement.”

²⁸ Perez, *Common Sense about Police Review*, 262–263.

Benjamin Jones of the Los Angeles County’s Office of Internal Review urge civic leaders to be cognizant of funding for boards to operate properly.²⁹

There was little discussion in the literature as to what police agencies should consider when facing implementation of an oversight board. In a 2000 article in the *FBI Law Enforcement Bulletin*, Finn points out that outside interference in police investigations, lack of understanding of due process, and undue criticism are a short list of issues police administrators must face from the board itself.³⁰ Jerome recognizes head police administrators must be cognizant of issues with morale, police associations, and internal perception.³¹ Perez identifies the need to acknowledge and recognize the dangerous situations officers are faced with during their deployment, and the realization that force may be required to address situations effectively. Police subculture accepts this reality, and face another reality in which the citizens they serve may find this behavior unacceptable.³²

3. What Different Models of Oversight Are There?

The literature provides several models for oversight boards, and two main schools of thought prevail. Clarke and Finn both suggest there are four main models of oversight with a mixture of any of the four creating a fifth.³³ Each of the five models has its own positive and negative attributes that employing municipalities would use as reference when selecting their own board. The models are as follows:

- Civilian within police department
- Civilian external supervisory
- Civilian external investigatory
- Civilian auditor

²⁹ Jerome, “Credibility, Impartiality, and Independence in Citizen Oversight,” 21; Benjamin Jones, “Funding and Staffing,” in *Citizen Oversight of Law Enforcement*, 1st ed., ed. Justina Cintron Perino (Chicago, IL: American Bar Association, 2006), 59.

³⁰ Peter Finn, “Getting Along with Citizen Oversight,” *FBI Law Enforcement Bulletin* 69, no. 8 (2000): 24–26.

³¹ Jerome, “Credibility, Impartiality, and Independence in Citizen Oversight,” 32–33.

³² Perez, *Common Sense about Police Review*, 68.

³³ Clarke, “Arrested Oversight,” 11–20; Finn, *Citizen Review of Police*, vii.

- Mixes/hybrid systems³⁴

Samuel Walker's belief, from which he claims the above models are derived, is that there are just two actual models and then variations thereof.³⁵ His first model is investigative: the board takes the complaint, conducts the actual investigation, and renders a conclusion.³⁶ Auditing is a second model wherein the board reviews the internal police investigation process and findings to assure fair and complete investigations but does not have any part of the actual investigation or say in the disposition/discipline.³⁷ Perez's chapters on independent review and monitoring appear to mirror Walker's beliefs on the two different models of police oversight, but Perez adds framework for a third "ideal" oversight board. In his research, Perez suggests a hybrid of both a review and investigative system that could address misconduct issues, which he calls the Ideal Police Review System (IPRS).³⁸

4. What Are the Goals, and How Is Effectiveness Measured?

Goal setting is only mentioned sporadically in texts not written by or that cite Walker and/or Perez. Basic goals throughout the readings for independent oversight boards point to providing independent review and perspective on investigations, a feeling of procedural justice and inclusion in the process, holding police agencies accountable for the conduct of their employees, and to curbing and preventing future acts of misconduct by seeking out their causes. Jerome offers that goals and limitations need to be clearly stated to the community any board serves so that they are known and set at a reasonable level.³⁹ Goals such as integrity, complaint legitimacy, and departmental learning are presented by Perez and appear to be the subjective topics some researchers use to gauge oversight boards.⁴⁰ Additionally, Perez presents the following series of questions that

³⁴ Ibid.

³⁵ Walker, "Alternative Models of Citizen Oversight," 11–17.

³⁶ Ibid., 11–12.

³⁷ Ibid., 14–15.

³⁸ Perez, *Common Sense about Police Review*, 270–274.

³⁹ Jerome, "Credibility, Impartiality, and Independence in Citizen Oversight," 34.

⁴⁰ Perez, *Common Sense about Police Review*, 82–83.

establish a foundation for his belief of what oversight goals should be in order to establish whether or not the oversight board is effective in developing information for the purpose of future policy development, conveying information and learning to police training mechanisms, and investigating and adjudicating specific complaint incidents:⁴¹

- Does the board have integrity? Are the investigations fair, thorough, and objective in the eyes of the stakeholders?
- Do the stakeholders view the board as legitimate? Is there an overall perception of openness and cooperation?
- Does the board deter police malpractice through learning and the development of policies?⁴²

Walker cites Perez when defining his own suggestions for goal setting and measuring subjective effectiveness criteria for oversight boards.⁴³ In addition, Walker refers to integrity as the investigator and investigation being both thorough and fair. He also defines legitimacy as the manner in which the entire process is perceived by all those using it.⁴⁴ Walker suggests learning can be measured by the extent to which the community, policy makers, and the police department accept findings on the root causes of misconduct and implement change.⁴⁵ Setting goals for the oversight board is necessary because a lack of direction during swings in political climates, budgets, and program management of the boards themselves can affect sustainability.

Some sources in the literature note concern regarding how boards effectively measured success or marked achievement of goals. Cao and Huang claim police resistance to oversight, ethnic composition of the department and oversight board, and a lack of defined objective goals all appear to impact the effectiveness of an oversight board's ability to be functional and measured.⁴⁶ Walker and those who positively cite his works advocate for the evaluation of effectiveness to be based on the subjective view of

⁴¹ Ibid., 252.

⁴² Ibid., 72–78.

⁴³ Walker, “Alternative Models of Citizen Oversight,” 119–120.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Cao, and Huang, “Determinants of Citizen Complaints against Police Abuse of Power,” 210.

whether not change is occurring within the police forces that have oversight boards and not necessarily changes in rates of substantiated misconduct complaints. Justice and legitimacy are evaluated and assessed by the complete system and are not provided necessarily by the rates by which officers are found wrong and held accountable. Moreover, Smith and Holmes believe that oversight is just another form of police accountability to the community and that it does not provide any quantifiable frameworks for analysis of statistical effectiveness whether oversight boards have an ability to diminish occurrences of police misconduct and excessive force.⁴⁷ Perez opines that no matter the system, those involved have to show a level of integrity and competence for oversight to be successful.⁴⁸

5. Literature Review Summary

From this literature review, it would appear there is no established and recognized national standard for what police oversight should minimally resemble throughout American communities. The lack of a nationally recognized standard may be due, as Walker claims, to the lack of empirical research having been performed on the quantifiable effectiveness of oversight boards program frameworks on excessive use of force—unless the research exists and does not present itself with the search criteria used.⁴⁹ Recent events of suspected police misconduct illuminate this gap in the research. It remains to be seen if technology, such as social media, availability of cellular phone cameras, and body-mounted police cameras, has any effect on the desire and effectiveness of the public’s call for oversight boards. The use of technology for monitoring police misconduct is not a new phenomenon, but it is now more readily available to the public than it was five years ago, a period in which the much of the recent literature reviewed was published.

⁴⁷ Smith, and Holmes, “Community Accountability, Minority Threat, and Police Brutality,” 17–18.

⁴⁸ Perez, *Common Sense about Police Review*, 274.

⁴⁹ Walker, “Alternative Models of Citizen Oversight,” 17.

D. METHODOLOGY

Research for this thesis used a purposive sampling method to obtain a sample of boards from across the United States. Purposive sampling in research is conducted when the researcher has definitive and delineated criteria for a population and is searching for the “typical case,” or sampling from those who have shown “demonstrable experience or expertise” within the intended group being researched.⁵⁰ Sampling in this manner involves selecting thorough criteria based on suppositions of the subject population.⁵¹ This thesis used homogeneous sampling method to discover frameworks of what has worked in establishing independent oversight boards. Homogeneous sampling is a type of purposive sampling where answers to the research question are “specific to the characteristics of the particular group of interest, which is subsequently examined in detail.”⁵² Concerns regarding this type of research are that it can be affected by research bias and, at times, it is difficult to defend against questions of the representativeness of the population.⁵³

The parameters of this thesis are based on discovering what frameworks provide program legitimacy to the three main stakeholders: the complainant/community, the police agency, and the civic leader. Not included in this research are studies addressing correlation or causation of oversight boards on quantitative drops in excessive use of force, drops in the amount of complaints, or qualitative surveys and whether or not the complainant feels justice was served. These criteria are scoped out of the study in the interest of a timely completion of the thesis and because of a current lack of empirical study on them.

⁵⁰ “Nonprobability Sampling,” Web Center for Social Research Methods, accessed February 27, 2015, <http://www.socialresearchmethods.net/kb/samprnon.php>.

⁵¹ “Sampling Methods,” University of Pittsburgh, accessed February 27, 2015, <http://www.pitt.edu/~super1/lecture/lec43911/001.htm>.

⁵² “Purposive Sampling,” Lund Research Ltd, accessed March 2, 2015, <http://dissertation.laerd.com/purposive-sampling.php>.

⁵³ Ibid.

E. UPCOMING CHAPTERS

Chapter II of this thesis documents the data collection and research conducted on independent oversight boards. It discusses the rationale behind the scoped selection of the boards chosen and the questions asked in the request for information sent to boards. Chapter III discusses and analyzes the results of the request for information through combination of the answers in themes revolving around board framework, board communication processes, and the abilities and responsibilities of the boards. Chapter IV provides findings that can be derived from the responses received and research conducted outside of the requests for information. In addition, this chapter discusses what is and is not being implemented concerning oversight boards that are recommended through the literature review. Chapter IV also discusses what appears to be missing in independent oversight nationwide. Chapter V concludes the thesis and provides recommendations for future research and collaboration to define what a minimum framework for national police oversight is. It also discusses a national database for quantitative and qualitative data from oversight boards as to their successes and failures, and it questions whether further research into frameworks that could be used as the foundation to build a national standard model.

II. DATA COLLECTION

A. SELECTION OF BOARDS

According to NACOLE, there are 115 independent oversight boards in the United States.⁵⁴ On its website, NACOLE admits that its list is not exhaustive; yet, this list is the largest list located in the research phase.⁵⁵ This researcher established five criteria for inclusion into the population sample to facilitate a manageable group of boards to sample and examine.

The first criterion for inclusion into this research is for the board to have been established for more than five years. This provides proof that the board has existed through at least one election cycle. The second criterion is that the board had to be either an independent review or an independent investigative board. This criterion was used to select only boards that addressed citizen complaints and not those law enforcement advisory boards that serve other purposes, such as strictly community relations.

Thirdly, boards had to come from municipalities that had populations between 100,000 and 1.5 million people. Populations between these two boundaries could provide for boards from small, medium, and large municipalities. Population demographics were established from 2010 U.S. Census data available as an open source through a search of the website census.gov.

The fourth criterion is that the law enforcement agencies that are overseen by boards have a disproportionate number of Caucasian officers to ethnic minorities as compared to these percentages in the overall community population. From these communities, the boards sampled include municipalities with an ethnic diversity where non-Caucasians make up more than 50 percent of the population, based on the 2010 U.S. census, and police agencies where Caucasians make up a disproportionate ratio of sworn officers as compared to the municipality's ethnic diversity as reported in the 2010 U.S.

⁵⁴ "Links to Oversight Agencies U.S.," National Association for Civilian Oversight of Law Enforcement, accessed March 13, 2015, <http://nacole.org/nacole-resources/oversight-agencies/links-to-oversight-agencies-u-s/>.

⁵⁵ *Ibid.*

census. Smith and Holmes claim there are those who advocate that an ethnically diverse police agency will reduce hostility between police and the community; the converse is that without this diversity, an environment for hostility is created.⁵⁶ An ethnically diverse community provides varied experiences with police contact, some of which may create an environment where oversight is desired. Dunn suggests that despite negative encounters between minorities, the community and law enforcement, we are moving into a time in the United States where “full support and involvement of all citizens, regardless of race/ethnicity or national origin, working along with law enforcement, are essential to the coproduction of public safety and national security.”⁵⁷

The fifth and final criterion in this study is that boards have operational budgets less than a \$750,000 a year and are not in any part funded by the police department’s operating budget. This criterion is included as much of the established literature recommends oversight boards be independent of police departments, which requires an independent budget. The governing body of the oversight board’s budget is a direct representation of that independence.

The selection process for this thesis resulted in the identification of 31 independent oversight boards from which to request information and discover similarities and differences in: 1) their independence from the agency over which they have oversight; 2) operating frameworks; 3) employee/volunteer pre-employment qualifications; 4) budgets, reporting channels; 5) scope of authority; and 6) reporting methods. These samples provided a broad representation of independent oversight boards that presumably represents the best practices nationwide and provide a snapshot of the state of independent oversight.

B. REQUEST FOR INFORMATION QUESTIONNAIRES

The list questions provided in Appendix A were used as the request for information. The request for information included 19 questions that were used to provide answers to pare down the boards for inclusion in the study and to determine what their

⁵⁶ Smith, and Holmes, “Community Accountability, Minority Threat, and Police Brutality,” 1038.

⁵⁷ Dunn, “Race and the Relevance of Citizen Complaints against the Police,” 560.

responsibilities are to the complaint process, their responsibilities and capabilities within the investigation and adjudication of complaints, and how they communicate findings to law enforcement executives, civic leaders, and the community. The questions were grouped thematically to provide answers to complete the criteria for inclusion, independence of board operations, complaint process, board communications, and discipline, punishment, and checks and balances. For this research, it was assumed that by applying the criteria to the entire request for information responses, a snapshot of boards across America would be provided, presumably representing the best practices for municipalities of different sizes and a state of oversight in the United States.

Contacts with each board materialized through calls to the board. Requests for information were sent via e-mail to contacts, starting with the executive directors and high-level support staff. The initial emails were sent out the week of April 19, 2015. At the conclusion of the research phase, 15 of the 31 boards failed to respond to the request for information either by providing a written response or a telephonic response by August 31, 2015. Of the 15, one board member discussed the organization in general over a brief phone call but did not reply to the written request for information.

Of the 16 requests for information responses received, nine initially fit within the criteria established in the research methodology criteria. Those boards oversaw complaints for the cities of Boston, Massachusetts (MA); Charlotte-Mecklenburg, North Carolina (NC), Durham, NC; Fresno, California (CA); Greensboro, NC; Inglewood, CA; National City, CA; Rochester New York (NY); and Long Beach, CA. Of those boards that responded, eight were independent external review boards, and one was independent external investigative board. The initial criteria on budget and ethnic diversity within the law enforcement agencies were expanded to include three more boards into the population sample. With respect to the criteria on the ethnic demographics of the police departments, Baltimore, Maryland (MD) and Oakland, CA, police departments' percentage of Caucasian officers as a whole were in the minority, as compared to ethnic minorities within the same department. The Baltimore and Oakland respective boards were included in this sample population though as Caucasians were still overrepresented in the police departments when compared to their percentage in the overall community

population. In addition, the Oakland Citizen's Police Review Board is included even as approximately 58 percent of the Oakland Police Department is comprised of a combination of different ethnic minorities; Caucasians are still overrepresented in the police department by 7.3 percent as compared to the community's overall population. Currently, African Americans are underrepresented by 10 percent within its sworn ranks driving the Oakland Police Department and the City of Oakland to implement recruiting and retention programs specific to African American officers so that the department could better mirror its community.⁵⁸

With respect to board budgets, upon review, a new ceiling for budgets was set at \$1.5 million, twice the initial criterion, allowing six boards to be researched further. Thus, boards from Oakland, Baltimore, and San Jose, CA, were included in the sample. Of the three others that were not included, two did not provide responses before the August 31, 2015 cutoff, and one advised in its response that its annual budget was in excess of \$5,000,000.⁵⁹

Agencies that did not respond to the request for information were only excluded from inclusion after searches of their public websites could not reveal enough information to determine if they met the criteria for inclusion. Agencies that answered the request for information by providing links to their websites necessitated further research. Because of this further research, searches were conducted on all 12 of the boards' websites. During this research, information was located completing two requests for information. Also located on each website was a statement that each agency provided some form of written responses and recommendation at the conclusion of its review/investigations. Of the 12 boards, six were found to provide either an annual or semi-annual report documenting the number of cases they reviewed and their recommendations and findings via a public website. The 12 boards examined in this research are provided in Table 1 and included in Appendix B.

⁵⁸ Sean Whent, *Oakland Police Department African American Recruitment Efforts* (Oakland, CA: City of Oakland, 2015).

⁵⁹ Erick Baltazar, response to request for information, San Francisco, California, San Francisco Office of Citizen Complaints, April 22, 2015.

Table 1. Boards Examined

Board	Municipality
Civilian Review Board	Baltimore, MD
Community Ombudsman Oversight Panel	Boston, MA
Citizens Review Board	Charlotte-Mecklenburg, NC
Civilian Police Review Board	Durham, NC
Office of Independent Review	Fresno, CA
Complaint Review Committee	Greensboro, NC
Citizen Police Oversight Commission	Inglewood, CA
Citizen Police Complaint Commission	Long Beach, CA
National City Community and Police Relations Commission	National City, CA,
Citizens' Police Review Board	Oakland, CA
Civilian Review Board	Rochester, NY
Office of the Independent Police Auditor	San Jose, CA

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III. RESULTS/DISCUSSION

This thesis refers to boards by the name of their parent municipality to avoid confusion as many boards have similar names and acronyms. Responses from the requests for information were compiled and then grouped by theme. Those themes are: criteria based questions, independence based questions, complaint process, board communications, and discipline/punishment/checks and balances. Appendices C through G provide responses and research located by theme, question, and agency.

A. CRITERIA-BASED QUESTIONS

As discussed in the methodology section of Chapter I, the questions were used to establish a final population of boards to research and from which to request information. Questions regarding budgets, year established, legislation, and the ethnic diversity of the law enforcement agency were used to provide a sample of boards from across a broad spectrum of communities in the United States. Answers to these questions are provided in Appendix C.

Of particular note was the diversity of the law enforcement agencies. Samuel Walker asserts in his text *Police Accountability* that impoverished persons of ethnic minority receive the lion's share of law enforcement excessive use of force, and the excessive use of force issues in these communities is "primarily a problem in race relations and is one of the most volatile aspects of the national race crisis."⁶⁰ The literature on police oversight addresses procedural justice and inclusion of ethnic minorities into the complaint process. As mentioned in the literature review, criminology professors Brad Smith and Malcolm Holmes voice concern that a lack of representative ethnic diversity in a law enforcement agency may affect how legitimate communities view that agency as a whole.⁶¹ It would appear also that issues stemming from use of force are often correlated with the fact that the officer and suspect were of different

⁶⁰ Walker, *Police Accountability: The Role of Citizen Oversight*, 4.

⁶¹ Smith, and Holmes, "Community Accountability, Minority Threat, and Police Brutality," 1037–1038.

ethnicities, often Caucasian and African American respectively. These interactions often create an environment where the ethnic diversity of a police department can be highlighted as a concern. Through the criteria-based questions, it was discovered that all of the law enforcement agencies that are overseen by the researched boards have (by percentage) more Caucasian officers than Caucasians represented in the municipalities overall population. Of the 12 boards sampled, the mean overrepresentation of Caucasians in the law enforcement agencies to their representative population in the community was 18 percent. Oakland, CA, not only had a 7.3 percent overrepresentation of Caucasians, but it was also addressing a 10 percent underrepresentation of African American officers through the implementation of recruiting and retention programs specific to African American officers so that the department will better mirror its community.⁶²

Douglas Perez believes budgets are key when addressing the basic function of complaint intake.⁶³ Budgets for the surveyed boards varied from no budget to a budget of \$1,249,223. Six of the 12 boards have budgets that were less than \$50,000. These six boards had lesser budgets compared to the six with budgets over \$50,000 because their boards are primarily volunteer staffed, and any administrative duties are ancillary for an employee in addition other employment responsibilities. The six boards that have budgets higher than \$50,000 appeared to pay personnel specific to the boards' operations and investigation capabilities. Budgets in Fresno and Rochester include provisions for paid administrative staff, specifically for the management of their external review oversight boards. Budgets in San Jose and Oakland are over \$1.2 million each and minimally provide for a greater level of fulltime staff. It would appear that the less a board is dependent on volunteers, and the more it conducts its own investigations and provides feedback to stakeholders, the higher its budget amount is. Benjamin Jones of the Los Angeles County Office of Internal Review suggests, "Adequate and independent budget and staff are essential to the effective and efficient operation of an independent oversight

⁶² Whent, *Oakland Police Department African American Recruitment Efforts*, 6–9.

⁶³ Perez, *Common Sense about Police Review*, 260.

entity and to the restoration or enhancement of the public’s confidence in law enforcement.”⁶⁴

Institutional governance through legislation established all 12 of the boards reviewed. Legislation provides for the establishment of the board, who it reports to, and its functions. Eleven of the 12 boards derived their establishment from local/ municipal actions. Only the Civilian Review Board in Baltimore, MD, was established through state legislation. Ordinances, resolutions, and bills all also provided for the independence of the boards from the law enforcement agencies they oversee. This governance also provides for how the boards would be staffed. Eleven of the 12 boards make use of volunteer commissioners or board members; Fresno, CA, is the outlier. Benjamin Jones argues that for oversight boards to be effective, volunteers must receive adequate and relevant training.⁶⁵ Oakland, CA; Boston, MA; and Rochester, NY, provide their volunteers with training or require they have in-depth experience in the criminal justice system or judicial system.⁶⁶ Generally, volunteers from the boards sampled are picked and confirmed from the community by civic leaders with minimal representation from the law enforcement community.

B. INDEPENDENCE-BASED QUESTIONS

Independence based questions were themed together to illustrate the necessity of boards to be structurally and fiscally separate from the law enforcement agency boards they oversee. Three of the questions asked pertained to events that spurred the creation of the board, how independence is maintained, and the type of oversight the board provides (review or investigative). Answers to these questions are provided in Appendix D. Eight of the 12 boards provided responses to whether there was an incident that spurred the creation of their board. Answers ranged from no specific event or events (e.g.,

⁶⁴ Jones, “Funding and Staffing,” 59.

⁶⁵ Benjamin Jones, “Training,” in *Citizen Oversight of Law Enforcement*, 1st ed., ed. Justina Cintron Perino (Chicago, IL: American Bar Association, 2006), 51.

⁶⁶ “Citizens’ Police Review Board,” City of Oakland, California, accessed August 5, 2015, <http://www2.oaklandnet.com/Government/o/CityAdministration/d/CPRB/index.htm>; “Community Ombudsman Oversight Panel,” City of Boston, accessed July 29, 2015, <http://www.cityofboston.gov/law/co-op/>.

Greensboro, NC) to a general of desire for oversight (Fresno, CA), to a use of force by a Caucasian police officer on an African American male in Inglewood, CA.⁶⁷ In Durham NC it was the culmination of a series of events related to integrity issues of the police department Professional Standards Division investigatory process that spurred the creation of its Civilian Review Board.⁶⁸

Issues with the integrity of law enforcement internal affairs divisions arguably are in the background of all oversight boards and can be used as reason to push for independence from the overseen law enforcement agency. From the literature reviewed, Danielle Hryniewicz posits the need for independent oversight is partly due to internal complaint mechanisms not providing reliability and agency transparency against police misconduct.⁶⁹ Eleven of the 12 boards provided answers about how independence from the law enforcement agency is achieved. Four boards acknowledge legislation established their independence from the law enforcement agencies. Long Beach, CA, and San Jose, CA, note that legislation established their independence from the law enforcement agency. For example, Long Beach gave information that the City Charter requires its independence and that the board cannot even be housed in the same building as the police department.⁷⁰ San Jose, CA, City Ordinance 8.04.020 states, “The police auditor shall, at all times, be totally independent and requests for further investigations, recommendations and reports shall reflect the views of the police auditor alone.”⁷¹ In the response from Fresno, CA, it was learned that its Office of Independent Review stands alone from the police department, the mayor’s office, the city council, and the city manager in an

⁶⁷ Alan Hunt, request for information response, Greensboro, North Carolina, Complaint Review Committee, April 27, 2015; Richard Rassmussen, request for information, Fresno, California, Office of Independent Review, April 24, 2015; Michael Falkow, response to request for information, Inglewood, California, Inglewood Citizen Police Oversight Commission, May 5, 2015.

⁶⁸ Karmisha Wallace, response to request for information, Durham, North Carolina, Civilian Review Board, May 13, 2015.

⁶⁹ Hryniewicz, “Civilian Oversight as a Public Good,” 14.

⁷⁰ Anitra Dempsey, response to request for information, Long Beach, California, Long Beach Citizen Police Complaint Commission, June 9, 2015.

⁷¹ “Charter,” City of San Jose, accessed August 31, 2015, <http://www.sanjoseca.gov/index.aspx?nid=695>.

attempt to remain apolitical.⁷² The Rochester, NY, Civilian Review Board provided the highest level of independence from its municipality and law enforcement agency as it is operated within a non-profit organization, the Center for Dispute Settlement.⁷³

As discussed in the literature review in Chapter I, oversight boards in this thesis align in two categories. The first is external review: the board reviews cases that are investigated by law enforcement internal affairs divisions for thoroughness and bias. The 9:3 ratio of external review boards to external investigative boards in this research closely mirrors the ratio of boards the National Association for Civilian Oversight of Law Enforcement found at the beginning of this research.⁷⁴ In some cases, external review boards provide recommendations as to additional follow-up investigation or make policy/training recommendations to the law enforcement agencies when it is believed that policy or training is cause of a complaint. The second type of board, the external investigation, takes complaints and conducts a separate parallel investigation to the internal affairs investigation and review of materials from an internal affairs investigation to reach its own conclusion as to whether a complaint is valid or not.

C. COMPLAINT PROCESSES QUESTIONS

Appendix E lists the answers to six questions themed around the complaint process, including the board's role in the complaint process, the locations where complaints are received, the manner in which complaints are filed, types of complaints the board has purview over, and the board's investigative and adjudication processes. These questions were asked to determine if there were both common practices and individual practices in the manner in which complaints were filed and addressed.

Answers to what a board's role is in the complaint process can be placed by into three categories: acceptance of complaints and review of all law enforcement internal affairs investigations, review of select law enforcement internal affairs complaints as

⁷² Rassmussen, request for information.

⁷³ Frank Liberti, response to request for information, Rochester, New York, Rochester Civilian Review Board, June 23, 2015.

⁷⁴ National Association for Civilian Oversight of Law Enforcement, "Links to Oversight Agencies U.S."

requested and mandated, and acceptance of complaints and conducting a parallel investigation to the law enforcement internal affairs investigation. Of these three categories, four boards accepted initial complaints but reviewed all law enforcement investigations, five did not accept complaints yet reviewed select law enforcement internal affairs complaints as requested and mandated by governance, and three provided a mechanism for accepting complaints and conducting a parallel investigation to the law enforcement internal affairs investigation. Acceptance of complaints is arguably a crucial beginning to oversight, as a board can only review and investigate what it is shown. This reflects the belief of Perez, who offers that providing multiple locations to facilitate the intake of complaints against law enforcement is not only ideal, it is crucial.⁷⁵

Those boards that did not accept complaints revealed in their response and on their websites that complaints could be filed at police facilities. Boards that accepted and conducted parallel investigations ensured communication mechanisms are in place so that complaints received by the law enforcement agency are relayed to the board in a timely manner and vice versa. Those that conducted parallel investigations also conduct a review of any materials discovered in the law enforcement investigation with respect to privacy and human resources laws. In cases where information could not be given to the board verbatim, it is provided in summary. Perez offers that these separate and parallel investigations provide opportunities for both the board and internal investigations divisions to do what they do best. This “cross-pollination of ideas” occurs when the board can provide a safe environment wherein citizens can feel comfortable filing a complaint that will be investigated and police investigators can use their administrative strengths to obtain officer statements that are often not complete when taken by boards.⁷⁶

Boards that accept complaints did so in a variety of ways. All 12 accept written complaints in person at their offices. Seven boards provide mechanisms via their online websites or an email system for complainants to file written complaints. In addition, three of the 12 boards accept complaints over the phone, two boards allow for written complaints to be accepted by fax. Fresno, CA; Oakland, CA; and San Jose, CA, reported

⁷⁵ Perez, *Common Sense about Police Review*, 261.

⁷⁶ *Ibid.*, 263.

the most robust acceptance mechanisms by facilitating complaint acceptance in person at their offices, via telephone, online, and traditional mail.⁷⁷ To note, in the response to the number of locations complainants can file, seven boards said persons could file from virtually anywhere with the use of the internet and the board's website. Oakland, CA, was the only board that augmented this ability for a person to file a complaint from virtually anywhere within the city by "contacting an officer on the street to file a complaint."⁷⁸ Perez concluded in his 17-year research in 1994 that the best policy to follow is Oakland's practice of requiring "the acceptance of complaints by any and all personnel, at the office, over the phone, in the mail, or on the street."⁷⁹ Oakland has done this now for over 20 years.

The types of citizen complaints the sampled boards are able to review or investigate respectively are based on their governance. At a minimum, all 12 boards are able to review or investigate use of force complaints. As mentioned previously in this chapter, three of the 12 boards provide complaint investigative capabilities. For instance, Baltimore, MD has the ability to investigate complaints of excessive use of force, abusive language, and harassment,⁸⁰ and Long Beach, CA, can investigate use of force and professionalism complaints.⁸¹ Oakland, CA, can investigate any violation of the rules manual by a sworn member of the Oakland Police Department and "employs a staff of investigators who have full access to the information needed to conduct independent investigations. The CPRB has subpoena power to call witnesses, obtain documents, and seek testimony." ⁸²

⁷⁷ Rassmussen, request for information; Anthony Finnell, response to request for information, Oakland, California, Oakland Citizens' Police Review Board, August 18, 2015; Shivaun Nurre, response to request for information, San Jose, California, San Jose Office of the Independent Police Auditor, April 22, 2015.

⁷⁸ Finnell, response to request for information.

⁷⁹ Perez, *Common Sense about Police Review*, 260.

⁸⁰ "Office of Civil Rights and Wage Enforcement / Civilian Review Board / Civilian Board FAQs," City of Baltimore, accessed August 5, 2015, <http://archive.baltimorecity.gov/Government/BoardsandCommissions/OfficeofCivilRightsandWageEnforcement/CivilianReviewBoard/CivilianBoardFAQs.aspx>.

⁸¹ Dempsey, response to request for information.

⁸² Finnell, response to request for information.

Eleven of the 12 boards appear to have no true adjudication process. In its response, the board in Oakland, CA, reveals it “conduct[s] a hearing and afterwards the board commissioners render a decision. The decision is then presented to the City Administrator for final disposition. The City Administrator can concur with the decision completely or in part, or not at all.”⁸³ Aside from adjudication, boards in Baltimore, MD and Greensboro, NC, have the use of hearings to gather further information as desired. In Baltimore, the hearings are held by inquiry boards if they “1) want to hear first-hand testimony from a complainant, witness or the accused, 2) need clarification of issue(s), 3) desire to ask specific questions of complainant, witness, or accused, or other reasons.”⁸⁴ In its response, Greensboro, NC, shares that closed session hearings could be held where Complaint Review Committee members could debate the facts, and if they disagreed with a part of the investigation, could ask the chief of police to look at the investigation personally and reconsider the decision made by the internal investigation.⁸⁵ Communications between boards, the head law enforcement officer of an agency, and civic leaders is important to facilitate any needed change within an organization.

D. COMMUNICATION-BASED QUESTIONS

Three questions themed around board communications are compiled in Appendix F and cover how complaints are analyzed for policy development, police training, and whether lessons learned from completed investigations are integrated into any departmental training. All 12 boards responded that they each provide reports to either law enforcement executives, civic leaders, or directly to the community. Searches of board websites revealed seven of the 12 boards provide compiled periodic reports in the form quarterly and/ or annual reports. Richard Jerome emphasizes the importance of periodic and public reports in *Credibility, Impartiality, and Independence in Civilian* when he asserts:

Public reports, at minimum annually, are a significant tool in building an oversight agency’s credibility. These reports should describe not only the

⁸³ Ibid.

⁸⁴ “Office of Civil Rights and Wage Enforcement,” City of Baltimore.

⁸⁵ Hunt, request for information response.

activities of the oversight entity, they should also provide the public with a source of information on the complaints trends or patterns, police use of force, and other police practices. Annual reports should be disseminated widely, certainly to the media outlets in the jurisdiction, and should be posted on the Web sites of the both the oversight agency and the police department.⁸⁶

The periodic reports compile statistics to the numbers of complaints filed, misconduct alleged in the complaints, disposition of complaints, and recommendations made regarding issues the board identified. The report provided by Durham, NC, is brief and provides basic information on attendance of the board members and the Durham police internal investigations brought to them for review that lacked sufficient evidence to hold an appeal hearing.⁸⁷ Fresno, CA, states the purpose of its reports is so that “the constituents of the City of Fresno see transparency by all parties involved in the review of complaints.”⁸⁸ The Fresno quarterly report provides analysis on positive and negative trends in the use of force, allegations, and policy recommendations made to the police department. Additionally, Fresno also provides in their report the status of ongoing internal affairs complaints under investigation and in what stage of the review process they are. This portion of the report provides a summary of whether a case was a use of force, as well as the police department’s findings, the board’s disposition, and the status of the independent audit and a very brief case study.⁸⁹ The report closes by listing inquiries with specific allegations and findings that are brought to Fresno’s attention but did not warrant a full internal affairs investigation.⁹⁰

The annual report provided by Boston, MA provided data on documented allegations of misconduct, internal affairs division findings, and board recommendations. Of particular interest to measuring success of the investigation process is how its board issues one of four findings of an appeal of a Boston Police Department investigation.

⁸⁶ Jerome, “Credibility, Impartiality, and Independence in Citizen Oversight,” 38.

⁸⁷ Civilian Police Review Board, *Civilian Police Review Board FY 2013–2014 Annual Report* (Durham, NC: City of Durham, 2014), <http://durhamnc.gov/Archive.aspx?ADID=210>.

⁸⁸ Richard Rassmussen, *Office of Independent Review: Quarterly Report Second Quarter 2015* (Fresno, CA: City of Fresno Office of Independent Review, 2015).

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

Findings are based on the panel's belief whether the investigation is fair and thorough. In 2014, Boston found 55 percent of all Boston Police Department investigations it reviewed as both fair and thorough, 41 percent were thought to be other than fair and thorough, and four percent were recommended for further investigations or inquiry.⁹¹ Within this report comes further insight to how recommendations were received by the Boston Police Department. Included as an attachment in its 2013–2014 annual report is a June 2014 memorandum from Police Commissioner William B. Evans responding to recommendations made by the board.⁹²

Only Baltimore, MD provided in its annual report a metric for measuring success toward the goal of complainant satisfaction. This reporting mechanism does not come directly from the Civilian Review Board itself but through the Board of Estimates in its yearly budget report. The report provides metrics for the number of investigations completed, percentage of recommendations made by the board that were reversed by the law enforcement agency and a goal for the percentage of citizens satisfied with the Civilian Review Board complaint process to be 70 percent in fiscal year 2015.⁹³

Perez suggests there are three loops that allow boards to provide their findings and in return receive feedback to their responses. Moreover, Perez asserts that communication loops in policy development, training, and the complaint and adjudication processes are necessary for holding law enforcement agencies accountable.⁹⁴ Reporting and communicating findings to law enforcement agencies is accomplished via two methods. The boards either reported findings regarding policies or training directly to a lead law enforcement officer or to the city manager/civic leader. Greensboro, NC, cites a respectful and meaningful ongoing dialogue between the Complaint Review Committee and the police department concerning existing police policies, procedures, and processes

⁹¹ Natasha Tidwell, *Community Ombudsman Oversight Panel Annual Report 2014* (Boston, MA: City of Boston Community Ombudsman Oversight Panel, 2015).

⁹² *Ibid.*, 25–26.

⁹³ Board of Estimates, *Fiscal 2015 Agency Detail* Vol. II (Baltimore, MD: City of Baltimore, 2015).

⁹⁴ Perez, *Common Sense about Police Review*, 250–253

when discussing the communication of findings.⁹⁵ In San Jose, CA, as part of the board's duties as prescribed by its establishing ordinance, the board will "file annual public reports that include a statistical analysis, documenting the number of complaints by category, the number of complaints sustained and the actions taken."⁹⁶ The report also makes an effort to analyze trends and patterns and provide recommendations based on those trends and patterns.⁹⁷ Fresno, CA; San Jose, CA; and Oakland, CA, were the only three of the 12 boards that provided responses affirming that recommendations from the board had in fact been accepted and adopted as policy or training by the law enforcement agencies.⁹⁸

E. DISCIPLINE, PUNISHMENT, CHECKS AND BALANCES QUESTIONS

Responses to the three questions from the request for information dealing with discipline, punishment, and checks and balances that the boards address are compiled in Appendix G. Of the 12 boards only two, Inglewood, CA, and Oakland, CA, provide recommendations on discipline.⁹⁹ Even though boards in Inglewood and Oakland have the ability to recommend discipline and punishment, the final decision and ability to impose those recommendations is not in their capabilities. It is Walker's critical view that when board recommendations are not binding on law enforcement executives, they become, "toothless," which may lead to a lack of belief in the board.¹⁰⁰ The ability to impose discipline, punishment, policy changes, and training in all 12 municipalities overseen by boards is with either the head law enforcement executive or the lead municipal leader (e.g., a city manager or mayor). Through the responses to what manners of checks and balances communities by proxy through their oversight boards had against

⁹⁵ Hunt, request for information response.

⁹⁶ "Ordinance," City of San Jose, accessed August 31, 2015, <http://www.sanjoseca.gov/index.aspx?nid=696>.

⁹⁷ Ibid.

⁹⁸ Rassmussen, request for information; Finnell, response to request for information; "Charter," City of San Jose.

⁹⁹ Anitra Dempsey, *Citizen Police Complaint Commission: 2011 and 2012 Annual Report* (City of Long Beach, 2013); Finnell, response to request for information.

¹⁰⁰ Samuel Walker, and Carol A. Archbold, *The New World of Police Accountability*, 2nd ed. (Thousand Oaks, CA: Sage Publications, 2014), 182.

head law enforcement executives ignoring recommendations, five of the 12 have the ability to consult with the city manager or administrator about their concerns. Perez explains in his chapter on the Ideal Police Review System:

Police executives must be held directly responsible for the actions, both macroscopic and microscopic, of their review systems. To apply this accountability to the police chief fairly, one must entrust the chief to impose sanctions on those who have been found guilty of misconduct. If the police executive cannot be trusted with this responsibility, then the solution is for the municipality is clear; get a new chief.¹⁰¹

The board from Oakland, CA, responded that the its decision is presented upon completion to the city administrator who can concur completely, in part, or not at all and whose decision is final.¹⁰² Final decisions by the city manager are also the check and balance in Greensboro, NC, where the board responded to the same question with, “If no agreement can be made between the Chief and the Committee, then the case goes to the City Manager. The City Manager independently reviews the case and makes a decision. That decision is final and closes the case.”¹⁰³

Findings based on the research and analyses are discussed in the next chapter. Points regarding what is and is not being done nationwide and whether it coincides with the established literature are also discussed, along with whether there is any research already completed that can be tested to provide this framework. Questions regarding the establishment of a national minimum standard framework for oversight are brought forward, along with a discussion on the call for oversight in America in light of high-profile excessive use of force events.

¹⁰¹ Perez, *Common Sense about Police Review*, 268.

¹⁰² Finnell, response to request for information.

¹⁰³ Hunt, request for information response.

IV. FINDINGS

As a whole, the boards together were found to have structures that matched what has been put forth in the academic literature. Boards are all consistent with having governance that created them, have mechanisms for complaint intake, have a part in addressing complaints of excessive use of force, define roles as to responsibilities directly related to the review or investigation of complaints, and provide for avenues for making a wide array of recommendations to the head law enforcement executive or city administrator/civic leader.

All of the boards at minimum are able to review or investigate use of force complaints. Although use of force complaints appear to be those most sensationalized complaints in the media, according to the 2010 National Police Misconduct Statistics and Reporting Project (NPMSRP) *Police Misconduct Statistical Report*, they account for only 23.58 percent of the 4861 complaints tracked by the project.¹⁰⁴ This percentage is but a small sample of all misconduct in America as the Bureau of Justice Statistics' only method of tracking complaints is using a survey sent to 3336 general purpose local law enforcement agencies, wherein only 2,822 of the respondents were used as a collection sample.¹⁰⁵ Neither the NPMSRP survey, nor the research conducted in this thesis, address the differences in the definition of use of force, provide a standard definition of excessive use of force, or if use of force is reported consistently by law enforcement agencies across the United States.

Avenues for complaint acceptance vary with just over half of the boards making use of online or email capabilities to accept initial complaints. It would appear that Oakland is the only board with which a person could file a complaint with any sworn member of the police force with whom they came into contact. This level of

¹⁰⁴ "2010 NPMSRP Police Misconduct Statistical Report—Draft," CATO Institute, last modified April 5, 2011, accessed August 22, 2015, <http://www.policemisconduct.net/2010-npmsrp-police-misconduct-statistical-report/>.

¹⁰⁵ "Law Enforcement Management and Administrative Statistics (LEMAS), 2007," Bureau of Justice Statistics, last modified May 14, 2015, accessed August 15, 2015, <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=248>.

accountability arguably provides a necessity to remain professional and accept only professional behavior from ones colleagues. In addition, Oakland, CA, has implemented body-worn cameras on its officers, and the effect of those on the desire of community members to complain directly to the officers is yet to be revealed.

As a whole, boards lack any ability through governance to directly impose change that is identified by the board as needed, recommended, and may have been systemically ignored. Baltimore through its governance does not have the ability to force discipline, but it does have to be consulted before the Baltimore Police Commission can deliver discipline on a board reviewed or investigated case.¹⁰⁶ Perez suggests that to be effective in the long-term, discipline needs to be handed down by those head police executives who “understand the population of police officers being policed.”¹⁰⁷ This allows the head law enforcement executive to be fairly held accountable by the civic leaders, and if the executive cannot be trusted to impose the appropriate discipline, he or she can be removed from office.

Only the Rochester, NY Civilian Review Board offered information in its response on mediation and conciliation services it provides to the community and law enforcement. In addition, Rochester defines mediation and conciliation as “the process by which a complainant and an accused officer will sit down with a mediator and attempt to settle the matter through discussion,” and if the outcome is not to the satisfaction of the complainant, she or he still maintains the ability to file and have the complaint thoroughly investigated.¹⁰⁸ Conciliation can provide a service to allow the community and police to better understand how their actions are perceived and received by each other. Perez notes that conciliation services are crucial to review and oversight by keeping avenues of communication open between the citizens and officers, young officers in particular.¹⁰⁹

¹⁰⁶ “Office of Civil Rights and Wage Enforcement,” City of Baltimore.

¹⁰⁷ Perez, *Common Sense about Police Review*, 268.

¹⁰⁸ Liberti, response to request for information.

¹⁰⁹ Perez, *Common Sense about Police Review*, 258.

Through independent research and analysis of information provided by the boards, it appears there is a lack of measurable organizational goals. As mentioned in Chapter IV, Baltimore, MD is the only board that could be found to provide metrics for citizen satisfaction with its review board. Walker states one of the assumptions on which oversight rests is that it will “provide a more thorough and fair investigation of complaints than those conducted by the police themselves.”¹¹⁰ Unfortunately, 11 of the boards examined do not show a mechanism for quantifying whether or not the complainant feels the investigation was fair and thorough. This raises the question whether or not boards are legitimate and useful in the eyes of the community they serve. Walker asserts his beliefs on oversight success, stating:

The relevant question, then, is not whether citizen oversight in general is a success or failure but whether particular oversight agencies are successful. If none can demonstrate success in some persuasive way, then the entire concept is suspect and it would be appropriate to consider alternate means of achieving police accountability.¹¹¹

Arguably, Walker is providing a discourse for researching successful individual groups in order to replicate a standard for oversight.

Consistent public reporting of board operations, statistics on complaints, and posting of recommendations fell short across the boards as only six out of 12 provide any periodic report that is easily accessible on their website. A seventh board, Baltimore, MD, provided statistical data on the board but that was obtained by contacting the Baltimore Bureau of the Budget and Management Research, not the board or the police department.

Unfortunately, results from this research confirm findings from the literature review in that there is little learned on how boards gauge operational success. This may be due to a wide range of individual missions but not necessarily goals. Investigative integrity, complaint legitimacy, and departmental learning are presented by Perez and appear to be the subjective topics many researchers use to gauge the effectiveness of

¹¹⁰ Walker, *Police Accountability: The Role of Citizen Oversight*, 12.

¹¹¹ *Ibid.*

oversight boards; however, none of the boards provided information about how their individual goals, or goals as presented by Perez and the literature, are attained and measured.¹¹²

The missions of the boards appear to revolve around central theme of providing independent review or investigation of misconduct complaints for those citizens who feel they have a valid grievance, providing independent review of police investigations, insuring transparency and thoroughness in investigations, and providing an alternative method of filing a complaint on police misconduct. These missions are clearly provided on the websites of the boards in Durham, NC, Charlotte, NC, Fresno, CA, and Boston, MD.¹¹³ Additional missions presented by the boards are enhancing policing community relations (in Rochester, NY) and “promoting higher standards of competency, efficiency and justice in the provision community policing” (in National City, CA).¹¹⁴

Although not specifically stated as a goal, all boards researched provide feedback to their law enforcement agencies to insure a complete and thorough investigation is conducted. For example, Fresno, CA, declares, “The mission of the OIR is to strengthen community trust in the Fresno Police Department by providing neutral, third-party review of police policies, procedures, strategies and internal investigations.”¹¹⁵ Additionally, Fresno “works independently of the Fresno Police Department and provides the City’s leaders and the public with objective analysis of policing data, actions and outcomes.”¹¹⁶ Durham, NC, notes on its website that it is to “Determine whether or not the investigation was conducted in an appropriate manner, specifically, whether the police department

¹¹² Perez, *Common Sense about Police Review*, 82–83.

¹¹³ “Police Complaint Review Program,” City of Charlotte, accessed July 30, 2015, <http://charmeck.org/city/charlotte/CRC/PCR/Pages/PoliceComplaintReview.aspx>; “Office of Independent Review,” City of Fresno, accessed July 24, 2015, <http://www.fresno.gov/Government/CityManager/IndependentReview/default.htm>; “Community Ombudsman Oversight Panel,” City of Boston.

¹¹⁴ “Rochester Civilian Review Board (CRB): Center for Dispute Settlement,” Center for Dispute Settlement, accessed July 29, 2015, <http://www.cdsadr.org/programs/policecommunity-relations/rochester-civilian-review-board-crb/>; “Community & Police Relations Commission,” National City, California, accessed July 30, 2015, <http://www.nationalcityca.gov/index.aspx?page=111>.

¹¹⁵ “Office of Independent Review,” City of Fresno.

¹¹⁶ *Ibid.*

abused its discretion in the conduct of the investigation.”¹¹⁷ Even though boards may have missions establishing what they are doing and for whom they do it, 11 of the 12 boards researched do not to provide measurable goals for the board to strive toward.

Through reviewing the research and responses, it can be inferred that there is a lack of a standard mission and set of quantifiable goals for oversight nationwide. In his book *The New World of Police Accountability*, Walker explains, “There are no generally accepted standards for complaint procedures,” and “some authoritative statements about citizen complain procedures exist, but the lack specificity.”¹¹⁸ This lack of specificity is carried onto the boards that oversee complaint procedures, arguably creating a scenario where there is a lack of standardization from local jurisdiction to local jurisdiction, affecting procedural justice for law enforcement as a profession nationwide. Walker concludes that the lack of specificity has created a scenario where each oversight board establishes its own set of policy and procedures, or, if forced to, a law enforcement agency and its parent municipality negotiate into a consent decree overseen by the Department of Justice to stem unaddressed systemic issues.¹¹⁹

From the research, it can be surmised that there is a lack of established national framework for what is accepted as minimum oversight, only recommendations. There is no established specificity to what a board must have in its framework organizationally, operationally, and written in policy for consistency with other boards across the United States. Organizations such as the National Association of Civilian Oversight of Law Enforcement, the Police Assessment Resource Center (PARC), the Police Executive Research Forum (PERF), and the International Association of Chiefs of Police (IACP) may provide recommendations as to what needs to be asked to establish a board, yet they all still fall short of defining specifically what makes a board standard.

PARC claims its conceptual framework, used to recommend the appropriate oversight in Eugene, Oregon (OR) in 2005, is the industry standard and has been

¹¹⁷ “Civilian Police Review Board,” City of Durham, accessed July 24, 2015, <http://durhamnc.gov/ich/cmo/Pages/cprb.aspx>.

¹¹⁸ Walker, and Archbold, *The New World of Police Accountability*, 108.

¹¹⁹ Ibid.

championed by oversight leaders such as NACOLE and PERF. The PARC study focuses on 16 boards “with features analogous to Eugene,” examining of their frameworks, past, budget, police department complaint processes, and rapports with police departments.¹²⁰ In reviewing its study, PARC provides numerous examples of independent review and investigative boards and provides a battery of questions that it suggests will provide a foundation that helped Eugene piece together its oversight.¹²¹ Unfortunately, it does not provide a definitive framework in specific, and the report does not discuss how to measure success towards organizational goals. Furthermore, PARC’s research does not reference the community demographics nor that of its police agencies in its selection criteria

Because there is no established standardization to the complaint process and for the frameworks of oversight boards, there is a lack of quantifiable data to show progress of board goal achievement or of success of boards toward their missions nationwide. With this in mind, if boards were to establish and use quantifiable metrics to gauge success for investigations addressed, recommendations accepted/implemented by law enforcement, and especially satisfaction, perhaps a better snapshot of the state of oversight in the United States could be found. The creation and collection of this data would create a scenario wherein data could be compiled on the national level for internal law enforcement complaint processes and for the independent oversight of those processes.

As seen from the responses, there have been singular events that were cited as spurring the creation of the independent oversight board, which one could deduce is a knee-jerk reaction. Perez claims independent oversight “is seldom debated in a rational and logical fashion” and that it often happens “during crisis periods in which the police have clashed with citizens in violent situations.”¹²² Law enforcement officers and agencies are often accused of racist behavior, excessive force, and malfeasance, all of

¹²⁰ Police Assessment Resource Center, *Review of National Police Oversight Models for the Eugene Police Commission* (Los Angeles, CA: Police Assessment Resource Center, 2005).

¹²¹ Ibid.

¹²² Perez, *Common Sense about Police Review*, 124–125.

which can become the focal points for proponents of immediate implementation of independent oversight during these crises.¹²³

For this research, 45 percent of the boards failed to respond in full to the request for information, calls to board leadership, or to requests for information from the law enforcement agencies themselves. It is not known why boards did not respond, but one could draw the inference that boards were not willing or able to provide the information requested. Not all personal contacts were adversarial. The majority of persons contacted during the research were pleasant and willing to help locate the most appropriate contact with their board. In fact, on four occasions, boards provided contact information for other boards they felt could assist in the research.

Further research can help to fill knowledge gaps by providing what the President's Task Force on 21st Century Policing calls "evidence-based practices" on which successful oversight boards are built.¹²⁴ Conducting this research could provide a basis for future qualitative and quantitative analysis. Researchers should be wary of potential variables in oversight board research, such as how each police agency accepts complaints, categorizes complaints, categorizes dispositions, the different mechanisms for complainants to file complaints, hidden officer misconduct, population and ethnic diversity of the municipality and agency.¹²⁵ Using information requested from selected oversight boards and studying their formations and program policies and procedures, researchers may be able to replicate a successful ideal system.

When discussing a national standard for independent oversight boards, the data obtained shows that when combined as a whole, responses of the boards researched touched on many points that are made in the academic research. Combined, they: offer options for maintaining independence from the overseen law enforcement agency, offer methods for obtaining and training board members and investigators, provide multiple

¹²³ Ibid., 125.

¹²⁴ President's Task Force on 21st Century Policing, *Final Report of the President's Task Force*, '26.

¹²⁵ Walker, *Police Accountability: The Role of Citizen Oversight*, 119–135; Tim Prenzler and Colleen Lewis, "Performance Indicators for Police Oversight Agencies," *Australian Journal of Public Administration* 64, no. 2 (2005): 77.

avenues for complaint acceptance, provide the ability for completed complaints to be reviewed or investigated, and provide mediation and conciliation services. As a group, board findings are reported to the community and head law enforcement executive through recommendations regarding changes in policy, procedure training, and discipline that law enforcement executives still have the power to reject; however, this is counterweighted by the civic leader's ability to remove the law enforcement executive from office if systemic or high profile incidents are not addressed.

It would appear that independent oversight should be accepted as a piece of an overall community policing philosophy and not a panacea for addressing all claims of police misconduct or for bolstering a political agenda. Current literature and research on the effectiveness of citizen oversight boards from scholarly journals, trade journals, and published books appear to be based primarily on subjective analysis of the personal feelings of effectiveness for those who use the system for a transparent review of their complaints. Perhaps it is time for the academic community to quantify whether justice is prevailing by implementing independent oversight and if law enforcement agencies are learning from the accused and identified misconduct and mistakes of police officers.

V. LIMITATIONS, FURTHER RESEARCH, AND CONCLUSIONS

A. LIMITATIONS OF THE RESEARCH

The research was unable to provide an even mix of oversight boards by function as nine are review, and only three have true investigative capabilities. This can be attributed in part to scoping criteria addressing ethnic demographics of the police departments themselves and budgets. Without those criteria alone, boards that oversee and review San Francisco City and County, CA; Philadelphia, Pennsylvania (PA); Washington, DC; Honolulu, Hawaii (HI); and Detroit, Michigan (MI), may have been researched and included as well. Also inhibiting the research were non-responses from boards. For the timeliness of this thesis, boards were emailed twice and called twice during the initial research phase starting April 19, 2015. Follow-ups were conducted with boards that responded. August 31, 2015, became the cut-off date for any requests for information or reception of related correspondence.

Missing from this research is why none boards researched have implemented a framework, such as Dr. Douglas Perez's Ideal Police Review System (IPRS), or if they even know of its existence. The initial intent of this research was to validate the IPRS model through existing independent oversight boards, but the research did not reveal the IPRS implemented within an oversight board in whole or by name in the United States. Collectively, the research provides methods of providing measures of efficiency and goal achievement through the use of quantitative statistics and qualitative questionnaires about satisfaction levels. What has just been described is in essence what Perez argues an independent oversight board should do and accomplish when he describes his IPRS.¹²⁶ It stands to reason that if collectively boards across America are doing all of the functions of the IPRS, then perhaps more consideration and research should be performed to test whether the IPRS can be a baseline for what an independent oversight board is, does, and achieves. Other challenges the IPRS faces are: research specifically forwarding Perez's

¹²⁶ Perez, *Common Sense about Police Review*, 250–273.

assertions has not been published since 1994 when the IPRS was published, persons involved in independent oversight may not widely acknowledge the existence or validity of the IPRS, and initial architects of existing oversight boards established since 1994 may no longer be involved with their boards.

This research was also limited due to the availability of a nationally maintained database on oversight board frameworks, operational goals, and metrics for success. The NACOLE website provides a library of information on independent oversight; however, one may question its recommendations, as it is the association for civilian oversight of law enforcement, just as one would for an association of law enforcement agencies who band together for the purpose of protecting the rights of law enforcement officers during internal affairs investigations.

B. AREAS FOR FURTHER DEVELOPMENT AND RESEARCH

As a response to the lack of a national database of information on oversight boards, an area of further research and development would be the feasibility of a database of oversight boards that is exhaustive and periodically maintained. NACOLE provides an in depth listing of boards, but it does caution that this list is not exhaustive.¹²⁷ Such a program could establish a warehouse of quantitative and qualitative data on operations, successes, and failures of independent oversight boards. A national database may also provide a view of excessive force and board responses nationwide provide for an industry best practices database with lessons learned, and it could also provide a minimum framework for what should be included in an excessive use of force oversight board to provide standardization across America.

Research on independent oversight should consider more in-depth case studies on a broader group of boards provided by the National Association for Civilian Oversight of Law Enforcement and oversight boards in countries with similar local law enforcement governance structures as the United States. Further research and case studies could do well to research qualitatively the causes for the establishment of these boards, what the

¹²⁷ National Association for Civilian Oversight of Law Enforcement, “Links to Oversight Agencies U.S.”

stakeholders feel about their effectiveness, and how independent oversight can be individualized yet maintain a level of standardization. Answers to these questions may provide framework for building standards for board goals and operations.

Social media and the internet are now part of the daily life of an American law enforcement officer. Electronic communication is almost a necessity and should be respected as such with regard to reporting police misconduct. Future research should question how social media and the rise of body-worn cameras and cellular phone video footage affect police oversight boards and fit into the workflow of an investigation. Are used they in the beginning during the initiation of a complaint, in the middle of the investigation, or are they at the end when providing conclusions and recommendations?

C. CONCLUSION

This research has looked at the policies and procedures of established independent oversight boards of internal police use of force investigations. A population sample was established by filtering a comprehensive list of established boards list provided by NACOLE through a series of criteria. A population group of boards to research was attained by filtering boards from the NACOLE website through five criteria addressing organizational age, population, ethnic demographics of communities and their police department, and budget.

Calls to board leaders and executive staff were made to establish points of contacts to expedite the research process. An 19-question request for information was sent via email to 31 boards that met initial criteria of being in existence for more than five years, have populations between 100,000 and 1.5 million people, and have a gross ethnic minority population greater than 50 percent as determined by the percentage of persons in the 2010 U.S. census who responded as “Caucasian only.” The requests for information were crucial in an attempt to establish a relevant population sample of 12 boards. The initial desire of the researcher was to have a population sample containing six boards that are independent review and six that are independent investigative in nature.

Sixteen boards responded, with nine initially meeting the full criteria established in the research design. The full criteria added stipulations for budgets less than \$750,000

and ethnic demographics of the reviewed police departments to reflect an excessive parity between the percentage of Caucasians in the municipality's population compared to the percentage of Caucasians that are sworn law enforcement. The researcher realized that the criterion for budget was estimated too low and may have been excluding boards that could be included in the population sample. To compensate, the budget criterion was doubled to \$1.5 million and allowed the inclusion of two boards, one of which responded and one that did not. This increase in budget still prevented the city and county of San Francisco, CA, from being included in the sample population, as its budget was well over \$5 million.¹²⁸ San Jose, CA; Baltimore, MD; and Oakland, CA, were included after inclusion criteria on budget and police department demographics were adjusted. In all, nine independent review boards and three independent investigative boards were researched. The ratio of 9:3 was a more accurate percentage representation than was initially desired as it is approximately the same ratio of independent review to independent investigative boards provided by NACOLE at the beginning of this thesis.

It would appear through this research that independent oversight in America is working as there is a public call for it, it is being provided as an answer to police community relations by the President's Task Force on 21st Century Policing, and as it is a measure imposed by the Department of Justice to address systemic use of force issues in consent decrees. Boards may continue to operate and thrive as their presence provides a means through which the community can be included into the police complaint process and perhaps even bolster procedural justice. If for no other reason, independent oversight boards from this research appears to do what the literature says one of their primary goals is: they provide a second look at police misconduct investigations so that the complainant and the community can be assured law enforcement are held accountable and complaints are complete and thorough.

This thesis provides a snapshot into the current state of independent oversight in America. Of the boards researched, there were no two boards operating exactly the same, but when overlaid, they touch on many points. With that, a case for a national standard

¹²⁸ Baltazar, response to request for information.

for independent oversight could be made. If there is not a national standard for independent oversight, then communities and law enforcement may not be able to agree consistently on the roles and functions that are needed. Without this information, there can be no collaboration of best practices nationwide based on what operations are effective and why they are deemed effective. Furthermore, without a national standard for oversight boards, the data they produce and collect is not readily shared among law enforcement and the oversight community.

The final report from the President’s Task Force on 21st Century Policing recommends, “Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.”¹²⁹ Communities should have a say in how their boards operate, but if the president and federal government are going to advocate for oversight, then they should also provide sage guidance based on quantifiable data as to what a minimal standard of service an oversight board performs, how it performs the service, and how success will be measured. If minimal standards are not established on verifiable best practices, then we may be addressing this same issue again in another 20 years and still providing recommendations instead of refining what has been offered through analysis as a standard that provides results.

¹²⁹ President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force*, 26.

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APPENDIX A. REQUEST FOR INFORMATION QUESTIONS

1. What is your annual budget?
2. When was the entity established?
3. What is the legislation that provides its structure?
4. Was there an event, or series of events that spurred the establishment of your oversight entity?
5. How does your entity maintain independence from the law enforcement agency over which that it has oversight?
6. Is your entity an external-review of internal police investigations, or an external-investigative, separate, and parallel to the internal police investigation?
7. What is your role in the complaint process?
8. How does a citizen file a complaint with your entity?
9. How many different locations does the community have to file complaints?
10. How does your entity analyze complaints for the purposes of future policy development for the law enforcement agency?
11. How does your entity communicate findings and analysis to police training mechanisms for their use and dissemination?
12. Are lessons learned from completed investigations integrated into any systemic training in the department?
13. What capabilities does your entity have to investigate and adjudicate specific complaint incidents?
14. What types of complaints are you able to investigate?
15. What is your adjudication process?
16. What discipline/ punishment can your entity recommend?
17. What discipline/ punishment can your entity impose?
18. What is the check and balance your entity uses when the head law enforcement administrator does not agree with your findings or recommendation for discipline or punishment?
19. Can you please provide the ethnic diversity of your police department (Caucasian, Hispanic, African American, etc.)? Where is this information publically available?

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APPENDIX B. BOARDS EXAMINED

Entity	Municipality
Civilian Review Board	Baltimore, MD
Community Ombudsman Oversight Panel	Boston, MA
Citizens Review Board	Charlotte-Mecklenburg, NC
Civilian Police Review Board	Durham, NC
Office of Independent Review	Fresno, CA
Complaint Review Committee	Greensboro, NC
Citizen Police Oversight Commission	Inglewood, CA
Citizen Police Complaint Commission	Long Beach, CA
National City Community and Police Relations Commission	National City, CA,
Citizens' Police Review Board	Oakland, CA
Civilian Review Board	Rochester, NY
Office of the Independent Police Auditor	San Jose, CA

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APPENDIX C. CRITERIA-BASED QUESTIONS (1, 2, 3, 19)

Entity Municipality	Annual Budget	Established	Legislation	Diversity of Law Enforcement Agency
Civilian Review Board Baltimore, MD	\$151,749	1999	House Bill 1138, enacted in the 1999 session of the Maryland General Assembly established the Civilian Review Board, and Senate Bill 616, enacted in the 2000 session expanded its authority. ¹³³	City demographics show 31.6% of the population is “Caucasian only,” 48% of police force is Caucasian; a 16% overrepresentation.
Community Ombudsman Oversight Panel Boston, MA	\$50,000	2007	By executive order establishing the Community Ombudsman Panel and Complaint Mediation Program CO-OP	City demographics show 47% of the population is “Caucasian only,” 66.4% of police force is Caucasian. A 19.4% overrepresentation.
Citizens Review Board Charlotte, NC	\$0	1997	City council resolution	City demographics show 45.1% of the population is “Caucasian only,” 74.9% of police force is Caucasian. A 29.8% overrepresentation.
Civilian Police Review Board Durham, NC	\$0	1998	Session Law 1998-142. “An Act to Allow the City of Durham to Disclose Limited Personnel Information to the Members of the Citizen Review Board to Facilitate Its Review of Police Disciplinary Cases.”	City demographics show 42.1% of the population is “Caucasian only,” 64.7% of police force is Caucasian. A 22.6% overrepresentation.
Office of Independent Review Fresno, CA	\$150,000	2010	The office was established by a city council ordinance.	City demographics show 30% of the population is “Caucasian only,” 48.4% of police force is Caucasian. A 18.4% overrepresentation.
Complaint Review Committee Greensboro, NC	\$0	2009	The legislation supporting its creation and function is Chapter 12 of the City of Greensboro Code of Ordinances and NCGS 160a-168, Chapter 132 and Session Law 2001-20.	City demographics show 45.6% of the population is “Caucasian only,” 74.4% of police force is Caucasian. A 28.8% overrepresentation.

¹³³ “Bill Info—1999 Regular Session-HB 1138,” General Assembly of Maryland, accessed November 15, 2015, <http://mgaleg.maryland.gov/webmga/frmMain.aspx?ys=1999rs/billfile/hb1138.htm>.

Entity Municipality	Annual Budget	Established	Legislation	Diversity of Law Enforcement Agency
Honolulu Police Commission Honolulu, HI	\$365,864	1932/ 1973 (revised)	Police Act of 1932. 1973 Revised Charter of the City and County of Honolulu.	City demographics show 21% of the population is "Caucasian only," 23.1% of police force is Caucasian. A 2.1% underrepresentation.
Independent Police Oversight Board Houston, TX	\$0	2011	Referred to entity website. By executive order of the mayor. ¹³⁴	City demographics show 50.5% of the population is "Caucasian only," 46.7% of police force is Caucasian. A 3.8% underrepresentation.
Citizen Police Oversight Commission Inglewood, CA	\$5,000	2004	The Inglewood Citizen Police Oversight Commission was established by city council action.	City demographics show 2.9% of the population is "Caucasian only," 37.1% of police force is Caucasian. A 17.7% overrepresentation.
Citizen Police Complaint Commission Long Beach, CA	\$300,000	1990	City Charter Section 1150-1155	City demographics show 46.1% of the population is "Caucasian only," Approximately 53% of force is Caucasian. A 6.9% overrepresentation.
Fire and Police Commission Milwaukee, WI	\$1,575,664	1885/ 2001 (revised)	Established in 1885 by state law. In 1911, the Commission's authority was expanded to include all aspects of operational oversight of the Fire and Police Departments. The Commission's authority and responsibility are specified in Wisconsin Statute section 62.50, and the Milwaukee City Charter. Revisions to policy made July 26, 2001.	City demographics show 53% of the population is "Caucasian only," Approximately 65.6% of force is Caucasian. A 12.6% overrepresentation.
National City Community and Police Relations Commission National City, CA	\$7,500	2003	Referred to entity website. The city council established the Community and Police Relationship Commission. ¹³⁵	City demographics show 42.2% of the population is "Caucasian only," 48.1% of police force is Caucasian

¹³⁴ "Independent Police Oversight Board," City of Houston, accessed April 21, 2015, <http://www.houstontx.gov/boards/ipob.html>.

¹³⁵ "National City: Community and Police Relations Commission," City of National City, accessed August 30, 2015, <http://www.nationalcityca.gov/index.aspx?page=111>.

Entity Municipality	Annual Budget	Established	Legislation	Diversity of Law Enforcement Agency
Citizens' Police Review Board Oakland, CA	\$1,200,000	1980	Ordinance No. 12454 C.M.S.	City demographics show 34.5% of the population is "Caucasian only," 41.8% of police force is Caucasian, African America officers unrepresented by 10%. A 7.3% overrepresentation.
Civilian Review Board Rochester, NY	\$150,000	1978	Established in the 1984 Ruth Scott Resolution and the 1992 Police Community Relations Program Legislation.	City demographics show 43.7% of the population is "Caucasian only," 73.8% of police force is Caucasian. A 30.1% overrepresentation.
Office of Citizen Complaints City and County of San Francisco, CA,	\$5,127,789	1982	City and County of San Francisco Charter section 4.127	Not provided
Office of the Independent Police Auditor San Jose, CA	\$1,249,223	1996	Referred to entity website. Section 809 of the City Charter establishes the independent police auditor. ¹³⁶	City demographics show 42% of the population is "Caucasian only," 54% of police force is Caucasian. A 12% overrepresentation.

¹³⁶ "Charter," City of San Jose.

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APPENDIX D. INDEPENDENCE-BASED QUESTIONS (4, 5, 6)

Entity Municipality	Spurring Event	How Independence is Maintained	Type of Entity
Civilian Review Board Baltimore, MD	Not answered	Board is under the Office of Civil Rights and Wage Enforcement	External investigative
Community Ombudsman Oversight Panel Boston, MA	The department was spurred by the emergence of similar panels in other cities and by the death that year of an area college student who was killed by police firing pepper-pellet guns during crowd control operations following the Red Sox World Series victory.	Members are appointed by the mayor for the purpose of promoting professionalism within the Boston Police Department, and to demonstrate that the internal affairs process is fair and thorough.	External review
Citizens Review Board Charlotte, NC	Not answered	The Citizens Review Board is made up of 11 members who are appointed by the mayor (3), city manager (3), and council (5) all are unpaid volunteers.	External review
Civilian Police Review Board Durham, NC	The creation of the Civilian Police Review Board stemmed from concerns that arose in a particular litigated matter where the integrity of the Durham Police Department Professional Standards Division's investigatory process was called into question.	The nine members of the Civilian Police Review Board are volunteers who apply to serve on the board, are appointed by the city manager and confirmed by the city council.	External review
Office of Independent Review Fresno, CA	It was established in response to a public desire to institute some sort of civilian oversight.	Completely independent of the police department, but also independent of the mayor, city manager and city council.	External review
Complaint Review Committee Greensboro, NC	No specific event prompted the creation of the Complaint Review Committee.	Through legislation	External review

Entity Municipality	Spurring Event	How Independence is Maintained	Type of Entity
Honolulu Police Commission Honolulu, HI	In response to a white Navy lieutenant directing two white men to kidnap a Hawaiian man suspected of raping the lieutenant's wife. The Navy lieutenant admitted to killing the rape suspect after obtaining a confession. In early 1932, an Assistant United States Attorney of the Department of Justice, Washington, DC conducted an in-depth survey of conditions in Hawaii, and his findings indicated that within the police organization there was clear evidence of political control and the Police Act of 1932 was created.	The Police Act of 1932	External investigative
Independent Police Oversight Board Houston, TX	Referred to entity website. No incident located.	Referred to entity website. None located.	External review
Citizen Police Oversight Commission Inglewood, CA	The "Donovan Jackson" incident.	The only connectivity to Inglewood's police department is that one of the eleven commissioners is appointed by the chief of police with the other five pairs of commissioners are appointed by each council member (e.g., the mayor and four council members each appoint two commissioners).	External review
Citizen Police Complaint Commission Long Beach, CA	An off duty Hawthorne police officer was stopped by Long Beach Police Department. During the contact was being detained and pushed through a window.	It is required by the city charter, and also cannot be in the same building and must be off site.	External investigative
Fire and Police Commission Milwaukee, WI	The commission was originally created to remove the fire and police services from the influences of politics.	By state law and city charter	By state law and city charter

Entity Municipality	Spurring Event	How Independence is Maintained	Type of Entity
National City Community and Police Relations Commission National City, CA	Referred to entity website. No incident located.	None located.	External review
Citizens' Police Review Board Oakland, CA	Not a single incident, but a progression of events that led to its current organizational structure.	The Citizens' Police Review Board is a separate agency, with its own staff, policies, and executive director who answers directly to the city administrator.	External investigative
Civilian Review Board Rochester, NY	In response to the 1976 shooting of an African American female, the 1984 Ruth Scott Resolution	Is part of the separate non-profit Center for Dispute Settlement Police/Community Relations Programs	External review
Office of Citizen Complaints City and County of San Francisco, CA,	Not answered	Referred to entity website. It is a volunteer civilian body nominated by elected officials and appointed by the politically appointed Police Commission. ¹³⁷	External investigative
Office of the Independent Police Auditor San Jose, CA	Not answered	Referred to entity website. Per City Ordinance 8.04.020 the police auditor shall, at all times, be completely independent and requests for further investigations, recommendations and reports shall reflect the views of the police auditor alone. ¹³⁸	External review

¹³⁷ "Frequently Asked Questions: Office of Citizen Complaints," City and County of San Francisco, accessed August 31, 2015, <http://sfgov.org/occ/frequently-asked-questions>.

¹³⁸ "Independence of the Police Auditor," City of San Jose, accessed August 31, 2015, <http://www.sanjoseca.gov/index.aspx?nid=697>.

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**APPENDIX E. COMPLAINT PROCESS-BASED
QUESTIONS (7, 8, 9, 13, 14, 15)**

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
Civilian Review Board Baltimore, MD	The Civilian Review Board provides the citizens an avenue to bring complaints against law enforcement officers.	By filling out and signing a form that is witnessed by a notary public. Use of force complaints have a 90-day window, all other complaints are one calendar year ¹³⁹	Three non-police locations	Able to investigate complaints of excessive use of force, abusive language, and harassment. Able to convene a hearing. No adjudication capabilities.	Complaints regarding “abusive language, harassment, or excessive force” by police officers. ¹⁴⁰	No adjudication noted Inquiry board hearings held to gather further information. ¹⁴¹
Community Ombudsman Oversight Panel Boston, MA	To review completed cases as presented by Baltimore Police Department’s internal affairs division that allege serious misconduct and use of force, a random sample of all other complaints, and a random	Citizens do not file with the Community Ombudsman Oversight Panel and Complaint Mediation Program. Appeals can be filed online, in person, or by mail within 14 days of judgment.	Appeals can be filed online or in person at the office	None	Completed cases as presented by Boston Police Department internal affairs that allege serious misconduct and use of force, a random sample of all other complaints, and a random sample of not sustained/ exonerated/	Review only

¹³⁹ “Office of Civil Rights and Wage Enforcement / Civilian Review Board / Civilian Board FAQs,” City of Baltimore.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
	sample of not sustained, exonerated and unfounded complaints appealed due to alleging the investigation was either not fair for not thorough.				unfounded complaints appealed due to alleging the investigation was wither not fair for not thorough.	
Citizens Review Board Charlotte, NC	The Citizens Review Board serves only in an advisory capacity to the chief of police, the city manager and the city council. The Citizens Review Board itself cannot take disciplinary action against a police officer or award damages to an injured citizen. The Citizens Review Board only can advise the chief of police and the city manager when it becomes clear to the Citizens Review Board that the disciplinary decision of the police	Complaints are taken on line takes appeals, in person at the office, or with internal affairs at the Charlotte Police Department.	In office and via online.	None	Certain types of alleged misconduct by a police officer; or the discharge of a firearm by an officer that results in injury or death.	None

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
	department was a serious mistake.					
Civilian Police Review Board Durham, NC	The Civilian Police Review Board does not investigate complaints. They are only authorized to consider Requests for Appeal Hearings from individuals who are not satisfied with the outcome of the Internal Affairs investigation.	Complaints can be filed online or at the Police Department, City Manager's Office, or Durham One Call.	Three	None	The Civilian Police Review Board considers cases involving 1) Use of force, 2) Unethical conduct and/or conduct unbecoming, and 3) Arrest, search, and seizure.	None
Office of Independent Review Fresno, CA	The Office of Independent Review analyzes complaints filed by citizens with the Police Department Internal Affairs Division to ensure they have been investigated fairly and thoroughly. The Office of Independent Review also provides an objective analysis of individual units within the police department to	Complaints can be filed with me via a website, via the U.S. mail, and over the phone. I use a complaint form that, as I said above, is forwarded to the police department internal affairs unit.	By phone, in person, in writing, or completing an online form. Forms are also available at five non-police locations	None	1) Use of force 2) discrimination/ profiling allegations 3) Any allegation of a two tiered system of punishment within the PD itself, 4) Theft allegations 5) Allegations of drug or alcohol abuse and 6) Any claim of undue influence by an officer for a friend/family member, 7) rudeness	None

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
	ensure compliance with policy and procedure, best practices and the law. This includes recommendations on findings to increase thoroughness, quality and accuracy of each police unit reviewed.				complaints, or quality of service complaints (rarely).	
Complaint Review Committee Greensboro, NC	An external review of an internal investigation	Complaints can be filed in-person Greensboro Police Department or the Complaint Review Committee, in-person at City Hall, by mail, electronically via the website, by email or telephone.	In office, by mail, online, by email or phone	None	The Complaint Review Committee reviews, advises and reports on conduct concerns of sworn police employees; it does not investigate or adjudicate any complaints.	If a complainant review is desired, the Human Relations Department collects all materials that the Greensboro Police Department used in their investigation and how the decision was made. At the monthly review meeting, the committee debate the issues and facts presented in a meeting closed to the public. The committee makes a decision on the case. If the committee agrees with the internal investigation and decision they close the case and

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
						send a determination letter to the resident explaining why they agreed with the police department. If the committee agrees or disagrees with any part of the investigation and or the decision made by the police department, it can say so and or request the chief of police to review the case and reconsider the decision made.
Honolulu Police Commission Honolulu, HI	Receive, consider and investigate charges brought by the public against the conduct of the department or any of its members and submit a written report of its findings to the chief of police.	At the commission office, or call to make alternate arrangements through the outreach program. Complaints must be filed within 60 days of the incident.	As needed an investigator will meet at a residence as well as the office.	Three investigators/ seven commissioners to investigate. No adjudication.	Referred to entity website. Conduct towards the public, dereliction of duty, use of physical force, mistreatment of prisoners. ¹⁴²	Each police commissioner reads the report and renders a recommendation to uphold or deny the allegations of the complaint. This is recorded at an executive session. A majority opinion, consisting of four or more votes, determines the disposition of each

¹⁴² “Honolulu Police Commission,” City of Honolulu, accessed April 21, 2015, <http://www.honolulu.org/departments/index.php?tab=tabs-5>.

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
						case. If more information is needed or if a majority vote is lacking, the case is deferred.
Independent Police Oversight Board Houston, TX	Referred to entity website. To review internal investigations, to determine if the investigation was sufficient, the conclusions correct, and that proper discipline is issued. ¹⁴³	Referred to entity website. May be initiated in person at police headquarters or a substation to a supervisor, or to Internal Affairs/ Central Intake, or sending a notarized complaint form to Central Intake. ¹⁴⁴	Referred to entity website. At any police station and substation or mailed to four community advocate locations. Independent Police Oversight Board does not directly accept complaints. ¹⁴⁵	Referred to entity website. No investigative powers. ¹⁴⁶	Referred to entity website. Does not investigate but reviews all internal affairs investigations involving allegations of excessive force or the discharge of firearms and other major incidents. ¹⁴⁷	None
Citizen Police Oversight	Answered as an individual: I serve as the staff advisor to	A citizen can file a complaint by completing a complaint form or	Theoretically, a constituent could file a	All complaints that warrant an investigation are	The commission does not do any independent	The commission does not adjudicate cases.

¹⁴³ “Independent Police Oversight Board,” City of Houston.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
Commission Inglewood, CA	the Citizen Police Oversight Commission. I assist in the functioning of the commission, and I passively participate in the discussions related to the complaints (e.g., I help them understand it). I don't provide my opinions or input into their recommendations. Review only	sending a letter or some other written form of correspondence. A citizen can also come into the police department or administration and file a complaint in person, but they still need to write it down. We don't accept complaints via phone. They can also visit our website for more information: http://inglewoodpd.org/Submit_Complaint.aspx	complaint by visiting the police department or coming to City Hall. Since they can send us a letter also, they could do it from virtually anywhere.	assigned to Internal Affairs.	investigation. This could violate an officer's Police Officer Bill of Rights.	
Citizen Police Complaint Commission Long Beach, CA	Receive complaints and forward to the Long Beach Police Department internal affairs division. If complaint comes into police department they receive a summary packet with complainants contact information and a notification that the investigation has begun. Entity has all	In person at the office, through the police department complaint process, email, fax, and as referred by civic leaders.	Three designated spots, but with email and fax people can file from virtually anywhere.	The ability to investigate use of force and professionalism complaints. No ability to adjudicate.	The ability to investigate use of force and professionalism complaints. No ability to adjudicate.	None

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
	of the investigative capability except for the ability to compel and receive compelled statements by officers. Conduct a parallel investigation and report findings to the police department and city manager.					
Fire and Police Commission Milwaukee, WI	Receives complaints, conducts investigations, and discipline officers up to and including termination	Citizens may file a complaint directly with the police department or fire department. A person may file a complaint against an employee of the fire or police department for specific acts of inappropriate conduct. Complaints can be initiated in writing, in person, by telephone, by fax, by e-mail, through	One location, forms available online and at over 15 locations in the community	Yes	Referred to entity website. Fire and Police Commission staff will conduct an investigation of every complaint received. ¹⁴⁸	Complaint trial—a quasi-judicial administrative hearing to determine whether the employee violated a rule or standard of the department.

¹⁴⁸ “Fire and Police Commission,” City of Milwaukee, accessed August 31, 2015, <http://city.milwaukee.gov/fpc/About#.VePYrXt4iWN>.

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
		the commission website, and through recognized community referral organizations.				
National City Community and Police Relations Commission National City, CA	Referred to entity website. Receive and review complaints regarding National City Police Department for alleged misconduct. ¹⁴⁹	Referred to entity website. Citizens can report a complaint to the on-duty supervisor at any time day or night by coming to the National City Police Station and requesting to speak with a supervisor. ¹⁵⁰	Referred to entity website.	Referred to entity website. No investigative powers. ¹⁵¹	Referred to entity website. Empowered to receive and review complaints regarding National City Police Department personnel for alleged misconduct. ¹⁵²	None
Citizens' Police Review Board Oakland, CA	Answered as an individual: I am the executive director. I review all complaints and assign them to an investigator. I also coordinate the efforts of the civilian board,	A citizen can file a complaint by walking into our office, internal affairs, contacting an officer on the street to file a complaint, telephoning communications, our office, or internal affairs, mailing in a completed	A citizen can file a complaint by walking into our office, internal affairs, contacting an officer on the street to file a complaint, telephoning	We employ a staff of investigators who have full access to the information needed to conduct independent investigations. The board has subpoena power to call	Any manual of rules violation by a sworn member of the Oakland Police Department.	We conduct a hearing and afterwards the board commissioners render a decision. The decision is then presented to the city administrator for final disposition. The city administrator can concur with the

¹⁴⁹ "Community and Police Relations Commission," National City, California, accessed July 30 2015, <http://www.nationalcityca.gov/index.aspx?page=111>.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

¹⁵² Ibid.

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
	community outreach, budget process, and all personnel matters. Per website it is an alternate method of filing misconduct complaints to ensure police accountability.	complaint form, or faxing in a completed complaint form. We receive a copy of every civilian complaint filed with the police department regardless of whether a complainant comes to our agency or not.	commutations, our office, or internal affairs, mailing in a completed complaint form, or faxing in a completed complaint form. We receive a copy of every civilian complaint filed with the police department regardless of whether a complainant comes to our agency or not.	witnesses, obtain documents, and seek testimony as well.		decision completely or in part, or not at all. The city administrator's decision is final.
Civilian Review Board Rochester, NY	Alternate citizen complaint intake, conciliation process, civilian review board process.	At the Center for Dispute Settlement Police Complaint Intake.	Can file with the center, or have complaints forwarded from the police department.	None	Reviews cases of excessive use of force, missing property, procedural, actions that would constitute a crime.	None

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
Office of Citizen Complaints City and County of San Francisco, CA,	Conducts its own investigations of citizen complaints of all police misconduct including officer involved shooting, or complaints that San Francisco Police Department members have not properly performed a duty with the exception of complaints filed by other employees.	Via phone or in person during business hours, or fax in or file online at any time. Complaints filed at any of the police stations will be forwarded to the Office of Citizen Complaints for investigation.	11	All complaints of misconduct, including officer involved shootings.	Referred to entity website. "By City Charter, the Office of Citizen Complaints is obliged to take every complaint of alleged police misconduct or improper performance made by a member of the public, where the complaint involves one or more San Francisco Police Department sworn members engaged on-duty." ¹⁵³	"Investigative Hearings are held following the conclusion of an Office of Citizen Complaints investigation at the request of the complainant or of the officer or when, in the opinion of the director, a hearing would facilitate the fact finding process." ¹⁵⁴
Office of the Independent Police Auditor San Jose, CA.	Referred to entity website. Accepts complaints from the public about San Jose	Referred to entity website. In writing (email, fax, mail, or hand delivery) by phone, or in person.	Referred to entity website. Complaints may be filed at either the IPA	None	Referred to entity website. Does not investigate, only reviews.	Referred to entity website. None

¹⁵³ "Frequently Asked Questions: Office of Citizen Complaints," City and County of San Francisco.

¹⁵⁴ "Complaint Process—Office of Citizen Complaints," City and County of San Francisco, accessed August 31, 2015, <http://sfgov.org/occ/complaint-process>.

Entity Municipality	Role in Complaint Process	How Complaints Are Filed with the Entity	Number of Locations to File	Investigative Capabilities	Types of Complaints Overseen	Adjudication Process
	police officers, reviews investigations for fairness and thoroughness, makes recommendations on policy and procedures. ¹⁵⁵	Can be done anonymously. ¹⁵⁶	office or at Internal Affairs. ¹⁵⁷		completed cases. ¹⁵⁸	

¹⁵⁵ “Charter,” City of San Jose.

¹⁵⁶ Office of the Independent Police Auditor, *Frequently Asked Questions about the IPA Office* (San Jose, CA: City of San Jose), 1.

¹⁵⁷ “Complaint Process,” City of San Jose, accessed August 31, 2015, <http://www.sanjoseca.gov/index.aspx?nid=700>.

¹⁵⁸ “Charter,” City of San Jose.

APPENDIX F. ENTITY COMMUNICATION-BASED QUESTIONS (10, 11, 12)

Entity Municipality	How are complaints analyzed for future policy development?	How does your entity communicate findings and analysis to police training mechanisms for their use and dissemination?	Are lessons learned from completed investigations integrated into any systemic training in the department?
Civilian Review Board Baltimore, MD	Not provided. “The board shall submit a statement of its findings and recommendations to the commissioner within 30 days of receipt of the Internal Investigations Division Report.” ¹⁵⁹	Not provided. “The board shall submit a statement of its findings and recommendations to the commissioner within 30 days of receipt of the Internal Investigations Division Report.” ¹⁶⁰	Not provided. Not located.
Community Ombudsman Oversight Panel Boston, MA	It makes recommendations to the police commissioner, although his decision is final.	Not provided. The ombudsman reviews the internal investigation case file and make a recommendation. Recommendations by the ombudsman and the chief of the Bureau of Professional Standards are considered in addition to case file documents. ¹⁶¹	Not provided. Not located.
Citizens Review Board Charlotte, NC	The Citizens Review Board only can advise the chief of police and the city manager when it becomes clear to the Citizens Review Board that the disciplinary decision of the police department was a serious mistake.	Not provided. None	Not answered. None located.

¹⁵⁹ “Office of Civil Rights and Wage Enforcement / Civilian Review Board / Rules,” City of Baltimore, accessed August 8, 2015, <http://archive.baltimorecity.gov/Government/BoardsandCommissions/OfficeofCivilRightsandWageEnforcement/CivilianReviewBoard/Rules.aspx>.

¹⁶⁰ Ibid.

¹⁶¹ Community Ombudsman Oversight Panel, *CO-OP Brochure* (Boston, MA: City of Boston).

Entity Municipality	How are complaints analyzed for future policy development?	How does your entity communicate findings and analysis to police training mechanisms for their use and dissemination?	Are lessons learned from completed investigations integrated into any systemic training in the department?
Civilian Police Review Board Durham, NC	They are vetted by the Civilian Police Review Board who in turn sends written comments/ suggestions to the city manager for consideration.	It is provided to the city manager in writing and communicated to the police chief if/ when appropriate.	Yes
Office of Independent Review Fresno, CA	Findings and recommendations are transmitted in the following ways: 1) in the audit report itself, 2) an early copy of the quarterly report and 3) in the publicly posted quarterly report.	Policy or training concerns are communicated in the publicly posted “quarterly report” recommendations to remedy the situation discovered. If a policy needs to be updated or fixed, it communicated that directly to internal affairs as soon as it is discovered via the audit report.	Yes, the police department has adopted many, if not all, of my recommendations to date and did so by providing department wide training or changing the syllabus’s of upcoming training, if it is a non-urgent manner.
Complaint Review Committee Greensboro, NC	Quarterly reports reflecting the professional directives of concern, volume of cases and review outcomes are published to city council. An on-going dialogue exists between the Complaint Review Committee and the police that is respectful and meaningful concerning police policies, processes and procedures.	Quarterly reports reflecting the professional directives of concern, volume of cases and review outcomes are published to city council. An on-going dialogue exist between the Complaint Review Committee and the police that is respectful and meaningful concerning police policies, processes and procedures.	Lessons from the reviews, Q10 reflects a continued analysis and feedback to the police department.
Honolulu Police Commission Honolulu, HI	Statistical data is given in the annual report.	N/A	N/A
Independent Police Oversight Board Houston, TX	Referred to entity website. Reports findings to the mayor, chief of police, and Council Public Safety Committee. ¹⁶²	Referred to entity website. None	Referred to entity website. Not located.

¹⁶² “Independent Police Oversight Board,” City of Houston.

Entity Municipality	How are complaints analyzed for future policy development?	How does your entity communicate findings and analysis to police training mechanisms for their use and dissemination?	Are lessons learned from completed investigations integrated into any systemic training in the department?
Citizen Police Oversight Commission Inglewood, CA	All complaints are routed to the chief of police. If the complaint is sustained and action is taken against an officer in the form of discipline, then the entire department is briefed through memo or during briefings. The policy unit and the training unit are typically then tasked with augmenting policies and future training based upon the issues that were brought to light.	All complaints are routed to the chief of police. If the complaint is sustained and action is taken against an officer in the form of discipline, then the entire department is briefed through memo or during briefings. The policy unit and the training unit are typically then tasked with augmenting policies and future training based upon the issues that were brought to light.	The policy unit and the training unit are typically then tasked with augmenting policies and future training based upon the issues that were brought to light.
Citizen Police Complaint Commission Long Beach, CA	Complaints are analyzed for the purpose of recommendations and clarifications of existing policies and the creation of policies by the law enforcement officers.	Through the city manager to the chief of police. Cases appealed that were closed at the staff level are or looked at the commissioner level, if there is still a disagreement on the outcome the city manager makes a final and un-appealable decision.	Yes
Fire and Police Commission Milwaukee, WI	Not answered	Referred to entity website. None located	Not provided. None located.
National City Community and Police Relations Commission National City, CA	Referred to entity website. Recommend policy changes to the chief of police. ¹⁶³	Issue reports on an annual basis identifying any policy-related issues or quality of investigation issues that warrant improvement. ¹⁶⁴	Not provided. None located.

¹⁶³ “Community & Police Relations Commission.”

¹⁶⁴ *National City Community and Police Relations Commission Operating Procedures* (National City, CA: City of National City, 2006), 7.

Entity Municipality	How are complaints analyzed for future policy development?	How does your entity communicate findings and analysis to police training mechanisms for their use and dissemination?	Are lessons learned from completed investigations integrated into any systemic training in the department?
Citizens' Police Review Board Oakland, CA	I have a policy analyst on staff who reviews each investigation to identify policy issues. He will then research those issues for best practices, examine what is currently being done on Oakland Police Department and determine if this is a policy matter, training matter, issue with understanding community or policing or a combination of any of these.	This is done through reports to the city council.	Yes
Civilian Review Board Rochester, NY	Panel may make recommendations on training, investigations, and policy.	Submit recommendations to the chief of police	Not provided. None located.
Office of Citizen Complaints City and County of San Francisco, CA,	Not provided.	Referred to entity website. Findings are communicated through quarterly and annual reports. ¹⁶⁵	Referred to entity website. Recommendations are made through the use of quarterly reports. Unknown if they were implemented. ¹⁶⁶
Office of the Independent Police Auditor San Jose, CA.	Referred to entity website. Determining if there are policy or training needs based on the type of complaint. Compiles a yearend report. ¹⁶⁷	Referred to entity website. In the yearend report. ¹⁶⁸	Referred to entity website. The Independent Police Auditor makes recommendations to San Jose Police Department to improve their practices and policies. ¹⁶⁹

¹⁶⁵ "Reports and Statistics—Office of Citizen Complaints," City and County of San Francisco, accessed July 30, 2015, <http://sfgov.org/occ/reports-statistics>.

¹⁶⁶ Ibid.

¹⁶⁷ "Ordinance," City of San Jose.

¹⁶⁸ Ibid.

¹⁶⁹ LaDoris H. Cordell, *2014 IPA Year End Report* (San Jose, CA: Independent Police Auditor, City of San Jose, 2015).

**APPENDIX G. DISCIPLINE, PUNISHMENT, CHECKS AND BALANCES-BASED
QUESTIONS (16, 17, 18)**

Entity municipality	What discipline/ punishment can your entity recommend?	What discipline/ punishment can your entity impose?	What is the check and balance your entity uses when the head law enforcement administrator does not agree with your findings or recommendation for discipline of punishment?
Civilian Review Board Baltimore, MD	None	Not provided. None	Not provided
Community Ombudsman Oversight Panel Boston, MA	N/A	Not provided. None	Not provided
Citizens Review Board Charlotte, NC	N/A	N/A	Not provided
Civilian Police Review Board Durham, NC	None	None	The city manger has the final say on all personnel matters.
Office of Independent Review Fresno, CA	None	None	If it felt that the chief was too lenient or too harsh, the Office of Independent Review has the ability to go to the city manager and/or mayor and state their case. The public and elected officials will intervene.
Complaint Review Committee Greensboro, NC	None	None	If no agreement can be made between the chief and the committee, then the case goes to the city manager. The city manager independently reviews the case and makes a decision. That decision is final and closes the case. The city manager's decision is reflected in a committee determination letter detailing the actions of the Complaint Review

Entity municipality	What discipline/ punishment can your entity recommend?	What discipline/ punishment can your entity impose?	What is the check and balance your entity uses when the head law enforcement administrator does not agree with your findings or recommendation for discipline of punishment?
			Committee, the police department and city manager.
Honolulu Police Commission Honolulu, HI	None Cases referred to the police department	None Cases referred to police department	N/A
Independent Police Oversight Board Houston, TX	Referred to entity website. None located.	Referred to entity website. None located.	Referred to entity website. Members are appointed by the mayor. ¹⁷⁰
Citizen Police Oversight Commission Inglewood, CA	The commission can recommend anything, but it's non-binding.	The commission cannot impose any discipline/punishment.	Since the commission's recommendation is non-binding, the chief of police can disregard it (e.g., there are no checks and balances).
Citizen Police Complaint Commission Long Beach, CA	None	None	The city manager as the supervisor of the head law enforcement officer is the check and balance if recommendations are ignored.
Fire and Police Commission Milwaukee, WI	The commission can suspend, demote, or discharge department members from employment.	Up to and including termination	Referred to entity website. None located.
National City Community and Police Relations Commission National City, CA	Referred to entity website. None	Referred to entity website. None	Referred to entity website
Citizens' Police Review Board Oakland, CA	Any discipline from counseling/training to termination.	None	Consultation with the city manager. The city administrator's decision is final.

¹⁷⁰ "Independent Police Oversight Board," City of Houston.

Entity municipality	What discipline/ punishment can your entity recommend?	What discipline/ punishment can your entity impose?	What is the check and balance your entity uses when the head law enforcement administrator does not agree with your findings or recommendation for discipline of punishment?
Civilian Review Board Rochester, NY	None	None	Consultation with the city administrator
Office of Citizen Complaints City and County of San Francisco, CA,	Referred to entity website. None	Referred to entity website. None	<p>Referred to entity website.</p> <p>In any instance where the Office of Citizen Complaints sustains a complaint and transmits it to the Police Department with a recommendation that discipline be imposed, and the chief of police has failed to act within 45 days from the date of transmittal, the secretary to the Police Commission shall place the sustained complaint on the agenda for the next regularly scheduled meeting of the police commission, consistent with applicable laws governing notice of public meetings.</p> <p>At this meeting, the police commission shall inquire into the status of the complaint and any reasons for the delay on the part of the chief of police.</p> <p>The commission shall require that the chief of police provide an explanation for the delay in acting upon the complaint, and shall impose a deadline not to exceed 14 calendar days from the date of the meeting by which the chief of police shall act on the complaint, unless the police commission finds good cause for a reasonable extension in excess of 14 calendar days, and the chief of police establishes that such additional delay</p>

Entity municipality	What discipline/ punishment can your entity recommend?	What discipline/ punishment can your entity impose?	What is the check and balance your entity uses when the head law enforcement administrator does not agree with your findings or recommendation for discipline of punishment?
			will not preclude the imposition of discipline pursuant to California Government Code Section 3304. ¹⁷¹
Office of the Independent Police Auditor San Jose, CA	None Referred to entity website.	None Referred to entity website.	Referred to entity website. None located.

¹⁷¹ *San Francisco Administrative Code Chapter 96: Coordination between the Police Departments and the Office of Citizen Complaints* (San Francisco: City and County of San Francisco, 2003).

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