



SURVEY OF CIVILIAN COMPLAINT SYSTEMS



NEW YORK CITY POLICE DEPARTMENT
CIVILIAN COMPLAINT INVESTIGATIVE BUREAU

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INTRODUCTION

The systems through which civilian complaints of police misconduct are processed continue to multiply and evolve. In an effort to capture significant information as to these processes, and to identify trends and common areas of concern, the New York City Police Department's Civilian Complaint Investigative Bureau (CCIB) has compiled data from police departments and complaint agencies nationwide. Data were gathered from CCIB survey questionnaires, annual reports, and additional documentation provided by participating agencies. A total of 65 surveys were forwarded to civilian complaint agencies, with 32 responses received. (In one instance responses were received from both the police department and the independent reviewing agency in the jurisdiction.) Agencies were contacted by telephone to augment written responses, where necessary.

This report describes in detail the function and operation of 31 complaint systems, including the manner in which civilian complaints are received, investigated, reviewed and resolved. A quantitative analysis of complaint statistics provided appears in Tables 1 through 4. The tables include information concerning the number and type of complaints received, dispositions (including substantiation rate), the racial/ethnic makeup of the general population and its police department, and agency budgets and funding sources.

The civilian complaint systems have been placed into one of three general categories: (1) "External": independent civilian receipt, investigation, review and disposition of complaints; (2) "Hybrid": combined police department and independent civilian receipt,

investigation, review and/or disposition of complaints; and (3) "Internal": police department receipt, investigation, review and disposition of complaints. Note, however, that these categories are used more for the purposes of organizational utility, rather than for their capacity to precisely convey the rich diversity of the complaint systems subsumed under each. Full understanding and appreciation of the subtle characteristics of each agency requires individual examination. Our sample consists of seven external (from an existing population of 12), 19 hybrid and five internal systems.

The study also examines issues, programs and policies of continued or emerging importance to the successful oversight of law enforcement officers. It is hoped that this report not only will provide a comprehensive view of the broad spectrum of citizen complaint systems in operation, but will foster the exchange of information that may facilitate the improved response by all agencies to complaints of police misconduct.

We have focused primarily upon complaint systems that incorporate civilian participation in the processing of citizen complaints against police officers. This approach was taken as a consequence of the manifest trend toward such "civilianization" of complaint agencies and the recognition that such agencies exhibit innovative and diverse methods of operation.

It must be noted that responses to questionnaires have been taken at face value and are presumed to be accurate. All references to agencies' policies, practices and concerns are drawn from actual agency responses, annual reports, additional literature provided and follow-up discussion. A copy of the questionnaire form used for this study is attached as Exhibit "A."

EXTERNAL CIVILIAN COMPLAINT SYSTEMS

Seven agencies from our sample may be characterized as civilian complaint systems completely external to the police departments within their jurisdictions. Invariably, each agency came into being as a result of highly charged incidents involving the conduct of police officers, is composed of a reviewing board or commission whose civilian members are appointed by elected officials, and employs a civilian investigative and administrative support staff.

Complaint investigations uniformly entail gathering the statements of the parties and witnesses to the complaint, and collecting pertinent documentary evidence, including police reports and medical records.

In each of the external agencies, the board or commission is responsible for rendering a collective decision resolving each complaint. Majority vote prevails in the event of disagreement among members. In certain jurisdictions the body's decision is purely advisory -- a recommendation to the chief law enforcement officer as to complaint disposition and the level of discipline to be imposed. In other jurisdictions, however, the determination of the board or commission is binding.

HONOLULU POLICE COMMISSION

The Honolulu Police Commission (as well as the Police Department) was established by the Territorial Legislature of Hawaii in 1932, as a result of an incident involving United States military personnel which prompted the creation of a police force separate from the

military. The Commission was vested with the authority to enact rules and regulations for the conduct of the police department and to hire and fire the Chief of Police. In 1959, when statehood was conferred upon Hawaii, the adoption of a City Charter placed control of the Commission in the hands of the Mayor and the City Council. The Charter brought the number of members on the Commission up to seven, each of whom is appointed by the Mayor with the approval of the City Council. In 1972, the Commission was authorized to hire its own civilian staff, which now consists of an executive officer/investigator, investigators and administrative support personnel. Prior to 1972, sworn officers assigned to the Internal Affairs unit of the Honolulu Police Department conducted the investigations for the Commission. Investigators must have a minimum of three years' investigative experience, good written and oral communication skills and an understanding of the people and institutions within the community. The scope of the Commission's authority includes the power to receive, consider and investigate charges against police officers regarding the following misconduct:

Discriminatory attitude; Discourtesy; Threatening; Theft; Property Damage; Unnecessary Force; Malicious Force; Excessive Force; and Use of Weapon.

Complaints must be filed in writing, and dated and signed under oath before a notary public at the office of the Commission during normal business hours, within 30 days of the date of the incident. Exceptions are made for those who are unable or unwilling to attend the Commission's office, which is located at police headquarters, and in the case of excusable neglect. However, complaints filed 30 days or more after the date of the incident are investigated by the Internal Affairs unit. The Commission reserves the right to dismiss a

complaint that appears on its face to be groundless.

Investigators have 60 days to conduct investigations, at the completion of which their reports are submitted to the Commission for consideration and decision. Investigations are maintained as confidential. The Commission has two weeks in which to render a decision, which is based on a preponderance of evidence standard of proof. The Commission does not have the authority to conduct evidentiary hearings to assist it in the decision-making process. All sustained complaints are forwarded to the Chief of Police who in turn submits the case to the Police Administrative Review Board consisting of high ranking police officials, which recommends disciplinary action. Although the Chief of Police retains final authority in applying the level of discipline, neither the Chief nor the Administrative Review Board may overrule the Commission's decision to sustain the allegations. The only recourse for appeal is through the courts.

There exists a collaborative effort on the part of the Commission and the police department to proactively address the incidence of civilian complaints. For example, the Commission maintains the complaint history of each officer, which is brought to the attention of the Chief of Police when a certain complaint threshold has been reached. Furthermore, the department employs civilian complaint statistics for the purpose of training police officers and the Commission itself makes recommendations directly to the department's training division.

It is reported that the greatest hindrance to the Commission's ability to carry out its work is its lack of authority to compel witnesses and officers to cooperate in investigations.

MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY

The Minneapolis Civilian Police Review Authority (CRA) was established by ordinance in 1990 to receive, investigate, review and make a determination regarding complaints of alleged misconduct by uniformed members of the Minneapolis Police Department. CRA was created in response to two controversial police incidents involving minority members of the community. CRA consists of a board of seven members, all private citizens, four of whom are appointed by the City Council and three of whom are appointed by the Mayor with the approval of the City Council. The Review Authority hires its own administrative and investigative staff which includes an Executive Director, who is an attorney, and civilian investigators, who must have four or more years of investigative experience and a thorough knowledge of criminal and police procedures and the community at large. Past or current sworn members of the Minneapolis Police Department are not eligible to be investigators. The scope of CRA's jurisdiction includes investigation into the following allegations of misconduct:

Use of excessive force; Inappropriate language or attitude; Harassment; Discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, affectional preferences, disability or age; Theft; Failure to provide adequate or timely police protection.

Complaints may be filed only by individuals with personal knowledge of the alleged misconduct at the CRA office or police department facilities by telephone, letter or in person. However, complaints must eventually be signed and acknowledged as true under penalty of perjury and complainants must eventually meet face to face with an investigator for the investigation to proceed. Before an

investigation is initiated, the Executive Director conducts a preliminary review of each complaint, and may dismiss the complaint on its face as unsustainable. The Executive Director may also recommend that the case go to mediation, an informal process held before a neutral third party and attended by the complainant and subject officer only. Mediation entails a thorough and frank discussion of the alleged misconduct and an attempt to arrive at a mutually agreeable resolution of the complaint. No complaint may be filed with CRA if more than one year has elapsed since the date of the alleged misconduct.

In the event the Executive Director determines that a full investigation is warranted, an investigator will gather the statements of the parties and witnesses to the complaint and any documentary evidence available. Civilian parties and witnesses' cooperation in the investigation is voluntary, whereas the cooperation of police officers and the police department is mandated by the enabling ordinance as a condition of employment. The failure of any official or employee of the Minneapolis Police Department to cooperate in an investigation is deemed an act of misconduct and could result in dismissal from the department. However, any statements made by an employee cannot be used in a subsequent criminal proceeding. Investigations must be completed within 120 days of the date the signed complaint is filed. However, the deadline may be extended an additional 60 days based upon a written explanation by the investigator.

At its conclusion, the Executive Director reviews each investigation and decides whether the case will receive an evidentiary hearing before a panel of CRA members, or be dismissed as unsustainable

due to insufficient evidence or the allegations being unfounded or exonerated. If the Executive Director determines that there is "probable cause" to believe that the alleged misconduct occurred, the case is set down for a pre-hearing conference. The pre-hearing conference between the Executive Director (who represents the interests of the complainant), the subject officer and his or her representative, and the hearing panel chairperson is designed for the exchange of relevant information and to attempt to reach a settlement of the complaint. Barring settlement of the complaint at the pre-hearing conference, an evidentiary hearing is commenced and completed within 45 to 60 days following the Executive Director's "probable cause" determination.

At the hearing, the Executive Director presents the case on behalf of the complainant, who may be present only when testifying as a witness. Otherwise, only the Executive Director and the subject officer and his or her representative may be present before the CRA hearing panel. The Executive Director and the subject officer may call witnesses, who are subject to cross-examination. The hearing panel may admit all evidence of probative value, including reliable hearsay, and the standard of proof employed is clear and convincing evidence. In the event the panel sustains a complaint, findings of fact and the determination are forwarded to the Chief of Police for final determination of disciplinary action. Within 30 days of receipt of the hearing record, the Chief must provide the CRA and the Mayor a written explanation of the reasons for his or her disciplinary action.

It is reported that within its first year of operation, CRA faced a serious backlog of cases at the investigative stage due to a

lack of human and financial resources, the lack of experience and expertise with the system and the lack of cooperation of police officers. The workload approached unsupportable proportions for the Executive Director and Board as well. Three Board members resigned from CRA within the first year due to issues related to their workload. The Executive Director's responsibility to personally pass on each and every case has had the practical effect of slowing the entire review process and creating the danger of less than appropriate attention being given to each case. The Executive Director has called for possible revision of the system to include reduction of the Executive Director's responsibilities as well as a reduction in the number of evidentiary hearings. An appropriate reduction in the level of expectation regarding CRA has also been suggested.

It is also reported that CRA's lack of subpoena power to compel appearance by witnesses at hearings has proven detrimental to the complaint process.

NEW ORLEANS OFFICE OF MUNICIPAL INVESTIGATION

The New Orleans Office of Municipal Investigation (OMI) was established by City Ordinance in 1981 to investigate and inquire into complaints of alleged misconduct by City employees, including police officers. OMI was created in response to a shooting incident for which five police officers were convicted and imprisoned. OMI is located within the Office of the Chief Administrator, which oversees the various municipal agencies of New Orleans, including the police department. OMI is purely an investigative agency containing no review board or commission and is entirely external to any municipal agency.

Its civilian staff, headed by a Director who reports directly to the Chief Administrative Officer, consists of investigators, each of whom must have five years of investigative experience and a college education, and administrative personnel. The scope of OMI's jurisdiction includes investigation into the following allegations defined as "misconduct":

Bribery, theft of city property, improper discharge of firearms, coercion and/or excessive use of physical force..., the performance of a lawful, legal action in an illegal or improper manner, or the violation of a law, rule or regulation which may be considered as reasonable cause for reprimand, suspension or dismissal from public employment.

Complaints may be filed at the Office of Municipal Investigation by telephone, letter or in person, during normal business hours. However, an investigator is available on a 24-hour-a-day basis to respond to the scene of a shooting. Any person may file a complaint, whether the actual victim of the alleged misconduct or not. The identity of the complainant is kept confidential and complaints may be filed anonymously. Complaints filed at police headquarters or any other municipal agency are forwarded directly to OMI.

Through issuance of special subpoena, OMI is authorized by the City Ordinance to compel the appearance of any city employee for questioning regarding matters specifically relating to the allegations of misconduct. An employee may be represented at the interview by an attorney or by any other designated individual. Statements made by an employee during the OMI interview may not be used in any criminal prosecution against that employee. Employees failing to answer questions from OMI are subject to departmental administrative disciplinary action after their respective agency head has been

instructed by the Chief Administrative Officer to so proceed. Cooperation of civilian parties is strictly on a voluntary basis. In addition, OMI reserves the right to dismiss a complaint if on its face it appears groundless.

Upon completion of the investigation, OMI submits an investigative report containing a disciplinary recommendation to the respective agency head, who in turn notifies OMI in writing as to any disciplinary action taken. If the Director of OMI concludes that the action taken by the agency head was not supported by the facts, the Chief Administrative Officer is so notified and may overrule the agency head at his or her discretion. It should be noted, however, that in the 10 years of OMI's existence the Chief Administrative Officer has never overruled the disciplinary decision of the Police Chief.

The duration of an investigation varies widely depending on the nature and complexity of the allegations. The time frame ranges from one to six months. Review of the investigation by OMI may require up to three months. However, final disposition of the complaint may require an indefinite period of time should the employee exercise his or her rights to appeal to the Civil Service Commission and to the state court.

It is reported that although OMI enjoys the cooperation of the police department, this is more the product of the realization that OMI is now a permanent fixture, its strong enabling legislation, and the absence of a police union, than a reflection of the police department's acceptance and trust of OMI. In fact the nature of the relationship remains adversarial.

OAKLAND CITIZENS' COMPLAINT BOARD

The Oakland Citizens' Complaint Board (CCB) was established by statute in 1980 to investigate and make findings regarding citizen complaints involving allegations of excessive force by members of the Oakland Police Department. In addition to its jurisdiction over force complaints, CCB may also investigate and make findings with respect to non-force complaints, but only on appeal by a party dissatisfied with the investigation and decision by the police department. CCB was created in response to numerous shooting deaths of minority citizens at the hands of police officers. CCB consists of seven private citizens appointed by the Mayor, with confirmation by the City Council. CCB employs one investigator, who should be familiar with the criminal justice system, able to interact with citizens of diverse backgrounds and who possesses good written and oral communication skills.

Complaints may be lodged with CCB by telephone, letter or in person during regular business hours. Complaints may also be filed in person at the Internal Affairs Division (IAD) of the police department. Complainants are given appropriate referral information by CCB and IAD, although the respective agencies do not exchange complaints. IAD has original jurisdiction to investigate all non-force complaints, and may investigate force complaints as well. IAD investigations are private and confidential, whereas CCB investigations are public. CCB maintains a Consent Dismissal Calendar for summary dismissal of complaints which are deemed incapable of substantiation on their face. Complainants are provided an opportunity to appear and protest the CCB's dismissal recommendations at regular CCB meetings.

To augment its investigative and review function, CCB may conduct

public hearings at which time parties and witnesses may be called to testify. Though the right to counsel attaches at the hearing, cross-examination of parties is generally avoided. CCB has the authority to subpoena citizens, but this power has been exercised only on two occasions in 11 years. Police officer cooperation in CCB investigations is generally voluntary, although the police union has entered into an agreement that requires at least 60% of the officers requested to appear before CCB do so within a one-year period. Based upon 1991 figures, 88% of the officers so requested did in fact appear before CCB at public hearings. CCB employs a preponderance of the evidence standard of proof.

CCB investigations are targeted for completion in from 30 to 45 days. CCB review normally requires an additional two to three weeks, and hearings may take several months to begin. The City Manager has final authority to act on all disciplinary findings and recommendations by CCB and/or IAD, and is solely responsible for imposing disciplinary measures on police officers. Generally, the City Manager's disciplinary decisions are implemented by the Chief of Police.

In lieu of the formal disciplinary process, a mediation procedure is available to the parties in the event they agree to such. However, it is reported that rarely do police officers agree to mediate a complaint, as it is viewed as an unfavorable attempt to elicit an apology for their actions or as an unnecessary additional layer of review. In a collaborative effort to reduce the incidence of police misconduct, the police department employs CCB complaint data, and reviews patterns and trends identified by CCB, to shape training requirements and institute policy changes. Moreover, CCB recommends to

the City Manager and the Chief of Police that police officers be subjected to specific training, monitoring or counseling based on the officers' complaint history.

SAN DIEGO CITIZEN'S LAW ENFORCEMENT REVIEW BOARD

The San Diego Citizen's Law Enforcement Review Board (CLERB) was established in 1991, via a ballot proposition amending the County Charter and Administrative Code, to receive and review citizen complaints and investigate deaths in connection with the conduct of the County of San Diego Sheriff's Department and Probation Department. CLERB was created as a result of several incidents involving the improper conduct of sheriffs. It consists of a Board of 11 members, all of whom are private citizens selected to serve three-year terms by a consensus of the five-member Board of Supervisors. The Board has been authorized to hire an Executive Officer and a civilian investigator, who must have previous investigative experience, a working knowledge of current law enforcement issues and regulations and excellent written communication skills. The scope of CLERB's jurisdiction includes investigation into the following allegations:

Use of excessive force; discrimination or sexual harassment; improper discharge of firearms; illegal search and seizure; false arrest; false reporting; criminal conduct; or misconduct.

"Misconduct" is defined as:

Improper or illegal acts, omissions or decisions directly affecting the person or property of a specific citizen by reason of: An alleged violation of any general, standing or special orders or guidelines of the Sheriff's Department or the Probation Department; An alleged violation of state or federal law; or Any act otherwise evidencing improper or unbecoming conduct.

Complaints may be filed by any interested party by telephone, letter or in person at CLERB's office. If not filed in person, the complaint is written up by CLERB staff and sent to the complainant for signature and verification under penalty of perjury. A complaint must be filed within one year of the underlying incident. It is interesting to note that CLERB must conduct an investigation whenever death arises out of officer action, whether or not a complaint has been filed.

Investigations are directed by the Executive Officer and all records gathered are kept confidential in accordance with applicable law. The enabling legislation provides CLERB with the power to subpoena witnesses and documents relevant to its investigations and to administer oaths. The legislation specifically mandates the cooperation of officers in such investigations. CLERB may at its discretion conduct an investigative hearing with accompanying testimony and cross-examination of parties and witnesses. Completed investigations are forwarded to the Board for review and recommendation to the Sheriff and Chief Probation Officer as to disposition and level of discipline. The Sheriff and the Chief Probation Officer have final disciplinary authority over their subordinate officers. At present, there is no avenue for appeal of these final disciplinary determinations.

CLERB has the discretion to handle complaints in other than a disciplinary manner and has the statutory authority to review and make recommendations regarding the policies and procedures of the Sheriff's Department and the Department of Probation. The Board is also mandated to spot and address trends in officer misconduct.

SAN FRANCISCO OFFICE OF CITIZEN COMPLAINTS/
SAN FRANCISCO POLICE COMMISSION

The San Francisco Office of Citizen Complaints (OCC) was established by voter initiative in 1982 to receive, investigate, compile written findings on and review citizen complaints against sworn members of the San Francisco Police Department. OCC, an independent civilian agency, was created as a result of serious police misconduct in response to a demonstration-turned-riot by the gay and lesbian community, and a citizen celebration following a San Francisco 49ers Super Bowl victory. The OCC staff includes a Director, Staff Attorney, Senior Investigator and 10 investigators. The Police Commission is an independent review/appeals board consisting of five members, each a private citizen appointed by the OCC Director. OCC's jurisdiction covers the following allegations of misconduct:

Unnecessary Force; Unwarranted Action; Conduct Reflecting Discredit on the Department; Neglect of Duty; Racial Slurs; Sexual Slurs; and Discourtesy.

Complaints may be filed by telephone, mail or in person with the OCC office. Complainants may also telephone or visit any police station, 24 hours a day, seven days a week. Complaints may not be filed anonymously or without having witnessed the incident. Cooperation with OCC investigations is obtained through the Commission's power of subpoena and the City Charter's mandate that all city employees must cooperate in such investigations. Once completed, investigations are reviewed by the Director, Senior Investigator and Staff Attorney for accuracy and thoroughness, as well as to ensure that the dispositional recommendation satisfies a preponderance of the evidence standard of proof.

Complainants and officers may appeal the OCC preliminary disposition through an OCC investigative hearing, granted at the discretion of the Director. An independent pro bono hearing officer presides over each hearing and may, at his or her discretion, allow cross-examination of parties and witnesses. Formal rules of evidence do not apply, but the parties do have rights to representation of their choice. The hearing officer's finding of fact is reviewed by the Director and Staff Attorney, who then render a dispositional recommendation.

OCC recommendations for sustained complaints are forwarded to the Chief of Police for review. Although the OCC has the authority to recommend a level or type of discipline, this is not done routinely. However, it is reported that OCC plans to begin recommending actual discipline in each case when an anticipated standardized department disciplinary schedule is implemented.

If the Police Chief concurs with the OCC findings and orders a verbal admonishment, written reprimand or suspension for up to 10 days, the subject officer may contest the order through a department hearing and, subsequently, a Police Commission hearing. If the Chief decides that suspension of greater than 10 days is warranted, the case is automatically forwarded to the Police Commission for a hearing. If the Chief disagrees with OCC's sustained finding, the Director, with the assistance of the Staff Attorney, may prepare charges to be forwarded to the Police Commission. Police Commission decisions are appealable only through the courts.

Investigations and OCC review of complaints containing allegations of serious misconduct are targeted for completion within six months of

receipt. Review and disposition by the Chief and/or the Commission may require an additional 6 to 12 months. Less serious, non-sustained complaints are targeted for completion within 90 days.

Based on the facts of a particular case, OCC may recommend that officers receive additional training, monitoring or counseling. The Commission may use an officer's complaint history in determining the level of discipline to be imposed. The police department routinely uses OCC complaint data in screening applicants for specialized units and promotions. OCC also gathers and reports statistics and makes recommendations regarding department policy, training and procedures. OCC is currently exploring the use of mediation on a voluntary basis where there are no allegations of unnecessary force or in one-on-one situations.

It is reported that the greatest hindrance to OCC's operation is its inability to make its findings public. The lack of public access engenders public criticism of its credibility and accountability. Negotiations are currently underway with the police union to include greater public access to OCC findings.

WASHINGTON, D.C. CIVILIAN COMPLAINT REVIEW BOARD

The D.C. Civilian Complaint Review Board (CCRB) was established in 1982 by the District of Columbia Law to receive, investigate, review and make recommendations regarding citizen complaints of misconduct by officers of the Metropolitan Police Department and the Special Police employed by the District of Columbia government. CCRB was created in response to a call by public officials and citizens for civilian participation in the review of complaints of police misconduct. CCRB

consists of a board of seven members, three of whom are appointed by the Mayor, two of whom are appointed by the D.C. Council and two of whom are members of the police department appointed by the Chief of Police and the police officers' union, respectively. The Board hires its own civilian administrative and investigative staff which includes an Executive Director, who supervises the administrative and investigative process. The Board currently employs eight investigators who at entry level must exhibit strong communication skills. Higher level investigators must possess previous investigative experience. The Board has authority to act with respect to complaints alleging:

Police harassment; Excessive use of force; or Use of language likely to demean the inherent dignity of any person to whom it was directed and to trigger disrespect for law enforcement officers.

Complaints may be filed by telephone, letter or in person at the office of the Board during normal business hours. Complaints made by telephone must be reduced to writing and signed, as are all other complaints, by the complainant. Anonymous complaints are pursued in the event they contain sufficient factual information to conduct an investigation, and when preliminary investigation indicates that the allegations are serious. No complaint may be filed more than six months after a complainant becomes or should have become aware of the incident underlying the allegations. Complaints brought to the attention of the police department are referred to CCRB. A complaint deemed frivolous on its face by the Executive Director in consultation with the Board may be dismissed prior to investigation.

If a complaint is not summarily dismissed, it is assigned for investigation. The time limit for completing the investigation is set

at 90 days. At the conclusion of the investigation, the investigator submits a report to the Board. The Board may then summarily dismiss a complaint deemed frivolous. A hearing is conducted for each case that is not so dismissed.

Any party to the proceeding may request that CCRB subpoenas be issued directing the attendance of any person before the Board to give testimony under oath and to produce relevant documents. Compliance with CCRB subpoenas may be secured in the Superior Court of the District of Columbia. Each party to the proceeding has the right to be represented by counsel, to testify, to call and examine witnesses, to introduce other evidence and to cross-examine adverse witnesses. The Board itself may call and examine witnesses as well. The Board decides by a preponderance of the evidence whether to sustain or dismiss the complaint. Final action by the Board is to occur within 120 days of receipt of the complaint. Complainants have no available means of appealing Board decisions, whereas officers may appeal decisions under the Comprehensive Merit Personnel Act.

The findings and disciplinary recommendations of the Board are transmitted to the Chief of Police. If the Chief of Police determines to take any action other than that recommended by the Board, the Mayor makes the final decision. The Mayor may uphold the Chief's recommendation, impose the recommendation of the Board or strike some compromise. However, if the Mayor does not act within 30 days, the Chief's recommendation is deemed final.

It is reported that the Board is in the midst of a two-year backlog of over 1,000 cases waiting to go to hearing. The delay engenders frustration not only with the citizenry, but also with the

police department as it removes a certain amount of its management control over employees. In turn, the Board has proposed legislation permitting it to conduct hearings before three-member panels as opposed to the full Board, as is the current policy. This plus expansion of the Board would allow it to convene more hearings.¹ The Board also anticipates initiation of a conciliation process to informally resolve complaints and alleviate part of the burden of holding a hearing for each case. It is also reported that although the Board has broad subpoena power, officers and civilians alike cannot be compelled to attend hearings or cooperate in investigations.

The Metropolitan Police Department has recently devised an "Early Warning Tracking System," in part using CCRB complaint statistics, to identify and assist members of the department whose conduct may negatively affect performance. Employees receiving a three or more complaints in a 24-month period are referred for evaluation to determine whether a behavioral problem exists. If such problem is identified, participation in an appropriate counseling program or service is recommended.

1. See "Review Board's Biggest Complaint: Too Many Cases, Too Little Time," The Washington Post, August 12, 1991, p. A-6.

HYBRID CIVILIAN COMPLAINT SYSTEMS

The majority of complaint systems from our sample reflect combined civilian and police participation in the processing of citizen complaints. What is most striking about these hybrid arrangements, however, is the varied manner in which the civilian and police elements are integrated. The most common arrangements entail independent civilian review of an internal police department investigation, with the reviewing entity issuing non-binding recommendations to the Police Chief. However, certain systems unite civilians and police at the investigative stage, through agencies either within or independent of police departments, while others combine participation at the review or disposition phase. In short, hybrid systems manifest nearly every permutation of police and civilian integration imaginable.

BALTIMORE POLICE COMPLAINT EVALUATION BOARD

The Baltimore Police Complaint Evaluation Board (CEB) was established by state statute in 1977 to review the Baltimore Police Department's investigations of citizen complaints alleging excessive force and discourtesy by police officers. The Board is composed of seven members, each of whom is the respective representative of one of the following agencies: State Attorney of Baltimore City; Attorney General of Maryland; City Solicitor of Baltimore City; Baltimore City Police Department; Legal Aid Bureau; Maryland Human Relations Commission; and Baltimore City Community Relations Commission.

Complaints may be filed by victims or any person having personal knowledge of use of excessive force or discourtesy. Complaints may be

filed at any police department facility or at the offices of any one of the aforementioned agencies. Complaints must be in writing, signed and notarized. The Internal Investigation Division of the Baltimore City Police Department (IID) conducts the investigation of each complaint and submits a report including proposed disciplinary action to the Board. Investigations are targeted for completion within 90 days from the date the complaint is filed, though actual length of an investigation depends upon the nature and complexity of the case.

The Board reviews the IID investigative report and must submit to the Police Commissioner within 30 days of receipt of the IID report a written statement of its findings and dispositional recommendations. The Board may request but not compel parties and witnesses to appear before it for the purpose of conducting further investigation. However, police officers who fail to cooperate may be subjected to administrative penalties. The Board may also remand the case to IID for further investigation. All investigative records identifying parties, witnesses and/or investigators are kept confidential and may not be disclosed to the public.

The Police Commissioner maintains final authority to substantively dispose of a complaint and to impose disciplinary measures, if merited. However, no action may be taken by the Police Commissioner until the Board's recommendations have been reviewed.

In addition to its disciplinary recommendations, the CEB may recommend that police officers be referred for specific training, monitoring or counseling as indicated by their individual complaint histories.

CHICAGO POLICE BOARD

The Chicago Police Board was established by state legislative action in 1960, and has been revised thereafter by municipal code, to serve as an independent quasi-judicial forum for adjudicating charges against members of the Chicago Police Department. The Board was created as a result of a major scandal within the police department involving allegations that officers were working in league with burglars. It is purely an appellate body containing no investigative capabilities and is entirely external to the police department. The Board consists of nine members, each appointed to a term of five years by the Mayor with the advice and consent of the City Council. The scope of the Board's authority includes:

Hearing suspension review appeals for disciplinary cases involving suspensions of six through 30 days, and conducting disciplinary hearings for suspensions in excess of thirty days, and discharges of Police Department employees with career service status.

All citizen complaints against members of the police department must first be filed with the Office of Professional Standards (OPS), an all-civilian investigative unit within the department. Complaints may be filed 24 hours a day, seven days a week, by telephone, letter or in person. OPS retains responsibility for investigating only those complaints in which excessive force is alleged. All other complaints are referred to the Internal Affairs Division (IAD) for investigation. Completed investigations are submitted to the head of OPS or IAD, each of whom is responsible for the initial review of investigations conducted by their respective units. Following this initial review, the case is forwarded to the subject officer's command for comment and further investigation. The subject officer may then request that

a Complaint Review Panel of his or her peers review the investigation. The Panel's findings are then forwarded to the Superintendent of Police, who conducts the final review and consideration.

Where the Superintendent of Police has determined to suspend a police officer for more than 30 days or to discharge an officer from the force, the department must file charges at the Police Board. A hearing officer from the Board then conducts a full evidentiary hearing on the charges, with the right to counsel and the right to cross-examine witnesses attaching. The Corporation Counsel usually represents the Superintendent in this adversarial hearing. Special subpoenas from the Board are also made available to the parties and compliance may be enforced in civil court. The Board bases its determination on hearing transcripts and the observations of the hearing officer. The Board then decides whether to sustain the Superintendent's decision, sustain the suspension and reduce the penalty or exonerate the officer. The Board's majority determination may be challenged through appeal to Cook County Circuit Court.

Where the Superintendent of Police has decided to suspend a member of the police department for between six and 30 days, the employee has the option to appeal the decision to the Police Board. In such an appeal, referred to as a "suspension review," a police officer may present a written statement and any other written evidence to the Board that may tend to exonerate the officer. The Superintendent presents to the Board a written synopsis of the investigation. There is no opportunity to conduct an evidentiary hearing or to present oral testimony. The Board may agree with the Superintendent's initial determination or impose a lesser disciplinary measure. The Board's

decision may be challenged through binding arbitration.

It is reported that the Board has of late had to grapple with the public's rather high expectations regarding its power and jurisdiction. One cited drawback is the Board's incapacity to compel parties to move forward with the hearing process, engendering delay in and frustration with the decision-making process as a whole. Grounds for frustration also lie in the fact that the Board has no authority to increase the penalty imposed by the Superintendent when appropriate and that the Board's decisions are overturned through arbitration and the courts. Additional pressure has been placed on the Board by the public's apparent reliance on the Board to alleviate the problem of crime in general.

DAYTON CITIZENS APPEAL BOARD

The Dayton Citizens Appeal Board was established by City Commission Ordinance in 1990 to hear citizen appeals of the findings of Dayton Police Department investigations into alleged misconduct by sworn or civilian members of the department. The Board was created in response to a specific, highly publicized incident involving the use of excessive force by Dayton police officers. The Board consists of five voting members appointed by the City Manager, one of which represents the legal community, one of which is a former member of the law enforcement community, and three of which are selected from among members of the community at large. The Chief of Police and an Assistant City Manager serve as ex-officio, non-voting members of the Board. The Board has a staff member who is responsible for day-to-day administrative operations.

Citizen complaints are initially filed with the police department and investigated by the Bureau of Internal Affairs. Following internal review of the investigation, the Chief of Police renders a final disciplinary decision. Citizens who are dissatisfied with the department's investigation, review and disposition of their complaint may appeal to the Board. However, appeals may not be made on the basis of the nature or level of discipline actually meted out. Only the substantive disposition may be appealed.

Citizen appeals must be made in writing, using specific appeals forms furnished to complainants, and may be submitted by mail or in person at the Board's office, any police department facility, the City Manager's office or other governmental offices. The Board has the authority to decline to hear an appeal if on its face the appeal lacks sufficient grounds. Appeals must be filed within 30 days of notification of the police department's disposition of a complaint.

After initial review of an appeal application and the department's investigation of the complaint, the Board will schedule a public hearing to bring out further facts to assist it in rendering a determination. The complainant and the subject officer(s) are invited to give voluntary testimony at the hearing. However, the Board may issue subpoenas to witnesses to the incident. During the hearing, at the discretion of the Board, opening and closing statements may be made by the complainant and officer(s), and testimony will be taken from available witnesses. However, only Board members may ask questions of witnesses; parties may not cross-examine one another. The Board may at any time following receipt of an appeal request that Internal Affairs conduct further investigation of the complaint.

A Legal Advisor, one of several who are retained on contract and assigned to each appeal, may assist the Board in its review of the investigation, testimony and other evidence. The Board employs a preponderance of the evidence standard of proof in evaluating an appeal and determining whether to concur with the investigative findings and the Chief of Police's substantive disposition.

The Board's findings and recommendations, which are a matter of public record, are submitted in writing to the City Manager for review. In fact, all Board meetings are open to the public except when discussing personnel matters or ongoing investigations. Although the Chief of Police's disciplinary determinations cannot be altered, the City Manager may meet with the Chief to discuss disparate findings and to seek a remedy to the situation.

In addition to its appellate function, the Board is also charged with the responsibility to hear monthly reports from Internal Affairs regarding cases under investigation, to review general police policies and procedures and to review recommendations made by the Firearms Committee concerning all shootings. The Board also has the authority to recommend that an officer be subjected to special training, monitoring or counseling based upon the facts of a specific incident on appeal.

DETROIT BOARD OF POLICE COMMISSIONERS/OFFICE OF THE CHIEF INVESTIGATOR

The Detroit Board of Police Commissioners (BPC)/Office of the Chief Investigator (OCI) was established by the City Charter in 1973 to receive, investigate, review and resolve citizen complaints against employees of the Detroit Police Department. BPC/OCI is an independent

agency created in response to increased racial tension and incidents between police officers and citizens, and a lack of minority input into police-community relations. Members of the BPC are appointed by the Mayor and receive stipends from the city budget. OCI employs both civilian and sworn investigators. Civilian investigators must have a college degree and a demonstrated capacity for fairness and objectivity. Police personnel assigned to OCI must possess prior investigative experience and have achieved the rank of sergeant. The scope of BPC's authority entails the following:

In consultation with the Chief of Police, establish policies, rules and regulations of the Police Department; Review and approve the department budget; Receive and resolve any complaint concerning the operation of the Police Department; Act as final authority regarding discipline of employees of the Police Department; and Make an annual report to the Mayor, the City Council, and the public of the department's activities during the previous year, including complaints and of future plans.

Acts of police misconduct within the jurisdiction of BPC/OCI include force, arrest, entry, search, harassment, demeanor, procedure, service and property.

Complaints may be filed by telephone, letter or in person at any precinct, bureau, section or unit of the police department or with OCI. Complaints may be lodged by uninvolved third parties. OCI is responsible for assigning all citizen complaints for investigation, except those of a criminal nature, which are handled by the Internal Affairs Section of the police department. The majority of cases are investigated by OCI, while the remainder are investigated by supervisory officers at the precincts or units of the subject officers.

Upon completion, OCI civilian supervisors and the BPC citizen complaint subcommittee review the investigations and issue findings and

recommendations. The BPC is responsible for final disposition for those cases investigated by OCI, and the Chief of Police is responsible for final disposition of those cases investigated by the police department. However, any case may be appealed to BPC, which then assumes ultimate disciplinary authority. All case investigations are targeted for completion within a 60-day period. Final review may require an additional 30 days. If an investigation discloses improper conduct by a police officer, a trial board hearing may be convened. BPC possesses the power to compel the attendance of complainants and officers alike through issuance of subpoenas.

OCI or BPC may also recommend to a commanding officer that a subordinate officer be monitored and/or counseled when the officer accumulates complaints which reflect a pattern of misconduct.

It is reported that the lack of cooperation of complainants and witnesses once the complaint is filed, and the reluctance of officers to come forward in support of civilian complaints against fellow officers, hinders greatly OCI's ability to complete its function.

HARTFORD POLICE DEPARTMENT INVESTIGATIVE REVIEW BOARD

The Hartford Police Department Investigative Review Board was established by City Ordinance in 1982 to review the internal investigations by the Hartford Police Department into citizen complaints of serious misconduct by police officers. The Board was created in an attempt to ensure public confidence in the police department following highly charged incidents involving alleged misconduct. The Board consists of seven members, three of which are appointed by the Human Relations Commission, three of which are

appointed by the Chief of Police, and one of which is appointed by the City Manager. The scope of the Board's jurisdiction entails reviewing investigations into the following allegations of misconduct (referred to as "Class A" complaints):

Excessive force; willful and malicious illegal arrest; unreasonable deprivation of individual rights; language, conduct or behavior derogatory of a person's race, religion, creed or national origin; corruption; criminal activity; verbal abuse; and serious violations of the department's Code, rules or procedures.

Complaints may be filed anonymously, by telephone, by letter or in person with the police department, 24 hours a day, seven days a week. Complaints may also be filed with city officials, individual police officers and at local neighborhood service centers. The Hartford Police Department's Internal Affairs Division (IAD) investigates all serious (Class A) complaints. Less serious complaints are investigated by the subject officer's supervisor. Supervisors may also attempt to reconcile minor violations or misunderstandings between officers and citizens through an informal settlement process. The police department's command staff reviews each investigation and makes disciplinary recommendations to the Chief of Police. All Class A complaints are also reviewed by the Board, which renders non-binding disciplinary recommendations to the Chief of Police.

The Board may request that the involved parties attend its meetings to give statements and assist the Board in issuing its findings and recommendations. Appearances before the Board, however, are voluntary, as the Board possesses no subpoena power and no authority to otherwise compel police officers to attend. All case investigations and reviews are targeted for completion within 30

days of accepting the complaint. However, the Chief of Police may grant extensions when warranted.

All disciplinary findings and recommendations are forwarded to the Chief of Police, who, according to the City Charter, has sole authority to impose disciplinary measures on members of the police department. Final disciplinary decisions may be appealed through the Superior Court of the State of Connecticut.

The Inspections Bureau of the police department reviews all citizen complaints in order to determine training requirements and/or identify procedural shortcomings. Furthermore, officers who receive three or more complaints in a single year, whether sustained or not, are automatically referred for retraining.

It is reported that the reluctance of officers to come forward in support of citizen complaints against other officers hinders the efficacy of the Board's operation.

INDIANAPOLIS CITIZENS POLICE COMPLAINT OFFICE/
CITIZENS POLICE COMPLAINT BOARD

The Indianapolis Citizens Police Complaint Office and Citizens Police Complaint Board were established by City-County General Ordinance in 1989, revised in 1991, to investigate and review complaints of alleged misconduct by uniformed members of the Indianapolis Police Department. The Complaint Office and Board were created as a result of police action shootings and community unrest. The Board consists of nine volunteer members, three of which are uniformed members of the police department appointed by the Mayor, three of which are private citizens appointed by the Mayor, and three

of which are private citizens appointed by the City-County Council. The Complaint Office is staffed by a full-time Executive Director and administrative personnel as determined by the Director of the Department of Public Safety. The scope of the Complaint Office and Board's jurisdiction is limited to allegations that an officer:

Used profane or abusive language or gestures toward the complainant, intentionally destroyed or damaged the real or personal property of the complainant, exceeded his/her authority as a police officer, or acted in violation of Indianapolis Police Department rules and regulations or orders.

Complaints may be filed by involved individuals at the Citizens Police Complaint Office during regular business hours. If the Complaint Office is closed, individuals may contact the Communications Branch of the police department and request that a supervisor be dispatched to address the matter. Complaints must be filed in writing within 180 days of the underlying incident and must be signed and affirmed under penalty of perjury.

Upon the filing of a complaint with the Citizens Police Complaint Office, the Executive Director may recommend to the Chief of Police that the Internal Affairs Section of the police department conduct an investigation of the complaint. The Executive Director may, on behalf of the Board, conduct a complaint investigation simultaneously with or instead of the Internal Affairs Section. Following investigation by the Internal Affairs Section, the Board, in conjunction with the Executive Director, may request that further investigation be conducted, that the recommended disposition be reconsidered or that the Executive Director conduct an investigation, if he or she has not already done so. In the alternative, the Board may decide to hold an

informal administrative hearing. The investigation, review and/or hearing is to be completed within 180 days of the date the complaint is accepted by the Complaint Office. The Board may also simply affirm the recommendation by the Internal Affairs Section and/or the Executive Director.

For the purpose of conducting a hearing, the Board has the authority to subpoena witnesses, enforceable by the county circuit or superior courts. Police officers compelled to appear before the Board at a hearing may be represented by counsel. The findings by the Board are presented at a public meeting and its dispositional recommendations may be forwarded to the Chief of Police if disciplinary action is warranted. The Chief of Police has final authority in determining whether to sustain a complaint and impose disciplinary measures. However, an officer may appeal sustained findings to a civil service Merit Board for review.

In a collaborative effort to reduce the incidence of police misconduct, the Executive Director may make recommendations to the commander of the Police Training Center regarding general matters of conduct and recurring issues that are investigated and reviewed by the Complaint Office and the Board. In addition, the Executive Director conducts a training course on citizen complaints and the police department tracks all civilian complaints for purposes of general evaluation and making promotions. However, it is reported that the Board is experiencing frustration with its lack of authority to actually impose discipline, leaving it with the feeling that there remains insufficient civilian oversight of the police department.

KANSAS CITY OFFICE OF CITIZEN COMPLAINTS

The Kansas City, Mo., Office of Citizen Complaints (OCC) was established in 1969 and operates under the authority of the Board of Police Commissioners to receive, review and make recommendations regarding citizen complaints against members of the Kansas City Police Department. OCC was created as a result of the social conditions of the 1960's, including civil unrest and police action. OCC consists of five members and a Secretary/Attorney. Four members are appointed by the Governor to serve terms of four years and the Mayor serves as an ex-officio member. OCC employs a staff of five, which includes a Director, Analysts and an Assistant. OCC has the authority to review all citizen complaints, including those alleging excessive force, abuse of authority, discourtesy and ethnic slurs (referred to as "Category I" complaints), as well as less serious complaints ("Category II" complaints).

Complaints may be filed by letter or in person with the OCC or any police facility, within 60 days of the underlying incident. All Category I complaints are investigated by Internal Affairs, whereas Category II complaints may be investigated by the subject officer's command. Internal Affairs normally is given 30 days to complete an investigation, though extensions are granted as necessary. Although citizen involvement in an investigation is voluntary, all officers must, as a condition of employment, cooperate in Internal Affairs investigations.

Upon completion, the OCC Director and Analysts review the investigation and forward their dispositional recommendations (i.e., substantiated, unsubstantiated or exonerated) to the Chief of Police

and, in the case of Category I complaints, to the Board of Police Commissioners. In the event there is disagreement between the OCC and the Chief as to the disposition of Category I complaints, the Board will render the final decision following discussion by the three reviewing parties. If there is disagreement between the Chief and OCC regarding Category II complaints, the two parties will meet and come to a decision without the Board's intervention. The Chief of Police maintains ultimate authority to determine the nature or level of discipline imposed in a substantiated complaint.

Complainants have the right to review the entire complaint investigation and may request that the case be re-opened on the basis of new or previously undisclosed evidence. Any officer suspended for 15 days or longer as a result of a citizen complaint may appeal to the Board of Police Commissioners. Hearings may be convened by the Board and the Chief to augment the investigative process.

OCC may, in cases that do not contain serious allegations of misconduct and would likely be unsubstantiated if fully investigated, recommend that a conciliation procedure be undertaken. In this voluntary process the OCC Director, the complainant and the subject officer discuss the complaint in a non-disciplinary context. OCC may also forward complaint information to the Regional Training Academy to be used as an instructional tool for the training of police cadets. Based upon the number of complaints an officer receives, an early intervention procedure may be instituted to provide special counseling.

METRO-DADE INDEPENDENT REVIEW PANEL

The Metro-Dade Independent Review Panel (IRP) was established by County Ordinance in 1980 to review and issue findings and recommendations with respect to serious complaints or grievances made against any employee of Metropolitan Dade County, including officers of the Metro-Dade Police Department. IRP was created in response to civil disorders. The Panel consists of six members, five of whom are appointed by the Board of County Commissioners, which chooses one of three nominees submitted by each of following: the Dade County Bar Association, the Dade County League of Women Voters, the Community Relations Board, the Community Action Agency and the Dade County Chiefs of Police Association. The County Manager appoints the final member from his staff. The members serve on a voluntary basis for a period of one year. IRP has a staff consisting of an Executive Director, Legal Counsel and Community Relations Specialists, who are liaisons between IRP, members of the community and governmental organizations. Community Relations Specialists assist in completion of complaint forms and carry out general administrative functions relating to the day-to-day operation of IRP. Specialists conduct preliminary investigations of complaints and meet with complainants and subject officers in order to resolve complaints. IRP is authorized to review complaints containing allegations of the following misconduct: unnecessary or excessive force; abuse of authority; discourtesy; racial or ethnic slurs; harassment; false or inaccurate reporting; and failure to act.

Complaints may be filed by telephone, letter or in person, 24 hours a day, seven days a week, at any police facility. Complaints may

also be filed in this manner during regular business hours at the IRP office. Anonymous complaints are accepted. All complaints are investigated by sergeants assigned to the police department's Professional Compliance Bureau. Completed investigations are reviewed by a panel comprised of command level police officers, which in turn forwards an investigative report, with appropriate recommendations, to the Director of the Metro-Dade Police Department for disposition. Case investigations and internal review require approximately 60 days.

Complainants, who are dissatisfied with the police department's disposition of the case, any interested party or the Police Director may request that IRP review the case. Although the Panel may hold public hearings, it possesses no power to compel attendance either by subject or witness police officers or civilians. The enabling legislation does, however, empower the Panel to compel police management to give sworn testimony and/or produce documentary evidence before it. IRP also has access to all county records and facilities. IRP review is generally completed within approximately 60 to 90 days. Upon completion of its review, the Panel forwards its findings and recommendations to the Police Director for final determination. Subject officers may, however, appeal the Director's decision in turn to the County Manager and the circuit court.

IRP may recommend that an officer be exposed to specific training, monitoring and/or counseling based on his or her performance history. The Metro-Dade Police Department employs complaint statistics and IRP recommendations in fashioning its entrance level and in-service training curricula. The department also uses complaint statistics to track trends in individual officers' conduct.

It is reported that IRP's lack of subpoena power, especially as relates to civilians, has hindered its ability to carry out its function.

MIAMI OFFICE OF PROFESSIONAL COMPLIANCE/
OFFICE OF PROFESSIONAL COMPLIANCE ADVISORY PANEL

The Miami Office of Professional Compliance (OPC) and the Office of Professional Compliance Advisory Panel were established by City Ordinance in 1980 to monitor and review Police Internal Affairs investigations into allegations of misconduct by sworn members of the City of Miami Police Department. OPC and the Advisory Panel were created in response to incidents of civil unrest and demands by the public for civilian involvement in the investigation of complaints against police officers. The Panel is comprised of 9 private citizens, each of whom are appointed by the City Commission and serve without compensation for a two-year term. OPC is composed of civilian employees of the police department, with a staff that includes a Director and two investigators. Investigators must possess a Bachelor's degree and at least two years of legal or investigative experience. OPC and the Advisory Panel are authorized to review and evaluate Internal Affairs investigations involving the following:

Unnecessary or excessive force; Discharge of firearms; Abusive treatment; Improper procedure; Harassment; Discourtesy; Missing or damaged property; Misconduct; or Neglect of duty.

Complaints may be filed by telephone, letter or in person, 24 hours a day, seven days a week, at police headquarters or any police station. Complaints may also be filed during regular business hours at the OPC office, any one of the OPC Outreach Centers or the Internal

Affairs office. As a general matter, complaints are investigated by Internal Affairs, with assigned OPC representatives monitoring and reviewing all investigative activities in progress. OPC representatives maintain regular contact with the complainant. Upon completion of the Internal Affairs investigation, the investigative report and related evidence is reviewed by the OPC representative. A report containing the representatives findings and recommendations is then submitted to the OPC Director. If OPC does not agree with the findings and recommendations by Internal Affairs, the case is returned to Internal Affairs with OPC comments in an attempt to reach agreement. If the discrepancies cannot be resolved with Internal Affairs, the case is referred up the chain of command, ending with the Chief of Police, until agreement is achieved. The City Manager may also be requested to assist in reaching an accommodation. At present, due to large volumes of case loads, completion of the investigation and review of complaints is targeted at 90 days.

Complainants who are dissatisfied with the Internal Affairs/OPC findings and recommendations may request that the OPC Advisory Panel conduct a hearing to review the investigation and render its own findings and recommendations. The Advisory Panel may compel the attendance of the complainant and subject officer(s) through issuance of subpoenas. In general, the Chief of Police has the ultimate authority to render final disciplinary decisions. However, substantiated cases may be appealed by officers to the Civil Service Board, whose findings and recommendations are presented to the City Manager for final disposition.

Based on an officer's civilian complaint history and/or the

circumstances of a particular case, OPC may recommend that an officer be referred for specific training, monitoring or counseling. In addition, the police department monitors the frequency and nature of complaints against officers and uses the information in making decisions as to discipline, training, promotion and counseling.

NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD

The New York City Civilian Complaint Review Board (CCRB) was established in its present form by amendment to the City Charter in 1987 to receive, investigate, review and make recommendations regarding civilian complaints lodged against members of the New York City Police Department. CCRB was created in response to Congressional investigations into allegations of systemic police brutality and specific highly publicized police incidents in the early 1980's. Review Boards had existed in one form or another in New York since 1953. In 1966, an entire full-time investigative unit was established within the police department to conduct investigations of citizen complaints. This unit was given its current name, the Civilian Complaint Investigative Bureau (CCIB), in 1989.

The Board consists of 12 members, six of whom are private citizens appointed by the mayor with the consent of the City Council, and six of whom are executive-level civilian managers within the police department appointed by the Police Commissioner. The CCIB investigative and administrative staff consists of both civilian and sworn members of the department. Investigators must have previous investigative experience, a college degree and a capacity for fairness and objectivity. The scope of CCRB's jurisdiction is limited to the following allegations of

police misconduct: Excessive Force, Abuse of Authority, Discourtesy and Ethnic or Racial Slurs ("FADE").

Complaints may be filed by telephone, letter or in person at any precinct station house or the CCRB/CCIB offices, 24 hours a day, seven days a week. Complaints may be made anonymously or without having witnessed the underlying incident. Complaints may also be registered with government officials, who will refer complaints to the Police Commissioner and/or CCRB. The majority of complaints filed by citizens are investigated by CCIB. However, complaints concerning a lack of police service are referred to the Chief of Department, and complaints involving police corruption are referred to the Internal Affairs Division. All CCIB case investigations are targeted for completion within 90 days of receipt of the complaint.

Investigations, once completed, are reviewed in succession by CCIB supervisory and executive personnel, both uniform and civilian, up to and including the Deputy Commissioner/Executive Director. Each, in turn, may agree with the dispositional recommendation below, disagree and render an alternative, or return the case for further investigation. The case is then referred to the Board for final review and recommendation.

The Board, operating in panels of at least three members, reviews each case investigation prior to submitting its dispositional and disciplinary-level recommendations to the Police Commissioner for final action. Upon review, the panel may agree with the recommendation below, disagree and render an alternative, return the case for further investigation, refer the case to the full Board for review or refer the case to the full Board to consider holding a hearing. The Board may

also recommend general department policy initiatives or changes to the Police Commissioner.

If the majority of the full Board so agrees, a hearing will be conducted with the CCIB Assistant Director, a civilian attorney, in the role of Hearing Officer. CCIB hearings are designed to augment the case investigation and are not adjudicative in nature. The Assistant Director will examine all available parties and witnesses, who have the right to representation by counsel, will allow the participants to make statements on their behalf, and will within her sole discretion allow parties to ask questions, through her. Although CCRB/CCIB has the power to issue subpoenas through the office of the Police Department's First Deputy Commissioner, as a general matter, the cooperation of civilian parties during a hearing or the investigation is voluntary. However, the Police Department's Patrol Guide requires that officers cooperate with official department investigations, which includes CCIB hearings. Officers who fail to cooperate are subject to immediate suspension.

Following the hearing, the Assistant Director will issue a report containing findings of fact, analyses of the examinations and dispositional recommendations to the full Board. The Board will in turn base its final recommendations to the Police Commissioner on the hearing report and the original case investigation. The Police Commissioner retains final authority to decide each case and impose disciplinary measures. The Police Commissioner's final determination may be appealed to the New York State Supreme Court through a special proceeding in which the decisions made by public officials in the course of their official duties are challenged.

Complaints that do not contain allegations of serious misconduct and that would likely be found unsubstantiated if fully investigated are eligible for procedure known as "conciliation." Conciliation is a procedure whereby the subject officer is interviewed by a CCIB captain who discusses in the hypothetical the alleged misconduct and the appropriate conduct expected in a given situation. Conciliation is conducted only if approved of by the Board (panel) and agreed to by the complainant.

At any stage of case review, based on the subject officer's complaint history, it may be recommended that the "Early Intervention Unit" of the department be notified for purposes of counseling the officer as to personal problems that may affect performance. The NYPD currently operates a performance monitoring system, using CCRB complaint statistics, to track officers who receive a threshold number of complaints in a given time period. Officers meeting the applicable criteria are exposed to enhanced monitoring, training and/or discipline. CCRB may also make general policy recommendations to the Police Commissioner after identifying areas of concern through case review.

OMAHA MAYOR'S PUBLIC SAFETY FINDING REVIEW BOARD

The Omaha Mayor's Public Safety Finding Review Board was established by Mayoral Executive Order in 1975 to hear citizen appeals of the findings of Omaha Police Division investigations into alleged inappropriate or unprofessional police conduct. The Review Board was created in response to incidents between police officers and minority members of the community. The Board consists of the Mayor, the City

Attorney, the Public Safety Director, the Human Relations Director, the Chief of Police and two volunteer members from the community, who are appointed by the Mayor.

Complaints may be filed at Police Headquarters 24 hours a day, seven days a week and by signed letter to the Chief of Police. Complaints may also be filed at the Mayor's Action Office and the Office of the Public Safety Director during regular business hours. Complaints are forwarded to the Internal Investigations Unit for investigation. Internal Investigations prepares a report documenting all investigative findings, which is forwarded directly to the Chief of Police. Upon review of the report, the Chief renders a substantive case disposition. If the complaint is sustained, the Chief will forward his disciplinary recommendation to the Public Safety Director for approval. According to the current agreement between the City of Omaha and the police union, citizen complaint investigations must be completed and the Chief/Public Safety Director's decision rendered within 30 days. It is reported, however, that this time limitation will soon be expanded to 60 days, according to a new agreement with the police union.

Police members may appeal disciplinary decisions to the City Personnel Board. Complainants dissatisfied with the outcome of the case may file an application for appeal to the Review Board. Applications must be made in writing to the Mayor within 10 days of receiving notice of the case disposition. It is within the Board's sole discretion to decide whether to hear an appeal. Complaints are notified as to the Board's decision within 30 days of filing the application. If the Board decides to hear an appeal, the complainant

may appear and give testimony. Citizen cooperation is strictly voluntary as the Board possesses no subpoena power. To conduct its review, the Board is given access to all the investigative reports regarding a complaint. The Board may either concur with the decision of the Chief of Police or make an alternate disciplinary recommendation. When the new union agreement takes effect, however, the Board's authority will be limited to merely recommending that an officer be monitored or that police policies or procedures be changed.

It is reported that the Police Division is about to initiate a training seminar in police-community relations for officers who fulfill specific complaint-related criteria.

PHOENIX DISCIPLINARY REVIEW BOARD/USE OF FORCE REVIEW BOARD

The Phoenix Disciplinary Review Board (DRB) and the Use of Force Review Board (UFRB) were established by Police Department Executive Order to review the conduct of members of the Phoenix Police Department, both sworn and civilian. DRB and UFRB were created out of public concern for including civilian input in the review of officers' interaction with members of the public. UFRB and DRB each consist of an assistant chief, two police captains, two employee peers, and two private citizens appointed by the Mayor upon recommendation of the City Council, the police department and community leaders.

Citizen complaints alleging misconduct by members of the Phoenix Police Department may be filed by any individual, anonymously, by telephone, letter or in person at any police facility. Primary responsibility for complaint investigations rests with department supervisors. However, the Internal Affairs Bureau of the police

department investigates all police shootings, use of force resulting in serious injury (i.e., hospitalization), serious allegations of misconduct and any complaint when so directed by the Chief of Police. Internal Affairs investigators and investigative supervisors have authority to order department employees to respond to inquiries. The cooperation of civilian parties is strictly voluntary. If an investigation is not completed within 45 days of receipt of the complaint, Internal Affairs will request a status report from the investigator's bureau/precinct commander. As a practical matter, the length of an investigation varies depending on the complexity of the case.

Completed investigative reports containing disciplinary recommendations are subjected to a chain of command review. If the disciplinary recommendation includes suspension, demotion or dismissal, the report proceeds to the division commander, who will, if in agreement, forward the recommendation to DRB for review. DRB reviews all reports concerning driving under the influence and sustained reports regarding criminal acts regardless of the recommendations below. DRB may be bypassed in the event an employee could be summarily dismissed from the department by the Chief of Police for a serious violation of the law or department rules. Upon review, DRB may refer a report back to unit commanders for further investigation or recommend to the Chief of Police the degree and severity of disciplinary action. DRB may not conduct hearings or further investigations.

All police shootings and use of force resulting in serious injury are automatically reviewed by UFRB. In addition, UFRB may review any use of force incident when so directed by the Chief of Police. Once

reviewed by UFRB, cases that could result in suspension, demotion or dismissal are forwarded to DRB for disciplinary recommendations. All other cases are forwarded directly to the Chief of Police with UFRB recommendations. The Chief maintains ultimate disciplinary authority.

The Phoenix Police Department employs a non-judicial, administrative process in which employees are invited to appear before the DRB and UFRB to give statements on their behalf. Department employees also have a right to appeal disciplinary decisions involving suspension, demotion or dismissal to the Civil Service Board.

Both DRB and UFRB are authorized to recommend that officers undergo special training, monitoring or counseling, either on an individual or department-wide basis, based on reported conduct. UFRB is specifically charged with examining all policies and procedures governing the administrative review of police shootings and use of force incidents, and with making recommendations regarding pertinent training methods. The department reviews annual reports on use of force and disciplinary findings as well as specific events to identify training needs, policy shortcomings and important trends and issues in policing.

PITTSBURGH OFFICE OF PROFESSIONAL STANDARDS

The Pittsburgh Office of Professional Standards (OPS) was created by the civilian Director of the Department of Public Safety to investigate allegations of misconduct lodged against any public safety employee. OPS exists within the Department of Public Safety, which encompasses the Police and Fire Bureaus, Emergency Medical Services and Building Inspections. OPS consists of a civilian Assistant Chief, a

civilian Coordinator, one police sergeant, four police detectives, one safety manager and two safety inspectors.

Civilian complaints alleging misconduct by members of the Pittsburgh Police Bureau must be filed in writing, by letter or in person, at the OPS office. OPS investigators will meet complainants and take their complaints outside the OPS office only if the complainant is unable to travel to OPS and the complaint alleges serious misconduct. Anonymous complaints are not accepted, but OPS will refer such complaints to police commanders if appropriate.

OPS investigates complaints containing allegations of serious misconduct. Less serious complaints are forwarded to police commanders for investigation. However, OPS monitors the outcome of the less serious complaints as well. Once accepted, the OPS Assistant Chief assigns complaints to OPS personnel for investigation. OPS investigations are usually closed within 14 to 28 days of acceptance. Police officers are ordered to cooperate in OPS investigations by Bureau supervisors. Officers who fail to cooperate are charged with insubordination. Following investigation, the Assistant Chief reviews the investigation and, if approved, forwards the case to the subject employee's supervisor. The investigation is then exposed to review through the Police Bureau's chain of command up to and including the Chief of Police. The Chief of Police then makes a final disciplinary recommendation to the Director of Public Safety, who exercises ultimate authority to approve disciplinary determinations by the Police Bureau.

Complaints that result in imposition of disciplinary penalties are appealable through established grievance procedures. If a grievance is filed, the case goes to an arbitration hearing where the parties may

be represented by counsel and testify on their own behalf.

It is reported that OPS is formulating an "early identification" program to proactively address the incidence of employee misconduct. Presently, based upon the facts of a sustained cases, police officers may be subjected to retraining, and policies and procedures may be reevaluated.

PORTLAND POLICE INTERNAL INVESTIGATIONS
AUDITING COMMITTEE/CITIZEN ADVISERS COMMITTEE

The Portland Police Internal Investigations Auditing Committee (PIIAC) is a committee of the Portland City Council empowered to oversee the entire Internal Investigations Division (IID) of the Portland Police Bureau. The Citizen Advisers Committee was established in 1982, by enactment of Council Ordinance, and was delegated PIIAC's authority to review investigations by IID into allegations of police misconduct. The PIIAC Citizen Advisers Committee was created in response to a series of scandalous incidents in which police officers displayed racist attitudes and engaged in illegal conduct. The Citizen Advisers are a group of 11 private citizens, three of whom are appointed by the Mayor, and eight of whom are appointed by four Council members, each of whom appoint two advisers. The City Auditor's Office assigns staff members to the Citizen Advisers to provide administrative support. The Citizen Advisers have the authority to review the following allegations of misconduct:

Excessive Force; Abuse of Authority; Discourtesy; Racial or Ethnic Slur; Theft of Property; General Misconduct; and Improper Performance of Duties (procedurally).

Complaints may be filed either at the Internal Investigations

Division or at any local precinct. Complainants who telephone or write are provided a complaint form to complete. Investigation and internal review of complaints may take anywhere from three to 10 months depending on their nature and severity. The investigations of minor complaints are generally conducted by precinct commanders. IID investigates the more serious complaints to determine if evidence supports disciplinary proceedings. If the subject officer has received numerous complaints or the IID commander decides that the case merits more formal review, a Review Level Committee, consisting of deputy chiefs, a legal adviser and a personnel commander, is convened to make the disciplinary decision. All disciplinary determinations are finally decided by the Commissioner of Police, currently the Mayor.

The Citizen Advisers have the authority to review all IID investigations into police misconduct. As a practical matter, however, the Citizen Advisers review only those cases brought to them on appeal by citizens or police officers dissatisfied with the handling of the case or the Police Bureau's findings. The Citizen Advisers are authorized to conduct informal hearings where the evidence gathered in the course of the investigation is reviewed and the parties are given an opportunity to make statements. However, the parties have no rights to representation or cross-examination, nor may they introduce new evidence. The Citizen Advisers may compel citizens to attend the hearings through the authority of the City Council/PIIAC to issue subpoenas. As city employees, police officers are compelled to respond to City Council directives, on behalf of the Citizen Advisers, to attend hearings. Following a hearing, the Citizen Advisers may, through the City Council, recommend further investigation, recommend

that the dispositional finding be changed and/or request further information from the Police Chief in regard to the case.

Citizen Advisers may in general recommend to the City Council improvements in the investigative process and report on significant issues and patterns of conduct. It is reported, however, that the appeals hearings dominate the review process. The Citizen Advisers are apparently contemplating means less formal than the current investigation and hearing process to resolve the frivolous or less serious cases, in order to allow the IID detectives and the Citizen Advisers to concentrate on the more serious cases. This would also serve to alleviate citizens' reported frustrations with the stringent evidentiary criteria of the formal disciplinary process and a reviewing entity with no power to impose discipline. There is also reported concern with the fact that the Citizen Advisers can seldom even recommend a changed disciplinary finding due to the limited scope of the hearings.

PRINCE GEORGE'S COUNTY CITIZEN COMPLAINT OVERSIGHT PANEL

The Prince George's County Citizen Complaint Oversight Panel (CCOP) was established by legislation enacted by the County Council in 1990. It is mandated to review investigations conducted by the Prince George's County Police Department and/or the Prince George's County Human Relations Commission (HRC) into allegations of misconduct by members of the police department. CCOP is purely an independent oversight agency, with no investigative authority of its own, created in response to highly publicized allegations of police brutality. CCOP is composed of seven members, each of whom is appointed by the County

Executive, with confirmation by the County Council, to a term of two years. Members may not be employees or elected officials of the city or state, candidates for such office or employed by any law enforcement organization. The County Executive provides appropriate administrative staff to CCOP, including an Administrator, who advises CCOP on all legal issues and is responsible for the day-to-day operations of the office, and an Administrative Assistant. The Panel's jurisdiction is limited to reviewing investigations into allegations of excessive force, abusive language and/or harassment.

Complaints may be filed by the aggrieved individual or his or her representative, in writing on the required forms, at any police department facility, the Human Relations Commission or the CCOP office. Complaints alleging excessive force must be verified and filed within 90 days of the underlying incident.

Upon receipt of a complaint, the Internal Affairs Division (IAD) of the police department is required to begin an investigation within a "reasonable" amount of time (ordinarily 30 days). This investigation may take anywhere from 60 days to several months. Within 24 hours of receipt of the IAD investigative report, the Chief of Police must send a copy to CCOP and notify HRC that the investigation has been completed. HRC must conduct an independent investigation and report its findings to CCOP within 20 days of completion of the IAD investigation.

Once CCOP has received the IAD report, it has 30 working days to submit to the Chief of Police its comments and recommendations as to the completeness and impartiality of the IAD investigation, as well as to the specific disposition of the case. CCOP's comments and

recommendations must be based solely upon the original complaint, the IAD report, the HRC report (if one is completed within the time allotted) and the statements of IAD and HRC staff, who may be requested to attend CCOP meetings to provide clarification of the respective reports. CCOP may not inquire of anyone other than IAD or HRC staff nor may it conduct an independent investigation of the allegations. The Panel may request a two-week extension in which to render its decisions, but if it is unable to complete its deliberations within the time allowed, the IAD report and the HRC report is forwarded to the Chief of Police without CCOP recommendations. CCOP determinations are based upon a clear and convincing evidence standard of proof.

In the event CCOP recommends that an allegation be sustained, the matter is referred to the Chief of Police so that a trial board may be convened. If the subject officer is found guilty by the trial board, the Chief will then determine the disciplinary measures to be imposed. (CCOP does not recommend specific levels of discipline.) Convictions by the trial board may be appealed to the Prince George's County Circuit Court.

CCOP may make public its comments and recommendations no sooner than one working day after submission to the Chief of Police. The public statement may also contain a synopsis of the complaint but generally will not disclose the identities of the parties, unless such has occurred through other sources. Under no circumstances will CCOP disclose the identity of witnesses to an occurrence.

It is reported that informal meetings between CCOP and members of HRC and the police department have led to concrete improvements in the investigative process. It is also reported, however, that constraints

written into the CCOP enabling legislation have served to hinder the review process. For example, limiting CCOP review to only that material contained in the written case file, without benefit of hearing testimony from the parties or witnesses, has created difficulties for the Panel in evaluating the credibility of parties, especially in one-on-one encounters. A further problem relating to the issue of credibility is reported to arise due to the statutory requirement to exonerate a police officer in the absence of clear and convincing evidence. Of additional concern is the time limit in which HRC must complete its investigation, particularly in light of the limits imposed on CCOP for submitting its recommendations. The Panel has noted that IAD reports have been augmented by HRC reports and that the absence of HRC reports due to the time constraints may have detracted from CCOP deliberations. In contrast, it is reported that the lack of a statutory time limit on the completion of the IAD reports may cause difficulty in acquiring witnesses and leads, perhaps engendering adverse public perception of the timeliness of the process as a whole.

ROCHESTER COMPLAINT INVESTIGATION COMMITTEE

The Rochester Complaint Investigation Committee (CIC) was established by City Council Resolution in 1977 to review citizen complaints of police misconduct investigated by the Rochester Police Department. CIC was created in response to public outcry for greater citizen participation in the internal investigation and review process. CIC consists of four members: two civilian mediators appointed by the Rochester Center for Dispute Settlement and two command officers appointed by the police department. The civilian members of the

Committee must complete 16 hours of classroom training in such areas as the police disciplinary process and department rules and regulations. Members must also complete an apprenticeship which includes a ride-along with an officer while on duty and participation in actual CIC review.

Civilian complaints may be filed at any police station, the Professional Standards Section of the Rochester Police Department or the Center for Dispute Settlement. Complaints may also be filed by writing directly to the Chief of Police or dialing 911 to request that a commanding officer respond. The Professional Standards Section is responsible for investigating all citizen complaints. Completed investigations are reviewed in turn by the investigating officer's commanding officer and the Police Chief. If it is determined that the subject officer's conduct amounts to a crime, or if the Police Chief so designates, the case is scheduled for CIC review. All case investigations are targeted for completion and forwarding to CIC within 90 days of filing. Citizen cooperation in investigations is strictly voluntary, whereas police officers must cooperate with department investigations or face disciplinary action.

CIC reviews case investigations to ensure fairness, thoroughness and timeliness, and to make dispositional recommendations to the Chief of Police. Committee members may return the case to the investigating officer if further investigation is warranted. The Committee, within its recommendation to the Police Chief, may also express concerns as to procedural, remedial, investigative and training issues arising during case review. The Chief maintains final authority to render complaint dispositions following receipt of CIC recommendations.

According to New York State Civil Service Law, an officer officially charged with misconduct has the right to an administrative trial. Such trials include the right to be represented by counsel and to cross-examine parties and witnesses.

The Rochester Police Department employs a performance monitoring system that uses civilian complaint statistics to track officers who have received three or more complaints in an 18-month time period. Officers who fulfill these criteria may receive special training depending on the nature of the allegations filed against them.

The City of Rochester has instituted a voluntary conciliation process whereby the complainant and the subject officer(s) are brought together in a neutral forum to resolve misunderstandings. The procedure is conducted by a third party trained by the Center for Dispute Settlement and is private and confidential.

Of great concern to CIC is the fact that many members of the Rochester community are unaware of the manner in which the complaint mechanism works, if not of the fact it exists at all.

SAN DIEGO CITIZENS' REVIEW BOARD ON POLICE PRACTICES

The San Diego Citizens' Review Board on Police Practices was established by a voter-approved City Proposition in 1988 to review San Diego Police Department internal investigations of complaints of serious misconduct by police officers. The Board was created to enhance public trust in the police department, which had diminished as a result of incidents involving the questionable use of excessive force. The Board consists of 19 volunteer members appointed by the City Manager. The Board is authorized to review the following

allegations of misconduct (referred to as "Category I" complaints): Excessive Force; False Arrest; Discrimination; Criminal Conduct; and Racial/Ethnic Slurs. The Board also reviews investigations relating to officer-involved shootings resulting in injury or death.

Complaints may be filed at any police facility, or with any member of the department, by telephone, letter or in person. Complaints may also be lodged with the City Manager's office. Category I complaints are investigated by the Internal Affairs Unit or the Professional Standards Unit of the police department. Less serious complaints (referred to as "Category II" complaints) are investigated by Internal Affairs or the subject officer's command. Category II complaints included Improper Procedure; Poor Police Service; Discourtesy; and Conduct Unbecoming an Officer. All complaint investigations are reviewed by lieutenants assigned to Internal Affairs. Category I complaints are also reviewed by a captain and an assistant chief assigned to the Office of Professional Standards.

Complaint investigations are to be completed within 30 days of filing. The Board, functioning in panels of three members each, is given 10 days in which to review the investigation. Following panel review, the case proceeds to the full Board for review. The Board's findings and recommendations are then forwarded to the subject officer's command for review before going to the Chief of Police for final disposition. The Board has no authority to conduct hearings. In the event the Board fails to complete its review within the allotted time, the case progresses to resolution without Board participation.

Officers may appeal the findings of an investigation through an internal discipline appeal system. Complainants dissatisfied with

findings may contact the District Attorney, the City Prosecutor, the Mayor, the City Council, the State Attorney General or the FBI to request that the case receive further attention.

In addition to its dispositional recommendations, the Board may identify officers displaying a pattern of conduct resulting in complaints and recommend that special counseling be instituted.

VIRGINIA BEACH INVESTIGATIVE REVIEW PANEL

The Virginia Beach Investigative Review Panel (IRP) was established by the City Council in 1991 to hear citizen appeals of Virginia Beach Police Department investigative findings concerning alleged police misconduct. IRP was created as a result of a highly publicized incident of police brutality and a local newspaper's expose on police brutality. The Panel consists of five members, plus two alternates, each of whom is a private citizen appointed by the City Manager. The Panel is authorized to hear appeals on all matters involving police misconduct, including unnecessary force, criminal violations and less serious allegations.

Civilian complaints may be filed by telephone, letter or in person, at any time with any police facility, police supervisor or the Office of Inspections and Internal Affairs of the police department. If requested, investigators will meet complainants at any location in Virginia Beach to take a complaint. Internal Affairs officers investigate all complaints alleging serious misconduct. Allegations of a less serious nature may be investigated by field commands. Investigations are reviewed through the chain of command, which issues disciplinary findings and recommendations for the Police Chief's final

approval. Complaint investigations must be completed within 30 days of filing and command review must be completed within 20 days of the close of the investigation.

Upon receipt of the police department's complaint disposition, the complainant has 15 calendar days to request IRP review of the substantive determination. The Panel may not accept citizen appeals based merely on the nature or extent of disciplinary measures imposed by the Chief of Police. The Panel may, however, at its discretion, defer a request or refuse to hear an appeal. The Panel must conduct a hearing within 30 days of accepting an appeal.

IRP possesses no subpoena power. Citizen participation at a hearing is purely on a voluntary basis, whereas the City Manager may require the attendance of police officers as city employees. Complainants may invite witnesses to give statements at the hearing. The Panel will notify the City Manager of its findings and recommendations within five days of completing a hearing. The City Manager has ultimate authority to render disciplinary decisions and impose penalties. Police officers may appeal any disciplinary action resulting from a citizen complaint through the City Personnel Board.

WICHITA CITY MANAGER'S POLICE REVIEW BOARD

The Wichita City Manager's Police Review Board was established by an Administrative Regulation authorized by the City Manager in 1990. The Board is authorized to hear appeals of citizen complaints against officers of the Wichita Police Department, and to review police activity when a matter is referred to the Board by the City Manager or at the direction of the City Council. The Board was created in

response to a call by the public to include civilian participation in review of complaints. The Board consists of the City Manager (or designee); the Human Services Director (or designee); the Personnel Director (or designee); and a representative of the Community Relations Task Force appointed by the City Manager. The City Manager may also appoint additional members with recognized expertise in pertinent matters or whose position in the community is deemed beneficial for addressing specific matters or concerns. The Chief of Police serves as an ex-officio member of the Board and the Director of Law (or designee) provides legal counsel to the Board.

Citizen complaints may be filed 24 hours a day, seven days a week with the Internal Affairs Section of the Wichita Police Department. Complaint investigations are conducted by members of Internal Affairs, who prepare investigative reports containing dispositional findings. Complainants are notified of the results of the investigation and are afforded the opportunity to meet and discuss with police management personnel the findings of the case. When a finding of sustained is reported, the Chief of Police exercises final authority to impose appropriate disciplinary penalties.

A complainant who is dissatisfied with the findings of an investigation by the police department may appeal and request a hearing before the Board. Requests for appeals must be filed in writing with either the office of the Chief of Police or the City Manager, within 10 days of receipt of the results of the investigation. Only appeals regarding the substantive disposition of a complaint will be accepted. Appeals as to the nature or extent of disciplinary action taken against a police officer are not accepted. Disciplinary action is a personnel

matter that is kept confidential.

Board hearings are administrative in nature and provide the complainant and the subject officer(s) the opportunity to present evidence in their own behalf. The Chief of Police may order police officers to appear before the Board. Hearings are closed to the public unless the City Manager, with the agreement of all parties, decides otherwise. After hearing the appeal, the Board advises the City Manager in writing of its findings and recommendations. The City Manager's disciplinary determination is final. All deliberations and recommendations of the Board are maintained as confidential unless the City Manager deems it appropriate to release certain case information.

INTERNAL CIVILIAN COMPLAINT SYSTEMS

The internal civilian complaint processes employed by the police departments in our sample tend to adhere closely to a general model followed by the vast majority of police departments. Complaint receipt by police personnel at any police facility, at any time, is followed by an internal affairs investigation, a chain of command review and a final decision by the Police Chief. Often, the subject officer's command will attempt to settle informally the issue with the complainant prior to investigation, or will itself conduct the investigation, in the case of minor allegations of misconduct. Departmental review or trial boards may also be convened to advise and make recommendations to the Chief.

The investigation of a citizen complaint is invariably conducted in the same manner as any police investigation, with statements of the parties taken and documentary evidence collected.

FORT WORTH POLICE DEPARTMENT

The Fort Worth Police Department maintains complete authority to investigate, review and decide civilian complaints lodged against officers of the department. Complaints may be filed by telephone or in person, 24 hours a day, seven days a week, at any police department facility or with any supervisory personnel. Complaints are also accepted from anonymous sources and may be filed with other government officials, attorneys or with various citizen organizations.

The Internal Affairs Section of the department is charged with investigating allegations of serious misconduct, such as excessive

force, abuse of authority, illegal search or arrest and procedural violations. The subject officer's chain of command will investigate minor allegations, including discourtesy or rudeness. Department employees are required by General Orders to cooperate with official investigations, and Internal Affairs personnel have the authority to order employees to cooperate with specific investigations. Failure to cooperate would result in immediate suspension from the department. Civilian parties cooperate strictly on a voluntary basis. All case investigations are targeted for completion within 90 days of receipt of the complaint. State law requires that case investigations be completed within 180 days of the underlying incident. Subject officers' supervisors have the authority to attempt to informally resolve the issue with the complainant during the initial investigation.

Completed investigations are first reviewed by the Internal Affairs commander. The case is then forwarded to the subject's chain of command for review and comment. Each person in the chain of command issues a disciplinary recommendation. Depending on the severity of the allegations and the penalty recommended, a Pre-Disciplinary Review Board may be convened to render additional recommendations before the case goes to the Chief of Police for final determination. The Review Board consists of upper management personnel and one officer of equal rank to that of the subject.

According to Texas Civil Service Law, department employees have the right to appeal any disciplinary actions that entail the loss of wages to the Civil Service Commission or a third party arbitrator. The Civil Service Board consists of three local residents appointed by the

Mayor. Both means of appeal entail a full evidentiary hearing where the parties are entitled to representation by counsel.

The Fort Worth Police Department operates a performance monitoring system which tracks officers who have received a threshold number of complaints in a specific time period. Identified officers are subject to special training and/or discipline.

NASHVILLE METROPOLITAN POLICE DEPARTMENT

The Metropolitan Police Department has sole responsibility to receive, investigate, review and dispose of citizen complaints alleging misconduct by police officers. Complaints may be filed by telephone, letter or in person, at any police facility during regular duty hours. Complaints containing serious allegations of misconduct may be filed at any time with field supervisors. At the time of the initial complaint, a supervisor may have the complainant and officer meet in an attempt to resolve the matter informally.

Complaints that cannot be resolved informally are investigated either by the subject officer's immediate supervisor or by the Internal Security Section of the department. Investigations are targeted for completion within 30 days of filing. However, most investigations require a longer period of time. A Disciplinary Board made up of members of various ranks of the department reviews the case and issues a disciplinary finding. The Chief of Police also reviews the case and has ultimate authority to render a decision.

Police officers may appeal disciplinary decisions to the Civil Service Commission and then to civil court. Complainants dissatisfied with the disposition of a case may file suit in the appropriate court.

It is reported that the failure of officers, complainants and especially witnesses to cooperate in and/or pursue investigations has been detrimental to the departments ability to resolve complaints.

ORLANDO POLICE DEPARTMENT

The City of Orlando Police Department has sole authority to receive, investigate, review and dispose of citizen complaints alleging misconduct by members of the department. Allegations of misconduct include excessive force, abuse of authority and discourtesy, which includes ethnic or racial slurs. Complaints may be filed 24 hours a day, seven days a week by telephone, letter or in person at any department facility. Complaints may also be filed during regular business hours at the Internal Affairs Section of the police department. Recorded telephone messages left with Internal Affairs outside of normal business hours will be returned by an investigator the next morning.

As a general matter, citizen complaint investigations are conducted by Internal Affairs. Upon receipt of a complaint, an Internal Affairs Sergeant assigns the case to one of the five police officers assigned to Internal Affairs. The cooperation of civilian parties is purely voluntary, whereas department policy requires employees to cooperate with official investigations or face immediate suspension. Completed investigations, along with the investigator's findings and dispositional recommendations, are reviewed first through the Internal Affairs chain of command, and then through the department's chain of command ending with the Chief of Police. Each reviewer may, in turn, agree with the findings and recommendations

below, disagree and render alternative findings and recommendations, or return the case for further investigation.

Investigations are targeted for completion in 30 days. The entire review process requires, on average, approximately 90 additional days. The Chief of Police exercises ultimate disciplinary authority over members of the department, except in the event his decision is appealed to a federal arbitrator, who will render the final decision as per collective bargaining agreement.

Along with the dispositional recommendations, each person in the chain of command may recommend that an officer receive special training, monitoring or counseling based on the officer's complaint history. However, the final decision to impose such measures rests with the bureau commander. In addition, when an officer accumulates a threshold number of complaints, a supervisor reviews the officer's record to identify patterns of conduct and possible problem areas.

SAN ANTONIO POLICE DEPARTMENT ADVISORY ACTION COMMITTEE

The San Antonio Police Department Advisory Action Committee was established in 1982 to review civilian complaints against police officers. The Committee was a product of a bargaining agreement that also provided for civil service review of disciplinary decisions against police officers. The Committee consists of seven members: a deputy chief, a captain, a lieutenant, two detectives and two patrol officers. The ranking officers serve for periods of one year, while the detectives and patrol officers serve on a voluntary basis for periods of two months. The detectives and patrol officers must be in good standing, i.e., have not received complaints in the previous year.

Complaints may be filed by telephone, letter or in person at any police department facility, 24 hours a day, seven days a week. In order for an officer to receive any disciplinary action with respect to a serious complaint (e.g., excessive force), however, the complainant must complete a sworn statement and provide a witness. Complaint investigations begin with the subject officer's immediate supervisor. In the event the supervisor determines that the allegations are not administrative in nature, the complaint is forwarded to Internal Affairs for review and any further investigation required.

The Advisory Action Committee reviews the investigation and forwards its recommendations to the Police Chief for final recommendation. Disciplinary action recommendations must be presented within 180 days after the complaint is filed. Although civilians cannot be compelled to appear before the Committee, officers must cooperate according to the general police manual. If the subject officer feels the recommended discipline is too severe or unjust, he or she may request a Civil Service Commission Review Hearing. A Civil Service Commission Arbitrator renders a final disciplinary decision following the hearing.

The Advisory Committee may recommend that a subject officer receive specified training based on his or her personnel history. The department maintains an active file on targeted officers for a period of six months, during which time the officers' conduct is monitored and reviewed.

SEATTLE POLICE DEPARTMENT

The Seattle Police Department maintains exclusive authority to investigate, review and dispose of citizen complaints alleging misconduct by sworn and nonsworn members of the department. Complaints may be filed by telephone, letter or in person with any member of the department or with the Internal Investigations Section. Other city agencies will also accept complaints and forward them to the department. Sworn members of the department, of the rank of sergeant or above, assigned to Internal Investigations investigate all allegations of employee misconduct, except if the complaint involves Internal Investigations personnel. In such cases, the Chief of Police will assign personnel from other divisions within the department to conduct the complaint investigations. Complaints that do not contain allegations of serious misconduct may be forwarded to the subject employee's supervisor for investigation and informal disposition or for information purposes. The Internal Investigations Section was established by City Council legislation in 1968 in response to numerous complaints of police brutality and violations of civil rights.

Department policy mandates that all employees cooperate in departmental investigations when so directed. Employees who fail to cooperate are subject to immediate suspension or termination. Citizen participation in investigations is voluntary. Review of the investigation is targeted to begin within 90 days of notifying the subject of the initiation of an investigation. Completed investigations containing dispositional recommendations are reviewed by the subject employee's chain of command. Each reviewer may, in turn, agree with the recommendations below, disagree and render alternative

recommendations, or return the case for further investigation. The Chief of Police renders final case disposition following receipt of the recommendations of the subject employee's chain of command.

Citizens who are dissatisfied with the final disposition may request that the Chief of Police convene a Complaint Advisory Board to review the matter. Officers may also request Board review when a sustained finding results in suspension, demotion or dismissal from the department. The Board, comprised of department personnel, conducts a hearing that is closed to the public but includes an independent observer appointed by the Mayor. The Department Advocate represents the complainants' interests at the hearing, while subject employees may seek representation of their choosing. The parties' representatives are permitted to question the parties and any available witnesses. Following the hearing, the Board will submit dispositional recommendations to the Chief of Police for final determination.

In the event an officer accumulates three or more complaints within a 90-day period, five or more complaints within a 12-month period or displays a troubling pattern of conduct, an administrative review is conducted by the officer's chain of command. A report containing findings and recommendations is then submitted to the Chief of Police. Recommendations may include additional or remedial training, mandatory psychological evaluation or counseling, and/or special monitoring.

It is reported that investigations are frustrated by a lack of cooperation by complainants and police personnel alike.

ANALYSIS

The examination of the individual civilian complaint systems pointed up several key recurring issues and features, which are discussed in the following section.

Dispositional Categories

Though there exist both major and subtle variations in the mechanisms by which complaints are decided, the actual dispositions themselves are basically uniform. Invariably, complaint agencies employ the following substantive dispositional categories: Substantiated/Sustained: the alleged act of misconduct occurred; Unsubstantiated/Unsustained: there existed insufficient evidence to clearly prove or disprove the allegation; Exonerated: the alleged act occurred but the officer's conduct was lawful and proper; and Unfounded: the alleged act of misconduct did not occur. Certain jurisdictions also employ a substantive dispositional category that indicates that a punishable act of misconduct not initially alleged in the complaint was revealed in the course of the investigation. Many agencies use non-substantive dispositional categories to cover situations where the complaint was withdrawn, the complainant/victim was uncooperative or unavailable, or the officer remained unidentified. Agency decision makers may even apply multiple dispositions in a single case in order to be as informative as possible as to the particular facts and the controlling considerations involved in the determination.

Cooperation of the Parties to a Complaint

Agencies that cited hindrances to their ability to carry out their mandate invariably complained of the reluctance of police officers to come forward in support of allegations of fellow officers' misconduct, especially where the investigating entity included civilian participation. (See, e.g., Detroit; Hartford.) Moreover, many jurisdictions lamented officers' general uncooperativeness in or resistance to investigations of citizen complaints, despite the fact that the vast majority of complaint systems incorporated some provision mandating officer and police department cooperation in the investigation of complaints. (See, e.g., Honolulu; Minneapolis; Seattle; Washington D.C.) Internal and hybrid systems generally rely upon departmental orders and/or collective bargaining agreements to gain officer cooperation as a condition of employment. External agencies generally must rely on their enabling legislation to prescribe officer cooperation as a condition of employment and/or to confer upon them subpoena power over officers. (The Fifth Amendment rights of police officers are generally protected by guaranteeing that information divulged during an official investigation will not be used in any subsequent criminal proceeding.) Agency subpoena power also normally extends to the production of departmental records. These provisions, however, only address the issue of cooperation on a certain level. For the fact remains that subpoenas and even legislation may be challenged through protracted and costly litigation, and, more importantly, compelling an appearance at an investigative interview or hearing does not guarantee real cooperation.

Meaningful cooperation by police officers will only be derived

from the recognition that successful policing is critically dependent upon the citizenry's confidence and trust in the police force, which is in turn fostered by an effective civilian complaint system. Such recognition begins with the executive and legislative branches of the municipal governments sending the strongest possible message of support for respective complaint agencies through strong legislation, adequate funding and appropriate policy initiatives. The recognition is further encouraged by police departments' displaying strong support for their respective complaint agencies through general policy initiatives and pronouncements, through specific programs designed to identify and monitor recidivist officers, by engaging in intensive and pointed officer training, and by meting out swift and sure discipline in the face of proven misconduct.

It should be noted, however, that many responding agencies also regretted the lack of cooperation exhibited by civilian parties and witnesses to complaints. (See, e.g., Detroit; Metro-Dade; Nashville.) Although some jurisdictions possess the means by which to compel civilians to appear during investigations and/or evidentiary hearings through issuance of subpoenas, such methods are rarely used. This general policy of noncompulsion is premised on the notion that a civilian complaint system that coerces citizen participation is fundamentally at odds with its particular mandate to serve the public. However, the due process and civil service rights of police officers must also be satisfied. And for a complaint system to function as designed, that is, to identify and punish offending police officers, to prevent or deter future police misconduct and to provide the public a means of redressing such misconduct, thereby instilling confidence and

trust in the police force, citizens must come forward with and pursue to conclusion their allegations of police misconduct.

Agency Accessibility

A further obstacle to participation in the complaint process may be a lack of public awareness that oversight agencies exist. (See, e.g., Rochester.) The systematic dissemination of information regarding the function, operation and goals of the complaint process is an essential component of a successful system. Public meetings hosted or attended by agency representatives, general community outreach and/or mass media advertising are viable options by which to inform the public. The demonstrated accessibility of the agency and its individual members promotes confidence and trust in the complaint process in general.

Advertising may, however, be resisted by internal or hybrid complaint operations because successful campaigns may result in increased filing of civilian complaints, which reflects poorly on the police department. It must be noted, however, that an increase in the number of complaints filed does not necessarily mean that officers are engaging in increasingly abusive conduct. Enlargement of the patrol force, shifting patrol strategies and policies, special operations, changes in the way complaint statistics are kept, media coverage of events, increased public awareness, and many other factors may contribute to a rise in complaints, though there exists no appreciable increase in misconduct.

Complaint entities independent of police departments generally have less resources to engage in publicity programs, hire staff,

operate outside regular business hours and maintain locations to receive complaints, thereby limiting access to the complaint process. These agencies are also apt to impose a time limit or statute of limitations on filing a complaint, and a requirement that complaints be in writing, signed and attested to under penalty of perjury. (See, e.g., Honolulu; Indianapolis; San Diego-Sheriff.) These conditions are also attributable to limited assets in that each helps to sift out unenthusiastic complainants or to ensure that scarce investigative resources are dispersed in a timely and economical fashion. Police department policies of generally not imposing filing restrictions is attributable not only to their physical and financial resources, but to the necessity of appearing ready, willing and able to accept any and all complaints of officer misconduct.

Another important issue relating to general complaint agency accessibility is public disclosure of disciplinary recommendations and/or determinations. Most agencies maintain their records as confidential, disclosing only pertinent dispositional information to the parties. This is often based on the requirements of state or local civil service or civil rights law. Such confidentiality also serves to engender unfettered complainant and witness cooperation in the complaint process. However, the lack of public access to agency findings as well as the lack of public knowledge of specific complaints may result in the questioning of agency credibility and accountability to the citizenry. (See, e.g., San Francisco.) A just compromise, forged in differing detail in some jurisdictions by community representatives, elected officials and police unions, calls for the public dissemination of findings and recommendations without disclosing

the identities of the parties and witnesses to the complaint. Through this mechanism, the valid considerations of protecting the identities of the parties as well as the public's right to know are accommodated. (See, e.g., Prince George's County; Wichita.) It should be noted that many civilian complaint review agencies publish periodic or annual reports containing some version of this information, along with general descriptive matter designed to increase public knowledge of their function and procedures.

Evidentiary Hearings

Most external and hybrid complaint systems provide the opportunity for the parties to confront one another at evidentiary hearings, as described in detail within the body of this report. These hearings may protect, albeit somewhat informally, vital constitutional rights. They may bring into focus and illuminate the otherwise obscured facts and circumstances surrounding a citizen complaint, facilitating its just resolution. However, hearings, logistically cumbersome and resource-consuming under the best of circumstances, can also overburden a complaint system. When they must be conducted by a complaint agency that is already overworked, understaffed, underfinanced and/or underexperienced, as many of the newer external and hybrid agencies are, the results may be disastrous. (See, e.g., Minneapolis; Washington D.C.) It has been suggested that, through amending enabling legislation or operating procedures, these agencies be afforded the discretion to conduct hearings only in selected cases, or that their capacity to hear cases be increased through altering the reviewing entities' structure. (See, e.g., Minneapolis; Portland; Washington

D.C.) In this manner they may avoid paralyzing backlogs of cases, and the concomitant frustration-producing delays in their resolution.

Informal Settlement of Complaints

Most of the complaint systems surveyed employ, or anticipate employing, some type of informal mechanism to settle complaints. Use of these mechanisms generally occurs in cases involving relatively minor allegations, prior to conducting a full investigation, and is not reflected on the subject officer's personnel record. They may be as informal as a face-to-face encounter between the complainant, the subject officer and a police supervisor at the station house (a method employed by most internal agencies), where a simple misunderstanding is resolved, or they may take the form of a mediation or conciliation proceeding. (See, e.g., Kansas City; Nashville; New York; Oakland; Rochester.) These informal procedures are engaged in only with the consent of the complainant, and in certain instances require the subject officer's consent as well.

Informal methods of complaint settlement are valuable for the following reasons: complainants are satisfied that their grievances have been addressed directly and brought to resolution; subject officers are to some extent chastened, though relieved that the encounter will not taint their personnel records; and limited investigative resources can be directed toward more serious cases. In short, these procedures leave complainants, officers and even the complaint agency itself with the impression that the system as a whole is responsive to the needs of adverse parties and is efficient in meeting those needs. Care must be taken, however, to insure that

informal mechanisms are not employed as a means of "screening out" or effectively dismissing otherwise valid complaints which deserve more formal treatment.

Collaboration Between Civilian Complaint Agency and Police Department

Many hybrid and a few external systems are marked by a collaborative effort between the respective police departments and civilianized review bodies to proactively address the incidence of citizen complaints. These efforts primarily entail the reviewing entity recommending to the police department general policy initiatives in response to trends identified in the course of case review, and/or recommending that an officer receive specific training, monitoring or counseling based on the facts of a particular incident or the officer's civilian complaint history. Such programs include sensitivity training conducted at police academies and during in-service training sessions, and psychological counseling for those experiencing emotional difficulties or alcohol abuse. (See, e.g., Kansas City; Oakland; Phoenix.)

In many instances, police departments use civilianized agencies' complaint statistics as the basis of performance monitoring systems that track officers who receive a threshold number of complaints in a given time period. Officers falling within the targeted group are normally referred for enhanced monitoring, retraining and/or appropriate counseling. Police departments may also use complaint statistics in identifying procedural shortcomings and determining department-wide training requirements. (See, e.g., Hartford; Metro-Dade; Pittsburgh; Rochester.)

Another issue relating to collaboration between civilianized complaint agencies and their respective police departments is the exchange of incoming complaint information. Although some systems provide for the automatic forwarding of complaints received by the police department to the independent investigative or review agency, the fact remains that some do not. (See, e.g., Oakland.) In the event the complaint falls within its jurisdiction, this failure to engage the civilianized complaint mechanism, which is likely the product of great legislative circumspection, popular support and fiscal sacrifice, is difficult to defend. The remedy for this as well as noncooperation in general lies in strong executive and legislative leadership at the municipal level, and the realization that through a constructive working relationship between the department and independent complaint agency broader benefits will be achieved.

Complaint Disposition

The vast majority of complaint systems containing independent or quasi-independent review bodies vest in such bodies only the authority to make disciplinary recommendations. Ultimate authority to determine whether an officer is guilty of administrative misconduct and what, if any, disciplinary penalty to impose normally rests with the chief executive of the police department. It is reported, however, that some of the hybrid and external agencies are experiencing frustration and criticism by the citizenry due to their limited authority. (See, e.g., Indianapolis; Portland.) The perspective is that if the reviewing body does not have authority to ultimately decide complaints, it becomes ineffectual. This view, however, may be

overstated. For independent reviewing bodies can only be considered ineffectual if the final decision maker never or rarely adopts their recommendations, which, apparently, is not the case. Furthermore, a persuasive argument can be made that the Police Chief or Commissioner must retain final disciplinary authority, lest management control over the police department be undermined. This precept is at least implicitly accepted even in some jurisdictions where final authority to determine culpability rests with an independent reviewing entity, in that the chief executive of the police department nevertheless retains ultimate power to impose the type or level of disciplinary penalties. (See, e.g., Honolulu; Kansas City.)

CONCLUSION

This study has reviewed the function and operation of 31 civilian complaint systems, each falling into one of the following general categories: (1) "External": independent civilian receipt, investigation, review and disposition of complaints; (2) "Hybrid": combined police department and independent civilian receipt, investigation, review and/or disposition of complaints; and (3) "Internal": police department receipt, investigation, review and disposition of complaints. The varied aspects of the complaint systems have been set forth on the preceding pages of this report and, plainly, no single characteristic in itself appears sufficient to render an agency successful. Indeed, the fact that each jurisdiction examined presents a complaint system of somewhat distinct though quite functional characteristics confirms the notion that no one arrangement can be judged as the most appropriate.

TABLE 1 - SUMMARY

Table 1 - Complaints Received - 1990 vs. 1991

Table 1 summarizes the available statistical information on complaint receipt for 1990 and 1991. As most complaints contain multiple allegations and most jurisdictions define civilian complaints to include allegations of unnecessary force, abuse of authority, discourtesy and ethnic slurs (i.e., "FADE"), we have listed "Total Complaints," "FADE Allegations" and "Force Allegations" separately, where possible, to lay a foundation for meaningful comparison.

It is interesting to note that while many jurisdictions have experienced an at times dramatic increase in the number of civilian complaints filed, many jurisdictions have encountered equally dramatic reductions in complaints. However, caution must be exercised in drawing conclusions from these figures. Increases may be attributable to shifting patrol strategies or policies, enlargement of the patrol force or greater public awareness of the complaint system. Decreasing numbers may in turn be a product of the citizenry's disenchantment with the complaint system. Appreciable increases or decreases in actual misconduct may not in fact be a determinative factor.

TABLE 1

COMPLAINTS RECEIVED - 1990 VS. 1991

CITY/AGENCY	NO. OF MOS	TOTAL COMPLAINTS			FADE ALLEGATIONS			FORCE ALLEGATIONS		
		1990	1991	+%	1990	1991	+%	1990	1991	+%
<u>External</u>										
Honolulu, HI*	2,300	256	236	-7.8	452	717	58.6	142	197	38.7
Minneapolis, MN**	829	N/A	175		N/A	149		N/A	107	
New Orleans, LA	1,525	304	323	6.25	N/A	N/A		N/A	N/A	
Oakland, CA	700	62	70	12.9	90	120	33.3	55	59	7.3
San Diego CLERB	2,127	N/A	N/A		N/A	N/A		N/A	N/A	
San Francisco, CA	1,850	1074	1200	11.7	1594	2109	32.3	479	575	20.0
Washington, DC*	4,980	415	499	20.2	943	1009	7.0	404	461	14.1
<u>Hybrid</u>										
Baltimore, MD	N/A	79	N/A							
Chicago, IL	12,000	N/A	N/A		N/A	N/A		N/A	N/A	
Dayton, OH	1,081	N/A	13		N/A	10		N/A	6	
Detroit, MI	4,439	982	N/A		1687	N/A		315	N/A	
Hartford, CT	482	118	121	2.5	87	53	-39.1	35	39	11.4
Indianapolis, IN	977	189	162	-14.3	120	108	-10.0	17	6	-64.7
Kansas City, MO	1,881	379	400	5.5	138	148	7.2	108	88	-18.5
Metro-Dade IRP	4,163	50	46	-8.0	68	79	16.2	15	28	86.7
Metro-Dade P.D.	2,535	316	367	16.1	127	114	-10.2	60	55	-8.3
Miami, FL	1,021	499	444	-11.0	455	377	-17.1	86	54	-37.2
New York, NY	26,693	3376	3379	.1	5608	5624	.3	2379	2366	-0.5

* Figures reflect fiscal years 1990 and 1991.

** Figures reflect complaints received from April 1991 through January 1992.

TABLE 1 - Continued

COMPLAINTS RECEIVED - 1990 VS. 1991

<u>CITY/AGENCY</u>	NO. OF <u>MOS</u>	TOTAL COMPLAINTS			FADE ALLEGATIONS			FORCE ALLEGATIONS		
		<u>1990</u>	<u>1991</u>	<u>+%</u>	<u>1990</u>	<u>1991</u>	<u>+%</u>	<u>1990</u>	<u>1991</u>	<u>+%</u>
Omaha, NE	750	336	239	-28.9	N/A	N/A		N/A	N/A	
Phoenix, AZ	2,048	904	743	-17.8	323	352	9.0	116	114	-1.7
Pittsburgh, PA	2,500	276	N/A		149	N/A		55	N/A	
Portland, OR	847	283	279	-1.4	240	223	-7.1	82	78	-4.9
Prince George's County, MD	N/A	N/A	N/A		N/A	N/A		N/A	N/A	
Rochester, NY	644	190	184	-3.1	272	279	2.6	213	205	-3.7
San Diego CRB	1,929	573	832	45.2	186	191	2.7	100	64	-36.0
Va. Beach, VA	595	182	179	-1.6	N/A	N/A		N/A	N/A	
Wichita, KS	609	N/A	N/A		N/A	N/A		N/A	N/A	
<u>Internal</u>										
Fort Worth, TX	967	193	264	36.8	84	97	15.5	33	40	21.2
Nashville, TN	1,598	133	59	-55.6	N/A	N/A		21	19	-9.5
Orlando, FL	513	34	N/A		37	N/A		9	N/A	
San Antonio, TX	1,544	183	223	21.9	N/A	N/A		112	94	-16.1
Seattle, WA	1,220	763	823	7.9	165	250	51.5	138	129	-6.5

TABLE 2 - SUMMARY

Table 2 - Number of Complaints Per Hundred Members of the Service

Table 2 cross-references per capita complaint receipt with racial/ethnic disparity between the general population and the respective police force as a way of determining whether a disproportionately skewed police force generates more complaints. The raw number of complaints per agency would of course be misleading, as the number of officers varies greatly. Therefore, an index was created which relates the number of complaints generated to every 100 officers, to provide a basis for comparison. A positive percentage difference signifies a larger minority law enforcement population percentage than general minority population percentage, which occurs only in Honolulu and Washington, D.C.

TABLE 2

NUMBER OF COMPLAINTS PER HUNDRED MEMBERS OF THE SERVICE,
YEAR 1991, WITH RACIAL PERCENTAGE BREAKDOWN
OF GENERAL POPULATION AND UNIFORMED EMPLOYEES

<u>CITY/AGENCY</u>	<u>TOTAL COMPLAINTS PER 100 MOS</u>	<u>FADE ALLEGATIONS PER 100 MOS</u>	<u>GENERAL POPULATION % WHITE/MINORITY</u>	<u>UNIFORMED FORCE % WHITE/MINORITY</u>	<u>PERCENTAGE DIFFERENCE</u>
<u>External</u>					
Honolulu, HI*	10.3	31.2	23.8/76.2	14.3/85.7	+9.5
Minneapolis, MN**	21.1	18.0	78.4/21.6	89.9/10.1	-11.5
New Orleans, LA	21.2	N/A	30/70	N/A	
Oakland, CA	10	17.1	28.3/71.7	55/45	-26.7
San Diego CLERB	N/A	N/A	65.4/34.6	67.3/32.7	-1.9
San Francisco, CA	64.9	114.0	46.6/53.4	N/A	
Washington, DC	10.0	18.9	27.4/72.6	27/73	+0.4
<u>Hybrid</u>					
Baltimore, MD	N/A	N/A	N/A	N/A	
Chicago, IL	N/A	N/A	40/60	N/A	
Dayton, OH	1.2	0.9	58/42	83/17	-25.0
Detroit, MI***	22.1	38.0	20.3/79.7	46/54	-25.7
Hartford, CT	25.1	11.0	30.5/69.5	67.5/32.5	-37.0
Indianapolis, IN	16.6	11.1	62/38	N/A	
Kansas City, MO	21.3	7.9	68.1/31.9	83.4/16.6	-15.3
Metro-Dade IRP	1.1	1.9	32/68	47/53	-15.0
Metro-Dade P.D.	14.5	4.5	30/70	58/42	-28.0

* Figures reflect fiscal year 1991.

** Figures reflect complaints received from April 1991 through January 1992.

*** Figures reflect the year 1990.

TABLE 2 - Continued

NUMBER OF COMPLAINTS PER HUNDRED MEMBERS OF THE SERVICE
YEAR 1991, WITH RACIAL PERCENTAGE BREAKDOWN
OF GENERAL POPULATION AND UNIFORMED EMPLOYEES

<u>CITY/AGENCY</u>	<u>TOTAL COMPLAINTS PER 100 MOS</u>	<u>FADE ALLEGATIONS PER 100 MOS</u>	<u>GENERAL POPULATION % WHITE/MINORITY</u>	<u>UNIFORMED FORCE % WHITE/MINORITY</u>	<u>PERCENTAGE DIFFERENCE</u>
Miami, FL	43.5	36.9	3/97	31.1/68.9	-28.1
New York, NY	12.7	21.1	43.2/56.8	74.3/25.7	-31.1
Omaha, NE	31.9	N/A	83.9/16.1	85.2/14.8	-1.3
Phoenix, AZ	36.3	17.1	62/38	83.7/16.3	-21.7
Pittsburgh, PA***	11.0	6.0	N/A	N/A	
Portland, OR	32.9	26.3	84.6/15.4	92.8/7.2	-8.2
Prince George's County, MD	N/A	N/A	45/55	N/A	
Rochester, NY	28.6	43.3	58/42	75/25	-17.0
San Diego CRB	43.1	9.9	67.1/32.9	76.2/23.8	-9.1
Virginia Beach, VA	30.1	N/A	80.5/19.5	88.2/11.8	-7.7
Wichita, KS	N/A	N/A	79.9/20.1	88.3/11.7	-8.4
<u>Internal</u>					
Fort Worth, TX	27.3	10.0	56.5/43.5	79.3/20.7	-22.8
Nashville, TN	3.7	N/A	73/27	82.4/17.6	-9.4
Orlando, FL***	6.6	7.2	69/31	77/23	-8.0
San Antonio, TX	14.4	N/A	35.9/64.1	43/57	-7.1
Seattle, WA	67.5	20.5	74/26	81.3/18.7	-7.3

*** Figures reflect the year 1990.

TABLE 3 - SUMMARY

Table 3 - Complaint Dispositions - Year 1991

Table 3 is a summary of per capita complaint receipt and disposition rates for 1991 complaints. The tabulations were based only on those complaints that were decided on their merits (i.e., received a substantive disposition of substantiated/sustained, exonerated, unfounded or unsubstantiated/unsustained). Cases that remained open, were withdrawn, informally resolved, closed due to lack of cooperation or dismissed on their face were not included in the computation.

It is important to note that substantiation rates can be misleading as indicators of the success of complaint systems. Such figures ignore the underlying policies and conditions that impact the filing and investigation of complaints. For instance, a high substantiation rate may be the product of a policy to accept or fully investigate only those complaints that present a likelihood of substantiation and to dismiss out of hand less viable complaints. Conversely, a low substantiation rate may be a function of a policy to accept all complaints and to fully investigate and decide all those susceptible of a determination on their merits.

TABLE 3

COMPLAINT DISPOSITIONS - YEAR 1991

<u>CITY/AGENCY</u>	<u>NO. OF MOS</u>	<u>TOTAL COMPLAINTS PER 100 MOS</u>	<u>FADE ALLEGATIONS PER 100 MOS</u>	<u>PERCENT SUBSTAN- TIATED</u>	<u>PERCENT EXON- ERATED</u>	<u>PERCENT UN- FOUNDED</u>	<u>PERCENT UNSUB- STAN.</u>
<u>External</u>							
Honolulu, HI*	2,300	10.3	31.2	7.7	40.3	28.9	23.2
Minneapolis, MN**	829	21.1	18.0	33.3	0	0	66.7
New Orleans, LA	1,525	21.2	N/A	10.9	0	0	89.1
Oakland, CA	700	10	17.1	0	57.1	14.3	28.6
San Diego CLERB	2,127	N/A	N/A				
San Francisco, CA	1,850	64.9	114.0	6.6	34.1	18.4	40.8
Washington, DC	4,980	10.0	18.9	53.7	46.3	0	0
<u>Hybrid</u>							
Baltimore, MD	N/A	N/A	N/A	5.2	11.8	13.1	69.9
Chicago, IL	12,000	N/A	N/A				
Dayton, OH	1,081	1.2	.9	0	0	0	100.0
Detroit, MI***	4,439	22.1	38.0	12.0	23.3	24.2	43.5
Hartford, CT	482	25.1	11.0	12.5	16.7	15.3	55.5
Indianapolis, IN	977	16.6	11.1	20.8	22.2	2.1	54.9
Kansas City, MO	1,881	21.3	7.9	3.2	37.0	26.3	33.5
Metro-Dade IRP	4,163	1.1	2.3	8.6	5.7	5.7	80.0
Metro-Dade P.D.	2,535	14.5	4.5	29.0	5.1	1.4	64.5
Miami, FL	1,021	43.5	36.9	16.0	43.4****		40.6

* Figures reflect fiscal year 1991.

** Figures reflect complaints received from April 1991 through January 1992.

*** Figures reflect the year 1990.

**** Exonerated and Unfounded dispositional categories are merged.

TABLE 3 - Continued

COMPLAINT DISPOSITIONS - YEAR 1991

<u>CITY/AGENCY</u>	<u>NO. OF MOS</u>	<u>TOTAL COMPLAINTS PER 100 MOS</u>	<u>FADE ALLEGATIONS PER 100 MOS</u>	<u>PERCENT SUBSTAN- TIATED</u>	<u>PERCENT EXON- ERATED</u>	<u>PERCENT UN- FOUNDED</u>	<u>PERCENT UNSUB- STAN.</u>
New York, NY	26,693	12.7	21.1	8.0	4.9	5.5	81.6
Omaha, NE	750	31.9	N/A	11.0	14.1	27.8	47.1
Phoenix, AZ	2,048	36.3	17.1	44.8	14.2	34.3	6.7
Pitt., PA***	2,500	11.0	6.0	30.0	3.9	23.5	42.6
Portland, OR	847	32.9	26.3	10.0	35.0	21.7	33.3
Prince George's County, MD	N/A	N/A	N/A				
Rochester, NY	644	28.6	43.3	7.9	30.6	26.4	35.1
San Diego CRB	1,929	9.9	43.1	22.8	17.0	41.3	18.9
Va. Beach, VA	595	30.1	N/A	17.2	0	71.6	11.2
Wichita, KS	609	N/A	N/A				
<u>Internal</u>							
Fort Worth, TX	967	27.3	10.0	60.5	7.3	12.2	20.0
Nashville, TN	1,598	3.7	N/A	16.9	6.8	57.6	18.6
Orlando, FL***	513	6.6	7.2	22.6	41.9	9.7	25.8
San Antonio, TX	1,544	14.4	N/A	53.9	0	16.1	30.0
Seattle, WA	1,220	67.5	20.5	18.9	23.2	31.6	26.3

*** Figures reflect the year 1990.

NOTE: The disposition rates for Minneapolis, Oakland, Washington, Dayton, Metro-Dade IRP and Orlando are based on the small sample of cases (6 in Minneapolis, 14 in Oakland, 41 in Washington, 7 in Dayton, 35 in Metro-Dade and 31 in Orlando) in which a decision on the merits was rendered following a full investigation and/or hearing.

TABLE 4 - SUMMARY

Table 4 - Population and Operating Budget - Year 1991

Table 4 sets forth the available figures relating to general population and the operating budget of the respective jurisdictions. The sources of funding for the complaint agencies are also identified.

TABLE 4

POPULATION AND OPERATING BUDGET - YEAR 1991

<u>CITY/AGENCY</u>	<u>GENERAL POPULATION</u>	<u>OPERATING BUDGET</u>	<u>FUNDING SOURCE</u>
<u>External</u>			
Honolulu, HI	796,176	\$ 407,682	Municipal funds through P.D.
Minneapolis, MN	368,383	377,000	Municipal funds
New Orleans, LA	490,000	400,000	Municipal funds
Oakland, CA	370,000	90,000	Municipal funds
San Diego CLERB	2,500,000*	339,331	County funds
San Francisco, CA	723,959	1,200,000	Municipal funds
Washington, DC	606,900	874,000	Municipal funds
<u>Hybrid</u>			
Baltimore, MD	N/A	0	N/A
Chicago, IL	3,000,000	240,000	Municipal funds
Dayton, OH	182,044	28,000	Municipal funds
Detroit, MI	1,027,000	2,000,000	Municipal funds & Police Dept.
Hartford, CT	138,000	0	N/A
Indianapolis, IN	379,124	138,557	Public Safety Dept. & P.D.
Kansas City, MO	1,566,280	N/A	Police Dept.
Metro-Dade IRP	1,028,071	290,000	County funds
Metro-Dade P.D.	1,937,094	N/A	N/A
Miami, FL	358,548	310,000	Police Dept.

* Figure pertains to County of San Diego unincorporated areas plus 18 local cities.

TABLE 4 - Continued
 POPULATION AND OPERATING BUDGET - YEAR 1991

<u>CITY/AGENCY</u>	<u>GENERAL POPULATION</u>	<u>OPERATING BUDGET</u>	<u>FUNDING SOURCE</u>
New York, NY	7,322,564	\$6,000,000	Municipal funds & Police Dept.
Omaha, NE	350,000	N/A	N/A
Phoenix, AZ	998,000	200,000	Police Dept.
Pittsburgh, PA	380,000	N/A	Public Safety Dept.
Portland, OR	437,319	25,000	Municipal funds
Prince George's County, MD	700,000	157,250	Police Dept.
Rochester, NY	239,766	86,000	Municipal funds & Police Dept.
San Diego CRB	1,110,549**	0	N/A
Virginia Beach, VA	400,000	3,000	Municipal funds
Wichita, KS	304,000	0	N/A
<u>Internal</u>			
Fort Worth, TX	447,619	270,767	Police Dept.
Nashville, TN	520,000	N/A	N/A
Orlando, FL	164,693	400,000	Police Dept.
San Antonio, TX	955,400	N/A	N/A
Seattle, WA	516,259	600,585	Police Dept.

** Figure pertains to the City of San Diego.

EXHIBIT A
CIVILIAN COMPLAINT QUESTIONNAIRE

1. Name of Civilian Complaint Investigative/Review Entity (if consisting of component departments, please specify) _____

2. Law Enforcement Agency Under Jurisdiction _____
3. Geographic Jurisdiction _____
4. Approximate General Population _____
5. Approximate Racial/Ethnic Percentages of General Population:
White _____ Hispanic _____
Black _____ Asian _____
Other _____
6. Number of Investigators employed in Investigative/Review Entity _____
7. Approximate Racial/Ethnic Percentages of Investigators:
White _____ Hispanic _____
Black _____ Asian _____
Other _____
8. What are the hiring criteria for the Investigator position?

9. Number of Members on Review Entity _____
10. Approximate Racial/Ethnic Percentages of Members:
White _____ Hispanic _____
Black _____ Asian _____
Other _____

11. How are the members appointed (e.g., by Mayor, by Police Commissioner, by Legislature)?

12. Number of Law Enforcement Employees Under the Jurisdiction of the Investigative/Review Entity _____

13. Approximate Racial/Ethnic Percentages of Law Enforcement Employees:

White _____ Hispanic _____
Black _____ Asian _____
Other _____

14. Mechanism for handling civilian complaints:

_____ Independent civilian entity that investigates, reviews and/or disposes of cases with no police department participation (i.e., "External").

_____ Combination of civilian and police department participation in investigation, review and/or disposition of cases (i.e., "Hybrid").

_____ Police department investigation, review and disposition of cases (i.e., "Internal").

_____ Other (Please describe)

15. Did any civilian complaint investigative/review mechanism exist prior to the current mechanism? (Please describe)

16. How was the current Investigative/Review Entity created (e.g., by statute, by executive order) and what is the scope of the entity's authority?

17. What, if any, were the relevant social/political events leading to the creation of the current Investigative/Review Entity?

18. Where, when, how and by whom can a civilian complaint be lodged (e.g., at police facilities, by telephone, by letter)?

19. Who is responsible for the investigation of civilian complaints? (Please describe procedure)

20. Who is responsible for reviewing the completed case investigations of civilian complaints (e.g., Executive staff, Police Commissioner, Board/Commission/Authority)? (Please describe procedure)

21. Who is responsible for the final disposition of civilian complaints (e.g., Mayor, Police Commissioner, Board/Commission/Authority)?

22. Is there provision for either party to appeal the final disposition? (Please describe)

23. Is there a provision for interaction between the complainant and the subject officer following the initial incident (e.g., administrative trial, hearing, mediation)? (Please describe)

24. Is there provision for informal settlement of civilian complaints in a non-disciplinary manner (Please describe)?

25. Approximately, what are the respective lengths of time expended in the various stages of the investigative/review/disposition process?

26. Does the Investigative/Review Entity have authority to impose or recommend that a law enforcement officer be subject to certain training, monitoring or evaluation mechanisms (e.g., sensitivity training, counseling) based upon the officer's complaint history? (Please describe)

27. Does the law enforcement agency over which the Investigative/Review Entity has jurisdiction use civilian complaint statistics for purposes of training, monitoring and/or evaluating the officers? (Please describe)

28. Does the Investigative/Review Entity have the power to subpoena law enforcement officers and/or civilians? If not, by what means does it gain the cooperation of all the parties?

29. By what means does the Investigative/Review Entity receive funding for its operation?

30. What is the approximate yearly operating budget of the Investigative/Review Entity? _____

31. Are there aspects of the current investigative/review process that tend to hinder the efficacy of your operation? (Please describe)

32. Please provide the name and telephone number of an individual to contact for follow-up information _____

	<u>1990</u>	<u>1991</u>
33. Total Number of Civilian Complaints Made	_____	_____
34. Total Number of Allegations	_____	_____
35. Categories of Complaints:		
a. Unnecessary or Excessive Force	_____	_____
b. Abuse of Authority (e.g., false arrest, threat of arrest, frisk)	_____	_____
c. Discourtesy (e.g., rudeness, foul language)	_____	_____
d. Racial or Ethnic Slur	_____	_____
e. Other (Please describe)	_____	_____
36. Dispositions of Civilian Complaints:		
a. Substantiated/Sustained - Disciplinary Action Taken Against Subject Officer	_____	_____
b. Exonerated - Incident Occurred but was Lawful and Proper	_____	_____
c. Unfounded - Act Complained of Did Not Occur	_____	_____
d. Unsubstantiated/Unsustained - Insufficient Evidence to Prove or Disprove Allegation	_____	_____
e. Investigation Closed/Dismissed without Full Investigation (e.g., Complainant Unavailable or Uncooperative, Complaint Withdrawn, Officer Unidentified, Complaint Deemed Frivolous)	_____	_____
f. Other (Please describe)	_____	_____

